

1 Bureau of Real Estate
2 320 West 4th Street, Suite 350
3 Los Angeles, CA 90013-1105

4 Telephone: (213) 576-6982

FILED

NOV 09 2016

BUREAU OF REAL ESTATE

By 

8
9 BEFORE THE BUREAU OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of)	No. H-04762 SD
)	
13 CALIFORNIA REALTY GROUP INC.;)	
14 STEPHEN P. DONVITO; and <u>THOMAS</u>)	STIPULATION AND
15 <u>JERRY COPELAND,</u>)	AGREEMENT
)	
16 Respondents.)	
)	
17 _____)	

18 It is hereby stipulated by and between Respondent THOMAS JERRY
19 COPELAND, and the Complainant, acting by and through Cheryl Keily, Counsel for the
20 Bureau of Real Estate, as follows for the purpose of settling and disposing of the Accusation
21 filed on December 23, 2015, in this matter.

22 1. All issues which were to be contested and all evidence which was to be
23 presented by Complainant and Respondent at a formal hearing on the Accusation, which
24 hearing was to be held in accordance with the provisions of the Administrative Procedure Act
25 (APA), shall instead and in place thereof be submitted solely on the basis of the provisions of
26 this Stipulation and Agreement.

1
2 2. Respondent has received, read and understands the Statement to Respondent,
3 the Discovery Provisions of the APA and the Accusation filed by the Bureau of Real Estate
4 (“Bureau”) in this proceeding.

5 3. On January 4, 2016, Respondent filed a Notice of Defense, pursuant to Section
6 11506 of the Government Code for the purpose of requesting a hearing on the allegations in the
7 Accusation. Respondent hereby freely and voluntarily withdraws said Notice of Defense.
8 Respondent acknowledges that he understands that by withdrawing said Notice of Defense he
9 will thereby waive his right to require the Commissioner of Real Estate (“Commissioner”) to
10 prove the allegations in the Accusation at a contested hearing held in accordance with the
11 provisions of the APA and that he will waive other rights afforded to him in connection with the
12 hearing, such as the right to present evidence in defense of the allegations in the Accusation and
13 the right to cross-examine witnesses.

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

20 5. This Stipulation is made for the purpose of reaching an agreed disposition of
21 this proceeding and is expressly limited to this proceeding and any other proceeding or case in
22 which the Bureau, the state or federal government, or any agency of this state, another state or
23 federal government is involved, and otherwise shall not be admissible in any other criminal or
24 civil proceedings.

25 6. It is understood by the parties that the Commissioner may adopt the
26 Stipulation and Agreement as his decision in this matter, thereby imposing the penalty and
27

1 sanctions on Respondent's real estate licenses and license rights as set forth in the below
2 "Order". In the event that the Commissioner in his discretion does not adopt the Stipulation
3 and Agreement, it shall be void and of no effect, and Respondent shall retain the right to a
4 hearing and proceeding on the Accusation under all the provisions of the APA and shall not be
5 bound by any admission or waiver made herein.
6

7 7. The Order or any subsequent Order of the Commissioner made pursuant to
8 this Stipulation and Agreement shall not constitute an estoppel, merger or bar to any
9 further administrative or civil proceedings by the Bureau with respect to any matters which
10 were not specifically alleged to be causes for accusation in this proceeding.

11 8. Respondent understands that by agreeing to this Stipulation, Respondent agree
12 to pay, pursuant to Business and Professions Code ("Code") Section 10148, the cost of the
13 original and follow-up audit which led to this disciplinary action. The cost of the original audit
14 which led to this disciplinary action is \$8,027.05.

15 9. Respondent has received, read, and understands the "Notice Concerning Costs
16 of Subsequent Audit." Respondent further understands that by agreeing to this Stipulation, the
17 findings set forth below in the Determination of Issues become final, and the Commissioner
18 may charge Respondent for the cost of any subsequent audit conducted pursuant to Code
19 Section 10148 to determine if the violations have been corrected. The maximum cost of the
20 subsequent audit shall not exceed \$10,033.81.

