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AUG 17 2016

BUREAU OF REAL ESTATE

By *[Signature]*

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Bureau of Real Estate
320 W. 4th St., Room 350
Los Angeles, California 90013

Telephone: (213) 576-6982

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-2970 FR
)	L-2015 111 056
)	
CHARLES FRANK ULBRICH,)	
)	<u>STIPULATION AND AGREEMENT</u>
)	
)	
Respondent.)	
)	

It is hereby stipulated by and between CHARLES FRANK ULBRICH (sometimes referred to as Respondent), and his attorney, Stephen T. Clifford, and the Complainant, acting by and through James R. Peel, Counsel for the Bureau of Real Estate, as follows for the purpose of settling and disposing of Accusation filed in this matter.

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

8 2. Respondent has received, read and understands the
9 Statement to Respondent, the Discovery Provisions of the
10 Administrative Procedure Act ("APA") and the Accusation filed by
11 the Bureau of Real Estate in this proceeding.

12 3. On November 3, 2015, Respondent filed a Notice of
13 Defense pursuant to Section 11506 of the Government Code for the
14 purpose of requesting a hearing on the allegations in the
15 Accusation. Respondent hereby freely and voluntarily withdraws
16 said Notice of Defense. Respondent acknowledges that he
17 understands that by withdrawing said Notice of Defense he
18 thereby waives his right to require the Commissioner to prove
19 the allegations in the Accusation at a contested hearing held in
20 accordance with the provisions of the APA and that he will waive
21 other rights afforded to him in connection with the hearing such
22 as the right to present evidence in defense of the allegations
23 in the Accusation and the right to cross-examine witnesses.

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1 4. This Stipulation is based on the factual
2 allegations contained in the Accusation filed in this
3 proceeding. In the interest of expedience and economy,
4 Respondent chooses not to contest these factual allegations, but
5 to remain silent and understands that, as a result thereof,
6 these factual statements, will serve as a prima facie basis for
7 the disciplinary action stipulated to herein. The Real Estate
8 Commissioner shall not be required to provide further evidence
9 to prove such allegations.

10 5. This Stipulation is made for the purpose of
11 reaching an agreed disposition of this proceeding and is
12 expressly limited to this proceeding and any other proceeding or
13 case in which the Bureau of Real Estate ("Bureau"), the state or
14 federal government, or an agency of this state, another state or
15 the federal government is involved.

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

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1 7. The Order or any subsequent Order of the Real
2 Estate Commissioner made pursuant to this Stipulation shall not
3 constitute an estoppel, merger or bar to any further
4 administrative or civil proceedings by the Bureau of Real Estate
5 with respect to any conduct which was not specifically alleged
6 to be cause for accusation in this proceeding.

7 DETERMINATION OF ISSUES

8 By reason of the foregoing stipulations and waivers
9 and solely for the purpose of settlement of the pending
10 Accusation, it is stipulated and agreed that the following
11 determination of issues shall be made:

12 I

13 The conduct, acts and/or omissions of Respondent
14 CHARLES FRANK ULBRICH, as set forth in the Accusation,
15 constitute cause for the suspension or revocation of all of the
16 real estate licenses and license rights of Respondent under the
17 provisions of Sections 10177(d) and 10177(g) of the Business and
18 Professions Code ("Code") for violation of Code Section 10145.
19

20 II

21 Respondent willingly cooperated and assisted with the
22 investigation conducted by the Bureau at all relevant times.

23 ORDER

24 All licenses and licensing rights of Respondent
25 CHARLES FRANK ULBRICH under the Real Estate Law are revoked
26 provided, however, a restricted broker license shall be issued
27 to Respondent pursuant to Section 10156.5 of the Code if

1 Respondent makes application therefore and pays to the Bureau
2 the appropriate fee for the restricted license within 90 days
3 from the effective date of this Decision and Order. The
4 restricted license issued to Respondent shall be subject to all
5 of the provisions of Section 10156.7 of the Code and to the
6 following limitations, conditions and restrictions imposed under
7 authority of Section 10156.6 of the Code:

8 1. The restricted license issued to Respondent may be
9 suspended prior to hearing by Order of the Commissioner in the
10 event of Respondent's convict or plea of nolo contendere to a
11 crime which is substantially related to Respondent's fitness or
12 capacity as a real estate licensee.

13 2. The restricted license issued to Respondent may be
14 suspended prior to hearing by Order of the Real Estate
15 Commissioner on evidence satisfactory to the Commissioner that
16 Respondent has violated provisions of the California Real Estate
17 Law, the Subdivided Lands Law, Regulations of the Real Estate
18 Commissioner or conditions attaching to the restricted license.

19 3. Respondent shall not be eligible to petition for
20 the issuance of any unrestricted real estate license nor for
21 removal of any of the conditions, limitations, or restrictions
22 of a restricted license until two (2) years have elapsed from
23 the effective date of this Decision and Order. Respondent shall
24 not be eligible to apply for any unrestricted licenses until all
25 restrictions attached to the license have been removed.

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1 4. Respondent shall, within nine (9) months from the
2 effective date of this Decision and Order, present evidence
3 satisfactory to the Commissioner that Respondent has since the
4 most recent issuance of an original or renewal real estate
5 license, taken and successfully completed the continuing
6 education requirements of Article 2.5 of Chapter 3 of the Real
7 Estate Law for renewal of a real estate license. If Respondent
8 fails to satisfy this condition, Respondent's real estate
9 license shall automatically be suspended until Respondent
10 presents evidence satisfactory to the Commissioner of having
11 taken and successfully completed the continuing education
12 requirements. Proof of completion of the continuing education
13 courses must be delivered to the Bureau of Real Estate, Flag
14 Section at P. O. Box 137013, Sacramento, CA 95813-7013.

