

**FILED**

APR 06 2016

**BUREAU OF REAL ESTATE**

By       *h dew*      

1 BUREAU OF REAL ESTATE  
2 P. O. Box 137007  
3 Sacramento, CA 95813-7007

4 Telephone: (916) 263-8670  
5 Fax: (916) 263-3767  
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-11850 SF
	)	
14 FOUNDATION RENTALS AND	)	<u>STIPULATION AND AGREEMENT</u>
RELOCATION INC., a Corporation	)	<u>IN SETTLEMENT AND ORDER</u>
15 CHRISTOPHER SEAN BARROW, and	)	
16 ANDREA KATHARINE DAY,	)	<u>AS TO FOUNDATION RENTALS</u>
	)	<u>AND RELOCATION INC. AND</u>
	)	<u>CHRISTOPHER SEAN BARROW</u>
18 _____ Respondents.	)	

19 It is hereby stipulated by and between Respondents FOUNDATION RENTALS  
20 AND RELOCATION INC., (herein "FRRI") and CHRISTOPHER SEAN BARROW (herein  
21 "BARROW") acting by and through Joshua A. Rosenthal, attorney of record herein for  
22 Respondents and the Complainant, acting by and through Mary F. Clarke, Counsel for the Bureau  
23 of Real Estate (herein "the Bureau"), as follows for the purpose of settling and disposing the  
24 Accusation filed on June 8, 2015, in this matter (herein "Accusation"):

25 1) All issues which were to be contested and all evidence which was to be  
26 presented by Complainant and Respondents at a formal hearing on the Accusation, which hearing  
27 was to be held in accordance with the provisions of the Administrative Procedure Act (herein

1 "APA"), shall instead and in place thereof be submitted on the basis of the provisions of this  
2 Stipulation and Agreement in Settlement and Order (herein "Stipulation").

3 2) Respondents have received, read and understand the Statement to Respondent,  
4 the Discovery Provisions of the APA, and the Accusation filed by the Bureau in this proceeding.

5 3) Notices of Defense were filed on June 16, 2015, by Respondents pursuant to  
6 Section 11505 of the Government Code for the purpose of requesting a hearing on the allegations  
7 in the Accusation. Respondents hereby freely and voluntarily withdraw said Notices of Defense.  
8 Respondents acknowledge they understand that by withdrawing said Notices of Defense they will  
9 thereby waive their rights to require the Real Estate Commissioner (herein "the Commissioner")  
10 to prove the allegations in the Accusation at a contested hearing held in accordance with the  
11 provisions of the APA and that they will waive other rights afforded to them in connection with  
12 the hearing such as the right to present evidence in defense of the allegations in the Accusation  
13 and the right to cross-examine witnesses.

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

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



1 of the Code;

2 (c) as to Paragraph 8(c) and Respondents FRRRI and BARROW, under Section  
3 2831.2 of the Regulations in conjunction with Section 10177(d) of the Code;

4 (d) as to Paragraph 8(d) and Respondents FRRRI and BARROW, under Section  
5 10176(e) of the Code;

6 (e) as to Paragraph 8(e) and Respondents FRRRI and BARROW, under Section  
7 10145(d) in conjunction with Section 10177(d) of the Code; and

8 (f) as to Paragraph 8(f) and Respondents FRRRI and BARROW, under Section  
9 2834 of the Regulations in conjunction with Section 10177(d) of the Code.

10 ORDER

11 I

12 All license and licensing rights of Respondent FRRRI under the Real Estate Law  
13 are suspended for a period of 60 days from the effective date of this Decision; provided,  
14 however, that:

15 1) 30 days of said suspension shall be stayed, upon the condition that  
16 Respondent petition pursuant to Section 10175.2 of the Code and pay a monetary penalty  
17 pursuant to Section 10175.2 of the Code at a rate of \$100.00 per day for a total monetary penalty  
18 of \$3,000.00.

19 a) Said payment shall be in the form of a cashier's check made payable  
20 to the Bureau of Real Estate. Said check must be delivered to the Bureau of Real Estate,  
21 Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of  
22 this Decision.

23 b) No further cause for disciplinary action against the Real Estate license of  
24 Respondent occurs within two (2) years from the effective date of the Decision in this matter.

25 c) If Respondent fails to pay the monetary penalty in accordance with the  
26 terms and conditions of this Decision, the suspension shall go into effect automatically.

1 Respondent shall not be entitled to any repayment nor credit, prorated or otherwise, for money  
2 paid to the Bureau under the terms of this Decision

3 d) If Respondent pays the monetary penalty and any other moneys due under  
4 this Stipulation and if no further cause for disciplinary action against the real estate license of  
5 Respondent occurs within two (2) years from the effective date of this Decision, the entire stay  
6 hereby granted pursuant to this Decision shall become permanent.

