

Sachs JLS

1 Bureau of Real Estate
320 West 4th Street, Suite 350
2 Los Angeles, California 90013

3 (213) 576-6982
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FILED

OCT -3 2013

BUREAU OF REAL ESTATE

By *[Signature]*

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8 BEFORE THE BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11	In the Matter of the Accusation of)	
12	TINA CHRISTINE PALMISANO,) No. H-37991 LA
13) <u>STIPULATION AND AGREEMENT</u>
14	Respondent.) B&P 10100.4
15	_____)	

16 It is hereby stipulated by and between TINA CHRISTINE
17 PALMISANO aka Tina Christine Singmaster aka Tina Christine Smith
18 ("Respondent") and the Complainant, acting by and through Diane
19 Lee, Counsel for the Bureau of Real Estate, as follows for the
20 purpose of settling and disposing of the issues described herein.

21 1. Respondent acknowledges that by entering in this
22 Stipulation and Agreement, Respondent is stipulating that the
23 Real Estate Commissioner has found grounds that justify the
24 suspension or revocation of her license and license rights under
25 the Real Estate Law. Respondent agrees there are grounds for the
26 suspension or revocation of her real estate salesperson license
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1 pursuant to California Business and Professions Code sections 490
2 and 10177(b) due to the following conviction: On or about
3 January 28, 2008, in the Superior Court of California, County of
4 Ventura, case no. 2008044715MA, Respondent was convicted of
5 violating California Penal Code section 487(a) (grand theft by
6 embezzlement), a misdemeanor.

7 2. Respondent hereby requests that the Real Estate
8 Commissioner in his discretion issue a restricted real estate
9 salesperson to her under the authority of California Business and
10 Professions Code sections 10100.4 and 10156.5. I understand that
11 any such restricted license will be issued subject to the
12 provisions of and limitations of California Business and
13 Professions Code sections 10156.6 and 10156.7.

14 3. Respondent understands that by her signing of this
15 Stipulation and Agreement, provided this Stipulation and
16 Agreement is accepted and signed by the Real Estate Commissioner,
17 the Real Estate Commissioner will not file an Accusation based on
18 the grounds herein, and Respondent is waiving her right to
19 require the Real Estate Commissioner to prove the allegations
20 herein at a contested hearing and that Respondent waives other
21 rights afforded to her in connection with the hearing, such as
22 the right to present evidence at the hearing to establish her
23 rehabilitation and the right to cross-examine witnesses.

24 4. It is understood by the parties that the Real
25 Estate Commissioner may adopt the Stipulation and Agreement as
26 his Decision in this matter, thereby imposing the penalty and
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1 sanctions on Respondent's real estate license and license rights
2 as set forth in the below "Order." In the event that the
3 Commissioner in his discretion does not adopt the Stipulation and
4 Agreement, it shall be void and of no effect, and Respondent
5 shall retain any rights under the provisions of the
6 Administrative Procedures Act, including but not limited to, the
7 right to a hearing. Respondent shall not be bound by any
8 admission or waiver made herein.

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

15 DETERMINATION OF ISSUES

16 By reason of the foregoing stipulations, admissions,
17 and waivers and solely for the purpose of settlement of the
18 allegations herein without a hearing, it is stipulated and agreed
19 that the following determination of issues shall be made:

20 The conduct of Respondent, as set forth in the
21 Accusation, is grounds for the suspension or revocation of all of
22 the real estate licenses and license rights of Respondent under
23 the provision of California Business and Professions Code
24 sections 490 and 10177(b).

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ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

All licenses and licensing rights of Respondent TINA CHRISTINE PALMISANO, under the Real Estate Law are revoked;
provided, however, a restricted real estate salesperson license shall be issued to Respondent pursuant to California Business and Professions Code section 10156.5 if Respondent makes application therefor and pays to the Bureau of Real Estate the appropriate fee for the restricted license within 90 days from the effective date of this Decision. The restricted license issued to Respondent shall be subject to all of the provisions of California Business and Professions Code section 10156.7 and to the following limitations, conditions, and restrictions imposed under authority of the California Business and Professions Code:

1. The restricted license issued to Respondent may be
suspended prior to hearing by Order of the Real Estate Commissioner in the event of Respondent's conviction or plea of nolo contendere to a crime which is substantially related to Respondent's fitness or capacity as a real estate licensee.

