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FILED

FEB 27 2010

DEPARTMENT OF REAL ESTATE

By K. Max

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\*\*\*

In the Matter of the Accusation of	)	No. H-2402 SD
	)	
JEANNIE MARIA NILES,	)	
	)	
Respondent.	)	
	)	

ORDER GRANTING REINSTATEMENT OF LICENSE

On October 26, 1998, a Decision was rendered herein, revoking the real estate broker license of Respondent, but granting Respondent the right to the issuance of a restricted real estate broker license. A restricted real estate broker license was issued to Respondent on January 6, 1999 and Respondent has operated as a restricted licensee since that time.

On or about October 24, 2007, Respondent petitioned for reinstatement of said real estate broker license. The Attorney General of the State of California has been given notice of the filing of Respondent's petition.

I have considered Respondent's petition and the evidence and arguments submitted in support thereof. Respondent has demonstrated to my satisfaction that Respondent meets the requirements of law for the issuance to Respondent of an unrestricted real

///

1 estate broker license and that it would not be against the public interest to issue said license to  
2 Respondent.

3 NOW, THEREFORE, IT IS ORDERED that Respondent's petition for  
4 reinstatement is granted and that a real estate broker license be issued to Respondent, if  
5 Respondent satisfies the following conditions within twelve (12) months from the date of this  
6 Order:

- 7
- 8 1. Submittal of a completed application and payment of the fee for a real estate  
9 broker license.
  - 10 2. Submittal of evidence of having, since the most recent issuance of an original  
11 or renewal real estate license, taken and successfully completed the continuing education  
12 requirements of Article 2.5 of Chapter 3 of the Real Estate  
13 Law for renewal of a real estate license.

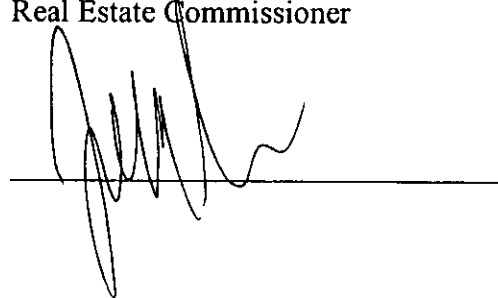
14

15 This Order shall be effective immediately.

16 Dated: 2/2/2016

17 JEFF DAVI  
18 Real Estate Commissioner

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*Supt  
Jury*

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**FILED**  
DEC - 8 1998  
DEPARTMENT OF REAL ESTATE

By *Laura B. Cruz*

DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \* \* \*

In the Matter of the Accusation of )	No. H-2402 SD
JEANNIE NILES, )	L-1998070417
Respondent. )	

ORDER STAYING EFFECTIVE DATE

On October 26, 1998, a Decision was rendered in the above-entitled matter to become effective December 7, 1998.

IT IS HEREBY ORDERED that the effective date of the Decision of October 26, 1998, is stayed for a period of 30 days.

The Decision of October 26, 1998, shall become effective at 12 o'clock noon on January 6, 1999.

DATED: December 7, 1998.

JIM ANTT, JR.  
Real Estate Commissioner

BY: *Randolph Brendia*  
RANDOLPH BRENDIA  
Regional Manager

1 Department of Real Estate  
2 107 South Broadway, Room 8107  
3 Los Angeles, California, 90012  
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10 (213) 897-3937

**FILED**  
NOV - 6 1998  
DEPARTMENT OF REAL ESTATE

By Laura B. Orna

DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \* \* \*

11 In the Matter of the Accusation of ) H-2402 SD  
12 ) L-1998070417  
13 JEANNIE MARIA NILES, )  
14 ) STIPULATION AND AGREEMENT  
15 Respondent. )

15 It is hereby stipulated by and between JEANNIE MARIA  
16 NILES (referred to as Respondent), acting by and through her  
17 attorney Frank Buda, Esq. and the Complainant, acting by and  
18 through Sean Crahan, Counsel for the Department of Real Estate, as  
19 follows for the purpose of settling and disposing of the Accusation  
20 filed on April 29, 1998:

21 1. All issues which were to be contested and all  
22 evidence which was to be presented by Complainant and Respondent at  
23 a formal hearing on the Accusation, which hearing was to be held in  
24 accordance with the provisions of the Administrative Procedure Act  
25 (APA), shall instead and in place thereof be submitted solely on  
26 the basis of the provisions of this Stipulation and Agreement  
27 (hereafter Stipulation).