7 2) 30 days of said suspension shall be stayed for two (2) years upon the  
8 following terms and conditions:

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

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

17 3) Pursuant to Section 10148 of the Code, Respondent shall pay, jointly and  
18 severally with Respondent BARROW, the sum of \$5,669.62, which represents the sum for the  
19 Commissioner's cost of the audit which led to this disciplinary action. **Respondent shall pay**  
20 **such cost within sixty (60) days of receiving an invoice therefore from the Commissioner.**  
21 Payment of audit costs should not be made until Respondent receives the invoice. If Respondent  
22 fails to satisfy this condition in a timely manner as provided for herein, Respondent's real estate  
23 license shall automatically be suspended until payment is made in full, or until a decision  
24 providing otherwise is adopted following a hearing held pursuant to this condition.

25 4) Pursuant to Section 10148 of the Code, Respondent shall pay, jointly and  
26 severally with BARROW, the Commissioner's reasonable cost, not to exceed \$5,669.62, for an

27

1 audit to determine if Respondent has corrected the violations found in the "Determination of  
2 Issues." In calculating the amount of the Commissioner's reasonable cost, the Commissioner  
3 may use the estimated average hourly salary for all persons performing audits of real estate  
4 brokers, and shall include an allocation for travel time to and from the auditor's place of work.

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

11 5) All licenses and licensing rights of Respondent are indefinitely suspended  
12 unless or until Respondent pays, jointly and severally with BARROW, the sum of \$1,929.05 for  
13 the Commissioner's reasonable cost of the investigation and enforcement which led to this  
14 disciplinary action. Said payment shall be in the form of a cashier's check made payable to the  
15 Bureau of Real Estate. **The investigative and enforcement costs must be delivered to the**  
16 **Bureau of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013,**  
17 **prior to the effective date of this Decision.**

18 II

19 All license and licensing rights of Respondent BARROW under the Real Estate  
20 Law are suspended for a period of 60 days from the effective date of this Decision; provided,  
21 however, that:

22 1) 30 days of said suspension shall be stayed, upon the condition that  
23 Respondent petition pursuant to Section 10175.2 of the Code and pays a monetary penalty  
24 pursuant to Section 10175.2 of the Code at a rate of \$50.00 per day for a total monetary penalty  
25 of \$1,500.00.

1                   a) Said payment shall be in the form of a cashier's check made payable  
2 **to the Bureau of Real Estate. Said check must be delivered to the Bureau of Real Estate,**  
3 **Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of**  
4 **this Decision.**

5                   b) No further cause for disciplinary action against the Real Estate license of  
6 Respondent occurs within two (2) years from the effective date of the Decision in this matter.

7                   c) If Respondent fails to pay the monetary penalty in accordance with the  
8 terms and conditions of this Decision, the suspension shall go into effect automatically.  
9 Respondent shall not be entitled to any repayment nor credit, prorated or otherwise, for money  
10 paid to the Bureau under the terms of this Decision

11                   d) If Respondent pays the monetary penalty and any other moneys due under  
12 this Stipulation and if no further cause for disciplinary action against the real estate license of  
13 Respondent occurs within two (2) years from the effective date of this Decision, the entire stay  
14 hereby granted pursuant to this Decision shall become permanent.

15                   2) 30 days of said suspension shall be stayed for two (2) years upon the  
16 following terms and conditions:

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

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

25                   3) All licenses and licensing rights of Respondent are indefinitely suspended  
26 unless or until Respondent provides proof satisfactory to the Commissioner, of having taken and  
27

1 successfully completed the continuing education course on trust fund accounting and handling  
2 specified in paragraph (3) of subdivision (a) of Section 10170.5 of the Business and Professions  
3 Code. Proof of satisfaction of these requirements includes evidence that Respondent has  
4 successfully completed the trust fund account and handling continuing education courses, no  
5 earlier than 120 days prior to the effective date of the Order in this matter. **Proof of completion**  
6 **of the trust fund accounting and handling course must be delivered to the Bureau of Real**  
7 **Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013 or by fax at 916-263-**  
8 **8758, prior to the effective date of this Order.**

9 4) Pursuant to Section 10148 of the Code, Respondent shall pay, jointly and  
10 severally with Respondent FRRI, the sum of \$5,669.62 for the Commissioner's cost of the audit  
11 which led to this disciplinary action. **Respondent shall pay such cost within sixty (60) days of**  
12 **receiving an invoice therefore from the Commissioner.** Payment of audit costs should not be  
13 made until Respondent receives the invoice. If Respondent fails to satisfy this condition in a  
14 timely manner as provided for herein, Respondent's real estate license shall automatically be  
15 suspended until payment is made in full, or until a decision providing otherwise is adopted  
16 following a hearing held pursuant to this condition.

