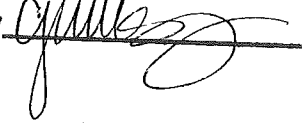


**FILED**

**JUN - 9 2015**

**BUREAU OF REAL ESTATE**

By 

Bureau of Real Estate  
320 West 4th Street, Ste. 350  
Los Angeles, California 90013-1105  
Telephone: (213) 576-6982

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

\*\*\*

In the Matter of the Accusation of	)	No. H-39602 LA
	)	
EMPIRE REALITY CO.; and	)	STIPULATION AND AGREEMENT
<u>ROB M. SCHULTZ</u> , individually	)	
and as designated officer of Empire	)	
Reality Co.,	)	
	)	
Respondents.	)	

It is hereby stipulated by and between Respondent ROB M. SCHULTZ ("Respondent") and the Complainant, acting by and through Diane Lee, Counsel for the Bureau of Real Estate, as follows for the purpose of settling and disposing of the Accusation ("Accusation") filed on September 19, 2014, in this matter:

1. All issues which were to be contested and all evidence was to be presented by Complainant and Respondent at a formal hearing on the Accusation, which hearing was to be held in accordance with the provisions of the Administrative Procedure Act ("APA"), shall instead and in place thereof be submitted solely on the basis of the provisions of this Stipulation and Agreement ("Stipulation").

2. Respondent has received and read, and understands the Statement to Respondent, the Discovery Provisions of the APA, and the Accusation filed by the Bureau of

Flag



1 to any further administrative or civil proceedings by the Bureau of Real Estate with respect to any  
2 matters which were not specifically alleged to be causes for Accusation in this proceeding, but do  
3 constitute a bar, estoppel, and merger as to any allegations specifically and actually contained in  
4 the Accusation against Respondent herein.

5 8. Respondent understands that by agreeing to this Stipulation and Agreement,  
6 Respondent agrees to pay, pursuant to California Business and Professions Code section 10106,  
7 the cost of the investigation and enforcement. The amount of investigation and enforcement  
8 costs total \$2,781.45.

9  
10 DETERMINATION OF ISSUES

11 By reason of the foregoing, it is stipulated and agreed that the following  
12 determination of issues shall be made:

13 I.

14 The conduct, acts, or omissions of Respondent ROB M. SCHULTZ, as described  
15 in the Accusation and Paragraph 4, above, are in violation of California Business and Professions  
16 Code sections 10177(d), 10177(f), and/or 10177(g) and/or 10177(h).

17  
18 ORDER

19 WHEREFORE, THE FOLLOWING ORDER is hereby made:

20 I.

21 All licenses and licensing rights of Respondent ROB M. SCHULTZ under the  
22 Real Estate Law are suspended for a period of fifteen (15) days from the effective date of this  
23 Decision, provided, however, that if Respondent petitions, said suspension (or a portion thereof)  
24 shall be stayed upon condition that:

25 1. Respondent ROB M. SCHULTZ pays a monetary penalty pursuant to  
26 California Business and Professions Code section 10175.2 at a rate of \$100.00 for each day of

1 the suspension for a total monetary penalty of \$1,500.00.

2 2. Said payment shall be in the form of a cashier's check or certified check made  
3 payable to the Bureau of Real Estate. Said check must be delivered to the Bureau of Real Estate,  
4 Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013 prior to the effective date of the  
5 Decision in this matter.

6 3. No further cause for disciplinary action against the real estate license of  
7 Respondent occurs within two (2) years from the effective date of this Decision in this matter.

8 4. If Respondent fails to pay the monetary penalty in accordance with the terms of  
9 this Decision, the suspension shall go into effect automatically and remain in effect until the 15-  
10 day stay suspension has passed in which event Respondent shall not be entitled to any repayment  
11 nor credit, prorated or otherwise, for money paid to the Bureau of Real Estate under the terms of  
12 this Decision.

13 5. If Respondent pays the monetary penalty and if no further cause for  
14 disciplinary action against the real estate license of Respondent occurs within two years of the  
15 effective date of this Decision, the stay hereby granted shall be become permanent.

16 II.

17 Pursuant to California Business and Professions Code section 10106, all licenses  
18 and licensing rights of Respondent ROB M. SCHULTZ are indefinitely suspended unless and  
19 until Respondent pays the sum of \$2,781.45 for the Commissioner's reasonable cost for  
20 investigation and enforcement, which led to this disciplinary action. Said payment shall be in the  
21 form of a cashier's check made payable to the Bureau of Real Estate. The investigative and  
22 enforcement costs must be delivered to the Bureau of Real Estate, Flag Section at P.O. Box  
23 137013, Sacramento, CA 95813-7013, prior to the effective date of this Decision.

