

1 Department of Real Estate
2 320 West 4th Street, Ste. 350
3 Los Angeles, California 90013-1105
4 Telephone: (213) 576-6982

FILED

AUG 24 2020

DEPT. OF REAL ESTATE

By 

7 BEFORE THE DEPARTMENT OF REAL ESTATE

8 STATE OF CALIFORNIA

9 * * *

10 In the Matter of the Accusation of)

DRE Case No. H-41400 LA

11 DRU LINDLEY HAWKINS, and)
12 MARY WINTER FURNISH,)

STIPULATION AND AGREEMENT AS
TO MARY WINTER FURNISH ONLY

13 Respondents.)

14 It is hereby stipulated by and between Respondent MARY WINTER
15 FURNISH ("Respondent"), represented by Robert F. Hahn, Gould & Hahn, and the
16 Complainant, acting by and through Laurence D. Haveson, Counsel for the Department of
17 Real Estate ("Department"), as follows for the purpose of settling and disposing of the
18 Accusation filed on July 25, 2019 in this matter:

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

24 2. Respondent has received, read, and understands the Statement to
25 Respondent, the Discovery Provisions of the APA, and the Accusation filed by the Department
26 in this proceeding.

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

10 4. This Stipulation is based on the factual allegations contained in the
11 Accusation. In the interest of expediency and economy, Respondent chooses not to contest
12 these factual allegations, but to remain silent and understands that, as a result thereof, these
13 factual allegations, without being admitted or denied, will serve as a prima facie basis for the
14 disciplinary action stipulated to herein. The Commissioner shall not be required to provide
15 further evidence to prove such allegations.

16 5. This Stipulation is made for the purpose of reaching an agreed
17 disposition of this proceeding and is expressly limited to this proceeding and any other
18 proceeding or case in which the Department, the state or federal government, another agency of
19 this state, or an agency of another state is involved. Respondent further understands that the
20 sustained violations may be considered in any future administrative or disciplinary matters by
21 the Department.

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

3 7. The Stipulation, Order, or any subsequent Order of the Commissioner
4 made pursuant to this Stipulation shall not constitute an estoppel, merger or bar to any further
5 administrative or civil proceedings by the Department with respect to any matters which were
6 not specifically alleged to be causes for Accusation in this proceeding.

7 8. Respondent understands that by agreeing to this Stipulation, Respondent
8 agrees to pay, pursuant to Code Section 10106, the Commissioner's cost of the investigation
9 and enforcement which resulted in the determination that Respondent committed the violations
10 found in the Determination of Issues. The amount of said investigation costs is \$2,107.30 and
11 the amount of the enforcement costs is \$1,673.20; therefore, Respondent agrees to pay,
12 pursuant to Code Section 10106, the total amount of \$3,780.50.

13 DETERMINATION OF ISSUES

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

17 The conduct, acts or omissions of Respondent as described in Paragraph 4,
18 herein above, are in violation of: Code Sections 10130, 10131, and 10137, and are bases for the
19 suspension or revocation of the license and license rights of Respondent as a violation of the
20 Real Estate Law pursuant to Code Sections 10177(d) and/or 10177(g).

21 ORDER

22 WHEREFORE, THE FOLLOWING ORDER is hereby made:

23 All licenses and licensing rights of Respondent FURNISH under the Real Estate
24 Law are revoked; provided, however: (1) a restricted real estate salesperson license shall be
25 issued to Respondent FURNISH pursuant to Section 10156.5 of the Code if Respondent makes
26 application therefore and pays to the Department the appropriate fee for a restricted license
27 within ninety (90) days from the effective date of this Decision and Order. The restricted

1 license issued to Respondent FURNISH shall be subject to all of the provisions of Section
2 10156.7 of the Code and to the following limitations, conditions and restrictions imposed under
3 authority of Section 10156.6 of the Code:

4 1. The restricted license issued to Respondent FURNISH may be
5 suspended prior to hearing by Order of the Commissioner in the event of Respondent's
6 conviction, or entry of a plea of guilty or no contest, for a crime that is substantially related to
7 the qualifications, functions, or duties of a real estate licensee.

8 2. The restricted license issued to Respondent FURNISH may be
9 suspended prior to hearing by Order of the Real Estate Commissioner on evidence satisfactory
10 to the Commissioner that Respondent has violated provisions of the California Real Estate
11 Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions
12 attaching to the restricted licenses.

13 3. Respondent FURNISH shall not be eligible to apply for the issuance of
14 unrestricted real estate licenses nor for removal of any of the conditions, limitations or
15 restrictions of a restricted license until two (2) years have elapsed from the effective date of this
16 Decision and Order.

17 4. Respondent FURNISH shall, within six (6) months from the effective
18 date of this Decision and Order, take and pass the Professional Responsibility Examination
19 administered by the Department, including the payment of the appropriate examination fee. If
20 Respondent fails to satisfy this condition, Respondent's real estate license shall automatically
21 be suspended until she passes the examination.

22 5. All license and licensing rights of Respondent FURNISH are indefinitely
23 suspended unless or until Respondent pays the sum of \$3,780.50 for the Commissioner's
24 reasonable cost of the investigation and enforcement which led to this disciplinary action. Said
25 payment shall be in the form of a cashier's check or certified check made payable to the
26 Department of Real Estate. The investigation and enforcement costs must be delivered to the
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1 Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013,
2 prior to the effective date of this Decision and Order.

3 6. Respondent's signature indicates full agreement to the terms of this
4 Stipulation and Agreement and to the terms set forth herein.

5 3/4/2020
6 DATED

Laurence D. Haveson
7 Laurence D. Haveson,
8 Counsel for Complainant

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10 EXECUTION OF THE STIPULATION

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

18 MAILING AND FACSIMILE

19 Respondent can signify acceptance and approval of the terms and conditions of
20 this Stipulation and Agreement to Citation and Fine by sending a hard copy of the original
21 signed signature page of the Stipulation herein to Laurence D. Haveson, Department of Real
22 Estate, Legal Section, 320 W. Fourth St., Suite 350, Los Angeles, CA 90013-1105. In the
23 event of time constraints before an administrative hearing, Respondent can signify acceptance
24 and approval of the terms and conditions of this Stipulation and Agreement by e-mailing a
25 scanned copy of the signature page, as actually signed by Respondent, to the Department
26 counsel assigned to this case. Respondent agrees, acknowledges, and understands that by
27 electronically sending to the Department a scan of Respondent's actual signature as it appears
on the Stipulation and Agreement, that receipt of the scan by the Department shall be as

1 binding on Respondent as if the Department had received the original signed Stipulation and
2 Agreement.

3
4 Feb 28, 2020
5 DATED

Mary Winter Furnish
6 MARY WINTER FURNISH, Respondent

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

10
11 Feb 29, 2020
12 DATED

Robert F. Hahn
13 Robert F. Hahn, Esq.
14 Gould & Hahn
15 Attorney for Respondent Mary Winter
16 Furnish

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18 The foregoing Stipulation and Agreement is hereby adopted as my Decision as
19 to Respondent MARY WINTER FURNISH, only, and shall become effective at 12 o'clock
20 noon on SEP 23 2020, 2020.

21 IT IS SO ORDERED 5-15-20, 2020.

22 DOUGLAS R. McCAULEY
23 REAL ESTATE COMMISSIONER

Douglas R. McCauley

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