

**FILED**

**JUN -2 2023**

**DEPT. OF REAL ESTATE**

By



1 Department of Real Estate  
2 320 W. 4th Street, Suite 350  
3 Los Angeles, CA 90013-1105  
4 Telephone: (213) 576-6982  
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9 BEFORE THE DEPARTMENT OF REAL ESTATE  
10 STATE OF CALIFORNIA

11 \* \* \*

12 In the Matter of the Accusation Against )

DRE No. H-05352 SD  
OAH No. 2023020283

13 )  
14 JANET V. SHANNER, )

15 Respondent. )

STIPULATION AND AGREEMENT  
IN SETTLEMENT AND ORDER

16  
17 It is hereby stipulated by and between JANET V. SHANNER (sometimes referred to as  
18 "Respondent"), acting by and through her attorney Jozef G. Magyar, Esq. of Kimball, Tirey, and  
19 St. John, LLP, and the Complainant, acting by and through Judith B. Vasan, Counsel for the  
20 Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation  
21 ("Accusation") filed on September 20, 2022, in this matter:

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

27 2. Respondent received, read and understands the Statement to Respondent, the

1 Discovery Provisions of the APA and the Accusation filed by the Department of Real Estate  
2 (“Department”) in this proceeding.

3 3. Respondent filed a Notice of Defense pursuant to Section 11506 of the Government  
4 Code for the purpose of requesting a hearing on the allegations in the Accusation. Respondent  
5 hereby freely and voluntarily withdraws said Notice of Defense. Respondent acknowledges that  
6 Respondent understands that by withdrawing said Notice of Defense Respondent thereby waives  
7 Respondent’s right to require the Commissioner to prove the allegations in the Accusation at a  
8 contested hearing held in accordance with the provisions of the APA and that Respondent will  
9 waive other rights afforded to Respondent in connection with the hearing such as the right to  
10 present evidence in his defense, and the right to cross-examine witnesses.

11 4. This Stipulation is based on the factual allegations contained in the Accusation filed in  
12 this proceeding. In the interest of expedience and economy, Respondent chooses not to contest  
13 these factual allegations, but to remain silent and understands that, as a result thereof, these  
14 factual statements, will serve as a prima facie basis for the disciplinary action stipulated to  
15 herein. The Real Estate Commissioner shall not be required to provide further evidence to prove  
16 such allegations.

17 5. It is understood by the parties that the Real Estate Commissioner may adopt this  
18 Stipulation as his Decision in this matter thereby imposing the penalty and sanctions on  
19 Respondent’s real estate license and license rights as set forth in the below “Order.” In the event  
20 that the Commissioner in his discretion does not adopt the Stipulation, the Stipulation shall be  
21 void and of no effect and Respondent shall retain the right to a hearing and proceed on the  
22 Accusation under the provisions of the APA and shall not be bound by any stipulation or waiver  
23 made herein.

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

1 DETERMINATION OF ISSUES

2 By reason of the foregoing stipulations, admissions and waivers and solely for the  
3 purpose of settlement of the pending Accusation without a hearing, it is stipulated and agreed  
4 that the following determination of issues shall be made:

5 The conduct, acts or omissions of Respondent JANET V. SHANNER, as set forth in the  
6 Accusation, are a basis for discipline of Respondent's real estate license, mortgage loan  
7 originator ("MLO") license endorsement(s), and license rights pursuant to the Real Estate Law,  
8 Part 1 of Division 4 of the California Business and Professions Code ("Code") sections  
9 10166.05(c), 10166.051(a), 10166.051(b), 10177(d), 10177(g) and/or 10177(j).

10 ORDER

11 WHEREFORE, THE FOLLOWING ORDER is hereby made:

12 I. SUSPENSION OF MLO LICENSE ENDORSEMENT

13 1. All MLO license endorsements and endorsement rights of Respondent under the Real  
14 Estate Law are suspended for a period of one hundred and eighty (180) days from the Effective  
15 Date of this Decision and Order.

16 2. Respondent further agrees that Respondent must satisfy the Education and  
17 Administrative Penalty provisions prior to reinstatement of their MLO license endorsement or  
18 issuance of new MLO license endorsement.

19 II. MORTGAGE LOAN ORIGINATION EDUCATION

20 1. Respondent shall, within ninety (90) days from the Effective Date of this Decision and  
21 Order, take and complete the following mortgage loan originator education requirements:

22 a) Twenty (20) hours of NMLS approved pre-licensure education ("PE"), which  
23 shall consist of fourteen (14) hours of federal law curriculum, three (3) hours of  
24 ethics curriculum, and three (3) hours of non-traditional mortgage lending  
25 curriculum. None of these twenty (20) hours of PE may be state-specific  
26 curriculum;

27 b) Eight (8) hours of continuing education ("CE"), which shall consist of four (4)

1 hours of federal law curriculum, two (2) hours of ethics curriculum, and two (2)  
2 hours of non-traditional mortgage lending curriculum. None of these eight (8)  
3 hours of CE may be state-specific curriculum.

