

1 Department of Real Estate
2 P. O. Box 187000
3 Sacramento, CA 95818-7000
4
5 Telephone: (916) 227-0789
6
7

FILED
MAR 27 2000

DEPARTMENT OF REAL ESTATE

By Jean Anderson

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)

No. H-2519 SD

12)
13 JENNIFER LOUISE PERKINS and)

14 RICK LEE BARKER,)

15 Respondents.)
16)
17)

STIPULATION AND AGREEMENT
IN SETTLEMENT AND ORDER
AS TO JENNIFER LOUISE
PERKINS ONLY

18 It is hereby stipulated by and between JENNIFER LOUISE
19 PERKINS, (Respondent) and her attorney of record, Robert C.
20 Anderson and the Complainant, acting by and through David B.
21 Seals, Counsel for the Department of Real Estate, as follows for
22 the purpose of settling and disposing of the Accusation filed on
23 August 10, 1999, in this matter:

24 1. All issues which were to be contested and all
25 evidence which was to be presented by Complainant and Respondent
26 at a formal hearing on the Accusation which hearing was to be
27 held in accordance with the provisions of the Administrative

1 Procedure Act (APA), shall instead and in place thereof be
2 submitted solely on the basis of the provisions of this
3 Stipulation and Agreement in Settlement.

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

8 3. On August 20, 1999, Respondent filed a Notice of
9 Defense pursuant to Section 11505 of the Government Code for the
10 purpose of requesting a hearing on the allegations in the
11 Accusation. Respondent hereby freely and voluntarily withdraws
12 said Notice of Defense. Respondent acknowledges that she
13 understands that by withdrawing said Notice of Defense she will
14 thereby waive her right to require the Commissioner to prove the
15 allegations in the Accusation at a contested hearing held in
16 accordance with the provisions of the APA and that she will waive
17 other rights afforded to her in connection with the hearing such
18 as the right to present evidence in defense of the allegations in
19 the Accusation and the right to cross-examine witnesses.

20 4. This Stipulation is based on the factual allegations
21 contained in the Accusation. In the interests of expedience and
22 economy, Respondent chooses not to contest these allegations, but
23 to remain silent and understands that, as a result thereof, these
24 factual allegations, without being admitted or denied, will serve
25 as a prima facie basis for the disciplinary action stipulated to
26 herein. The Real Estate Commissioner shall not be required to
27 provide further evidence to prove said factual allegations.

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

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

18 DETERMINATION OF ISSUES

19 I

20 The facts alleged above are grounds for the suspension
21 or revocation of the licenses and license rights of Respondent
22 JENNIFER LOUISE PERKINS under Section 10177(f) of the Code.

23 ORDER

24 I

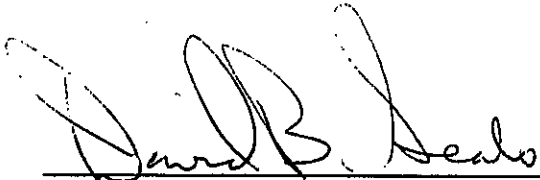
25 All licenses and licensing rights of Respondent
26 JENNIFER LOUISE PERKINS under the Real Estate Law are suspended.
27 for a period of thirty (30) days from the effective date of this

1 Order; provided, however, that all thirty (30) days of said
2 suspension shall be stayed for two (2) years upon the following
3 terms and conditions:

- 4 1. Respondent shall obey all laws, rules and
5 regulations governing the rights, duties and
6 responsibilities of a real estate licensee in the
7 State of California.
- 8 2. That no final subsequent determination is made,
9 after hearing or upon stipulation, that cause for
10 disciplinary action occurred within two (2) years
11 of the effective date of this Decision. Should
12 such a determination be made, the Commissioner
13 may, in her discretion, vacate and set aside the
14 stay order and reimpose all or a portion of the
15 stayed suspension. Should no such determination
16 be made, the stay imposed herein shall become
17 permanent.

18
19 2/15/2000

20 DATED

20 
21 DAVID B. SEALS, Counsel
22 DEPARTMENT OF REAL ESTATE

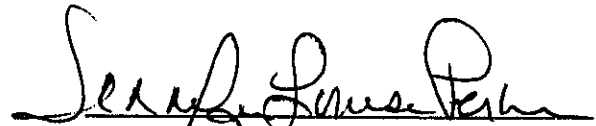
21 * * *

22 I have read the Stipulation and Agreement, have
23 discussed it with my counsel, if any, and its terms are
24 understood by me and are agreeable and acceptable to me. I
25 understand that I am waiving rights given to me by the California
26 Administrative Procedure Act (including but not limited to
27 Sections 11506, 11508, 11509 and 11513 of the Government Code),

1 and I willingly, intelligently and voluntarily waive those
2 rights, including the right of requiring the Commissioner to
3 prove the allegations in the Amended Accusation at a hearing at
4 which I would have the right to cross-examine witnesses against
5 me and to present evidence in defense and mitigation of the
6 charges.

