

FILED

NOV 17 2021

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of:)	DRE No. H-12466 SF
GREYSTAR RS CA, INC. ,)	
Respondent.)	

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On March 15, 2021, an Accusation was filed in this matter against Respondent GREYSTAR RS CA, INC. ("Respondent").

On 09/22/2021, Respondent petitioned the Commissioner to voluntarily surrender its real estate corporation license pursuant to Section 10100.2 of the Business and Professions Code.

IT IS HEREBY ORDERED that Respondent GREYSTAR RS CA, INC. 's petition for voluntary surrender of its real estate corporation 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 dated 09/22/2021, (attached as Exhibit "A" hereto). Respondent's license certificate and pocket card shall be sent to the below-listed address so that they reach the Department of Real Estate on or before the effective date of this Order:

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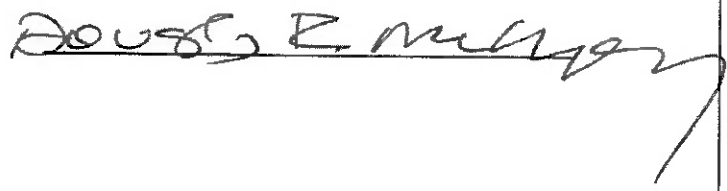
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DEPARTMENT OF REAL ESTATE
Attention: Licensing Flag Section
P. O. Box 137013
Sacramento, CA 95813-7013

This Order shall become effective at 12 o'clock noon on December 7, 2021.

DATED: 11.3.21

DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER



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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of

GREYSTAR RS CA, INC., and
GERARD STEPHEN DONOHUE JR.,
individually and as former designated
officer of Greystar RS CA, Inc.,

Respondents.

No. H-12466 SF

VOLUNTARY SURRENDER
DECLARATION

My name is GERARD STEPHEN DONOHUE JR. and I am the former designated officer of GREYSTAR RS CA, INC. ("GRCI"), which is currently licensed as a real estate corporation and/or has licensed rights with respect to said license. I was the designated officer and broker for GRCI from July 11, 2013 to the date the officer license was canceled on or about January 3, 2020. GRCI is currently licensed NBA—meaning the license is in a non-working status with no business address—as a real estate corporation, ID 01857675, and/or has license rights with respect to said license. I am authorized and empowered to sign this declaration on behalf of GRCI. I am acting on behalf of GRCI in this matter, with the knowledge and consent of GRCI. GRCI is represented by Ginger Sotelo, Esq., of Pahl & McCay.

In lieu of proceeding in this matter in accordance with the provisions of the Administrative Procedure Act (Sections 11400 et seq., of the Government Code), GRCI wishes to voluntarily surrender its real estate licenses issued by the Department of Real Estate ("Department" or "DRE"), pursuant to Business and Professions Code ("Code") section 10100.2.

1 I understand that GRCI, by so voluntarily surrendering its licenses, can be relicensed
2 as a broker, or issued a new mortgage loan originator endorsement, only by petitioning for
3 reinstatement pursuant to Section 11522 of the Government Code. I also understand that by so
4 voluntarily surrendering its licenses, GRCI agrees to the following:

5 1. The filing of this Declaration shall be deemed as its petition for voluntary
6 surrender.

7 2. It shall also be deemed to be an understanding and agreement by GRCI that
8 it waives all rights it has to require the Commissioner to prove the allegations contained in the
9 Accusation filed in this matter at a hearing held in accordance with the provisions of the
10 Administrative Procedure Act (Government Code sections 11400 et seq.), and that it also waives
11 other rights afforded to it in connection with the hearing such as the right to discovery, the right to
12 present evidence in defense of the allegations in the Accusation and the right to cross-examine
13 witnesses.

14 3. It shall also be deemed to be an understanding and agreement by GRCI that
15 upon acceptance by the Commissioner, as evidenced by an appropriate order, all affidavits and all
16 relevant evidence obtained by the Department in this matter prior to the Commissioner's
17 acceptance, and all allegations contained in the Accusation filed in Department Case No.
18 H-42466-SF, may be considered by the DRE to be true and correct for the purpose of deciding
19 whether to grant relicensure or reinstatement pursuant to Government Code section 11522.

20 4. GREYSTAR RS CA, INC. freely and voluntarily surrenders all of its
21 licenses and license rights under the Real Estate Law.

22 I declare under penalty of perjury under the laws of the State of California that the
23 above is true and correct and that this declaration was executed on 9/22, 2021,

24 at Washington, Utah
25 (City) (State)

26 
27 GREYSTAR RS CA, INC.
By: Gerard Stephen Donohue Jr.

FILED

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of

GREYSTAR RS CA, INC., and
GERARD STEPHEN DONOHUE JR.,
individually and as former designated
officer of Greystar RS CA, Inc.,

Respondents.