21 10. Respondent understands that by agreeing to this Stipulation, Respondent
22 agrees to pay, pursuant to Code Section 10106, the cost of the investigation and enforcement of
23 this matter. The total amount of the investigation costs and the amount of the enforcement costs
24 is \$4,482.20.

25 DETERMINATION OF ISSUES

26 1. The conduct, acts or omissions of Respondent THOMAS JERRY
27

1 COPELAND, as set forth in the Accusation, is in violation of Code Sections 10145, 10159.2
2 and 10159.5 and Sections 2725, 2731, 2831, 2831.1, 2831.2 and 2832, of Title 10, Chapter 6,
3 Code of Regulations (“Regulations”) and constitutes cause to suspend or revoke the real estate
4 licenses and license rights of Respondent THOMAS JERRY COPELAND under the provisions
5 of Code Sections 10177(d).
6

7 ORDER

8 WHEREFORE, THE FOLLOWING ORDER is hereby made:

9 I. ALL licenses and licensing rights of Respondent THOMAS JERRY

10 COPELAND under the Real Estate Law are suspended for a period of ninety (90) days from
11 the effective date of this Decision and Order; provided however, that the entire period of said
12 suspension shall be stayed for two (2) years upon the following terms and conditions:

13 A. Respondent shall obey all laws, rules and regulations governing the rights,
14 duties and responsibilities of a real estate licensee in the State of California; and

15 B. That no final subsequent determination be made, after hearing or upon
16 stipulation, that cause for disciplinary action occurred within two (2) years of the effective date
17 of this Decision. Should such a determination be made, the Commissioner may, in his
18 discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed
19 suspension. Should no such determination be made, the stay imposed herein shall become
20 permanent.

21 II. All licenses and licensing rights of Respondent THOMAS JERRY

22 COPELAND are indefinitely suspended unless or until Respondent provides proof satisfactory
23 to the Commissioner, of having taken and successfully completed the continuing education
24 course on trust fund accounting and handling specified in paragraph (3) of subdivision (a) of
25 Section 10170.5 of the Business and Professions Code. Proof of satisfaction of this
26 requirement includes evidence that respondent has successfully completed the trust fund
27

1 account and handling continuing education course within 120 days prior to the effective date of
2 the Decision in this matter.

3
4 III. Pursuant to Section 10148 of the Business and Professions Code,

5 Respondent shall pay the sum of \$8,027.05 for the Commissioner's cost of the audit which led
6 to this disciplinary action. Respondent shall pay such cost within sixty (60) days of receiving an
7 invoice therefor from the Commissioner. Payment of audit costs should not be made until
8 Respondent receives the invoice. If Respondent fails to satisfy this condition in a timely
9 manner as provided for herein, Respondent's real estate licenses shall automatically be
10 suspended until payment is made in full, or until a decision providing otherwise is adopted
11 following a hearing held pursuant to this condition.

12 Pursuant to Section 10148 of the Code, Respondent shall pay the

13 Commissioner's reasonable cost, not to exceed \$10,033.81, for an audit to determine if
14 Respondent has corrected the violation(s) found in the Determination of Issues. In calculating
15 the amount of the Commissioner's reasonable cost, the Commissioner may use the estimated
16 average hourly salary for all persons performing audits of real estate brokers, and shall include
17 an allocation for travel time to and from the auditor's place of work. Respondent shall pay such
18 cost within sixty (60) days of receiving an invoice therefor from the Commissioner. Payment of
19 the audit costs shall not be made until Respondent receives the invoice. If Respondent fails to
20 satisfy this condition in a timely manner as provided for herein, Respondent's real estate
21 licenses shall automatically be suspended until payment is made in full, or until a decision
22 providing otherwise is adopted following a hearing held pursuant to this condition.