15 5 Pursuant to Section 10148 of the Code, Respondent
16 shall pay the sum of \$6,000 for the Commissioner's cost of the
17 audit which led to this disciplinary action. Respondent shall
18 pay such cost within sixty (60) days of receiving an invoice
19 therefore from the Commissioner. Payment of audit costs should
20 not be made until Respondent receives the invoice. If
21 Respondent fails to satisfy this condition in a timely manner as
22 provided for herein, Respondent's real estate licenses shall
23 automatically be suspended until payment is made in full or
24 until a decision providing otherwise is adopted following a
25 hearing held pursuant to this condition.

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Pursuant to Section 10148 of the Code, Respondent

1 shall pay the Commissioner's reasonable cost, not to exceed
2 \$7,500 for an audit to determine if Respondent has corrected the
3 violations found in the Determination of Issues. In
4 calculating the amount of the Commissioner's reasonable cost,
5 the Commissioner may use the estimated average hourly salary for
6 all persons performing audits of real estate brokers, and shall
7 include an allocation for travel time to and from the auditor's
8 place of work. Respondent shall pay such cost within 60 days of
9 receiving an invoice from the Commissioner. Payment of the
10 audit costs should not be made until Respondent receives the
11 invoice. If Respondent fails to satisfy this condition in a
12 timely manner as provided for herein, Respondent's real estate
13 licenses shall automatically be suspended until payment is made
14 in full, or until a decision providing otherwise is adopted
15 following a hearing held pursuant to this condition.
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18 6. All licenses and licensing rights of Respondent

19 are indefinitely suspended unless or until Respondent provides
20 proof satisfactory to the Commissioner of having taken and
21 successfully completed the continuing education course on trust
22 fund accounting and handling specified in paragraph (3) of
23 subdivision (a) of Section 10170.5 of the Business and
24 Professions Code. Proof of satisfaction of these requirements
25 includes evidence that Respondent has successfully completed the
26 trust fund accounting and handling continuing education courses,
27 no earlier than 120 days prior to the effective date of the

1 Decision and Order in this matter. Proof of completion of the
2 trust fund accounting and handling course must be delivered to
3 the Bureau of Real Estate, Flag Section at P.O. Box 137013,
4 Sacramento, CA 95813-7013 or by fax at 916-263-8758, prior to
5 the effective date of the Decision and Order.

6 7. All licenses and licensing rights of Respondent
7 are indefinitely suspended unless or until Respondent pays the
8 sum of \$2,000 for the Commissioner's reasonable cost of the
9 investigation and enforcement which led to this disciplinary
10 action. Said payment shall be in the form of a cashier's check
11 made payable to the Bureau of Real Estate. The investigative
12 and enforcement costs must be delivered to the Bureau of Real
13 Estate, Flag Section at P. O. Box 137013, Sacramento, CA 95813-
14 7013, prior to the effective date of this Decision and Order.

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17 DATED: 7-18-16

James R. Peel
JAMES R. PEEL, Counsel for the
Bureau of Real Estate

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19 * * *


20 I have read the Stipulation and Agreement, and its
21 terms are understood by me and are agreeable and acceptable to
22 me. I understand that I am waiving rights given to me by the
23 California Administrative Procedure Act (including but not
24 limited to Sections 11506, 11508, 11509 and 11513 of the
25 Government Code), and I willingly, intelligently and voluntarily
26 waive those rights, including the right of requiring the
27 Commissioner to prove the allegations in the Accusation at a

1 hearing at which I would have the right to cross-examine
2 witnesses against me and to present evidence in defense and
3 mitigation of the charges.

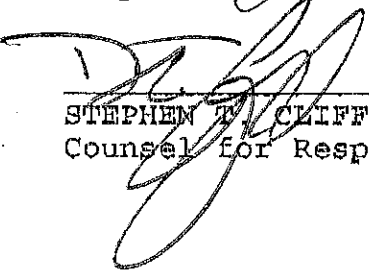
4 Respondent shall send a hard copy of the original
5 signed Stipulation and Agreement to James R. Peel, Counsel,
6 Bureau of Real Estate, 320 W. Fourth St., Suite 350, Los
7 Angeles, CA 90013-1105.

8 In the event of time constraints before an
9 administrative hearing, Respondent can signify acceptance and
10 approval of the terms and conditions of this Stipulation and
11 Agreement by emailing a scanned copy of the signature page, as
12 actually signed by Respondent, to the Bureau counsel assigned to
13 this case. Respondent agrees, acknowledges and understands that
14 by electronically sending the Bureau a scan of Respondent's
15 actual signature as it appears on the Stipulation and Agreement,
16 that receipt of the scan by the Bureau shall be binding on
17 Respondent as if the Bureau had received the original signed
18 Stipulation and Agreement.
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20 DATED: 7/14/2016


21 CHARLES FRANK ULBRICH
22 Respondent

23 DATED: 7/14/16


24 STEPHEN T. CLIFFORD
25 Counsel for Respondent

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2 The foregoing Stipulation and Agreement is hereby
3 adopted as my Decision and Order in this matter, and shall
4 become effective at 12 o'clock noon on September 16, 2016.

5 IT IS SO ORDERED

8/14/2016

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7 WAYNE S. BELL
8 Real Estate Commissioner

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