No. H-12466 SF

STIPULATION AND AGREEMENT

It is hereby stipulated and agreed by and between Respondents GREYSTAR RS CA, INC., ("GRCI") and GERARD STEPHEN DONOHUE JR ("DONOHUE"), individually and as former designated officer of GRCI ("Respondents") and their attorney of record Ginger Sotelo, Esq., of Pahl & McCay PLC, and the Complainant, acting by and through Laurence Haveson, Counsel for the Department of Real Estate ("Department"), as follows for the purpose of settling and disposing of the Accusation filed on March 15, 2021 ("Accusation") in this matter:

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondents 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 ("Stipulation").

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1 2. Respondents have received, read, and understand the Statement to Respondent, the
2 Discovery Provisions of the APA, and the Accusation filed by the Department of Real Estate in this
3 proceeding.

4 3. On March 29, 2021, each of the Respondents filed a Notice of Defense pursuant to
5 section 11506 of the Government Code for the purpose of requesting a hearing on the allegations in
6 the Accusation. Respondents hereby freely and voluntarily withdraw said Notices of Defense.
7 Respondents acknowledge that Respondents understand that by withdrawing said Notices of
8 Defense, Respondents will thereby waive Respondents' right to require the Real Estate
9 Commissioner ("Commissioner") to prove the allegations in the Accusation at a contested hearing
10 held in accordance with the provisions of the APA and that Respondents will waive other rights
11 afforded to Respondents in connection with the hearing such as the right to present evidence in
12 defense of the allegations in the Accusation and the right to cross-examine witnesses.

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

19 5. This Stipulation and Respondents' decision not to contest the Accusation are made
20 for the purpose of reaching an agreed disposition of this proceeding and are expressly limited to
21 this proceeding and any other proceeding or case in which the Department, or another licensing
22 agency of this state, another state, or if the federal government is involved, and otherwise shall not
23 be admissible in any other criminal or civil proceedings.

24 6. It is understood by the parties that the Real Estate Commissioner may adopt the
25 Stipulation as his Decision in this matter, thereby imposing the penalty and sanctions on
26 Respondents' real estate licenses and license rights as set forth in the below Order. In the event
27 that the Commissioner in his discretion does not adopt the Stipulation, it shall be void and of no

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1 effect, and Respondents shall retain the right to a hearing and proceeding on the Accusation under
2 all the provisions of the APA and shall not be bound by any admission or waiver made herein.

3 7. The Order or any subsequent Order of the Commissioner made pursuant to this
4 Stipulation shall not constitute an estoppel, merger or bar to any further administrative or civil
5 proceedings by the Department with respect to any matters which were not specifically alleged to
6 be causes for the Accusation in this proceeding.

7 8. Respondents understand that by agreeing to this Stipulation, Respondents agree to
8 pay, pursuant to Business and Professions Code Section 10148, the cost of the original audit which
9 led to this disciplinary action. The amount of said cost is \$11,014.40.

10 9. Respondents have received, read, and understand the "Notice Concerning Costs of
11 Subsequent Audit." Respondents further understand that by agreeing to this Stipulation, the
12 findings set forth below in the Determination of Issues become final, and the Commissioner may
13 charge GRCI for the cost of any subsequent audit conducted pursuant to Business and Professions
14 Code Section 10148 to determine if the violations have been corrected. The maximum cost of the
15 subsequent audit shall not exceed 125% of cost of the original audit.

16 10. Respondents understand that by agreeing to this Stipulation, Respondents agree to
17 pay, pursuant to Business and Professions Code Section 10106, the costs of the investigation
18 (\$5,073.80) and enforcement (\$2,496.00) of this matter. The total amount of the investigation and
19 enforcement costs is \$7,569.80.

20 DETERMINATION OF ISSUES

21 By reason of the foregoing stipulations, admissions, and waivers, and solely for the purpose
22 of settlement of the pending Accusation without a hearing, it is stipulated and agreed that the
23 following Determination of Issues shall be made:

24 I.

25 The conduct, acts, and/or omissions of Respondent GRCI as described in the Accusation,
26 constitute cause for the suspension or revocation of all real estate licenses and license rights of
27 Respondent GRCI under California Business and Professions Code ("Code") Sections 10145,
28 10148, 10159.5, and 10177(g), and Title 10, Chapter 6, California Code of Regulations

1 ("Regulations") Sections 2831, 2832, 2834, and 2731. By separate Voluntary Surrender
2 Declaration, GRCI will voluntarily surrender its real estate licenses issued by the Department,
3 pursuant to Code Section 10100.2.