23 IV. All licenses and licensing rights of Respondent are indefinitely suspended

24 unless or until Respondent pays the sum of \$4,482.20 for the Commissioner's reasonable cost
25 of the investigation and enforcement which led to this disciplinary action. Said payment shall
26 be in the form of a cashier's check made payable to the Bureau of Real Estate. The
27

1 investigative and enforcements costs must be delivered to the Bureau of Real Estate, Flag
2 Section at P.O. Box 137013, Sacramento, California 95813-7013, prior to the effective date of
3 this Decision and Order.
4

5 DATED: November 1, 2016

6 
7 Cheryl D. Keily, Counsel
8 BUREAU OF REAL ESTATE

9 * * *

10 I have read the Stipulation and Agreement, and its terms are understood by me
11 and are agreeable and acceptable to me. I understand that I am waiving rights given to me by
12 the APA (including but not limited to Sections 11506, 11508, 11509 and 11513 of the
13 Government Code), and I willingly, intelligently and voluntarily waive those rights, including
14 the right of requiring the Commissioner to prove the allegations in the Accusation at a hearing
15 at which I would have the right to cross-examine witnesses against me and to present evidence
16 in defense and mitigation of the charges.

17 Respondent can signify acceptance and approval of the terms and conditions of
18 this Stipulation and Agreement by sending a hard copy of the original signed Stipulation and
19 Agreement to Cheryl Keily at the Bureau of Real Estate, 320 W. 4th Street, Ste. 350, Los
20 Angeles, California 90013. In the event of time constraints before an administrative hearing,
21 Respondent may signify acceptance and approval of the terms and conditions of this Stipulation
22 and Agreement by e-mailing a scanned copy of the signature page, as actually signed by
23 Respondent, to Cheryl Keily whose e-mail address is cheryl.keily@dre.ca.gov. Respondent
24 agrees, acknowledges and understands that by electronically sending the Bureau a scan of
25 Respondent's actual signature as it appears on the Stipulation and Agreement that receipt of the
26 scan by the Bureau shall be binding on Respondent as if the Bureau had received the original
27 signed Stipulation and Agreement.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

DATED: 9-2-16

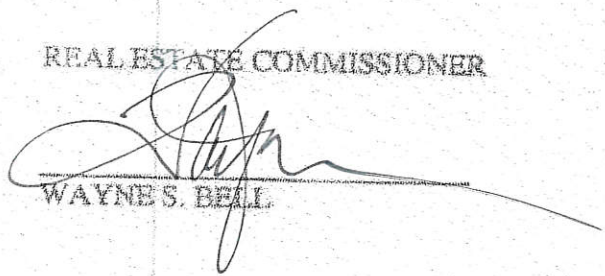

THOMAS JERRY COPELAND
Respondent

* * *

The foregoing Stipulation and Agreement is hereby adopted as my Decision in
this matter and shall become effective at 12 o'clock noon on **NOV 30**, 2016.

IT IS SO ORDERED Nov. 4, 2016.

REAL ESTATE COMMISSIONER


WAYNE S. BELL

1 Bureau of Real Estate
2 320 West 4th Street, Suite 350
3 Los Angeles, CA 90013-1105

4 Telephone: (213) 576-6982

FILED

NOV 09 2016

BUREAU OF REAL ESTATE

By *[Signature]*

8
9 BEFORE THE BUREAU OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of)	No. H-04762 SD
)	
13 <u>CALIFORNIA REALTY GROUP INC.;</u>)	
14 STEPHEN P. DONVITO; and THOMAS)	STIPULATION AND
15 JERRY COPELAND,)	AGREEMENT
)	
16 Respondents.)	
)	

18 It is hereby stipulated by and between Respondent CALIFORNIA REALTY
19 GROUP INC. ("CALIFORNIA REALTY"), and Respondent's attorney, Mary Work, Esq., and
20 the Complainant, acting by and through Cheryl Keily, Counsel for the Bureau of Real Estate, as
21 follows for the purpose of settling and disposing of the Accusation filed on December 23, 2015,
22 in this matter.

23 1. All issues which were to be contested and all evidence which was to be
24 presented by Complainant and Respondent at a formal hearing on the Accusation, which
25 hearing was to be held in accordance with the provisions of the Administrative Procedure Act
26 (APA), shall instead and in place thereof be submitted solely on the basis of the provisions of
27

1 this Stipulation and Agreement.

2 2. Respondent has received, read and understands the Statement to Respondent,
3 the Discovery Provisions of the APA and the Accusation filed by the Bureau of Real Estate
4 (“Bureau”) in this proceeding.

5 3. On December 29, 2015, Respondent filed a Notice of Defense, pursuant to
6 Section 11506 of the Government Code for the purpose of requesting a hearing on the
7 allegations in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice
8 of Defense. Respondent acknowledges that it understands that by withdrawing said Notice of
9 Defense it will thereby waive its right to require the Commissioner of Real Estate
10 (“Commissioner”) to prove the allegations in the Accusation at a contested hearing held in
11 accordance with the provisions of the APA and that it will waive other rights afforded to it in
12 connection with the hearing, such as the right to present evidence in defense of the allegations
13 in the Accusation and the right to cross-examine witnesses.

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

20 5. This Stipulation is made for the purpose of reaching an agreed disposition of
21 this proceeding and is expressly limited to this proceeding and any other proceeding or case in
22 which the Bureau, the state or federal government, or any agency of this state, another state or
23 federal government is involved, and otherwise shall not be admissible in any other criminal or
24 civil proceedings.

25 6. It is understood by the parties that the Commissioner may adopt the
26
27

1 Stipulation and Agreement as his decision in this matter, thereby imposing the penalty and
2 sanctions on Respondent's real estate licenses and license rights as set forth in the below
3 "Order". In the event that the Commissioner in his discretion does not adopt the Stipulation
4 and Agreement, it shall be void and of no effect, and Respondent shall retain the right to a
5 hearing and proceeding on the Accusation under all the provisions of the APA and shall not be
6 bound by any admission or waiver made herein.
7

8 7. The Order or any subsequent Order of the Commissioner made pursuant to
9 this Stipulation and Agreement shall not constitute an estoppel, merger or bar to any
10 further administrative or civil proceedings by the Bureau with respect to any matters which
11 were not specifically alleged to be causes for accusation in this proceeding.

12 8. Respondent understands that by agreeing to this Stipulation, Respondent agree
13 to pay, pursuant to Business and Professions Code ("Code") Section 10148, the cost of the
14 original and follow-up audit which led to this disciplinary action. The cost of the original audit
15 which led to this disciplinary action is \$8,027.05.

16 9. Respondent has received, read, and understands the "Notice Concerning Costs
17 of Subsequent Audit." Respondent further understands that by agreeing to this Stipulation, the
18 findings set forth below in the Determination of Issues become final, and the Commissioner
19 may charge Respondent for the cost of any subsequent audit conducted pursuant to Code
20 Section 10148 to determine if the violations have been corrected. The maximum cost of the
21 subsequent audit shall not exceed \$10,033.81.

22 10. Respondent understands that by agreeing to this Stipulation, Respondent
23 agrees to pay, pursuant to Code Section 10106, the cost of the investigation and enforcement of
24 this matter. The total amount of the investigation costs and the amount of the enforcement costs
25 is \$4,482.20.

26 ///

27

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

DETERMINATION OF ISSUES

1. The conduct, acts or omissions of Respondent CALIFORNIA REALTY GROUP INC., as set forth in the Accusation, is in violation of Code Sections 10145 and 10159.5 and Sections 2731, 2831, 2831.1, 2831.2 and 2832, of Title 10, Chapter 6, Code of Regulations (“Regulations”) and constitutes cause to suspend or revoke the real estate licenses and license rights of Respondent CALIFORNIA REALTY GROUP INC. under the provisions of Code Sections 10177(d).

