

1 Bureau of Real Estate
320 West Fourth Street, #350
2 Los Angeles, California 90013

3 (213) 576-6982

FILED

APR 21 2017
BUREAU OF REAL ESTATE

[Signature]

8 BEFORE THE BUREAU OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of

No. H-40071 LA

12
13 TEAM LAGUNA INC., and
14 DANIELLE H. PURCELL,
15 individually and as designated officer
of Team Laguna Inc.

STIPULATION AND AGREEMENT

16
17 Respondent.

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19 It is hereby stipulated by and between TEAM LAGUNA INC. and DANIELLE
20 H. PURCELL, both represented by Eugene C. Gratz, Esq. and the Complainant, acting by and
21 through Julie L. To, Counsel for the Bureau of Real Estate, as follows for the purpose of settling
22 and disposing of the First Amended Accusation ("Accusation") filed on July 11, 2016 (The
23 original Accusation of DANIELLE H. PURCELL was filed on December 21, 2015. The First
24 Amended Accusation added TEAM LAGUNA INC. as a Respondent.), in Case No. H-40071
25 LA, in this matter:

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

6 2. Respondents have received, read and understand the Statement to Respondent,
7 the Discovery Provisions of the APA and the Accusation filed by the Bureau of Real Estate in
8 this proceeding.

9 3. On January 5, 2016, Respondent DANIELLE H. PURCELL filed a Notice of
10 Defense pursuant to Section 11506 of the Government Code for the purpose of requesting a
11 hearing on the allegations in the Accusation. On August 8, 2016, Respondent TEAM LAGUNA
12 INC. filed a Notice of Defense pursuant to Section 11506 of the Government Code for the
13 purpose of requesting a hearing on the allegations in the Accusation. Respondents hereby freely
14 and voluntarily withdraw said Notices of Defense. Respondents acknowledge that they
15 understand that by withdrawing said Notices of Defense they thereby waive their right to require
16 the Commissioner to prove the allegations in the Accusation at a contested hearing held in
17 accordance with the provisions of the APA and that they will waive other rights afforded to
18 them in connection with the hearing such as the right to present evidence in defense of the
19 allegations in the Accusation and the right to cross-examine witnesses.

20 4. This Stipulation is based on the factual allegations contained in the
21 Accusation. In the interest of expedience and economy, Respondents choose not to contest
22 these allegations, but to remain silent and understand that, as a result thereof, these factual
23 allegations, without being admitted or denied, will serve as a prima facie basis for the
24 disciplinary action stipulated to herein. The Real Estate Commissioner shall not be required to
25 provide further evidence to prove said factual allegations.

1 5. This Stipulation is made for the purpose of reaching an agreed disposition of
2 this proceeding and is expressly limited to this proceeding and any other proceeding or case in
3 which the Bureau of Real Estate ("Bureau") or another licensing agency of this state, another
4 state or if the federal government is involved, and otherwise shall not be admissible in any other
5 criminal or civil proceeding.

6 6. It is understood by the parties that the Real Estate Commissioner may adopt
7 this Stipulation and Agreement as his Decision in this matter, thereby imposing the penalty and
8 sanctions on Respondents' real estate licenses and license rights as set forth in the below
9 "Order." In the event that the Commissioner in his discretion does not adopt the Stipulation
10 and Agreement, the Stipulation shall be void and of no effect, and Respondents shall retain the
11 right to a hearing and proceeding on the Accusation under all the provisions of the APA and
12 shall not be bound by any admission or waiver made herein.

13 7. The Order or any subsequent Order of the Real Estate Commissioner made
14 pursuant to this Stipulation shall not constitute an estoppel, merger or bar to any further
15 administrative or civil proceedings by the Bureau of Real Estate with respect to any matters
16 which were not specifically alleged to be causes for accusation in this proceeding.

17 8. Respondents understand that by agreeing to this Stipulation and Agreement,
18 Respondents agree to pay, pursuant to Section 10148 of the Code, the cost of the audits which
19 resulted in the determination that Respondents committed the violations found in the
20 Determination of Issues. The amount of said costs for the original audits (LA140193 and
21 LA150053) is \$9,012.36.

22 9. Respondents have received, read, and understand the "Notice Concerning
23 Costs of Subsequent Audit." Respondents further understand that by agreeing to this Stipulation,
24 the findings set forth below in the Determination of Issues become final, and the Commissioner
25 may charge Respondents for the cost of any subsequent audits conducted pursuant to Business
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ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

All licenses and licensing rights of Respondents TEAM LAGUNA INC. and DANIELLE H. PURCELL under the Real Estate Law are suspended for a period of sixty (60) days from the effective date of this Decision and Order; provided, however, that:

1. Thirty (30) days of said suspension shall be stayed, upon the condition that Respondents petition pursuant to Section 10175.2 of the Code and pay a monetary penalty pursuant to Section 10175.2 of the Code at a rate of \$50.00 for each day of the suspension for a total monetary penalty of \$1,500.00 per Respondent.

