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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of)	No. H-41329 LA
)	
DONALD EUGENE PETERS, doing)	<u>STIPULATION AND AGREEMENT</u>
business as Equity Growth Properties,)	
JOHN CLAYTON LEWIS,)	
A TRUE TREASURE, INC., doing)	
business as Monarch Escrow)	
A Non-Independent Broker Escrow)	
and Realty Executives Temecula, and)	
CARLA MARIE CISCEL-SHUMWAY,)	
doing business as Realty Executives of)	
the Foothills, individually and as)	
designated officer of A True Treasure, Inc.,)	
)	
Respondents.)	
)	

It is hereby stipulated by and between Respondent A TRUE TREASURE, INC., Respondent CARLA MARIE CISCEL-SHUMWAY, individually and as designated officer of A True Treasure, Inc., and Respondent JOHN CLAYTON LEWIS ("Respondents"), represented by Jozef G. Magyar, and the Complainant, acting by and through Steve Chu, Counsel for the Department of Real Estate ("Department"), as follows for the purpose of settling and disposing of the Accusation filed on March 25, 2019, and the First Amended Accusation filed on April 16, 2020, ("Accusation") in this matter:

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

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

9 3. On April 2, 2019, Respondents filed a Notice of Defense pursuant to
10 section 11506 of the Government Code for the purpose of requesting a hearing on the
11 allegations in the Accusation. Respondents hereby freely and voluntarily withdraw said Notice
12 of Defense. Respondents acknowledge that Respondents understand that by withdrawing said
13 Notice of Defense, Respondents will thereby waive Respondents’ right to require the Real
14 Estate Commissioner (“Commissioner”) to prove the allegations in the Accusation at a
15 contested hearing held in accordance with the provisions of the APA and that Respondents will
16 waive other rights afforded to Respondents in connection with the hearing such as the right to
17 present evidence in defense of the allegations in the Accusation and the right to cross-examine
18 witnesses.

19 4. Respondents, pursuant to the limitations set forth below, hereby admit
20 that the factual allegations in the Accusation filed in this proceeding are true and correct and the
21 Commissioner shall not be required to provide further evidence to prove such allegations.

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

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

12 DETERMINATION OF ISSUES

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

16 I.

17 The conduct, acts, and/or omissions of Respondent A TRUE TREASURE, INC.,
18 as described in the Accusation, constitute cause for the suspension or revocation of all real
19 estate licenses and license rights of Respondent A TRUE TREASURE, INC. under California
20 Business and Professions Code ("Code") sections 10177(d) and 10177(g) for violation of Code
21 sections 10140.6 and 10159.5 and Title 10, Chapter 6, California Code of Regulations
22 ("Regulations") sections 2731 and 2773.

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II.

The conduct, acts, and/or omissions of Respondent CARLA MARIE CISCEL-SHUMWAY, as described in the Accusation, constitute cause for the suspension or revocation of all real estate licenses and license rights of Respondent CARLA MARIE CISCEL-SHUMWAY under Code sections 10177(d), 10177(g), and 10177(h) for violation of Code sections 10159.2 and 10159.5 and Regulations sections 2725 and 2731.

III.

The conduct, acts, and/or omissions of Respondent JOHN CLAYTON LEWIS, as described in the Accusation, constitute cause for the suspension or revocation of all real estate licenses and license rights of Respondent JOHN CLAYTON LEWIS under Code sections 10177(d) and 10177(g) for violation of Code section 10159.5 and Regulations section 2731.

ORDER

I.

All licenses and licensing rights of Respondent A TRUE TREASURE, 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:

1. Ninety (90) days 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.

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b. No final determination be made after hearing or upon stipulation that cause for disciplinary action against any of the real estate licenses or license rights of Respondent occurred within two (2) years from the effective date of this Decision and Order. 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.

2. Six months after the effective date of this Decision and Order, all licenses and licensing rights of Respondent A TRUE TREASURE, INC. are indefinitely suspended unless or until Respondent A TRUE TREASURE, INC. pays, jointly and severally with Respondent CARLA MARIE CISCEL-SHUMWAY and Respondent JOHN CLAYTON LEWIS, the sum of \$13,040.95 for the Commissioner's reasonable cost of the investigation and enforcement which led to this disciplinary action. Said payment shall be in the form of a cashier's check made payable to the Department of Real Estate. The investigative and enforcement costs must be delivered to the Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013.

II.

All licenses and licensing rights of Respondent CARLA MARIE CISCEL-SHUMWAY 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:

1. Ninety (90) days 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.

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1 b. No final determination be made after hearing or upon stipulation
2 that cause for disciplinary action against any of the real estate
3 licenses or license rights of Respondent occurred within two (2) years
4 from the effective date of this Decision and Order. Should such a
5 determination be made, the Commissioner may, in his discretion,
6 vacate and set aside the stay order and reimpose all or a portion of the
7 stayed suspension. Should no such determination be made, the stay
8 imposed herein shall become permanent.