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

I. ALL licenses and licensing rights of Respondent CALIFORNIA REALTY GROUP INC. under the Real Estate Law are suspended for a period of ninety (90) days from the effective date of this Decision and Order; provided however, that the entire period of said suspension shall be stayed for two (2) years upon the following terms and conditions:

A. Respondent shall obey all laws, rules and regulations governing the rights, duties and responsibilities of a real estate licensee in the State of California; and

B. That no final subsequent determination be made, after hearing or upon stipulation, that cause for disciplinary action occurred within two (2) years of the effective date of this Decision. Should such a determination be made, the Commissioner may, in his discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed suspension. Should no such determination be made, the stay imposed herein shall become permanent.


II. Pursuant to Section 10148 of the Business and Professions Code, Respondent shall pay the sum of \$8,027.05 for the Commissioner’s cost of the audit which led to this disciplinary action. Respondent shall pay such cost within sixty (60) days of receiving an invoice therefor from the Commissioner. Payment of audit costs should not be made until

1 Respondent receives the invoice. If Respondent fails to satisfy this condition in a timely
2 manner as provided for herein, Respondent's real estate licenses shall automatically be
3 suspended until payment is made in full, or until a decision providing otherwise is adopted
4 following a hearing held pursuant to this condition.
5

6 Pursuant to Section 10148 of the Code, Respondent shall pay the
7 Commissioner's reasonable cost, not to exceed \$10,033.81 for an audit to determine if
8 Respondent has corrected the violation(s) found in the Determination of Issues. In calculating
9 the amount of the Commissioner's reasonable cost, the Commissioner may use the estimated
10 average hourly salary for all persons performing audits of real estate brokers, and shall include
11 an allocation for travel time to and from the auditor's place of work. Respondent shall pay such
12 cost within sixty (60) days of receiving an invoice therefor from the Commissioner. Payment of
13 the audit costs shall not be made until Respondent receives the invoice. If Respondent fails to
14 satisfy this condition in a timely manner as provided for herein, Respondent's real estate
15 licenses shall automatically be suspended until payment is made in full, or until a decision
16 providing otherwise is adopted following a hearing held pursuant to this condition.

17 III. All licenses and licensing rights of Respondent are indefinitely suspended
18 unless or until Respondent pays the sum of \$4,482.20 for the Commissioner's reasonable cost
19 of the investigation and enforcement which led to this disciplinary action. Said payment shall
20 be in the form of a cashier's check made payable to the Bureau of Real Estate. The
21 investigative and enforcements costs must be delivered to the Bureau of Real Estate, Flag
22 Section at P.O. Box 137013, Sacramento, California 95813-7013, prior to the effective date of
23 this Decision and Order.

24
25 DATED: November 1, 2016

26 
27 Cheryl D. Keily, Counsel
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
25
26
27

* * *

I have read the Stipulation and Agreement, and 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 APA (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 and Agreement by sending a hard copy of the original signed Stipulation and Agreement to Cheryl Keily at the Bureau of Real Estate, 320 W. 4th Street, Ste. 350, Los Angeles, California 90013. In the event of time constraints before an administrative hearing, Respondent may signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by e-mailing a scanned copy of the signature page, as actually signed by Respondent, to Cheryl Keily whose e-mail address is cheryl.keily@dre.ca.gov. Respondent agrees, acknowledges and understands that by electronically sending the Bureau a scan of Respondent's actual signature as it appears on the Stipulation and Agreement that receipt of the scan by the Bureau shall be binding on Respondent as if the Bureau had received the original signed Stipulation and Agreement.

