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**JAN 12 2023**

**DEPT. OF REAL ESTATE**

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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

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In the Matter of the Accusation of  
SHARON SUZANNE BUTLER,  
Respondent.

H-41862-LA

**STIPULATION AND AGREEMENT**

It is hereby stipulated and agreed by and between SHARON SUZANNE BUTLER (“Respondent”) and her attorney of record, William S. Fitch, Esq., and the Complainant, acting by and through Laurence Haveson, Counsel for the Department of Real Estate (“Department”), as follows for the purpose of settling and disposing of the Accusation filed on January 14, 2021 (“Accusation”) in this matter:

1. 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 be submitted solely on the basis of the provisions of this Stipulation and Agreement (“Stipulation”).

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

3. On January 26, 2021, Respondent filed a Notice of Defense pursuant to section 11506 of the Government Code for the purpose of requesting a hearing on the allegations in the Accusation.

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

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

13         5.       This Stipulation and Respondent’s decision not to contest the Accusation are made  
14 for the purpose of reaching an agreed disposition of this proceeding and are expressly limited to this  
15 proceeding and any other proceeding or case brought by the Department, or another licensing agency  
16 of this state, another state, or the federal government, and otherwise shall not be admissible in any  
17 other criminal or civil proceedings.

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

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

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1 endorsement within ninety (90) days from the effective date of this Decision and Order. The restricted  
2 license and restricted MLO endorsement issued to Respondent BUTLER shall be subject to all of the  
3 provisions of Code section 10156.7 and to the following limitations, conditions and restrictions  
4 imposed under authority of Code sections 10156.5 and 10166.051:

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

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

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

17 4. Respondent BUTLER shall, within six (6) months from the effective date of this  
18 Decision and Order, provides evidence satisfactory to the Commissioner of having taken and  
19 successfully completed the continuing education course on trust fund accounting and handling  
20 specified in Code section 10170.5, subdivision (a). Proof of satisfaction of this requirement includes  
21 evidence that Respondent has successfully completed the trust fund account and handling continuing  
22 education course within six (6) months from the effective date of the Decision in this matter. Proof  
23 of completion of the trust fund accounting and handling course must be delivered to the Department  
24 of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013. If Respondent fails  
25 to satisfy this condition, the Commissioner may order suspension of Respondent's license until  
26 Respondent provides proof of satisfaction of this requirement.

27 5. Respondent BUTLER shall pay the sum of \$3,540.30 for the Commissioner's  
28 reasonable cost of the investigation and enforcement which led to this disciplinary action, **within**

1 **one-hundred and eighty (180) days from the effective date of this Decision and Order.** Said  
2 payment shall be in the form of a cashier's check made payable to the Department of Real Estate.  
3 **The investigative and enforcement costs must be delivered to the Department of Real Estate,**  
4 **Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013. Payment of investigation and**  
5 **enforcement costs should not be made until the Stipulation has been approved by the**  
6 **Commissioner.** If Respondent fails to satisfy this condition in a timely manner as provided for  
7 herein, Respondent's real estate license shall automatically be suspended until payment is made in  
8 full, or until a decision providing otherwise is adopted following a hearing held pursuant to this  
9 condition.

10 6. Pursuant to Code section 10148, Respondent BUTLER shall pay the sum of  
11 \$13,723.30 for the Commissioner's cost of the audit which led to this disciplinary action.  
12 **Respondent shall pay such cost within one-hundred eighty (180) days of receiving an invoice**  
13 **therefore from the Commissioner. Payment of audit costs should not be made until Respondent**  
14 **receives the invoice.** If Respondent fails to satisfy this condition timely as provided for herein,  
15 Respondent's real estate license shall automatically be suspended until payment is made in full, or  
16 until a decision providing otherwise is adopted following a hearing held pursuant to this condition.