7
8 2-14-2000

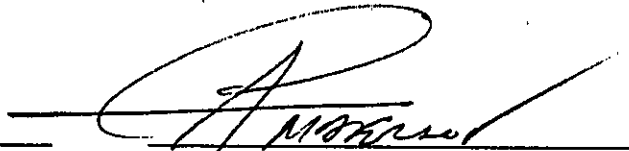
DATED


JENNIFER LOUISE PERKINS
Respondent

10 I have reviewed the Stipulation and Agreement in
11 Settlement as to form and content and have advised my clients
12 accordingly.

13
14 2.14.00

DATED

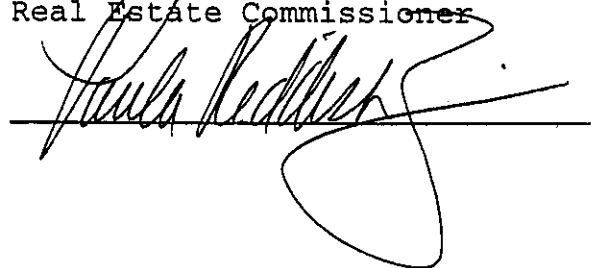

ROBERT C. ANDERSON
Attorney for Respondent

16 * * *

17 The foregoing Stipulation and Agreement for
18 Settlement is hereby adopted by the Real Estate Commissioner as
19 her Decision and Order and shall become effective at 12 o'clock
20 noon on April 17, 2000.

21 IT IS SO ORDERED March 1, 2000.

22 PAULA REDDISH ZINNEMANN
23 Real Estate Commissioner

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27

1 Department of Real Estate
2 P. O. Box 187000
3 Sacramento, CA 95818-7000
4 Telephone: (916) 227-0789

FILED

MAR 27 2000

DEPARTMENT OF REAL ESTATE

By Jean Almond

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11	In the Matter of the Accusation of)	No. H-2519 SD
12	JENNIFER LOUISE PERKINS)	OAH NO. L-1999090468
13	and RICK LEE BARKER,)	STIPULATION AND AGREEMENT
14	Respondents.)	IN SETTLEMENT AND ORDER
15)	AS TO RESPONDENT
)	<u>RICK LEE BARKER ONLY</u>

16 It is hereby stipulated by and between RICK LEE BARKER
17 (Respondent), represented by his attorney of record, Jon F.
18 McKinley, and the Complainant, acting by and through David B.
19 Seals, Counsel for the Department of Real Estate, as follows for
20 the purpose of settling and disposing of the Accusation filed on
21 August 10, 1999, in this matter:

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

27 ///

1 submitted solely on the basis of the provisions of this
2 Stipulation and Agreement in Settlement.

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

7 3. On August 23, 1999, Respondent filed a Notice of
8 Defense pursuant to Section 11505 of the Government Code for the
9 purpose of requesting a hearing on the allegations in the
10 Accusation. Respondent hereby freely and voluntarily withdraws
11 said Notice of Defense. Respondent acknowledges that he
12 understands that by withdrawing said Notice of Defense he will
13 thereby waive his right to require the Commissioner to prove the
14 allegations in the Accusation at a contested hearing held in
15 accordance with the provisions of the APA and that he will waive
16 other rights afforded to him in connection with the hearing such
17 as the right to present evidence in defense of the allegations in
18 the Accusation and the right to cross-examine witnesses.

19 4. This Stipulation is based on the factual allegations
20 contained in the Accusation. In the interests of expedience and
21 economy, Respondent chooses not to contest these allegations, but
22 to remain silent and understands that, as a result thereof, these
23 factual allegations, without being admitted or denied, will serve
24 as a prima facie basis for the disciplinary action stipulated to
25 herein. The Real Estate Commissioner shall not be required to
26 provide further evidence to prove said factual allegations.

27 ///

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

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

18 DETERMINATION OF ISSUES

19 I

20 By reason of the foregoing stipulations, admissions
21 and waivers and solely for the purpose of settlement of the
22 pending Accusation without a hearing, it is stipulated and agreed
23 that the facts alleged above are grounds for the suspension or
24 revocation of the licenses and license rights of Respondent under
25 Section 10161.8 of the Code in conjunction with Section 10165 of
26 the Code.

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H-2519 SD

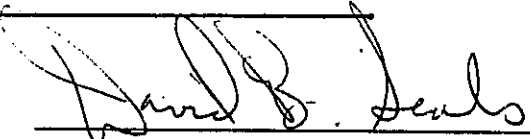
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ORDER

No discipline shall be imposed on the licenses and
licensing rights of Respondent RICK LEE BARKER.

2/15/2000

DATED



DAVID B. SEALS, Counsel
DEPARTMENT OF REAL ESTATE

* * *

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

2-14-00

DATED



RICK LEE BARKER
Respondent

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///

1 I have reviewed the Stipulation and Agreement in
2 Settlement as to form and content and have advised my clients
3 accordingly.

4 Feb. 14, 2000

DATED

JON F. MCKINLEY
Attorney for Respondent

6
7
8 * * *

9
10 The foregoing Stipulation and Agreement for
11 Settlement is hereby adopted by the Real Estate Commissioner as
12 his Decision and Order and shall become effective at 12 o'clock
13 noon on April 17, 2000.