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

19 3. Six months after the effective date of this Decision and Order, all
20 licenses and licensing rights of Respondent CARLA MARIE CISCEL-SHUMWAY are
21 indefinitely suspended unless or until Respondent CARLA MARIE CISCEL-SHUMWAY
22 pays, jointly and severally with Respondent A TRUE TREASURE, INC. and Respondent
23 JOHN CLAYTON LEWIS, the sum of \$13,040.95 for the Commissioner's reasonable cost of
24 the investigation and enforcement which led to this disciplinary action. Said payment shall be
25 in the form of a cashier's check made payable to the Department of Real Estate. The
26 investigative and enforcement costs must be delivered to the Department of Real Estate, Flag
27 Section at P.O. Box 137013, Sacramento, CA 95813-7013.

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III.

All licenses and licensing rights of Respondent JOHN CLAYTON LEWIS 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:

1. Ninety (90) days 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.

b. No final determination be made after hearing or upon stipulation that cause for disciplinary action against any of the real estate licenses or license rights of Respondent occurred within two (2) years from the effective date of this Decision and Order. 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.

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

1 3. Six months after the effective date of this Decision and Order, all
2 licenses and licensing rights of Respondent JOHN CLAYTON LEWIS are indefinitely
3 suspended unless or until Respondent JOHN CLAYTON LEWIS pays, jointly and severally
4 with Respondent A TRUE TREASURE, INC. and Respondent CARLA MARIE
5 CISCEL-SHUMWAY, the sum of \$13,040.95 for the Commissioner's reasonable cost of the
6 investigation and enforcement which led to this disciplinary action. Said payment shall be in
7 the form of a cashier's check made payable to the Department of Real Estate. The investigative
8 and enforcement costs must be delivered to the Department of Real Estate, Flag Section at
9 P.O. Box 137013, Sacramento, CA 95813-7013.

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11 DATED: 8-11-2020



Steve Chu, Counsel
Department of Real Estate

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We have read the Stipulation and Agreement. We understand that we are waiving rights given to us by the California Administrative Procedure Act, (including but not limited to sections 11521 and 11523 of the Government Code), and we willingly, intelligently, and voluntarily waive those rights, including the right to seek reconsideration and the right to seek judicial review of the Commissioner's Decision and Order by way of a writ of mandate.

We agree, acknowledge, and understand that we cannot rescind or amend this Stipulation and Agreement.

We can signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by mailing the original signed Stipulation and Agreement to: Steve Chu, Department of Real Estate, 320 West 4th Street, Suite 350, Los Angeles, California 90013-1105. Steve Chu must receive the original signed Stipulation and Agreement or a copy faxed to (213) 576-6917 by August 18, 2020; if not, this Stipulation and Agreement is invalid and void because the sum for the Commissioner's reasonable cost of the investigation and enforcement which led to this disciplinary action will increase.

DATED: 7/31/20

Carla Marie Ciscel-Shumway
A TRUE TREASURE, INC.
Respondent

By CARLA MARIE CISCEL-SHUMWAY, as designated officer of A True Treasure, Inc.

DATED: 7/31/20

Carla Marie Ciscel-Shumway
CARLA MARIE CISCEL-SHUMWAY
Respondent

DATED: 7/31/20

John Clayton Lewis
JOHN CLAYTON LEWIS
Respondent

DATED: 8/7/20

Jozef G. Magyar
Jozef G. Magyar
Counsel for Respondents
Approved as to Form

1 * * *

2 We have read the Stipulation and Agreement. We understand that we are
3 waiving rights given to us by the California Administrative Procedure Act, (including but not
4 limited to sections 11521 and 11523 of the Government Code), and we willingly, intelligently,
5 and voluntarily waive those rights, including the right to seek reconsideration and the right to
6 seek judicial review of the Commissioner's Decision and Order by way of a writ of mandate.

7 We agree, acknowledge, and understand that we cannot rescind or amend this
8 Stipulation and Agreement.

9 We can signify acceptance and approval of the terms and conditions of this
10 Stipulation and Agreement by mailing the original signed Stipulation and Agreement to:
11 Steve Chu, Department of Real Estate, 320 West 4th Street, Suite 350, Los Angeles,
12 California 90013-1105. Steve Chu must receive the original signed Stipulation and Agreement
13 or a copy faxed to (213) 576-6917 by August 18, 2020; if not, this Stipulation and Agreement is
14 invalid and void because the sum for the Commissioner's reasonable cost of the investigation
15 and enforcement which led to this disciplinary action will increase.

16
17 DATED: _____

18 _____
A TRUE TREASURE, INC.
Respondent
19 By CARLA MARIE CISCEL-SHUMWAY, as
20 designated officer of A True Treasure, Inc.

21 DATED: _____

22 _____
CARLA MARIE CISCEL-SHUMWAY
Respondent

23 DATED: _____

24 _____
JOHN CLAYTON LEWIS
Respondent

25
26 DATED: _____

27 _____
Jozef G. Magyar
Counsel for Respondents
Approved as to Form

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The foregoing Stipulation and Agreement is hereby adopted by me as my Decision in this matter as to Respondent A TRUE TREASURE, INC., Respondent CARLA MARIE CISCEL-SHUMWAY, and Respondent JOHN CLAYTON LEWIS, and shall become effective at 12 o'clock noon on October 30, 2020.

IT IS SO ORDERED 9.24.20

DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER

