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DEPT. OF REAL ESTATE

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of
PATRICIA GAIL BROWN,
Respondent.

H-41981-LA
STIPULATION AND AGREEMENT

It is hereby stipulated and agreed by and between PATRICIA GAIL BROWN (“Respondent”) and her attorney of record, Richard Ghan, 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 June 11, 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 and in place thereof 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.

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1 3. On July 2, 2021, Respondent filed a Notice of Defense pursuant to section 11506 of
2 the 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, she will thereby
5 waive her right to require the Real Estate Commissioner (“Commissioner”) to prove the allegations
6 in the Accusation at a contested hearing held in accordance with the provisions of the APA and that
7 Respondent will waive other rights afforded to her in connection with the hearing such as the right
8 to present evidence in defense of the allegations in the Accusation and the right to cross-examine
9 witnesses.

10 4. Respondent, pursuant to the limitations set forth below, hereby admits that the factual
11 allegations (or findings of fact as set forth below) in Paragraphs 3-27, and 29-31 of the Accusation
12 filed in this proceeding are true and correct and the Real Estate Commissioner shall not be required
13 to provide further evidence of such allegations.

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

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

24 7. Respondent understands that by agreeing to this Stipulation, Respondent agrees to
25 pay, pursuant to Business and Professions Code Section 10148, the cost of the original audit which
26 led to this disciplinary action. The amount of said cost is \$11,060.55.

27 8. Respondent has received, read, and understand the “Notice Concerning Costs of
28 Audit.” Respondent further understands that by agreeing to this Stipulation, the findings set forth

1 below in the Determination of Issues become final, and the Commissioner may charge Respondent
2 for the cost of any subsequent audit conducted pursuant to Business and Professions Code Section
3 10148 to determine if the violations have been corrected. The maximum cost of the subsequent audit
4 shall not exceed 125% of cost of the original audit, or \$13,825.69.

5 9. Respondent understands that by agreeing to this Stipulation, Respondent agrees to
6 pay, pursuant to Business and Professions Code Section 10106, the cost of the investigation and
7 enforcement of this matter. The amount of the investigation costs is \$1,065.10 and the amount of
8 the enforcement costs is \$576.00, for total costs of \$1,641.10.

9 DETERMINATION OF ISSUES

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

13 I.

14 The conduct, acts, and/or omissions of Respondent as described in the Accusation, constitute
15 cause for the suspension or revocation of all real estate licenses and license rights of Respondent
16 under California Business and Professions Code ("Code") sections 10141.6, 10145, 10145(a),
17 10232.2(a), 10232.2(c), 10232.3(a)(4)(A), (B) and (E), 10232.3(b), 10232.25(a) and (b), and
18 10177(d) and/or 10177(g), and Title 10, Chapter 6, California Code of Regulations ("Regulations")
19 sections 2831.1, 2831.2, 2832, 2832.1, 2846.5, 2846.7, 2846.8, 2849.01, 2950(d), 2950(g), and 2951.

20 ORDER

21 All licenses and licensing rights of Respondent BROWN under the Real Estate Law are
22 revoked; provided, however: (1) a restricted real estate broker license shall be issued to Respondent
23 pursuant to Section 10156.5 of the Code if Respondent makes application therefore and pays to the
24 Department the appropriate fee for a restricted license within ninety (90) days from the effective date
25 of this Decision and Order. The restricted license issued to Respondent shall be subject to all of the
26 provisions of Section 10156.7 of the Code and to the following limitations, conditions and restrictions
27 imposed under authority of Section 10156.6 of the Code:

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

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

9 3. Respondent shall not be eligible to apply for the issuance of unrestricted real estate
10 licenses nor for removal of any of the conditions, limitations or restrictions of a restricted license
11 until three (3) years have elapsed from the effective date of this Decision and Order.