4 2. Respondent may not take any of the PE provided for in Paragraph 1(a) of this Section  
5 in an online self-study format (“OSS”). Respondent may take the CE provided for in Paragraph  
6 1(b) in any format.

7 3. For a period of three (3) years from the Effective Date of this Order, Respondent shall  
8 be required to complete any additional PE and/or CE required under the SAFE Act in a format  
9 other than OSS. If Respondent fails to comply with this condition, the renewal application or  
10 new application of Respondent will be deemed incomplete by the Department.

11 4. If Respondent fails to timely satisfy the education provided for in Paragraph 1 of this  
12 section, Respondent’s MLO license endorsement shall remain suspended until Respondent  
13 presents evidence satisfactory to the Commissioner of having taken and successfully completed  
14 the education requirements.

15 5. Respondent agrees that the CE provided for in Paragraph 1 of this section is in addition  
16 to any NMLS education required for licensure under the SAFE Act. The CE provided for in  
17 Paragraph 1 will not count toward satisfying 2024 standard SAFE Act CE requirements.

18 6. Respondent further agrees that the Department may exercise its examination or  
19 investigative authority pursuant to the normal process for such authorized under the Real Estate  
20 Law and Commissioner’s Regulations in the instance a determination is made wherein  
21 Respondent is found to be in violation of the education requirements under this section.

22 **III. ADMINISTRATIVE PENALTY**

23 All licenses and licensing rights of Respondent are indefinitely suspended unless or until  
24 Respondent pays an administrative penalty of \$1,500.00. Said payment shall be in the form of a  
25 cashier’s check made payable to the Department of Real Estate. The payment must be delivered  
26 to the Department of Real Estate, Flag Section, at P.O. Box 137013, Sacramento, CA 95813-  
27 7013, prior to the Effective Date of this Decision and Order.

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IV. STAYED SUSPENSION OF REAL ESTATE LICENSE

All licenses and licensing rights of Respondent under the Real Estate Law, with the exception of the MLO license endorsement (NMLS ID 1115349) referenced in Section I above, are suspended for a period of ninety (90) days from the Effective Date of this Decision; provided, however, that all ninety (90) days of said suspension shall be stayed for one (1) year upon the following terms and conditions:


1. Respondent shall obey all laws, rules and regulations governing the rights, duties and responsibilities of a real estate licensee in the State of California; and

2. That no final subsequent determination be made, after hearing or upon stipulation, that cause for disciplinary action occurred within one (1) year 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.

V. INVESTIGATION AND ENFORCEMENT COSTS

All licenses and licensing rights of Respondent are indefinitely suspended unless or until Respondent pays the sum of \$790.75 for the Commissioner's reasonable costs of the investigation (\$377.95) and enforcement (\$412.80), 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 payment of 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, prior to the Effective Date of this Decision and Order.

DATED: 4/18/2023

  
\_\_\_\_\_  
Judith B. Vasan, Counsel for  
Department of Real Estate

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1 Respondent's signature below constitutes acceptance and approval of the terms and  
2 conditions of this Stipulation. Respondent agrees, acknowledges and understands that by signing  
3 this Stipulation, Respondent is bound by its terms as of the date of such signatures and that this  
4 agreement is not subject to rescission or amendment at a later date except by a separate Decision  
5 and Order of the Real Estate Commissioner.

6  
7 DATED: \_\_\_\_\_

\_\_\_\_\_  
JANET V. SHANNER  
Respondent

8  
9 DATED: 4/17/23

\_\_\_\_\_  
Jozef G. Magyar, Esq.  
Counsel for Respondent  
Approved as to Form

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11  
12 The foregoing Stipulation and Agreement is hereby adopted as my Decision as to  
13 Respondent JANET V. SHANNER and shall become effective at 12 o'clock noon on

14 \_\_\_\_\_  
15 IT IS SO ORDERED \_\_\_\_\_



16  
17 DOUGLAS R. McCAULEY  
18 REAL ESTATE COMMISSIONER

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Respondent's signature below constitutes acceptance and approval of the terms and conditions of this Stipulation. Respondent agrees, acknowledges and understands that by signing this Stipulation, Respondent is bound by its terms as of the date of such signatures and that this agreement is not subject to rescission or amendment at a later date except by a separate Decision and Order of the Real Estate Commissioner.

DATED: APR 11, 2023

  
  
JANET V. SHANNER  
Respondent

DATED: \_\_\_\_\_

\_\_\_\_\_  
Jozef G. Magyar, Esq.  
Counsel for Respondent  
Approved as to Form

The foregoing Stipulation and Agreement is hereby adopted as my Decision as to Respondent JANET V. SHANNER and shall become effective at 12 o'clock noon on JUN 22 2023.

IT IS SO ORDERED 5.24.23.

DOUGLAS R. McCAULEY  
REAL ESTATE COMMISSIONER

