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Bureau of Real Estate
P.O. Box 137007
Sacramento, CA 95813-7007
Telephone: (916) 263-8672

FILED

OCT 14 2016

BUREAU OF REAL ESTATE
By B. Nicholas

BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-3021 FR
JONATHAN WILLIAM SAPP,)	<u>STIPULATION AND</u>
Respondent.)	<u>AGREEMENT TO</u>
)	<u>SURRENDER</u>

It is hereby stipulated by and between JONATHAN WILLIAM SAPP (Respondent), representing himself, and the Complainant, acting by and through Truly Sughrue, Counsel for the Bureau of Real Estate (Bureau), as follows for the purpose of settling and disposing the Accusation filed on June 9, 2016, 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 to Surrender (Stipulation).

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

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3. Respondent filed a Notice of Defense pursuant to Section 11505 of the Government Code for the purpose of requesting a hearing on the allegations in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent acknowledges that Respondent understands that by withdrawing said Notice of Defense Respondent will thereby waive Respondent's rights to require the Real Estate Commissioner (Commissioner) to prove the allegations in the Accusation at a contested hearing held in accordance with the provisions of the APA, and that Respondent will waive other rights afforded to Respondent in connection with the hearing such as the right to present evidence in defense of the allegations in the Accusation and the right to cross-examine witnesses.

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

5. The Order or any subsequent Order of the Commissioner made pursuant to this Stipulation and Agreement shall not constitute an estoppel, merger or bar to any further administrative or civil proceedings by the Bureau with respect to any matters which were not specifically alleged in Accusation H-3021 FR.

DECLARATION OF JONATHAN WILLIAM SAPP

In lieu of proceeding in this matter in accordance with the provisions of the APA, I, JONATHAN WILLIAM SAPP, wish to voluntarily surrender my real estate license(s) issued by the Bureau, pursuant to Business and Professions Code section 10100.2.

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I understand that by voluntarily surrendering my license(s), I may be re-licensed as a salesperson or as a broker only by petitioning for reinstatement pursuant to section 11522 of the Government Code. I also understand that by voluntarily surrendering my license(s), I agree to the following:

- 1. The filing of this Declaration shall be deemed as my petition for voluntary surrender.
- 2. It shall also be deemed to be an understanding and agreement by me that I waive all rights I have to require the Commissioner to prove the allegations contained in the Accusation filed in this matter at a hearing held in accordance with the provisions of the APA, and that I also waive other rights afforded to me in connection with the hearing such as the right to discovery, the right to present evidence in defense of the allegations in the Accusation and the right to cross-examine witnesses.
- 3. I further agree that upon acceptance by the Commissioner, as evidenced by an appropriate order, all affidavits and all relevant evidence obtained by the Bureau in this matter prior to the Commissioner's acceptance, and all allegations contained in the Accusation filed in the Bureau Case No. H-3021 FR may be considered by the Bureau to be true and correct for the purpose of deciding whether to grant re-licensure or reinstatement pursuant to Government Code section 11522.
- 4. I freely and voluntarily surrender all my licenses and license rights under the Real Estate Law.

* * *

ORDER

I

Respondent's petition for voluntary surrender of his real estate broker license is accepted as of the effective date of this Order as set forth below, based upon the understanding and agreement expressed in Respondent's Declaration incorporated herein as part of this Stipulation. Respondent's license certificates, pocket cards and any branch office license

1 certificates shall be sent to the below listed address so that they reach the Bureau on or before the
2 effective date of this Order:

3
4 BUREAU OF REAL ESTATE
5 Attn: Licensing Flag Section
6 P. O. Box 137013
7 Sacramento, CA 95813-7013

8 29-Aug-16
9 DATED

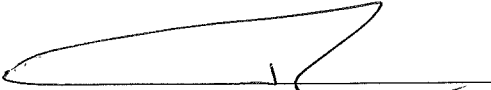
10 
11 TRULY SUGHRUE
12 Counsel for Complainant

13 * * *

14 I have read the Stipulation, discussed it with my counsel, and its terms are
15 understood by me and are agreeable and acceptable to me. I understand that I am waiving rights
16 given to me by the APA, and I willingly, intelligently and voluntarily waive those rights,
17 including the right of requiring the Commissioner to prove the allegations in the Accusation at a
18 hearing at which I would have the right to cross-examine witnesses against me and to present
19 evidence in defense and mitigation of the charges.

20 Respondent further agrees to send the original signed Stipulation by mail to the
21 following address no later than one (1) week from the date the Stipulation is signed by
22 Respondent: *Bureau of Real Estate, Legal Section, P.O. Box 137007, Sacramento, California*
23 *95813-7007*. Respondent understands and agrees that if Respondent fail to return the original
24 signed Stipulation by the due date, Complainant retains the right to set this matter for hearing.

25 8/22/2016
26 DATED

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28 JONATHAN WILLIAM SAPP
29 Respondent

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The foregoing Stipulation and Agreement is hereby adopted as my Decision and
Order and shall become effective at 12 o'clock noon on NOV 04 2016.

IT IS SO ORDERED 10/8/2016.

WAYNE S. BELL
REAL ESTATE COMMISSIONER