17 5) Pursuant to Section 10148 of the Code, Respondent shall pay, jointly and  
18 severally with Respondent FRRI, the Commissioner's reasonable cost, not to exceed \$5,669.62,  
19 for an audit to determine if Respondent has corrected the violations found in the "Determination  
20 of Issues." In calculating the amount of the Commissioner's reasonable cost, the Commissioner  
21 may use the estimated average hourly salary for all persons performing audits of real estate  
22 brokers, and shall include an allocation for travel time to and from the auditor's place of work.  
23 **Respondent shall pay such cost within sixty (60) days of receiving an invoice therefore from**  
24 **the Commissioner.** Payment of the audit costs should not be made until Respondent receives  
25 the invoice. If Respondent fails to satisfy this condition in a timely manner as provided for  
26 herein, Respondent's real estate license shall automatically be suspended until payment is made  
27




1 in full, or until a decision providing otherwise is adopted following a hearing held pursuant to  
2 this condition.

3 6) All licenses and licensing rights of Respondent are indefinitely  
4 suspended unless or until Respondent pays, jointly and severally with Respondent FRRI, the  
5 sum of \$1,929.05 for the Commissioner's reasonable cost of the investigation and enforcement  
6 which led to this disciplinary action. Said payment shall be in the form of a cashier's check  
7 made payable to the Bureau of Real Estate. **The investigative and enforcement costs must be**  
8 **delivered to the Bureau of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA**  
9 **95813-7013, prior to the effective date of this Decision.**

10 7) Respondent shall, within six (6) months from the effective date of this  
11 **Decision**, take and pass the Professional Responsibility Examination administered by the  
12 Bureau including the payment of the appropriate examination fee. If Respondent fails to satisfy  
13 this condition, Respondent's real estate license shall automatically be suspended until  
14 Respondent passes the examination.

15  
16 11-25-15  
17 \_\_\_\_\_  
18 DATED

15   
16 \_\_\_\_\_  
17 MARY F. CLARKE, Counsel  
18 Bureau of Real Estate  
19 \* \* \*


20 Respondents can signify acceptance and approval of the terms and  
21 conditions of this Stipulation by faxing or electronically e-mailing a copy of the signature page,  
22 as actually signed by Respondents, to the Bureau at fax number (916) 263-3767. Respondents  
23 agree, acknowledge and understand that by electronically sending to the Bureau a fax or other  
24 electronic copy of Respondents' actual signatures as they appear on the Stipulation, that receipt  
25 of the faxed or e-mailed copy by the Bureau shall be as binding on Respondents as if the Bureau  
26 had received the original signed Stipulation.

27 I have read this Stipulation and its terms are understood by me and are


1 agreeable and acceptable to me. I understand that I am waiving rights given to me by the  
2 California APA (including but not limited to Sections 11506, 11508, 11509, and 11513 of the  
3 Government Code), and I willingly, intelligently, and voluntarily waive those rights, including  
4 the right of requiring the Commissioner to prove the allegations in the Accusation at a hearing at  
5 which I would have the right to cross-examine witnesses against me and to present evidence in  
6 defense and mitigation of the charges.

7 FOUNDATION RENTALS AND  
8 RELOCATION, INC.  
9 Respondent

10 November 16, 2015  
11 DATED

12 By:   
13 CHRISTOPHER SEAN BARROW  
14 Designated Officer Broker

15 November 16, 2015  
16 DATED

17   
18 CHRISTOPHER SEAN BARROW  
19 Respondent

20 \* \* \*

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

23 11-16-15  
24 DATED

25   
26 JOSHUA A. ROSENTHAL  
27 Attorney for Respondent

\* \* \*

The foregoing Stipulation and Agreement in Settlement and Order is hereby  
24 adopted by me as my Decision in this matter as to Respondents Foundation Rentals and

25 ///

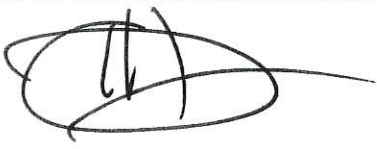
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Relocation Inc. and Christopher Sean Barrow and shall become effective at 12 o'clock noon on  
APR 27 2016

IT IS SO ORDERED MARCH 31, 2016

WAYNE S. BELL  
REAL ESTATE COMMISSIONER



By: JEFFREY MASON  
Chief Deputy Commissioner