14 IT IS SO ORDERED

March 1, 2000

15 PAULA REDDISH ZINNEBANN
16 Real Estate Commissioner

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
JAN 06 2000

DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of

JENNIFER LOUISE PERKINS and
RICK LEE BARKER

Respondent

Case No. H-2519 SD By Shelly C. [Signature]

OAH No. L-1999090468

SECOND CONTINUED
NOTICE OF HEARING ON ACCUSATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at _____

The Office of Administrative Hearings, 1350 Front Street, Room 6022,

San Diego, California 92101

on WEDNESDAY--FEBRUARY 16, 2000, at the hour of 9:00 AM,
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 on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the 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.

DEPARTMENT OF REAL ESTATE

Dated: JANUARY 6, 2000

By [Signature]
DAVID B. SEALS
Counsel

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
NOV 09 1999

DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of

JENNIFER LOUISE PERKINS and
RICK LEE BARKER

}

Case No. H-2519 SD By Shelly Ely
OAH No. L-1999090468

Respondent

FIRST CONTINUED
NOTICE OF HEARING ON ACCUSATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at _____
The Office of Administrative Hearings, 1350 Front Street, Room 6022,
San Diego, California 92101

on TUESDAY--JANUARY 18, 2000, at the hour of 9:00 AM,
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 on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the 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.

DEPARTMENT OF REAL ESTATE

Dated: November 9, 1999

By David B. Seals
DAVID B. SEALS Counsel

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
OCT 05 1999

DEPARTMENT OF REAL ESTATE

By Shelly Ely

In the Matter of the Accusation of

JENNIFER LOUISE PERKINS and,
RICK LEE BARKER,

Case No. H-2519 SD

OAH No. L-1999090468

Respondent

NOTICE OF HEARING ON ACCUSATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at _____
The Office of Administrative Hearings, 1350 Front Street, Room 6022,
San Diego, CA 92101

on WEDNESDAY--NOVEMBER 17, 1999, at the hour of 9:00 AM,
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 on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the 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: October 5, 1999

DEPARTMENT OF REAL ESTATE
By David B. Seals
DAVID B. SEALS
Counsel

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

FILED

AUG 10 1999

DEPARTMENT OF REAL ESTATE

By Juan Ramirez

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 JENNIFER LOUISE PERKINS,)
13 AND RICK LEE BARKER,)
14 Respondents.)

NO. H-2519 SD

ACCUSATION

15
16 The Complainant, J. Chris Graves, a Deputy Real Estate
17 Commissioner of the State of California for cause of Accusation
18 against JENNIFER LOUISE PERKINS (hereinafter "Respondent
19 PERKINS") and RICK LEE BARKER (hereinafter "Respondent BARKER"),
20 is informed and alleges as follows:

21 I

22 The Complainant, J. Chris Graves, a Deputy Real Estate
23 Commissioner of the State of California, makes this Accusation in
24 his official capacity.

25 II

26 Respondent PERKINS is licensed and/or has license
27 rights under the Real Estate Law, Part 1 of Division 4 of the

1 California Business and Professions Code (hereinafter "Code") as
2 a real estate salesperson. However, during the period from
3 September 15, 1997 through January 6, 1999 Respondent PERKINS was
4 not licensed by the Department.

5 III

6 At all times relevant herein, Respondent BARKER was and
7 is licensed and/or has license rights under the Real Estate Law,
8 Part 1 of Division 4 of the Code as a real estate broker.

9 IV

10 That at all times herein mentioned Respondent BARKER
11 employed Respondent PERKINS and engaged in the business of, acted
12 in the capacity of, advertised, or assumed to act as a real
13 estate broker in the State of California within the meaning of
14 Section 10131 of the Code for or in expectation of compensation.

15 V

16 Beginning on or about November 5, 1997 and at various
17 times thereafter through December 30, 1997, Respondent PERKINS,
18 in her capacity with Respondent BARKER, solicited and negotiated
19 with and for Glencoe and Associates regarding the sale of their
20 subdivision properties.

21 VI

22 The activities performed by Respondent PERKINS in
23 Paragraph V were activities for which a real estate license is
24 required and she was compensated by Respondent BARKER for
25 performing these acts. However, Respondent PERKINS was not
26 licensed by the Department as a real estate salesperson or broker
27 at any time during the period discussed in Paragraph V.

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VII

The acts and/or omissions of Respondents described above in Paragraph V are grounds for the revocation or suspension of Respondents' licenses under the following sections of the Business and Professions Code and the Regulations:

(a) As to Respondent PERKINS under Sections 10130 and 10131(a) of the Code in conjunction with Section 10177(d) of the Code.

(b) As to Respondent BARKER under Section 10137 of the Code.

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 Respondents under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) and for such other and further relief as may be proper under other applicable provisions of law.


J. CHRIS GRAVES
Deputy Real Estate Commissioner

Dated at San Diego, California,
this 21st day of July, 1999.