12 4. Respondent shall pay the sum of \$1,641.10 for the Commissioner's reasonable cost
13 of the investigation and enforcement which led to this disciplinary action, **within one-hundred and**
14 **eighty (180) days from the effective date of this Decision and Order.** Said payment shall be in
15 the form of a cashier's check made payable to the Department of Real Estate. **The investigative and**
16 **enforcement costs must be delivered to the Department of Real Estate, Flag Section at P.O. Box**
17 **137013, Sacramento, CA 95813-7013. Payment of investigation and enforcement costs should**
18 **not be made until the Stipulation has been approved by the Commissioner.** If Respondent fails
19 to satisfy this condition in a timely manner as provided for herein, Respondent's real estate license
20 shall automatically be suspended until payment is made in full, or until a decision providing
21 otherwise is adopted following a hearing held pursuant to this condition.

22 5. Pursuant to section 10148 of the Code, Respondent shall pay the sum of \$11,060.55
23 for the Commissioner's cost of the audit which led to this disciplinary action. **Respondent shall pay**
24 **such cost within sixty (60) days of receiving an invoice therefore from the Commissioner.**
25 **Payment of audit costs should not be made until Respondent receives the invoice.** If Respondent
26 fails to satisfy this condition in a timely manner as provided for herein, Respondent's real estate
27 license shall automatically be suspended until payment is made in full, or until a decision providing
28 otherwise is adopted following a hearing held pursuant to this condition.

1 6. Respondent understands that by agreeing to this Stipulation, the findings set forth
2 below in the Determination of Issues become final, and the Commissioner may charge Respondent
3 for the cost of any subsequent audit, if a subsequent audit is conducted, pursuant to Code section
4 10148 to determine if the violations have been corrected and that Respondent is in compliance with
5 trust fund handling requirements of the Real Estate Law. The maximum cost of the follow-up audit
6 will not exceed one-hundred twenty-five percent (125%) of the cost of the original audit; in the
7 instant case, the cost of the original audit is \$11,060.55 and the maximum cost of the follow-up audit
8 will not exceed \$13,825.69. Therefore, Respondent may be charged a maximum of \$13,825.69 in
9 the event of a subsequent audit.

10 7. Pursuant to Section 10148 of the Code, Respondent shall pay the Commissioner's
11 reasonable cost, not to exceed \$13,825.69, for any subsequent audit, if one is performed, to determine
12 if Respondent has corrected the violations found in the Determination of Issues and that Respondent
13 is in compliance with trust fund handling requirements of the Real Estate Law. In calculating the
14 amount of the Commissioner's reasonable cost, the Commissioner may use the estimated average
15 hourly salary for all persons performing audits of real estate brokers, and shall include an allocation
16 for travel time to and from the auditor's place of work. Respondent shall pay such cost within sixty
17 (60) days of receiving an invoice therefore from the Commissioner. **Payment of the audit costs**
18 **should not be made until Respondent receives the invoice.** If Respondent fails to satisfy this
19 condition in a timely manner as provided for herein, Respondent's real estate licenses shall
20 automatically be suspended until payment is made in full, or until a decision providing otherwise is
21 adopted following a hearing held pursuant to this condition.

22 8. Respondent also agrees that she shall, within six (6) months from the effective date of
23 this Decision and Order, take and pass the Professional Responsibility Examination administered by
24 the Department, including the payment of the appropriate examination fee. If Respondent fails to
25 satisfy this condition, the Commissioner may order suspension of Respondent's license until
26 Respondent passes the examination.


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

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7 DATED: 3/28/22


Respondent PATRICIA GAIL BROWN

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10 DATED: 3/29/22


Richard Ghan
Attorney for Respondent PATRICIA GAIL BROWN
Approved as to Form

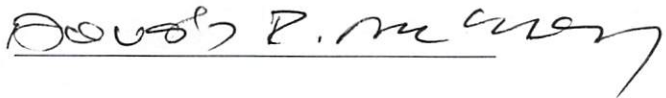
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15 The foregoing Stipulation and Agreement in Settlement and Order is hereby adopted by me
16 as my Decision in this matter and shall become effective at 12 o'clock noon on

17 February 1, 2023

18 IT IS SO ORDERED 1.6.23

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20 DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER

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