

1 Bureau of Real Estate  
2 320 West Fourth Street, #350  
3 Los Angeles, California 90013

**FILED**

AUG 18 2014

BUREAU OF REAL ESTATE

By *[Signature]*

4  
5  
6  
7  
8 BEFORE THE BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

\* \* \*

10 In the Matter of the Accusation of )

) CalBRE No. H-02833 FR

) OAH No. 2014020124

11 )  
12 ) DAN THOMAS SHANYFELT and )  
13 ) SETH ELLIOT JOHNSON, )

) STIPULATION AND  
14 ) AGREEMENT

15 ) Respondents. )

16 It is hereby stipulated by and between Respondent SETH  
17 ELLIOT JOHNSON, represented by William L. Alexander, Esq., and the  
18 Complainant, acting by and through Lissete Garcia, Counsel for the  
19 Bureau of Real Estate, as follows for the purpose of settling and  
20 disposing of the Accusation in this matter, filed on September 16,  
21 2013:

22 1. All issues which were to be contested and all  
23 evidence which was to be presented by Complainant and Respondent  
24 SETH ELLIOT JOHNSON at a formal hearing on the Accusation, which

1 hearing was to be held in accordance with the provisions of the  
2 Administrative Procedure Act (APA), shall instead and in place  
3 thereof be submitted solely on the basis of the provisions of this  
4 Stipulation and Agreement (Stipulation).

5           2. Respondent SETH ELLIOT JOHNSON has received, read  
6 and understands the Statement to Respondent, the Discovery  
7 Provisions of the APA and the Accusation filed by the Bureau of  
8 Real Estate in this proceeding.

9           3. Respondent SETH ELLIOT JOHNSON filed a Notice of  
10 Defense pursuant to Section 11506 of the Government Code for the  
11 purpose of requesting a hearing on the allegations in the  
12 Accusation. Respondent hereby freely and voluntarily withdraws  
13 said Notice of Defense. Respondent acknowledges that he  
14 understands that by withdrawing said Notice of Defense, he thereby  
15 waives his right to require the Commissioner to prove the  
16 allegations in the Accusation at a contested hearing held in  
17 accordance with the provisions of the APA and that he will waive  
18 other rights afforded to him in connection with the hearing such  
19 as the right to present evidence in his defense and the right to  
20 cross-examine witnesses.

21           4. This Stipulation is based on the factual allegations  
22 contained in the Accusation. In the interest of expedience and  
23 economy, Respondent SETH ELLIOT JOHNSON chooses not to contest  
24 these allegations, but to remain silent and understands that, as a

1 result thereof, these factual allegations, without being admitted  
2 or denied, will serve as a prima facie basis for the disciplinary  
3 action stipulated to herein. The Real Estate Commissioner shall  
4 not be required to provide further evidence to prove said factual  
5 allegations.

6           5. This Stipulation and Respondent's decision not to  
7 contest the Accusation are made for the purpose of reaching an  
8 agreed disposition of this proceeding and are expressly limited to  
9 this proceeding and any other proceeding or case in which the  
10 Bureau of Real Estate, or another licensing agency of this state,  
11 another state or if the federal government is involved and  
12 otherwise shall not be admissible in any other criminal or civil  
13 proceedings.

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

23           7. The Order or any subsequent Order of the Real  
24 Estate Commissioner made pursuant to this Stipulation shall not

1 constitute an estoppel, merger or bar to any further  
2 administrative or civil proceedings by the Bureau of Real Estate  
3 with respect to any conduct which was not specifically alleged to  
4 be causes for accusation in this proceeding.

5 DETERMINATION OF ISSUES

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

10 The conduct of SETH ELLIOT JOHNSON, as described in  
11 Paragraph 4, above, is a basis for discipline of SETH ELLIOT  
12 JOHNSON's license and license rights pursuant to Section 10177.5  
13 of the Business and Professions Code ("Code").

14 ORDER

15 WHEREFORE THE FOLLOWING ORDER IS MADE PURSUANT TO THE  
16 WRITTEN STIPULATION OF THE PARTIES:

17 I.

18 All licenses and licensing rights of Respondent SETH  
19 ELLIOT JOHNSON under the Real Estate Law are suspended for a  
20 period of thirty (30) days from the effective date of this  
21 Decision; provided, however, that if Respondent petitions, the  
22 latter fifteen (15) days of said suspension shall be stayed upon  
23 condition that:

1           1. Respondent pays a monetary penalty pursuant to  
2 Section 10175.2 of the Code at the rate of \$150 for each day of  
3 the suspension for a total monetary penalty of \$2,250.

4           2. Said payment shall be in the form of a cashier's  
5 check or certified check made payable to the Recovery Account of  
6 the Real Estate Fund. Said check must be received by the Bureau  
7 prior to the effective date of the Decision in this matter.

8           3. No further cause for disciplinary action against the  
9 real estate license of Respondent occurs within two years from the  
10 effective date of the Decision in this matter.

