

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
28

BEFORE THE
DEPARTMENT OF CORPORATIONS
STATE OF CALIFORNIA

In the Matter of the
Desist and Refrain Order
issued against:

DONALD E. DOUGHERTY and
GROVES MOBILE HOME REAL
ESTATE, INC.,

Respondents.

File No.: ALPHA

OAH No.: L2005050145

FINAL DECISION AND ORDER

The attached Decision by Settlement is hereby adopted by the Commissioner of Corporations as its Final Decision in the above-entitled matter.

This Decision shall become effective December 7, 2005.

IT IS SO ORDERED December 6, 2005.

COMMISSIONER OF CORPORATIONS

WAYNE STRUMPFER
Acting California Corporations Commissioner

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
28

**STATE OF CALIFORNIA
BUSINESS, TRANSPORTATION AND HOUSING AGENCY
DEPARTMENT OF CORPORATIONS**

TO: Donald E. Dougherty
Groves Mobile Home Real Estate, Inc., formerly known as
Dougherty & Thompson, Inc.
5200 Irvine Boulevard
Irvine, CA 92620-2013

ORDER WITHDRAWING DESIST AND REFRAIN ORDER

It is hereby ordered that the Desist and Refrain Order issued on April 4, 2005 against Donald E. Dougherty and Groves Mobile Home Real Estate, Inc. is withdrawn.

Dated: November 29, 2005
Los Angeles, California

WAYNE STRUMPFER
Acting California Corporations Commissioner

By ALAN S. WEINGER,
Acting Deputy Commissioner
Enforcement Division



Nov-18-2005 17:55 From

1 WAYNE STRUMPFER
 Acting California Corporations Commissioner
 2 ALAN S. WEINGER (CA BAR NO. 86717)
 Acting Deputy Commissioner
 3 320 West 4th Street, Suite 750
 Los Angeles, CA 90013
 4 Telephone: (213) 576-7586 Fax: (213) 576-7181

5
 6 BEFORE THE DEPARTMENT OF CORPORATIONS
 7 OF THE STATE OF CALIFORNIA

8 In the Matter of the Desist and Refrain Order) FILE NO. ALPHA
 9 Against:) OAH NO. L2005050145
)
 10 DONALD E. DOUGHERTY and GROVES) DECISION BY SETTLEMENT
 11 MOBILE HOME REAL ESTATE, INC.,) (Gov. Code § 11415.60)
)
 12 Respondents.)
 13)

14
 15 STIPULATION AND ORDER

16 Respondents Donald E. Dougherty and Groves Mobile Home Real Estate, Inc.
 17 ("Respondents") and WAYNE STRUMPFER, Acting California Corporations Commissioner
 18 ("Commissioner"), having received and reviewed the Proposed Decision and Order of
 19 Administrative Law Judge Ralph B. Dash dated July 26, 2005, and the Order of Rejection of
 20 Proposed Decision dated November 4, 2005, hereby enter into this stipulation in lieu of further
 21 proceedings in this matter. Accordingly,

22 **IT IS HEREBY STIPULATED** by and between the parties as follows:

- 23 1. The parties voluntarily choose to enter into this stipulation as a means of achieving a full
 24 and final resolution of the matter.
 25 2. The Commissioner hereby agrees to withdraw the Desist and Refrain Order issued April
 26 4, 2005, and hereby adopts this stipulation and attached order as the Decision by Settlement in this
 27 matter. Attached as Exhibit 1 is a copy of the executed Order withdrawing the Desist and Refrain
 28 Order.

1 3. This stipulation and order shall constitute the Decision by Settlement in this matter in lieu
2 of any decision based upon the hearing in this matter held on May 24, 2005. The Decision by
3 Settlement is made pursuant to Government Code section 11415.60.

4 4. Respondents acknowledge the jurisdiction of the Department of Corporations through
5 Acting California Corporations Commissioner Wayne Strumpfer to settle this matter.

6 5. The parties agree to dismissal of the action.

7 6. The parties acknowledge that the Desist and Refrain Order issued on April 4, 2005 is a
8 public record accessible to the public pursuant to the Public Records Act, section 6250 et seq. of the
9 Government Code. The parties also acknowledge that this Decision by Settlement, the
10 Order withdrawing the Desist and Refrain Order, the Office of Administrative Hearings' Proposed
11 Decision and the Department's Order of Rejection of Proposed Decision issued on November 4,
12 2005, will be posted on the Department of Corporations' website.

13 7. As of the date that both parties have executed this stipulation, the parties fully and forever
14 release and discharge each other, and each of any of their employees, officers, directors, investors,
15 affiliates, heirs and assigns, from any and all claims, rights, demands, liabilities, obligations,
16 damages, actions and causes of action, of every kind and nature, in law, equity or otherwise, known
17 and disclosed, arising out of or relating to the specific facts and allegations that were the subject of
18 the hearing on May 24, 2005, provided that the foregoing release and discharge shall not apply to
19 any of the obligations of the parties under this stipulation.

20 8. The parties agree that this stipulation may be signed in counterparts and facsimile copies
21 accepted as the original, if necessary. This stipulation shall be considered fully binding as if the
22 parties had executed the same document at the same time. This stipulation constitutes the entire
23 agreement between the parties with respect to this case. Moreover, the terms of this stipulation
24 cannot be amended except in writing, signed by all the parties thereto.

25 9. This Decision by Settlement is subject to necessary approval. In the event that any part of
26 the Decision fails to obtain necessary approval the entire stipulation will be rendered null and void,
27 and the parties will retain all rights under the Administrative Procedure Act.

28 ///

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
28

Dated: _____

WAYNE STRUMPFER
Acting California Corporations Commissioner

By: _____
ALAN S. WEINGER
Acting Deputy Commissioner

Dated: 11-22-05

By: _____
Donald E. Dougherty, individually and on /
behalf of Groves Mobile Home Real Estate, Inc.

APPROVED AS TO FORM AND CONTENT:

Dated: 11-22-2005

By: _____
James E. Dougherty, Esq.