2. The restricted license issued to Respondent may be
suspended prior to hearing by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate

1 Commissioner, or conditions attaching to this restricted
2 license.

3 3. Respondent shall not be eligible to apply for the
4 issuance of an unrestricted real estate license nor for the
5 removal of any of the conditions, limitations, or restrictions
6 of a restricted license until two (2) years have elapsed from
7 the date of issuance of the restricted license to Respondent.

8 4. Respondent shall submit with any application for
9 license under an employing broker, or any application for
10 transfer to a new employing broker, a statement signed by the
11 prospective employing real estate broker on a form approved by
12 the Bureau of Real Estate which shall certify: (a) That the
13 employing broker has read the Decision of the Commissioner which
14 granted the right to a restricted license; and (b) That the
15 employing broker will exercise close supervision over the
16 performance by the restricted licensee relating to activities
17 for which a real estate license is required.

18 5. Respondent shall, within nine (9) months from the
19 effective date of this Decision, present evidence satisfactory
20 to the Real Estate Commissioner that Respondent has, since the
21 most recent issuance of an original or renewal real estate
22 license, taken and successfully completed the continuing
23 education requirements of Article 2.5 of Chapter 3 of the Real
24 Estate Law for renewal of a real estate license. If Respondent
25 fails to satisfy this condition, the Commissioner may order the
26 suspension of the restricted license until the Respondent
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1 presents such evidence. The Commissioner shall afford
2 Respondent the opportunity for a hearing pursuant to the
3 Administrative Procedure Act to present such evidence.

4 6. Respondent shall notify the Commissioner in
5 writing within 72 hours of any arrest by sending a certified
6 letter to the Commissioner at the Bureau of Real Estate, Post
7 Office Box 137013, Sacramento, CA 95813-7013. The letter shall
8 set forth the date of Respondent's arrest, the crime for which
9 Respondent was arrested, and the name and address of the
10 arresting law enforcement agency. Respondent's failure to
11 timely file written notice shall constitute an independent
12 violation of the terms of the restricted license and shall be
13 grounds for the suspension or revocation of that license.

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16 DATED:

09/23/2013


DIANE LEE

Counsel for Complainant

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

4 Respondent can signify acceptance and approval of the
5 terms and conditions of this Stipulation and Agreement by faxing
6 a copy of the signature page, as actually signed by Respondent,
7 to the Bureau of Real Estate at the following telephone/fax
8 number: (213) 576-6917. Respondent agrees, acknowledges, and
9 understands that by electronically sending to the Bureau of Real
10 Estate a fax copy of her actual signature as it appears on the
11 Stipulation and Agreement, that receipt of the faxed copy by the
12 Bureau of Real Estate shall be as binding on Respondent as if the
13 Bureau of Real Estate had received the original signed
14 Stipulation and Agreement.

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16 DATED: September 21, 2013 Tina Christine Palmisano
17 TINA CHRISTINE PALMISANO
18 Respondent

19 The foregoing Stipulation and Agreement regarding TINA
20 CHRISTINE PALMISANO is hereby adopted as my Decision in this
21 matter and shall become effective at 12 o'clock noon on

22 IT IS SO ORDERED SEP 30 2013
23 REAL ESTATE COMMISSIONER
24 By: JEFFREY MASON
25 Chief Deputy Commissioner
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1 hearing at which Respondent would have the right to cross-examine
2 witnesses and to present evidence in defense and mitigation of
3 the charges.

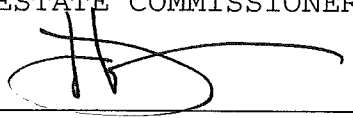
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11 Stipulation and Agreement, that receipt of the faxed copy by the
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13 Bureau of Real Estate had received the original signed
14 Stipulation and Agreement.

15
16 DATED: _____
17 TINA CHRISTINE PALMISANO
18 Respondent

19 The foregoing Stipulation and Agreement regarding TINA
20 CHRISTINE PALMISANO is hereby adopted as my Decision in this
21 matter and shall become effective at 12 o'clock noon on
22 October 23, 2013.

23 IT IS SO ORDERED _____ SEP 30 2013

24 REAL ESTATE COMMISSIONER

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27 **By: JEFFREY MASON**
Chief Deputy Commissioner