4 II.

5 The conduct, acts, and/or omissions of Respondent DONOHUE, as described in the
6 Accusation, constitute cause for the suspension or revocation of all real estate licenses and license
7 rights of Respondent DONOHUE under Code Sections 10159.2, and 10177(g), and Regulation
8 2725.

9 ORDER

10 I.

11 All licenses and licensing rights of Respondent DONOHUE under the Real Estate Law are
12 suspended for a period of thirty (30) days from the effective date of this Decision and Order;
13 provided, however, that all thirty (30) days of said suspension shall be stayed for two (2) years
14 upon the following terms and conditions:

15 1. No further cause for disciplinary action against the Real Estate license(s) of
16 Respondent DONOHUE occurs within two (2) years from the effective date of the Decision and
17 Order in this matter.

18 2. Respondent DONOHUE shall obey all laws, rules and regulations governing the
19 rights, duties and responsibilities of a real estate licensee in the State of California.

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

26 4. Respondent DONOHUE shall pay, severally or jointly with Respondent GRCI, the
27 sum of \$7,569.80 for the Commissioner's reasonable cost of the investigation and enforcement
28 which led to this disciplinary action within sixty (60) days from the effective date of this

1 **Decision and Order.** Said payment shall be in the form of a cashier's check made payable to the
2 Department of Real Estate. **The investigative and enforcement costs must be delivered to the**
3 **Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013.**
4 **Payment of investigation and enforcement costs should not be made until the Stipulation has**
5 **been approved by the Commissioner.** If Respondents fail to satisfy this condition in a timely
6 manner as provided for herein, Respondents' real estate licenses shall automatically be suspended
7 until payment is made in full, or until a decision providing otherwise is adopted following a hearing
8 held pursuant to this condition.

9 5. Pursuant to section 10148 of the Code, Respondent DONOHUE shall pay, severally
10 or jointly with Respondent GRCI, the sum of \$11,014.40 for the Commissioner's cost of the audit
11 which led to this disciplinary action. **Respondents 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 Respondents receive the invoice.** If Respondents fail to satisfy this condition in a
14 timely manner as provided for herein, Respondents' real estate licenses 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
18 DATED: 9/27/2021



19 Laurence D. Haveson
20 Counsel for Complainant

21 * * *

22 EXECUTION OF THE STIPULATION

23 We have read this Stipulation and its terms are understood by us and are agreeable and
24 acceptable to us. We understand that we are waiving rights given to us by the California APA
25 (including, but not limited to, sections 11506, 11508, 11509, and 11513 of the Government Code),
26 and we willingly, intelligently, and voluntarily waive those rights, including the right of requiring
27 the Commissioner to prove the allegations in the Accusation at a hearing at which we would have
28 the right to cross-examine witnesses against us and to present evidence in defense and mitigation of
the charges.

1 Respondents can signify acceptance and approval of the terms and conditions of this
2 Stipulation and Agreement by electronically e-mailing a copy of the signature pages, as actually
3 signed by Respondents, to the Department. Respondents agree, acknowledge, and understand that
4 by electronically sending to the Department an electronic copy of Respondents' actual signatures,
5 as they appear on the Stipulation, that receipt of the emailed copy by the Department shall be as
6 binding on Respondents as if the Department had received the original signed Stipulation. By
7 signing this Stipulation, Respondents understand and agree that Respondents may not withdraw
8 their agreement or seek to rescind the Stipulation prior to the time the Commissioner considers and
9 acts upon it or prior to the effective date of the Stipulation and Order.

10 MAILING


11 Respondents and their counsel shall, within five (5) business days from signing the
12 Stipulation, mail the original signed signature page(s) of the Stipulation herein to Laurence
13 Haveson, Attention: Legal Section, Department of Real Estate, 320 W. Fourth St., Room 350, Los
14 Angeles, California 90013-1105.

15 Respondents' signatures below constitute acceptance and approval of the terms and
16 conditions of this Stipulation. Respondents agree, acknowledge, and understand that by signing
17 this Stipulation Respondents are bound by its terms as of the date of such signature and that this
18 agreement is not subject to rescission or amendment at a later date except by a separate Decision
19 and Order of the Real Estate Commissioner.

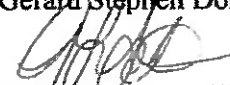
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21 DATED: 9/22/2021


Respondent GERARD STEPHEN DONOHUE JR

22
23 DATED: 9/22/2021


Respondent GREYSTAR RS CA, INC.
By: Gerard Stephen Donohue Jr

24
25 DATED: 9/24/2021


Ginger Sotelo
Attorney for Respondents
Approved as to Form

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The foregoing Stipulation and Agreement in Settlement and Order is hereby adopted by me as my Decision in this matter and shall become effective at 12 o'clock noon on Dec. 7th, 2021.

IT IS SO ORDERED 11.3.21, 2021.

DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER

