

DIVISION OF REAL ESTATE
DEPARTMENT OF COMMERCE
DEANNA D. SABEY, DIRECTOR
160 EAST 300 SOUTH 2ND FLOOR
P.O. BOX 146711
SALT LAKE CITY, UTAH 84114-6711
TELEPHONE: (801) 530-6747
FAX: (801) 530-6749

COPY

BEFORE THE UTAH REAL ESTATE COMMISSION

In the Matter of the License
of Randall C. Wall to Act as a
Real Estate Branch Broker

STIPULATION & ORDER
CASE NO. RE-10-49520

The Division of Real Estate of the Department of Commerce of the State of Utah (the Division), by and through its Director of Enforcement, Dee Johnson, and Randall C. Wall (Respondent), a licensed Real Estate Branch Broker hereby stipulate and agree as follows:

STIPULATION

1. Respondent is a licensee of the Division, licensed as a Real Estate Branch Broker, holding License No. 5782341-BB00.
2. Respondent admits the jurisdiction of the Utah Real Estate Commission (the Commission) over Respondent and over the subject matter of this action.
3. Respondent specifically waives the right to an adjudicative proceeding under Utah Code Ann. § 61-2f-103(1) (2010) and the rules promulgated thereunder. Respondent and the Division hereby express their intent that this matter be resolved expeditiously through stipulation as contemplated in Utah Code Ann. § 63G-4-102(4) (2008).
4. The Division and Respondent recognize and agree that this stipulation shall not be binding until the Commission and the Director review it and jointly approve it in a

public meeting conducted pursuant to Utah Code Ann. § 52-4 *et seq.*

5. Respondent acknowledges that, as part of their review, the Commission and Director may ask the Division investigative staff questions about this stipulation, and the investigative staff may answer such questions and provide factual information in public and on the record.
6. Respondent has the right to be present when the stipulation is presented for consideration and to address the Commission and the Director about this stipulation or the facts underlying it. If Respondent desires to be present to address the Commission and Director, Respondent may contact Renda Christensen at the Division by calling (801) 530-6750 for information about the date, time, and place of the meeting at which this stipulation will be presented for consideration to the Commission and the Director.
7. If either the Commission or the Director does not approve any part of the stipulated agreement proposed herein, this entire stipulation shall be null and void except as to Paragraph 8, and a hearing shall be scheduled for this matter.
8. Should this stipulation be nullified and the matter proceed to hearing, Respondent waives any claim Respondent may have with regard to the Commission and Director by virtue of their:
 - a. having reviewed this stipulation;
 - b. having heard any statement made by investigative staff or any statement made by Respondent; and
 - c. having decided the stipulation shall be null and void.

This waiver shall survive any nullification of this stipulation.

9. Respondent acknowledges that upon approval by the Commission and the Director, this stipulation shall be made a part of the attached final order, and shall be the final

compromise and settlement of this matter, and is not subject to reconsideration, renegotiation, modification, appeal, or rehearing.

10. Respondent affirms that Respondent enters into this stipulation voluntarily.
11. Respondent affirms that the only promises, agreements, or understandings the Respondent has obtained from the Division or from any member, officer, agent, or representative of the Division regarding this stipulation are contained herein.
12. Respondent acknowledges that Respondent has been informed of Respondent's right to be represented by legal counsel and that if Respondent has waived this right, Respondent has either sought the advice of an attorney or has voluntarily chosen not to do so.
13. Respondent admits that the license of a sales agent affiliated with the Respondent expired, and said agent continued to perform work for which licensure is required in at least one transaction, and was paid a commission while that license was expired. To resolve the investigation, the Respondent admits Respondent did not adequately supervise one of Respondent's licensees and paid at least one commission to an unlicensed individual.
14. Respondent admits that the above acts and practices constitute violation(s) of Utah Code Ann. § 61-2f-401(12) (2010), which states that, in the case of a principal broker or a licensee who is a branch manager, it is unlawful for the licensee to fail to exercise reasonable supervision over the activities of the principal broker's or branch manager's licensed or unlicensed staff.
15. As full settlement of all of the issues raised in this stipulation, Respondent agrees as follows:
 - a) Respondent shall pay a civil penalty of \$2,500.00 to the Division within 60 calendar days from the date that the Commission and the Director sign the final

Order.

b) If Respondent fails to comply in full with the terms of this order by the deadlines(s) stated, Respondent's license shall immediately and without further notice be suspended pursuant to Utah Code Ann. § 61-2f-404(1)(b) (2010) until such time as Respondent complies in full with the terms of this order.

16. This document and all other documents incorporated herein by reference constitute the entire agreement between the parties herein. This stipulated agreement supersedes and cancels any and all prior negotiations, representations, understandings, or agreements between the parties. There are no verbal agreements that modify, interpret, construe, or affect this agreement.

17. Respondent acknowledges that this stipulation does not foreclose the possibility that Respondent may be prosecuted criminally or investigated by other government agencies on the basis of the facts herein admitted.

18. Respondent acknowledges that this stipulation and order, once adopted, will be classified as a public document and will be provided to the public. Respondent acknowledges that the Division may inform other state and federal agencies of any action taken on the Respondent's license and the terms of this stipulation and order.

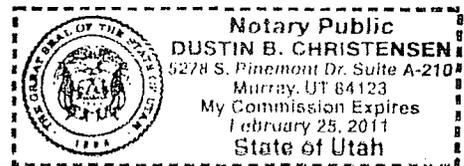
Dated this 4th day of October, 2010.



RANDALL C. WALL
RESPONDENT



NOTARY PUBLIC
UT, U, 2010
Salt Lake City UT



Dated this 6th day of October, 2010.



DEE JOHNSON
DIRECTOR OF ENFORCEMENT
DIVISION OF REAL ESTATE

ORDER

The Commission and the Director approve and adopt the foregoing stipulation of the parties. Based upon the foregoing stipulation and for good cause appearing, the Commission and the Director order that, in lieu of the filing of a complaint and the holding of a hearing:

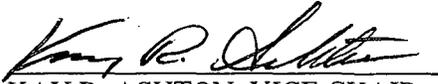
1. Respondent shall pay a civil penalty of \$2,500.00 to the Division within 60 calendar days from the date that the Commission and the Director sign the final Order.
2. If Respondent fails to comply in full with the terms of this order by the deadlines(s) stated, Respondent's license shall immediately and without further notice be suspended pursuant to Utah Code Ann. § 61-2f-404(1)(b) (2010) until such time as Respondent complies in full with the terms of this order.

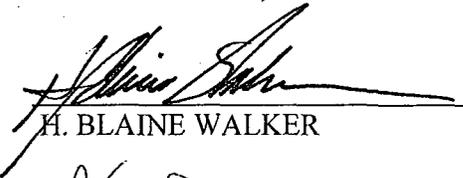
This order shall be effective on the signature date below.

Dated this 20th day of October, 2010.

UTAH REAL ESTATE COMMISSION


GARY R. HANCOCK, CHAIR


KAY R. ASHTON, VICE CHAIR


H. BLAINE WALKER


STEFANIE TUGAW-MADSEN

H. Thayne Houston
H. THAYNE HOUSTON

The undersigned concurs with the foregoing order this 20th day of Oct,
2010.

Deanna D. Sabey
DEANNA D. SABEY, DIRECTOR
DIVISION OF REAL ESTATE