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

5           3. On May 11, 1998, Respondent filed a Notice of Defense  
6 pursuant to Section 11505 of the Government Code for the purpose of  
7 requesting a hearing on the allegations in the Accusation.

8 Respondent hereby freely and voluntarily withdraws said Notice of  
9 Defense. Respondent acknowledges that she understands that by  
10 withdrawing said Notice of Defense, she will thereby waive her  
11 right to require the Commissioner to prove the allegations in the  
12 Accusation at a contested hearing held in accordance with the  
13 provisions of the APA and that she will waive other rights afforded  
14 to her in connection with the hearing such as the right to present  
15 evidence in defense of the allegations in the Accusation and the  
16 right to cross-examine witnesses.

17           4. Respondent, pursuant to the limitations set forth  
18 below, hereby admits that the factual allegations in Paragraphs one  
19 (I) through three (III) in the Accusation filed in this proceeding  
20 are true and correct and the Real Estate Commissioner shall not be  
21 required to provide further evidence to prove such allegations. The  
22 factual basis contained in this Stipulation and Agreement shall not  
23 be binding on Respondent as to third parties.

24           5. It is understood by the parties that the Real Estate  
25 Commissioner may adopt the Stipulation and Agreement as his  
26 decision and order in this matter thereby imposing the penalty and

27 /



1 sanctions on Respondent's real estate licenses and/or license  
2 rights as set forth in the below Order. In the event that the  
3 Commissioner in his discretion does not adopt the Stipulation, the  
4 Stipulation and Agreement shall be void and of no effect, and  
5 Respondent shall retain the right to a hearing and proceeding on  
6 the Accusation under all the provisions of the APA and shall not be  
7 bound by any admission or waiver made herein.

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

14 DETERMINATION OF ISSUES

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

19 The conduct or omissions of Respondent JEANNIE MARIA  
20 NILES, as set forth in Paragraphs one (I) through three (III) in  
21 the Accusation constitute cause to suspend or revoke her real  
22 estate broker license and/or license rights under the provisions of  
23 Code Section 10177.5.

24 ORDER

25 WHEREFORE, THE FOLLOWING ORDER is hereby made:

26 All licenses and license rights of Respondent, JEANNIE  
27 MARIA NILES, under Part 1 of Division 4 of the Business and



1 Professions Code, are revoked; provided, however, a restricted real  
2 estate broker license shall be issued to Respondent JEANNIE MARIA  
3 NILES, pursuant to Section 10156.5 of the Code if Respondent,  
4 JEANNIE MARIA NILES, makes application therefor and pays to the  
5 Department of Real Estate the appropriate fee for said license  
6 within ninety (90) days from the effective date of the Decision.

7 The restricted license issued to Respondent, JEANNIE MARIA NILES,  
8 shall be subject to all of the provisions of Section 10156.7 of the  
9 Business and Professions Code and to the following limitations,  
10 conditions and restrictions imposed under authority of Section  
11 10156.6 of said Code:

12 A. A pre condition to the issuance of the restricted  
13 license to Respondent, JEANNIE MARIA NILES, shall be that  
14 Respondent shall submit proof satisfactory to the Real Estate  
15 Commissioner, within sixty (60) days of the effective date of this  
16 Decision, that she has made restitution of \$45,298.18, plus \$11.69  
17 interest per day from October 7, 1998, to date of tender, to Rita  
18 G. Otto, appellant in bankruptcy case numbered CV 94-20, United  
19 States District Court, Southern District of California, 106 Federal  
20 Reporter 3d 1456. Such evidence may be either (a) a satisfaction  
21 of judgment executed by Rita G. Otto or counsel acting on her  
22 behalf, (b) payment of the funds through the the Department's  
23 undersigned counsel, by cashier's check issued by a federally  
24 insured bank, made payable to Rita G. Otto, or (c) payment, by  
25 cashier's check issued by a federally insured bank, payable to Rita  
26 G. Otto or to the United States District Court, Southern District  
27 of California, for the benefit of Rita G. Otto, with certified copy



1 of receipt by the court. All evidence must be provided to the  
2 Department's licensing section with copies to the undersigned  
3 counsel for complainant.

4 B. The restricted license may be suspended prior to  
5 hearing by order of the Real Estate Commissioner in the event of  
6 Respondent JEANNIE MARIA NILES' conviction or plea of nolo  
7 contendere to a crime which bears a significant relation to  
8 Respondent's fitness or capacity as a real estate licensee.

9 C. The restricted license may be suspended prior to  
10 hearing by Order of the Real Estate Commissioner on evidence  
11 satisfactory to the Commissioner that Respondent, JEANNIE MARIA  
12 NILES, has violated provisions of the California Real Estate Law,  
13 the Subdivided Lands Law, Regulations of the Real Estate  
14 Commissioner, or the conditions attaching to these restricted  
15 licenses.

16 D. Respondent, JEANNIE MARIA NILES, shall, within nine  
17 months from the effective date of this Decision, present evidence  
18 satisfactory to the Real Estate Commissioner that Respondent has,  
19 since the most recent issuance of an original or renewal real  
20 estate license, taken and successfully completed the continuing  
21 education requirements of Article 2.5 of Chapter 3 of the Real  
22 Estate Law for renewal of a real estate license. If Respondent  
23 fails to satisfy this condition, the Commissioner may order the  
24 suspension of the restricted license until the Respondent presents  
25 such evidence. The Commissioner shall afford Respondent the  
26 opportunity for a hearing pursuant to the Administrative Procedure  
27 Act to present such evidence.





1 E. Respondent, JEANNIE MARIA NILES, shall, within six  
2 months from the effective date of this Decision, take and pass the  
3 Professional Responsibility Examination administered by the  
4 Department including the payment of the appropriate examination  
5 fee. If Respondent fails to satisfy this condition, the  
6 Commissioner may order suspension of Respondent's license until  
7 Respondent passes the examination.

8 F. Respondent, JEANNIE MARIA NILES, shall report in  
9 writing to the Department of Real Estate as the Real Estate  
10 Commissioner shall direct by his Order herein or by separate  
11 written order issued while Respondent holds a restricted license,  
12 such information concerning Respondent's activities for which a  
13 real estate license is required as the Commissioner shall deem to  
14 be appropriate to protect the public interest.


15 G. Respondent, JEANNIE MARIA NILES, shall pay the  
16 Commissioner's reasonable cost for an audit to determine if she  
17 is in compliance with the Real Estate Law. In calculating the  
18 amount of the Commissioner's reasonable cost, the Commissioner may  
19 use the estimated average hourly salary for all persons performing  
20 audits of real estate brokers, and shall include an allocation for  
21 travel time to and from the auditor's place of work. The cost of  
22 said chargeable audit shall not exceed \$2,000. Respondent JEANNIE  
23 MARIA NILES shall pay such cost within sixty (60) days of receiving  
24 an invoice from the Commissioner detailing the activities performed  
25 during the audit and the amount of time spend performing those  
26 activities. The Commissioner may suspend the restricted license  
27 issued to Respondent JEANNIE MARIA NILES pending a hearing held in



1 accordance with Section 11500, et. seq., of the Government Code, if  
2 payment is not timely made as provided for herein, or as provided  
3 for in a subsequent agreement between the Respondent and the  
4 Commissioner. The suspension shall remain in effect until payment  
5 is made in full or until Respondent enters into an agreement  
6 satisfactory to the Commissioner to provide for payment, or until a  
7 decision providing otherwise is adopted following a hearing held  
8 pursuant to this condition.

9 H. Respondent, JEANNIE MARIA NILES, shall not be  
10 eligible to apply for the issuance of an unrestricted real estate  
11 license nor the removal of any of the conditions, limitations or  
12 restrictions of a restricted license until two (2) years have  
13 elapsed from the date of issuance of the restricted license to  
14 Respondent.