///

///

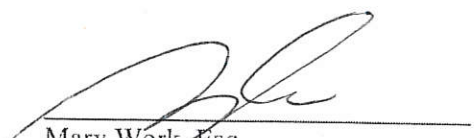
///

///


///

1 I have reviewed the Stipulation and Agreement as to form and content and have
2 advised my clients accordingly.

3 DATED: 9/16/16

4 
Mary Work, Esq.
5 Attorney for Respondent
6 CALIFORNIA REALTY GROUP INC.

7 DATED: 9-2-16

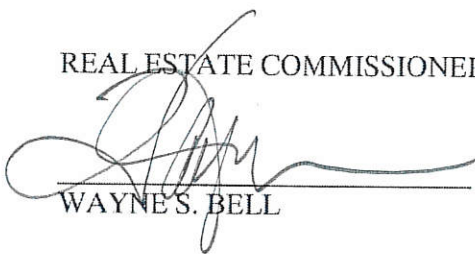
8 
9 CALIFORNIA REALTY GROUP INC.
Respondent
10 By: THOMAS JERRY COPELAND
11 OFFICER

12 * * *

13 The foregoing Stipulation and Agreement is hereby adopted as my Decision in
14 this matter and shall become effective at 12 o'clock noon on **NOV 30**, 2016.

15 IT IS SO ORDERED Nov. 4, 2016.

16
17
18 REAL ESTATE COMMISSIONER

19 
20 WAYNE S. BELL
21
22
23
24
25
26
27

1 Bureau of Real Estate
2 320 West 4th Street, Suite 350
3 Los Angeles, CA 90013-1105

4 Telephone: (213) 576-6982

FILED

NOV 09 2016

BUREAU OF REAL ESTATE

By *Stephen P. Donvito*

5
6
7
8
9 BEFORE THE BUREAU OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of)

No. H-04762 SD

13 CALIFORNIA REALTY GROUP INC.;)
14 **STEPHEN P. DONVITO**; and THOMAS)
15 JERRY COPELAND,)

STIPULATION AND
AGREEMENT

16 Respondents.)
17

18 It is hereby stipulated by and between Respondent STEPHEN P. DONVITO,
19 and his attorney, Edward O. Lear, Esq., and the Complainant, acting by and through Cheryl
20 Keily, Counsel for the Bureau of Real Estate, as follows for the purpose of settling and
21 disposing of the Accusation filed on December 23, 2015, in this matter.

22 1. All issues which were to be contested and all evidence which was to be
23 presented by Complainant and Respondent at a formal hearing on the Accusation, which
24 hearing was to be held in accordance with the provisions of the Administrative Procedure Act
25 (APA), shall instead and in place thereof be submitted solely on the basis of the provisions of
26 this Stipulation and Agreement.
27

1
2 2. Respondent has received, read and understands the Statement to Respondent,
3 the Discovery Provisions of the APA and the Accusation filed by the Bureau of Real Estate
4 ("Bureau") in this proceeding.

5 3. On February 4, 2016, Respondent filed a Notice of Defense, pursuant to
6 Section 11506 of the Government Code for the purpose of requesting a hearing on the
7 allegations in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice
8 of Defense. Respondent acknowledges that he understands that by withdrawing said Notice of
9 Defense he will thereby waive his right to require the Commissioner of Real Estate
10 ("Commissioner") to prove the allegations in the Accusation at a contested hearing held in
11 accordance with the provisions of the APA and that he will waive other rights afforded to him
12 in connection with the hearing, such as the right to present evidence in defense of the
13 allegations in the Accusation and the right to cross-examine witnesses.

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

20 5. This Stipulation is made for the purpose of reaching an agreed disposition of
21 this proceeding and is expressly limited to this proceeding and any other proceeding or case in
22 which the Bureau, the state or federal government, or any agency of this state, another state or
23 federal government is involved, and otherwise shall not be admissible in any other criminal or
24 civil proceedings.

