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Bureau of Real Estate
320 W. 4th St., Room 350
Los Angeles, California 90013

Telephone: (213) 576-6982

FILED

MAR 30 2016
BUREAU OF REAL ESTATE
By [Signature]

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-40001 LA
)	L-2015 120 146
)	
BOB TAYLOR PROPERTIES, INC.;)	<u>STIPULATION AND AGREEMENT</u>
and CHERYL ANNE)	
JOHNSON individually)	
and as designated officer of)	
Bob Taylor Properties, Inc.)	
)	
)	
Respondents.)	
)	

It is hereby stipulated by and between BOB TAYLOR PROPERTIES, INC. and CHERYL ANNE JOHNSON (sometimes referred to as Respondents), and their attorney, Frank M. Buda, and the Complainant, acting by and through James R. Peel, Counsel for the Bureau of Real Estate, as follows for the purpose of settling and disposing of Accusation filed in this matter.

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

8 2. Respondents have received, read and understand the
9 Statement to Respondent, the Discovery Provisions of the
10 Administrative Procedure Act ("APA") and the Accusation filed by
11 the Bureau of Real Estate in this proceeding.

12 3. On November 30, 2015, Respondents filed a Notice
13 of Defense pursuant to Section 11506 of the Government Code for
14 the purpose of requesting a hearing on the allegations in the
15 Accusation. Respondents hereby freely and voluntarily withdraw
16 said Notice of Defense. Respondents acknowledge that they
17 understand that by withdrawing said Notice of Defense they will
18 thereby waive their right to require the Commissioner to prove
19 the allegations in the Accusation at a contested hearing held in
20 accordance with the provisions of the APA and that they will
21 waive other rights afforded to them in connection with the
22 hearing such as the right to present evidence in defense of the
23 allegations in the Accusation and the right to cross-examine
24 witnesses.

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1 4. This Stipulation is based on the factual
2 allegations contained in the Accusation filed in this
3 proceeding. In the interest of expedience and economy,
4 Respondents choose not to contest these factual allegations, but
5 to remain silent and understand that, as a result thereof, these
6 factual statements, will serve as a prima facie basis for the
7 disciplinary action stipulated to herein. The Real Estate
8 Commissioner shall not be required to provide further evidence
9 to prove such allegations.

10 5. This Stipulation is made for the purpose of
11 reaching an agreed disposition of this proceeding and is
12 expressly limited to this proceeding and any other proceeding or
13 case in which the Bureau of Real Estate ("Bureau"), the state or
14 federal government, or an agency of this state, another state or
15 the federal government is involved.

16 6. It is understood by the parties that the Real
17 Estate Commissioner may adopt the Stipulation as his decision
18 in this matter thereby imposing the penalty and sanctions on
19 Respondents' real estate licenses and license rights as set
20 forth in the below "Order". In the event that the Commissioner
21 in his discretion does not adopt the Stipulation, the
22 Stipulation shall be void and of no effect, and Respondents
23 shall retain the right to a hearing and proceeding on the
24 Accusation under all the provisions of the APA and shall not be
25 bound by any stipulation or waiver made herein.

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1 7. The Order or any subsequent Order of the Real
2 Estate Commissioner made pursuant to this Stipulation shall not
3 constitute an estoppel, merger or bar to any further
4 administrative or civil proceedings by the Bureau of Real Estate
5 with respect to any conduct which was not specifically alleged
6 to be causes for accusation in this proceeding.

7 DETERMINATION OF ISSUES

8 By reason of the foregoing stipulations and waivers
9 and solely for the purpose of settlement of the pending
10 Accusation, it is stipulated and agreed that the following
11 determination of issues shall be made:

12 I

13 The conduct, acts and/or omissions of Respondents
14 BOB TAYLOR PROPERTIES, INC. and CHERYL ANNE JOHNSON, as set
15 forth in the Accusation, constitute cause for the suspension or
16 revocation of all of the real estate licenses and license rights
17 of Respondents under the provisions of Sections 10177(d) and
18 10177(g) of the Business and Professions Code ("Code") for
19 violation of Code Section 10145.
20

21 ORDER

22 All licenses and licensing rights of Respondents BOB
23 TAYLOR PROPERTIES, INC. and CHERYL ANNE JOHNSON under the Real
24 Estate Law are suspended for a period of ninety (90) days from
25 the effective date of this Decision; provided, however, that
26 ninety days (90) days of said suspension shall be stayed for two
27 (2) years upon the following terms and conditions:

1 1. Respondents shall obey all laws, rules and
2 regulations governing the rights, duties and responsibilities of
3 a real estate licensee in the State of California; and

4 2. That no final subsequent determination be made,
5 after hearing or upon stipulation that cause for disciplinary
6 action occurred within two (2) years of the effective date of
7 this Decision. Should such a determination be made, the
8 Commissioner may, in his discretion, vacate and set aside the
9 stay order and reimpose all or a portion of the stayed
10 suspension. Should no such determination be made, the stay
11 imposed herein shall become permanent.