15 DATED: Oct 13, 1998

  
16 SEAN CRAHAN, Counsel for  
17 Complainant

18 \* \* \* \* \*

19 I have read the Stipulation and Agreement, and its terms  
20 are understood by me and are agreeable and acceptable to me. I  
21 understand that I am waiving rights given to me by the California  
22 Administrative Procedure Act (including but not limited to Sections  
23 11506, 11508, 11509 and 11513 of the Government Code), and I  
24 willingly, intelligently and voluntarily waive those rights,  
25 including the right of requiring the Commissioner to prove the  
26 allegations in the Accusation at a hearing at which I would have  
27 the right to cross-examine witnesses against me and to present  
evidence in defense and mitigation of the charges.



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DATED: 10-13-98

Jeannie Maria Niles  
JEANNIE MARIA NILES, Respondent

DATED: 10-13-98

Frank R. Buda  
FRANK BUDA, Esq., Counsel for  
Respondent Jeannie Maria Niles,  
approved as to form

\* \* \* \* \*

The foregoing Stipulation and Agreement is hereby adopted  
as my Decision as to Respondent JEANNIE MARIA NILES and shall  
become effective at 12 o'clock noon on December 7<sup>th</sup>, 1998.

IT IS SO ORDERED 10/26/98

JIM ANTT, JR.  
Real Estate Commissioner

J. Antt Jr.



*Sacto  
OAH*

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

**FILED**  
AUG 12 1998  
DEPARTMENT OF REAL ESTATE

\* \* \* \*

In the Matter of the Accusation of )  
Case No. H-2402 SD )  
JEANNIE MARIA NILES, )  
OAH No. L- 1998070417 )  
Respondent. )

By *Laura B. Orna*

NOTICE OF HEARING ON ACCUSATION

To the above-named Respondent(s):

You are hereby notified that a hearing will be held before the Department of Real Estate at Office of Administrative Hearings, 107 South Broadway, 2nd Floor, Los Angeles, California, on OCTOBER 13, 1998, at the hour of 9:00 a.m. or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served upon you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

Dated: AUG 12 1998

DEPARTMENT OF REAL ESTATE

By: *Sean Crahan*  
SEAN CRAHAN, Counsel

cc: Jeannie Niles  
Frank M. Buda, Esq.  
Sacto.  
OAH

1 DAVID B. SEALS, Counsel  
2 Department of Real Estate  
3 P. O. Box 187000  
4 Sacramento, CA 95818-7000

5 Telephone: (916) 227-0789  
6  
7

FILED  
APR 29 1998  
DEPARTMENT OF REAL ESTATE

*Jean B. ...*

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of-- )  
12 JEANNIE MARIA NILES, ) NO. H- 2402 SD  
13 Respondent. ) ACCUSATION  
14

15 The Complainant, J. Chris Graves, a Deputy Real Estate  
16 Commissioner of the State of California, for cause of Accusation  
17 against JEANNIE MARIA NILES (hereinafter "Respondent"), is  
18 informed and alleges as follows:

19 I

20 Respondent is presently licensed and/or has license  
21 rights under the Real Estate Law, Part 1 of Division 4 of the  
22 Business and Professions Code (hereinafter "Code") as a real  
23 estate broker.

24 II

25 The Complainant, J. Chris Graves, a Deputy Real Estate  
26 Commissioner of the State of California, makes this Accusation  
27 against Respondent in his official capacity.

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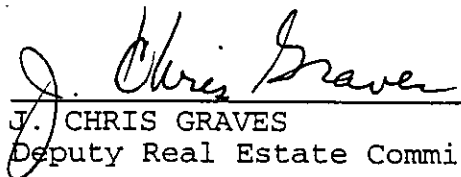
III

On or about February 27, 1998, in the United States Bankruptcy Court Southern District of California, in Case No. 92-11538 H7, a final judgment was entered against Respondent JEANNIE MARIA NILES based on grounds of fraud, misrepresentation, or deceit with reference to a transaction for which a real estate license is required.

IV

The facts alleged above constitute cause under Section 10177.5 of the Code for suspension or revocation of all licenses and license rights of Respondent under the Real Estate Law.

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against all licenses and license rights of Respondent under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code), and such other and further relief as may be proper under other provisions of law.

  
\_\_\_\_\_  
J. CHRIS GRAVES  
Deputy Real Estate Commissioner

Dated at San Diego, California,  
this 20<sup>th</sup> day of April, 1998