17 7. Respondent understands that by agreeing to this Stipulation, the findings set forth  
18 above in the Determination of Issues become final, and the Commissioner may charge Respondent  
19 for the cost of any subsequent audit, if a subsequent audit is conducted, pursuant to Code section  
20 10148 to determine if the violations have been corrected and that Respondent is in compliance with  
21 trust fund handling requirements of the Real Estate Law. The maximum cost of the follow-up audit  
22 will not exceed one-hundred twenty-five percent (125%) of the cost of the original audit; in the  
23 instant case, the cost of the original audit is \$13,723.30 and the maximum cost of the follow-up audit  
24 will not exceed \$17,154.13. Therefore, Respondent may be charged a maximum of \$17,154.13 in  
25 the event of a subsequent audit.

26 8. Pursuant to Section 10148 of the Code, Respondent shall pay the Commissioner's  
27 reasonable cost, not to exceed \$17,154.13, for any subsequent audit, if one is performed, to determine  
28 if Respondent has corrected the violations found in the Determination of Issues and that Respondent

1 is in compliance with trust fund handling requirements of the Real Estate Law. In calculating the  
2 amount of the Commissioner's reasonable cost, the Commissioner may use the estimated average  
3 hourly salary for all persons performing audits of real estate brokers, and shall include an allocation  
4 for travel time to and from the auditor's place of work. Respondent shall pay such cost within sixty  
5 (60) days of receiving an invoice therefore from the Commissioner. **Payment of the audit costs**  
6 **should not be made until Respondent receives the invoice.** If Respondent fails to satisfy this  
7 condition in a timely manner as provided for herein, Respondent's real estate licenses shall  
8 automatically be suspended until payment is made in full, or until a decision providing otherwise is  
9 adopted following a hearing held pursuant to this condition.

10  
11 DATED: 09/02/2022



12 Laurence D. Haveson  
13 Counsel for Complainant

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15 **EXECUTION OF THE STIPULATION**

16 I have read this Stipulation, I understand its terms, and the terms are agreeable and acceptable.  
17 I understand that I am waiving rights given to me by the California APA (including, but not limited  
18 to, sections 11506, 11508, 11509, and 11513 of the Government Code), and I willingly, intelligently,  
19 and voluntarily waive those rights, including the right of requiring the Commissioner to prove the  
20 allegations in the Accusation at a hearing at which I would have the right to cross-examine witnesses  
21 against me and to present evidence in defense and mitigation of the charges.

22 Respondent can signify acceptance and approval of the terms and conditions of this  
23 Stipulation and Agreement by electronically e-mailing a copy of the signature pages, as actually  
24 signed by Respondent, to the Department. Respondent agrees, acknowledges, and understands that  
25 by electronically sending to the Department an electronic copy of Respondent's actual signature, as  
26 it appears on the Stipulation, that receipt of the emailed copy by the Department shall be as binding  
27 on Respondent as if the Department had received the original signed Stipulation. By signing this  
28 Stipulation, Respondent understands and agrees that Respondent may not withdraw her agreement

1 or seek to rescind the Stipulation prior to the time the Commissioner considers and acts upon it or  
2 prior to the effective date of the Stipulation and Order.

3 MAILING

4 Respondent and her counsel shall, within five (5) business days from signing the Stipulation,  
5 mail the original signed signature page(s) of the Stipulation herein to Laurence Haveson, Attention:  
6 Legal Section, Department of Real Estate, 320 W. 4th St., Ste. 350, Los Angeles, California 90013.

7 Respondent's signature below constitutes acceptance and approval of the terms and  
8 conditions of this Stipulation. Respondent agrees, acknowledges, and understands that by signing  
9 this Stipulation Respondent is bound by its terms as of the date of such signature and that this  
10 agreement is not subject to rescission or amendment at a later date except by a separate Decision  
11 and Order of the Real Estate Commissioner.

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13 DATED: 9/01/2022

  
Respondent SHARON SUZANNE BUTLER

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15 DATED: 9-1-2022

  
Willfam S. Fitch  
Attorney for Respondent SHARON SUZANNE BUTLER  
*Approved as to Form*


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

21 February 1, 2023

22 IT IS SO ORDERED 1-6-23

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24 DOUGLAS R. McCAULEY  
25 REAL ESTATE COMMISSIONER

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