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Bureau of Real Estate 1 320 West 4th Street, Suite 350 2 Los Angeles, CA 90013-1105 3 FILED (213)576-6982 4 JUN 2 2 2016 5 BUREAU OF REAL ESTATE 6 7 BEFORE THE BUREAU OF REAL ESTATE 8 STATE OF CALIFORNIA 9 10 In the Matter of the Accusation of No. H-40166 LA 11 OAH No. 2016040884 TROY JOSEPH COLLINS, 12 STIPULATION AND AGREEMENT Respondent. 13 14 It is hereby stipulated by and between TROY JOSEPH COLLINS 15 ("Respondent"), acting on his own behalf, and the Complainant, acting by and through Amelia 16 V. Vetrone, Counsel for the Bureau of Real Estate, as follows for the purpose of settling and 17 disposing of the Accusation filed on or about March 14, 2016, in this matter: 18 1. All issues which were to be contested and all evidence which was to be 19 presented by Complainant and Respondent at a formal hearing on the Accusation, which 20 hearing was to be held in accordance with the provisions of the Administrative Procedure Act 21 (APA), shall instead and in place thereof be submitted solely on the basis of the provisions of 22 this Stipulation and Agreement. 23 2. Respondent has received, read and understands the Statement to Respondent, 2.4 the Discovery Provisions of the APA and the Accusation filed by the Bureau of Real Estate in 25 this proceeding. 26

3. On March 22, 2016, the Bureau of Real Estate received Respondent's Notice

of Defense pursuant to Section 11506 of the Government Code for the purpose of requesting a hearing on the allegations in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent acknowledges that he understands that by withdrawing said Notice of Defense he will thereby waive his right to require the Commissioner to prove the allegations in the Accusation at a contested hearing held in accordance with the provisions of the APA and that he will waive other rights afforded to him in connection with the hearing such as the right to present evidence in defense of the allegations in the Accusation and the right to cross-examine witnesses.

- 4. Respondent, pursuant to the limitations set forth below, hereby admits that the factual allegations in Paragraphs 2, 3, and 4 of the Accusation filed in this proceeding are true and correct and the Real Estate Commissioner shall not be required to provide further evidence of such allegations.
- 5. It is understood by the parties that the Real Estate Commissioner may adopt the Stipulation and Agreement as his Decision in this matter, thereby imposing the penalty and sanctions on Respondent's real estate license and license rights as set forth in the below "Order". In the event that the Commissioner in his discretion does not adopt the Stipulation and Agreement, it shall be void and of no effect, and Respondent shall retain the right to a hearing and proceeding on the Accusation under all the provisions of the APA and shall not be bound by any admission or waiver made herein.
- 6. The Order or any subsequent Order of the Real Estate Commissioner made pursuant to this Stipulation and Agreement shall not constitute an estoppel, merger or bar to any further administrative or civil proceedings by the Bureau of Real Estate with respect to any matters which were not specifically alleged to be causes for accusation in this proceeding.

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DETERMINATION OF ISSUES

By reason of the foregoing stipulations, admissions and waivers and solely for the purpose of settlement of the pending Accusation without a hearing, it is stipulated and agreed that the following determination of issues shall be made:

The conduct of Respondent, as described in the Accusation is grounds for the suspension or revocation of all of the real estate licenses and license rights of Respondent under the provisions of Section 10177(a) of the California Business and Professions Code.

<u>ORDER</u>

All licenses and licensing rights of Respondent TROY JOSEPH COLLINS under the Real Estate Law are revoked; provided, however, a restricted real estate salesperson license shall be issued to Respondent pursuant to Section 10156.5 of the Business and Professions Code if Respondent makes application therefor and pays to the Bureau of Real Estate the appropriate fee for the restricted license within 90 days from the effective date of this Decision. The restricted license issued to Respondent shall be subject to all of the provisions of Section 10156.7 of the Business and Professions Code and to the following limitations, conditions and restrictions imposed under authority of Section 10156.6 of that Code:

- 1. The restricted license issued to Respondent may be suspended prior to hearing by Order of the Real Estate Commissioner in the event of Respondent's conviction or plea of nolo contendere to a crime which is substantially related to Respondent's fitness or capacity as a real estate licensee.
- 2. The restricted license issued to Respondent may be suspended prior to hearing by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted license.

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- 4. Respondent shall submit with any application for license under an employing broker, or any application for transfer to a new employing broker, a statement signed by the prospective employing real estate broker on a form approved by the Bureau of Real Estate which shall certify:
 - (a) That the employing broker has read the Decision of the Commissioner which granted the right to a restricted license; and
 - (b) That the employing broker will exercise close supervision over the performance by the restricted licensee relating to activities for which a real estate license is required.
- 5. Respondent shall, within nine months from the effective date of this

 Decision, present evidence satisfactory to the Real Estate Commissioner that Respondent has, since the most recent issuance of an original or renewal real estate license, taken and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate license. If Respondent fails to satisfy this condition, the Commissioner may order the suspension of the restricted license until the Respondent presents such evidence. The Commissioner shall afford Respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.
- 6. Respondent shall notify the Commissioner in writing within 72 hours of any arrest by sending a certified letter to the Commissioner at Bureau of Real Estate, Post Office Box 137013, Sacramento, CA 95813-7013. The letter shall set forth the date of Respondent's arrest, the crime for which Respondent was arrested, and the name and address of the arresting law enforcement agency. Respondent's failure to timely file written notice shall constitute an

1	independent violation of the terms of the restricted license and shall be grounds for the
2	suspension or revocation of that license.
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5	DATED: 6-3-16 Amelia V. Vetrone
6	Counsel for the Bureau of Real Estate
7	Bureau of Real Estate
8	***
9	I have read the Stipulation and Agreement, and its terms are understood by me
10	and are agreeable and acceptable to me. I understand that I am waiving rights given to me by
11	the California Administrative Procedure Act (including but not limited to Sections 11506,
12	11508, 11509 and 11513 of the Government Code), and I willingly, intelligently and
13	voluntarily waive those rights, including the right of requiring the Commissioner to prove the
14	allegations in the Accusation at a hearing at which I would have the right to cross-examine
15	witnesses against me and to present evidence in defense and mitigation of the charges.
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17	DATED: 5-29-10
18	Respondent
19	<i>III</i>
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The foregoing Stipulation and Agreement is hereby adopted as my Decision in

this matter, and shall become effective at 12 o'clock noon on

IT IS SO ORDERED _

JUNE (5)

WAYNE S. BELL REAL ESTATE COMMISSIONER

JUL 1 3 2016

By: JEFFREY MASON Chief Deputy Commissioner