25 6. It is understood by the parties that the Commissioner may adopt the
26 Stipulation and Agreement as his decision in this matter, thereby imposing the penalty and
27

1 sanctions on Respondent's real estate licenses and license rights as set forth in the below
2 "Order". In the event that the Commissioner in his discretion does not adopt the Stipulation
3 and Agreement, it shall be void and of no effect, and Respondent shall retain the right to a
4 hearing and proceeding on the Accusation under all the provisions of the APA and shall not be
5 bound by any admission or waiver made herein.
6

7 7. The Order or any subsequent Order of the Commissioner made pursuant to
8 this Stipulation and Agreement shall not constitute an estoppel, merger or bar to any
9 further administrative or civil proceedings by the Bureau with respect to any matters which
10 were not specifically alleged to be causes for accusation in this proceeding.

11 8. Respondent understands that by agreeing to this Stipulation, Respondent agree
12 to pay, pursuant to Business and Professions Code ("Code") Section 10148, the cost of the
13 original and follow-up audit which led to this disciplinary action. The cost of the original audit
14 which led to this disciplinary action is \$8,027.05.

15 9. Respondent has received, read, and understands the "Notice Concerning Costs
16 of Subsequent Audit." Respondent further understands that by agreeing to this Stipulation, the
17 findings set forth below in the Determination of Issues become final, and the Commissioner
18 may charge Respondent for the cost of any subsequent audit conducted pursuant to Code
19 Section 10148 to determine if the violations have been corrected. The maximum cost of the
20 subsequent audit shall not exceed \$10,033.81.

21 10. Respondent understands that by agreeing to this Stipulation, Respondent
22 agrees to pay, pursuant to Code Section 10106, the cost of the investigation and enforcement of
23 this matter. The total amount of the investigation costs and the amount of the enforcement costs
24 is \$4,482.20.

25 DETERMINATION OF ISSUES

26 1. The conduct, acts or omissions of Respondent STEPHEN P. DONVITO, as
27

1 set forth in the Accusation, is in violation of Code Sections 10145, 10159.2 and 10159.5 and
2 Sections 2725, 2731, 2831, 2831.1, 2831.2 and 2832, of Title 10, Chapter 6, Code of
3 Regulations (“Regulations”) and constitutes cause to suspend or revoke the real estate licenses
4 and license rights of Respondent STEPHEN P. DONVITO under the provisions of Code
5 Sections 10177(d).
6

7 ORDER

8 WHEREFORE, THE FOLLOWING ORDER is hereby made:

9 I. ALL licenses and licensing rights of Respondent STEPHEN P. DONVITO
10 under the Real Estate Law are suspended for a period of ninety (90) days from the effective
11 date of this Decision and Order; provided however, that the entire period of said suspension
12 shall be stayed for two (2) years upon the following terms and conditions:

13 A. Respondent shall obey all laws, rules and regulations governing the rights,
14 duties and responsibilities of a real estate licensee in the State of California; and

15 B. That no final subsequent determination be made, after hearing or upon
16 stipulation, that cause for disciplinary action occurred within two (2) years of the effective date
17 of this Decision. Should such a determination be made, the Commissioner may, in his
18 discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed
19 suspension. Should no such determination be made, the stay imposed herein shall become
20 permanent.

21 II. All licenses and licensing rights of Respondent STEPHEN P. DONVITO are
22 indefinitely suspended unless or until Respondent provides proof satisfactory to the
23 Commissioner, of having taken and successfully completed the continuing education course on
24 trust fund accounting and handling specified in paragraph (3) of subdivision (a) of Section
25 10170.5 of the Business and Professions Code. Proof of satisfaction of this requirement
26 includes evidence that respondent has successfully completed the trust fund account and
27

1 handling continuing education course within 120 days prior to the effective date of the Decision
2 in this matter.

3
4 III. Pursuant to Section 10148 of the Business and Professions Code,

5 Respondent shall pay the sum of \$8,027.05 for the Commissioner's cost of the audit which led
6 to this disciplinary action. Respondent shall pay such cost within sixty (60) days of receiving an
7 invoice therefor from the Commissioner. Payment of audit costs should not be made until
8 Respondent receives the invoice. If Respondent fails to satisfy this condition in a timely
9 manner as provided for herein, Respondent's real estate licenses shall automatically be
10 suspended until payment is made in full, or until a decision providing otherwise is adopted
11 following a hearing held pursuant to this condition.