11           4. If Respondent fails to pay the monetary penalty in  
12 accordance with the terms and conditions of the Decision, the  
13 Commissioner may, without a hearing, order the immediate execution  
14 of all or any part of the stayed suspension in which event the  
15 Respondent shall not be entitled to any repayment nor credit,  
16 prorated or otherwise, for money paid to the Bureau under the  
17 terms of this Decision.

18           5. If Respondent pays the monetary penalty and if no  
19 further cause for disciplinary action against the real estate  
20 license of Respondent occurs within two years from the effective  
21 date of the Decision, the stay hereby granted shall become  
22 permanent.

23 ///

24 ///

1 II.

2 Respondent SETH ELLIOT JOHNSON shall be jointly and  
3 severally liable for payment of \$3,490.51 for the Commissioner's  
4 reasonable costs of the investigation and enforcement which led to  
5 this disciplinary action. Said payment shall be in the form of a  
6 cashier's check made payable to the Real Estate Fund. The  
7 investigative costs must be delivered to the Bureau of Real  
8 Estate, Legal & Recovery Account Mail, at P.O. Box 137007,  
9 Sacramento, CA 95813-7007, prior to the effective date of this  
10 Order.

11 If Respondent SETH ELLIOT JOHNSON fails to satisfy this  
12 condition, the Commissioner shall order the suspension of the  
13 Respondent's license until the Respondent presents evidence of  
14 payment. The Commissioner shall afford Respondent the opportunity  
15 for a hearing pursuant to the Administrative Procedure Act to  
16 present such evidence that payment was timely made. The  
17 suspension shall remain in effect until payment is made in full or  
18 until a decision providing otherwise is adopted following a  
19 hearing held pursuant to this condition.

20 III.

21 Respondent SETH ELLIOT JOHNSON shall, within six (6)  
22 months from the effective date of the Decision herein, take and  
23 pass the Professional Responsibility Examination administered by  
24 the Bureau including the payment of the appropriate examination

1 fee. If Respondent fails to satisfy this condition, the  
2 Commissioner shall order the suspension of Respondent's license  
3 until Respondent passes the examination.

4 IV.

5 Respondent SETH ELLIOT JOHNSON shall, within nine (9)  
6 months from the effective date of the Decision herein, present  
7 evidence satisfactory to the Real Estate Commissioner that  
8 Respondent has, since the most recent issuance of an original or  
9 renewal real estate license, taken and successfully completed the  
10 continuing education requirement of Article 2.5 of Chapter 3 of  
11 the Real Estate Law for renewal of a real estate license. If  
12 Respondent fails to satisfy this condition, the Commissioner shall  
13 order the suspension of Respondent's license until Respondent  
14 presents such evidence. The Commissioner shall afford Respondent  
15 the opportunity for a hearing pursuant to the Administrative  
16 Procedure Act to present such evidence.

17 VI.

18 A copy of all proofs of payment and completed coursework  
19 shall be submitted to Bureau Counsel Lissete Garcia, Attention:  
20 Legal Section, Bureau of Real Estate, 320 W. Fourth St., Suite  
21 350, Los Angeles, California 90013-1105, on or before the dates  
22 set forth above.

23 DATED: 7/28/2014

24   
LISSETE GARCIA, Counsel for the  
Bureau of Real Estate

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

EXECUTION OF THE STIPULATION

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

Respondent can signify acceptance and approval of the terms and conditions of this Stipulation by faxing a copy of the signature page, as actually signed by Respondent, to the Bureau at the following telephone/fax number: Lissete Garcia at (213) 576-6917. Respondent agrees, acknowledges and understands that by electronically sending to the Bureau a fax copy of Respondent's actual signature, as it appears on the Stipulation, that receipt of the faxed copy by the Bureau shall be as binding on Respondent as if the Bureau had received the original signed Stipulation.

DATED: 7-24-14

  
SETH ELLIOT JOHNSON, Respondent

DATED: 7/24/14

  
Alexander and Associates  
William L. Alexander, Attorneys for  
Respondent Seth Elliot Johnson

EXECUTION OF THE STIPULATION

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

Respondent can signify acceptance and approval of the terms and conditions of this Stipulation by faxing a copy of the signature page, as actually signed by Respondent, to the Bureau at the following telephone/fax number: Lissete Garcia at (213) 576-6917. Respondent agrees, acknowledges and understands that by electronically sending to the Bureau a fax copy of Respondent's actual signature, as it appears on the Stipulation, that receipt of the faxed copy by the Bureau shall be as binding on Respondent as if the Bureau had received the original signed Stipulation.

DATED: \_\_\_\_\_

\_\_\_\_\_  
SETH ELLIOT JOHNSON, Respondent

DATED: \_\_\_\_\_

\_\_\_\_\_  
Alexander and Associates  
William L. Alexander, Attorneys for  
Respondent Seth Elliot Johnson

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

\*\*\*

The foregoing Stipulation and Agreement is hereby  
adopted as my Decision as to Respondent SETH ELLIOT JOHNSON and  
shall become effective at 12 o'clock noon on SEP 08 2014,

IT IS SO ORDERED AUG 04 2014,

REAL ESTATE COMMISSIONER



By: JEFFREY MASON  
Chief Deputy Commissioner