12 3. Pursuant to Section 10148 of the Code, Respondents
13 shall pay the sum of \$3,375.90 for the Commissioner's cost of
14 the audit which led to this disciplinary action. Respondents
15 shall pay such cost within sixty (60) days of receiving an
16 invoice therefore from the Commissioner. Respondents shall pay
17 the audit costs no later than six months after the effective
18 date of the Decision. Respondents may pay the audit costs by
19 credit card using the Bureau's Credit Card Payment form (RE909).
20 Payment of audit costs should not be made until Respondents
21 receive the invoice. If Respondents fail to satisfy this
22 condition in a timely manner as provided for herein,
23 Respondents' real estate licenses shall automatically be
24 suspended until payment is made in full or until a decision
25 providing otherwise is adopted following a hearing held pursuant
26 to this condition.
27

1 Pursuant to Section 10148 of the Code, Respondents
2 shall pay the Commissioner's reasonable cost, not to exceed
3 \$4,220, for an audit to determine if Respondents have corrected
4 the violations found in the Determination of Issues. In
5 calculating the amount of the Commissioner's reasonable cost,
6 the Commissioner may use the estimated average hourly salary for
7 all persons performing audits of real estate brokers, and shall
8 include an allocation for travel time to and from the auditor's
9 place of work. Respondents shall pay such cost within 60 days
10 of receiving an invoice from the Commissioner. Payment of the
11 audit costs should not be made until Respondents receive the
12 invoice. If Respondents fail to satisfy this condition in a
13 timely manner as provided for herein, Respondents' real estate
14 licenses shall automatically be suspended until payment is made
15 in full, or until a decision providing otherwise is adopted
16 following a hearing held pursuant to this condition.

17
18 4. All licenses and licensing rights of Respondent
19 JOHNSON are indefinitely suspended unless or until Respondent
20 provides proof satisfactory to the Commissioner of having taken
21 and successfully completed the continuing education course on
22 trust fund accounting and handling specified in paragraph (3) of
23 subdivision (a) of Section 10170.5 of the Business and
24 Professions Code. Proof of satisfaction of these requirements
25 includes evidence that Respondent has successfully completed the
26 trust fund account and handling continuing education courses, no
27 earlier than 120 days prior to the effective date of the Order

1 in this matter. Proof of completion of the trust fund
2 accounting and handling course must be delivered to the Bureau
3 of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA
4 95813-7013 or by fax at 916-263-8758, prior to the effective
5 date of this Order.

6 5. Respondent JOHNSON shall, within six (6) months
7 from the effective date of this Decision and Order, take and
8 pass the Professional Responsibility Examination administered by
9 the Bureau including the payment of the appropriate examination
10 fee. If Respondent fails to satisfy this condition,
11 Respondent's real estate license shall automatically be
12 suspended until Respondent passes the examination.

13 6. Respondents understand that by agreeing to this
14 Stipulation and Agreement, Respondents agree to pay, pursuant to
15 Section 10106 of the California Business and Professions Code
16 (Code), the cost of the investigation and enforcement which
17 resulted in the determination that Respondents committed the
18 violations found in the Determination of Issues. The amount of
19 said costs is \$1,325.50.

20 All licenses and licensing rights of Respondents are
21 indefinitely suspended unless or until Respondents pay the sum
22 of \$1,325.50 for the Commissioner's reasonable cost of the
23 investigation and enforcement which led to this disciplinary
24 action. Said payment shall be in the form of a cashier's check
25 or certified check made payable to the Bureau of Real Estate,
26 Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013,
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1 prior to the effective date of the Order.

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4 DATED: 2-25-16

James R. Peel
JAMES R. PEEL, Counsel for the
Bureau of Real Estate

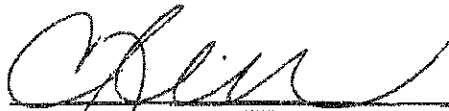
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7 We have read the Stipulation and Agreement, and its
8 terms are understood by us and are agreeable and acceptable to
9 us. We understand that we are waiving rights given to us by the
10 California Administrative Procedure Act (including but not
11 limited to Sections 11506, 11508, 11509 and 11513 of the
12 Government Code), and we willingly, intelligently and
13 voluntarily waive those rights, including the right of requiring
14 the Commissioner to prove the allegations in the Accusation at a
15 hearing at which we would have the right to cross-examine
16 witnesses against us and to present evidence in defense and
17 mitigation of the charges.

18 Respondents can signify acceptance and approval of the
19 terms and conditions of this Stipulation and Agreement by faxing
20 a copy of the signature page, as actually signed by Respondents,
21 to the Bureau at the following telephone/fax number:
22 (213) 576-6917. Respondents agree, acknowledge and understand
23 that by electronically sending to the Bureau a fax copy of their
24 actual signature as it appears on the Stipulation and
25 Agreement, that receipt of the faxed copy by the Bureau shall be
26 as binding on Respondents as if the Bureau had received the
27 original signed Stipulation and Agreement.

Further, if the Respondents are represented, the Respondents' counsel can signify his or her agreement to the terms and conditions of the Stipulation and Agreement by submitting that signature via fax.


DATED:

2/24/2016
BOB TAYLOR PROPERTIES, INC.
Respondent

DATED:

2/24/2016
CHERYL ANN JOHNSON
Respondent

DATED:

2-24-16
FRANK M. BUDA
Counsel for Respondents

* * *

The foregoing Stipulation and Agreement is hereby adopted as my Decision and Order in this matter, and shall become effective at 12 o'clock noon on _____.

IT IS SO ORDERED _____.

WAYNE S. BELL
Real Estate Commissioner

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2
3 Further, if the Respondents are represented, the
4 Respondents' counsel can signify his or her agreement to the
5 terms and conditions of the Stipulation and Agreement by
6 submitting that signature via fax.
7

8 DATED: _____
9 BOB TAYLOR PROPERTIES, INC.
Respondent

10
11 DATED: _____
12 CHERYL ANN JOHNSON
Respondent


13 DATED: _____
14 FRANK M. BUDA
Counsel for Respondents

15 * * *

16 The foregoing Stipulation and Agreement is hereby
17 adopted as my Decision and Order in this matter, and shall
18 become effective at 12 o'clock noon on April 29, 2016.

19 IT IS SO ORDERED MARCH 23, 2016.
20

21 WAYNE S. BELL
Real Estate Commissioner

22 
23 _____
24 By: JEFFREY MASON
Chief Deputy Commissioner
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