12 Pursuant to Section 10148 of the Code, Respondent shall pay the

13 Commissioner's reasonable cost, not to exceed \$10,033.81 for an audit to determine if
14 Respondent has corrected the violation(s) found in the Determination of Issues. In calculating
15 the amount of the Commissioner's reasonable cost, the Commissioner may use the estimated
16 average hourly salary for all persons performing audits of real estate brokers, and shall include
17 an allocation for travel time to and from the auditor's place of work. Respondent shall pay such
18 cost within sixty (60) days of receiving an invoice therefor from the Commissioner. Payment of
19 the audit costs shall not be made until Respondent receives the invoice. If Respondent fails to
20 satisfy this condition in a timely manner as provided for herein, Respondent's real estate
21 licenses shall automatically be suspended until payment is made in full, or until a decision
22 providing otherwise is adopted following a hearing held pursuant to this condition.

23 IV. All licenses and licensing rights of Respondent are indefinitely suspended

24 unless or until Respondent pays the sum of \$4,482.20 for the Commissioner's reasonable cost
25 of the investigation and enforcement which led to this disciplinary action. Said payment shall
26 be in the form of a cashier's check made payable to the Bureau of Real Estate. The
27

1
2 investigative and enforcements costs must be delivered to the Bureau of Real Estate, Flag
3 Section at P.O. Box 137013, Sacramento, California 95813-7013, prior to the effective date of
4 this Decision and Order.

5 DATED: November 1, 2016

6 
7 Cheryl D. Keily, Counsel
8 BUREAU OF REAL ESTATE

9 * * *


10 I have read the Stipulation and Agreement, and its terms are understood by me
11 and are agreeable and acceptable to me. I understand that I am waiving rights given to me by
12 the APA (including but not limited to Sections 11506, 11508, 11509 and 11513 of the
13 Government Code), and I willingly, intelligently and voluntarily waive those rights, including
14 the right of requiring the Commissioner to prove the allegations in the Accusation at a hearing
15 at which I would have the right to cross-examine witnesses against me and to present evidence
16 in defense and mitigation of the charges.

17 Respondent can signify acceptance and approval of the terms and conditions of
18 this Stipulation and Agreement by sending a hard copy of the original signed Stipulation and
19 Agreement to Cheryl Keily at the Bureau of Real Estate, 320 W. 4th Street, Ste. 350, Los
20 Angeles, California 90013. In the event of time constraints before an administrative hearing,
21 Respondent may signify acceptance and approval of the terms and conditions of this Stipulation
22 and Agreement by e-mailing a scanned copy of the signature page, as actually signed by
23 Respondent, to Cheryl Keily whose e-mail address is cheryl.keily@dre.ca.gov. Respondent
24 agrees, acknowledges and understands that by electronically sending the Bureau a scan of
25 Respondent's actual signature as it appears on the Stipulation and Agreement that receipt of the
26 scan by the Bureau shall be binding on Respondent as if the Bureau had received the original
27 signed Stipulation and Agreement.

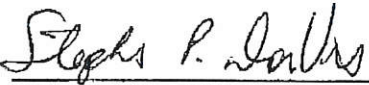
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

I have reviewed the Stipulation and Agreement as to form and content and have advised my client accordingly.

DATED: 9/2/16


Edward O. Lear, Esq.
Attorney for Respondent
STEPHEN P. DONVITO

DATED: 9/1/2016


STEPHEN P. DONVITO
Respondent

The foregoing Stipulation and Agreement is hereby adopted as my Decision in this matter and shall become effective at 12 o'clock noon on NOV 30, 2016.

IT IS SO ORDERED Nov. 4, 2016.

REAL ESTATE COMMISSIONER


WAYNE S. BELL