24 III.


25 All licenses and license rights of Respondent ROB M. SCHULTZ are indefinitely  
26 suspended unless and until Respondent ROB M. SCHULTZ provides proof satisfactory to the

1 Commissioner, of having taken and successfully completed the continuing education course on  
2 trust fund accounting and handling specified in California Business and Professions Code section  
3 10170.5(a)(3). Proof of satisfaction of this requirement includes evidence that Respondent has  
4 successfully completed the trust fund account and handling continuing education course no  
5 earlier than 120 days prior to the effective date of the Decision in this matter. Proof of  
6 completion of the trust fund accounting and handling course must be delivered to the Bureau of  
7 Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the  
8 effective date of this Decision.

9 IV.

10 Respondent ROB M. SCHULTZ shall, within nine (9) months from the effective  
11 date of the Decision, present evidence satisfactory to the Real Estate Commissioner that  
12 Respondent ROB M. SCHULTZ has, since the most recent issuance of an original or renewal  
13 real estate license, taken and successfully completed the continuing education requirements of  
14 Article 2.4 of Chapter 3 of the Real Estate Law for renewal of a real estate license. Such proof  
15 shall be delivered to the Bureau of Real Estate, Flag Section at P.O. Box 137013, Sacramento,  
16 CA 95813-7013. If Respondent fails to satisfy this condition, Respondent's license shall be  
17 suspended until Respondent presents such evidence of taking and successfully completing the  
18 continuing education requirements.

19 DATED: 05/19/2015

20   
DIANE LEE, Counsel for  
21 Bureau of Real Estate

22 \* \* \*

23 EXECUTION OF THE STIPULATION

24 I, ROB M. SCHULTZ, have read the Stipulation and Agreement and discussed it  
25 with my attorney, if any. Its terms are understood by me, and are agreeable and acceptable to me.  
26 I understand that I am waiving rights given to me by the California Administrative Procedure Act

27 - 5 -

In the Matter of the Accusation of Empire Reality Co. and Rob M. Schultz (H-39602 LA):  
Stipulation and Agreement

1 (including but not limited to California Government Code sections 11506, 11508, 11509, and  
2 11513), and we willingly, intelligently, and voluntarily waive those rights, including but not  
3 limited to the right of requiring the Commissioner to prove the allegations in the Accusation at a  
4 hearing at which I would have the right to cross-examine witnesses against me and to present  
5 evidence in defense and mitigation of the charges.

6  
7 MAILING AND FACSIMILE

8 Respondent (1) shall mail the original signed signature page of the Stipulation  
9 herein to Bureau of Real Estate, Attn: Legal Section – Counsel Diane Lee, 320 West Fourth St.,  
10 Ste. 350, Los Angeles, California 90013-1105. Respondent shall also (2) facsimile a copy of  
11 signed signature page, to the Bureau of Real Estate at the following fax number: (213) 576-6917,  
12 Attention: Diane Lee.

13 ///

14 ///

15 ///

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

1 A facsimile constitutes acceptance and approval of the terms and conditions of  
 2 this stipulation. Respondent agrees, acknowledges, and understands that by electronically  
 3 sending to the Bureau of Real Estate a facsimile copy of Respondent's actual signature as it  
 4 appears on the Stipulation that receipt of the facsimile copy by the Bureau of Real Estate shall be  
 5 as binding on Respondent as if the Bureau of Real Estate had received the original signed  
 6 stipulation.

7 DATED: 6/25/15

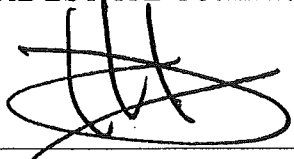
  
 8 \_\_\_\_\_  
 ROB M. SCHULTZ

9 \* \* \*

10 The foregoing Stipulation and Agreement is hereby adopted as my Decision as to  
 11 Respondent ROB M. SCHULTZ, and shall become effective at 12 o'clock noon on  
 12 JUN 29 2015, 2015.

13 IT IS SO ORDERED MAY 28, 2015.

14 REAL ESTATE COMMISSIONER

15   
 16 \_\_\_\_\_

17 **By: JEFFREY MASON**  
 18 **Chief Deputy Commissioner**