

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

(213) 576-6982

FILED

JAN 12 2017

BUREAU OF REAL ESTATE

By



BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

) No. H-40315 LA

CORRIE H. SOMMERS,

)

) STIPULATION AND AGREEMENT

)

Respondent.

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It is hereby stipulated by and between CORRIE H. SOMMERS (hereinafter
"Respondent") and her attorney, Edward O. Lear, and the Complainant, acting by and through
Julie L. To, counsel for the Bureau of Real Estate, as follows for the purpose of settling and
disposing of the Accusation filed on July 19, 2016 in Case No. H-40315 LA, in this matter:

I. All issues which were to be contested and all evidence which 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.

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1 2. Respondent has received, read and understands the Statement to Respondent,
2 the Discovery Provisions of the APA and the Accusation filed by the Bureau of Real Estate in
3 this proceeding.

4 3. On August 24, 2016, Respondent filed a Notice of Defense pursuant to
5 Section 11506 of the Government Code for the purpose of requesting a hearing on the
6 allegations in the Accusation. Respondent hereby withdraws said Notice of Defense.
7 Respondent acknowledges that she understands that by withdrawing said Notice of Defense she
8 will thereby waive her right to require the Commissioner to prove the allegations in the
9 Accusation at a contested hearing held in accordance with the provisions of the APA and that
10 she will waive other rights afforded to her in connection with the hearing such as the right to
11 present evidence in defense of the allegations in the Accusation and the right to cross-examine
12 witnesses.

13 4. This Stipulation is based on the factual allegations contained in the Accusation.
14 In the interest of expedience and economy, Respondent chooses not to contest these allegations,
15 but to remain silent, and without admitting any fault, violation or other liability, understands that
16 as a result thereof, these factual allegations will serve as a prima facie basis for the disciplinary
17 action stipulated to herein. The Real Estate Commissioner shall not be required to provide
18 further evidence to prove said factual allegations.

19 5. Respondent understands that by agreeing to this Stipulation and Agreement,
20 Respondent agrees to pay, pursuant to Section 10106 of the California Business and Professions
21 Code (Code), the cost of the investigation and enforcement which resulted in the determination
22 that Respondent committed the violations found in the Determination of Issues. The amount of
23 said costs is \$585.55.

24 6. It is understood by the parties that the Real Estate Commissioner may adopt
25 the Stipulation and Agreement as his Decision in this matter, thereby imposing the penalty and
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1 sanctions on Respondent's real estate license and license rights as set forth in the below
2 "Order." In the event that the Commissioner in his discretion does not adopt the Stipulation
3 and Agreement, it shall be void and of no effect, and Respondent shall retain the right to a
4 hearing and proceeding on the Accusation under all the provisions of the APA and shall not be
5 bound by any admission or waiver made herein.

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

10 DETERMINATION OF ISSUES

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

14 The conduct of Respondent, as set forth in the Accusation (specifically
15 Respondent's September 23, 2013 conviction in Iowa District Court, Polk County Case Number
16 FECR257554 for violation of Iowa Code Section 703.3 (accessory after the fact), a
17 misdemeanor) constitutes grounds for the suspension or revocation of Respondent's real estate
18 salesperson license under the provisions of Sections 490 and 10177(b) of the Business and
19 Professions Code.

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WHEREFORE, THE FOLLOWING ORDER is hereby made:

All licenses and licensing rights of Respondent CORRIE H. SOMMERS 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 that Code:

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1 4. Respondent shall submit with any application for license under an employing
2 broker, or any application for transfer to a new employing broker, a statement signed by the
3 prospective employing broker on a form approved by the Bureau of Real Estate which shall
4 certify:

5 (a) That the employing broker has read the Decision of the Commissioner which
6 granted the right to a restricted license; and

7 (b) That the employing broker will exercise close supervision over the
8 performance by the restricted licensee relating to activities for which a real estate license
9 is required.

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

20 6. Respondent shall, prior to the issuance of the restricted license and as a
21 condition of the issuance of said restricted license, pay the sum of \$585.55 for the
22 Commissioner's reasonable cost of the investigation and enforcement which led to this
23 disciplinary action. Said payment shall be in the form of a cashier's check made payable to the
24 Bureau of Real Estate. The investigative and enforcement costs must be delivered to the Bureau
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1 of Real Estate, Flag Section, P.O. Box 137013, Sacramento, CA 95813-7013, prior to the
2 effective date of this Order.

