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FILED

JAN 08 2014

BUREAU OF REAL ESTATE

By *J. Gardner*

BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

* * *

<p>In the Matter of the Accusation of</p> <p>CALPRO PROPERTY MANAGEMENT, INC., and <u>ROBERT GARDNER YANN</u>, individually and as designated officer of CalPro Property Management, Inc.,</p> <p style="text-align: center;">Respondents.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>No. H-39084 <u>LA</u></p> <p>No. 712-0319-002</p>
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ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On October 09, 2013, an Accusation was filed in this matter against Respondent ROBERT GARDNER YANN.

Respondent ROBERT GARDNER YANN, petitioned the Commissioner to voluntarily surrender his real estate broker license pursuant to Section 10100.2 of the Business and Professions Code.

IT IS HEREBY ORDERED that Respondent ROBERT GARDNER YANN's petition for voluntary surrender of his real estate broker license is accepted as of the effective date of this Order as set forth below, based upon the understanding and agreement expressed in the Declaration executed by Respondent ROBERT GARDNER YANN, on December 19, 2013, (attached as Exhibit "A" hereto).

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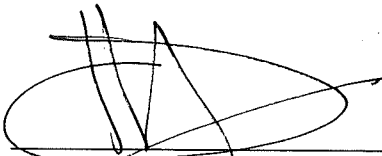
Respondent ROBERT GARDNER YANN's license certificate and pocket card shall be sent to the below-listed address so that they reach the Bureau on or before the effective date of this Order:

BUREAU OF REAL ESTATE
Attention: Licensing Flag Section
P. O. Box 137013
Sacramento, CA 95813-7013

This Order shall become effective at 12 o'clock noon on **JAN 29 2014**

DATED: **JAN 06 2014**

REAL ESTATE COMMISSIONER



By: JEFFREY MASON
Chief Deputy Commissioner

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BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

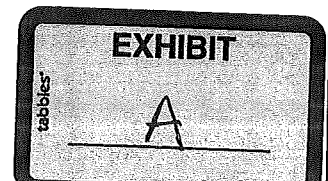
In the Matter of the Accusation of)
)
CALPRO PROPERTY MANAGEMENT INC.;) No. H-39084 LA
and ROBERT GARDNER YANN,)
individually and as designated officer)
of CalPro Property Management Inc.,)
)
Respondents,)
)

DECLARATION

My name is ROBERT GARDNER YANN and I am currently licensed as a real estate broker and/or have license rights with respect to said license.

In lieu of proceeding in this matter in accordance with the provisions of the Administrative Procedure Act (Sections 11400 et seq., of the Government Code), I wish to voluntarily surrender my real estate license and license rights issued by the Bureau of Real Estate ("Bureau"), pursuant to Business and Professions Code Section 10100.2.

I understand that by so voluntarily surrendering my license rights, I may be relicensed as a broker or as a salesperson by petitioning for reinstatement pursuant to Section



1 11522 of the Government Code. I also understand that by so voluntarily surrendering my
2 license(s), I agree to the following:

3 1. The filing of this Declaration shall be deemed as my petition for voluntary
4 surrender.

5 2. It shall also be deemed to be an understanding and agreement by me that I
6 waive all rights I have to require the Commissioner to prove the allegations contained in the
7 Accusation ("Accusation") filed in this matter at a hearing held in accordance with the provisions
8 of the Administrative Procedure Act (Government Code Sections 11400 et seq.), and that I also
9 waive other rights afforded to me in connection with the hearing such as the right to discovery,
10 the right to present evidence in defense of the allegations in the Accusation and the right to cross-
11 examine witnesses.
12

13 3. This Declaration is made for the purpose of reaching a resolution of allegations
14 contained in the DRE Case number H-39084 LA, and is expressly limited to this proceeding and
15 any other proceeding or case in which the Bureau of Real Estate is a party and shall not otherwise
16 be admissible or relied upon by any third parties for any purpose.
17

18 4. I further agree that upon acceptance by the Commissioner, as evidenced by an
19 appropriate order, all affidavits and all relevant evidence obtained by the Bureau in this matter
20 prior to the Commissioner's acceptance, and all allegations contained in the Accusation filed in
21 the Bureau Case No. H-39084 LA, with respect to me may be considered by the Bureau when
22 deciding whether to grant re-licensure or reinstatement pursuant to Government Code Section
23 11522.
24

25 5. I further agree to pay the Commissioner's reasonable cost for the audit which
26 led to this action. In calculating the amount of the Commissioner's reasonable cost, the
27

1 Commissioner may use the estimated average hourly salary for all persons performing audits of
 2 real estate brokers, and shall include an allocation for travel time to and from the auditor's place
 3 of work. I will pay said cost within 60 days of receiving an invoice from the Commissioner
 4 detailing the activities performed during the audit and the amount of time spent performing those
 5 activities. I am aware that if I petition for reinstatement in the future, that payment of the audit,
 6 investigation and enforcements costs may be a condition of reinstatement. Said costs for the
 7 original audit are \$1,880.10.
 8

9 6. I understand that by so voluntarily surrendering my license right, I may be
 10 required as a condition of relicensure to make restitution of \$76,754.20 as tabled below:
 11

12 Table: CalPro Restitution to Property Owner/Complainants

13	Property Owner	Bureau Case No.	Restitution Due	Date
14	Mike U.	712-0319-002	\$28,000	July 1, 2011
15	Dean B.	712-0327-003	\$10,000	July 12, 2010
16	Vijay S.	712-0504-017	\$4,380	July 11, 2011
17	Joselito G.	712-0504-017	\$6,530	July 2010
18	Richard S.	712-0525-008	\$6,088	August 10, 2010
19	Ronald S.	712-052-003	\$2,340	2010
20	Danie S.	712-0625-005	\$6,193	March, April August 2012
21	Kendra G.	712-0727-001	\$4,175	2010 to December 2, 2011
22	Saul M.	712-0613-003	\$2,095	March 1, 2012
23	Gloria B.	712-0228-002	\$6,953.52	January, February, March 2012
24				
25	Total Restitution Due and Owing		<u>\$76,754.20</u>	
26				
27				

1 7. I freely and voluntarily surrender all my licenses and license rights under the
2 Real Estate Law.

3
4 I declare under penalty of perjury under the laws of the State of California that the
5 above is true and correct and that this declaration was executed on December 19, 2013,
6 at Louisville, Kentucky.

7
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9 
10 _____
11 ROBERT GARDNER YANN