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

b) No further cause for disciplinary action against the Real Estate licenses of Respondents occurs within two (2) years from the effective date of the Decision and Order in this matter.

c) If a Respondent fails to pay the monetary penalty in accordance with the terms and conditions of this Decision and Order, the suspension shall go into effect automatically as to that Respondent, and that Respondent shall not be entitled to any repayment nor credit, prorated or otherwise, for money paid to the Bureau under the terms of this Decision and Order.

d) If each Respondent pays the monetary penalty and any other moneys due under this Stipulation and Agreement and if no further cause for disciplinary action against the real estate license of said Respondent occurs within two (2) years form the effective date of this

1 Decision and Order, the entire stay hereby granted pursuant to this Decision and Order, as to
2 said Respondent only, shall become permanent.

3 2. Thirty (30) days of said suspension shall be stayed for two (2) years upon the
4 following terms and conditions:

5 a) Respondent shall obey all laws, rules and regulations governing the rights,
6 duties and responsibilities of a real estate licensee in the State of California; and,

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

13 3. All licenses and licensing rights of Respondent PURCELL are indefinitely
14 suspended unless or until Respondent PURCELL provides proof satisfactory to the
15 Commissioner, of having taken and successfully completed the continuing education course on
16 trust fund accounting and handling specified in paragraph (3) of subdivision (a) of Section
17 10170.5 of the Business and Professions Code. Proof of satisfaction of these requirements
18 includes evidence that Respondent PURCELL has successfully completed the trust fund
19 accounting courses, no earlier than one hundred and twenty (120) days prior to the effective date
20 of the Decision and Order in this matter. Proof of completion of the trust fund accounting and
21 handling courses must be delivered to the Bureau of Real Estate, Flag Section, at P.O. Box
22 137013, Sacramento, CA 95813-7013 or by fax at 916-263-8758, prior to the effective date of
23 this Decision and Order.

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

6 5. Respondent PURCELL shall, within nine (9) months from the effective date of
7 this Decision and Order, present evidence satisfactory to the Commissioner that Respondent has,
8 since the most recent issuance of an original or renewal real estate license, taken and successfully
9 completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate
10 Law for renewal of a real estate license. If Respondent PURCELL fails to satisfy this condition,
11 Respondent PURCELL's real estate license shall automatically be suspended until Respondent
12 PURCELL presents evidence satisfactory to the Commissioner of having taken and successfully
13 completed the continuing education requirements. Proof of completion of the continuing
14 education courses must be delivered to the Bureau of Real Estate, Flag Section at P.O. Box
15 137013, Sacramento, CA 95813-7013.


16 6. All licenses and licensing rights of Respondents are indefinitely suspended
17 unless or until Respondents pay the sum of \$1,126.45 for the Commissioner's reasonable cost of
18 the investigation and enforcement which led to this disciplinary action. Said payment shall be in
19 the form of a cashier's check or certified check made payable to the Bureau of Real Estate. The
20 investigation and enforcement costs must be delivered to the Bureau of Real Estate, Flag Section
21 at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this Decision and
22 Order.


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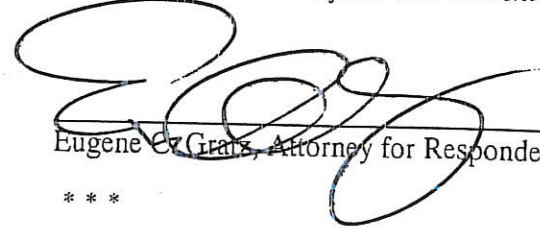
1 electronically sending the Bureau a scan of Respondents' actual signature as they appear on the
2 Stipulation and Agreement, that receipt of the scan by the Bureau shall be binding on
3 Respondents as if the Bureau had received the original signed Stipulation and Agreement.
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5 DATED: 11/23/2016 
6 DANIELLE H. PURCELL, Respondent

7 DATED: 11/23/2016 
8 DANIELLE H. PURCELL, Designated Officer for
9 TEAM LAGUNA INC., Respondent

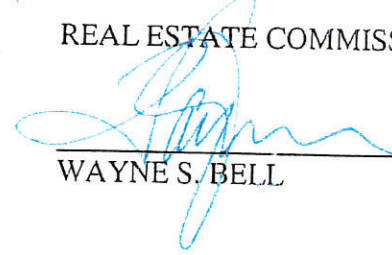
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11 *I have reviewed the Stipulation and Agreement as to form and content and have*
12 *advised my clients accordingly.*

13 DATED: 11/28/2016 
14 Eugene C. Gratz, Attorney for Respondent
15 * * *

16 The foregoing Stipulation and Agreement is hereby adopted as my Decision in
17 this matter and shall become effective at 12 o'clock noon on **JAN 24 2017**

18 IT IS SO ORDERED 12/22/2016

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20 REAL ESTATE COMMISSIONER
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22 WAYNE S. BELL
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