3 (a) If Respondent CORRIE H. SOMMERS fails to satisfy this condition,
4 the Commissioner shall order the suspension of the restricted license until the Respondent
5 presents evidence of payment. The Commissioner shall afford Respondent the opportunity for a
6 hearing pursuant to the Administrative Procedure Act to present such evidence that payment was
7 timely made. The suspension shall remain in effect until payment is made in full or until a
8 decision providing otherwise is adopted following a hearing held pursuant to this condition.

9 7. Respondent shall notify the Commissioner in writing within seventy-two (72)
10 hours of any arrest by sending a certified letter to the Commissioner at the Bureau of Real Estate,
11 Post Office Box 137013, Sacramento, CA 95813-7013. The letter shall set forth the date of
12 Respondent's arrest, the crime for which Respondent was arrested, and the name and address of
13 the arresting law enforcement agency. Respondent's failure to timely file written notice shall
14 constitute an independent violation of the terms of the restricted license and shall be grounds for
15 the suspension or revocation of that license.

16 DATED: 12-19-16


Julie L. To, Counsel for Complainant

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19 I have read the Stipulation and Agreement, have discussed it with my counsel,
20 and its terms are understood by me and are agreeable and acceptable to me. I understand that I
21 am waiving rights given to me by the California Administrative Procedure Act (including, but
22 not limited to Sections 11506, 11508, 11509 and 11513 of the Government Code), and I
23 willingly, intelligently and voluntarily waive those rights, including the right of requiring the
24 Commissioner to prove the allegations in the Accusation at a hearing at which I would have the
25 right to cross-examine witnesses against me and to present evidence in defense and mitigation of
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1 the charges.

2 Respondent shall send a hard copy of the original signed Stipulation and
3 Agreement to: Julie To, Bureau of Real Estate, 320 West Fourth Street, Suite 350, Los Angeles,
4 CA 90013. In the event of time constraints before an administrative hearing, Respondent can
5 signify acceptance and approval of the terms and conditions of this Stipulation and Agreement
6 by emailing a scanned copy of the signature page, as actually signed by Respondent, to the
7 Bureau counsel assigned to this case. Respondent agrees, acknowledges and understands that by
8 electronically sending the Bureau a scan of Respondent's actual signature as it appears on the
9 Stipulation and Agreement, that receipt of the scan by the Bureau shall be binding on
10 Respondent as if the Bureau had received the original signed Stipulation and Agreement.

11 DATED: 12/10/16

Corrie Sommers

12 CORRIE H. SOMMERS, Respondent

13 * * *

14 *I have reviewed the Stipulation and Agreement as to form and content and have*
15 *advised my client accordingly,*

16 DATED: 12/12/16

[Signature]
17 Edward O. Lear, Attorney for Respondent

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

21 IT IS SO ORDERED _____.

22 REAL ESTATE COMMISSIONER

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25 Wayne S. Bell

1 the charges.

2 Respondent shall send a hard copy of the original signed Stipulation and
3 Agreement to: Julie To, Bureau of Real Estate, 320 West Fourth Street, Suite 350, Los Angeles,
4 CA 90013. In the event of time constraints before an administrative hearing, Respondent can
5 signify acceptance and approval of the terms and conditions of this Stipulation and Agreement
6 by emailing a scanned copy of the signature page, as actually signed by Respondent, to the
7 Bureau counsel assigned to this case. Respondent agrees, acknowledges and understands that by
8 electronically sending the Bureau a scan of Respondent's actual signature as it appears on the
9 Stipulation and Agreement, that receipt of the scan by the Bureau shall be binding on
10 Respondent as if the Bureau had received the original signed Stipulation and Agreement.

11 DATED: _____

12 CORRIE H. SOMMERS, Respondent

13 * * *

14 *I have reviewed the Stipulation and Agreement as to form and content and have*
15 *advised my client accordingly.*

16 DATED: _____

17 Edward O. Lear, Attorney for Respondent

18 * * *

19 The foregoing Stipulation and Agreement is hereby adopted as my Decision in
20 this matter and shall become effective at 12 o'clock noon on FEB 01 2017.

21 IT IS SO ORDERED 1/5/17.

22 REAL ESTATE COMMISSIONER

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25 Wayne S. Bell
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