

1 Bureau of Real Estate
2 320 West Fourth Street, #350
3 Los Angeles, California 90013
4 (213) 576-6982

FILED

AUG 18 2015

BUREAU OF REAL ESTATE

By 

8 BEFORE THE BUREAU OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) CalBRE No. H-39669 LA
12 ERENIE PENDON FORTNEY,) OAH No. 2015010488
13) STIPULATION AND AGREEMENT
14 Respondent.)
15)

16 It is hereby stipulated by and between ERENIE PENDON FORTNEY
17 ("Respondent") and the Complainant, acting by and through Lissete Garcia, Counsel for the
18 Bureau of Real Estate, as follows for the purpose of settling and disposing of the Accusation
19 filed on December 9, 2014, in this matter:

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

1 this Stipulation and Agreement ("Stipulation").

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

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

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

19 5. Respondent understands that by agreeing to this Stipulation, she agrees to pay
20 pursuant to Business and Professions Code Section 10106, the investigation and enforcement
21 costs which led to this disciplinary action. The amount of said costs is \$6,500.

22 6. It is understood by the parties that the Real Estate Commissioner may adopt
23 the Stipulation as his decision in this matter thereby imposing the penalty and sanctions on
24 Respondent's real estate license and license rights as set forth in the below "Order". In the

1 Estate the appropriate fee for the restricted license within 90 days of the effective date of this
2 Decision. The restricted license issued to Respondent shall be subject to all of the provisions of
3 Section 10156.7 of the Business and Professions Code and to the following limitations,
4 conditions and restrictions imposed under authority of Section 10156.6 of that Code:

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

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

14 3. Respondent shall not be eligible to apply for the issuance of an unrestricted
15 real estate license nor for the removal of any of the conditions, limitations or restrictions of a
16 restricted license until at least three (3) years have elapsed from the effective date of this
17 Decision.

18 4. Respondent shall submit with any application for license under an employing
19 broker, or any application for transfer to a new employing broker, a statement signed by the
20 prospective employing real estate broker on a form approved by the Bureau of Real Estate
21 which shall certify:

22 (a) That the employing broker has read the Order of the Commissioner which
23 granted the right to a restricted license, and

24 ///

1 (b) That the employing broker will exercise close supervision over the
2 performance by the restricted licensee relating to activities for which a real estate license is
3 required.

4 5. Respondent shall, within six (6) months from the effective date of this Order,
5 take and pass the Professional Responsibility Examination administered by the Bureau including
6 the payment of the appropriate examination fee. If Respondent fails to satisfy this condition,
7 Respondent's real estate license shall automatically be suspended until Respondent passes the
8 examination.

9 6. Respondent shall, within nine (9) months from the effective date of this
10 Decision, present evidence satisfactory to the Real Estate Commissioner that Respondent has,
11 since the most recent issuance of an original or renewal real estate license, taken and
12 successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the
13 Real Estate Law for renewal of a real estate license. If Respondent fails to satisfy this condition,
14 the Commissioner shall order the suspension of the restricted license until the Respondent
15 presents such evidence. The Commissioner shall afford Respondent the opportunity for a
16 hearing pursuant to the Administrative Procedure Act to present such evidence.

17 7. Respondent shall, prior to the issuance of the restricted license and as a
18 condition of the issuance of said restricted license, pay the sum of \$6,500 for the
19 Commissioner's reasonable costs of enforcement and investigation which led to this
20 disciplinary action. Said payment shall be in the form of a cashier's check made payable to the
21 Real Estate Fund. The investigative costs must be delivered to the Bureau of Real Estate, Flag
22 Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this
23 Order.

1 8. If Respondent fails to satisfy condition 7, above, the Commissioner shall
2 order the suspension of Respondent's license until the Respondent presents evidence of
3 payment. The Commissioner shall afford Respondent the opportunity for a hearing pursuant to
4 the Administrative Procedure Act to present such evidence that payment was timely made. The
5 suspension shall remain in effect until payment is made in full or until a decision providing
6 otherwise is adopted following a hearing held pursuant to this condition.

7 9. A copy of all proofs payment and completed coursework shall be submitted to
8 Bureau Counsel Lissete Garcia, Attention: Legal Section, Bureau of Real Estate, 320 W. Fourth
9 St., Suite 350, Los Angeles, California 90013-1105.

10
11 DATED: 7/14/2015


LISSETE GARCIA, Counsel for the
Bureau of Real Estate

12
13 * * *

14
15 I have read the Stipulation and Agreement and its terms are understood by me
16 and are agreeable and acceptable to me. I understand that I am waiving rights given to me by
17 the California Administrative Procedure Act (including but not limited to Sections 11506,
18 11508, 11509 and 11513 of the Government Code), and I willingly, intelligently and voluntarily
19 waive those rights, including the right of requiring the Commissioner to prove the allegations in
20 the Accusation at a hearing at which I would have the right to cross-examine witnesses against
21 me and to present evidence in defense and mitigation of the charges.

22 Respondent can signify acceptance and approval of the terms and conditions of
23 this Stipulation and Agreement by faxing a copy of the signature page, as actually signed by
24 Respondent, to the Bureau at the following telephone/fax number: (213) 576-6917. Respondent

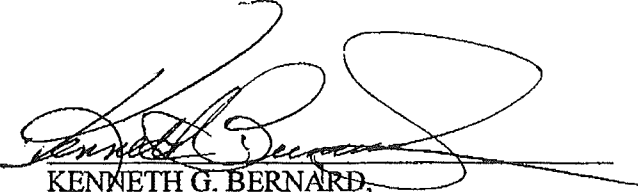
1 agrees, acknowledges and understands that by electronically sending to the Bureau a fax copy
 2 of her actual signature as it appears on the Stipulation and Agreement, that receipt of the faxed
 3 copy by the Bureau shall be as binding on Respondent as if the Bureau had received the original
 4 signed Stipulation and Agreement.

5
 6 DATED: 7/8/15


 ERENIE PENDON FORTNEY
 Respondent

8 *I have reviewed the Stipulation and Agreement as to form and content and have*
 9 *advised my client accordingly.*

10 DATED: 7-10-15


 KENNETH G. BERNARD,
 Attorney for Respondent

12 * * *

13 The foregoing Stipulation and Agreement is hereby adopted as my Decision in
 14 this matter, and shall become effective at 12 o'clock noon on _____.

15 IT IS SO ORDERED _____.

17 REAL ESTATE COMMISSIONER
 18
 19
 20
 21
 22
 23
 24

1 agrees, acknowledges and understands that by electronically sending to the Bureau a fax copy
2 of her actual signature as it appears on the Stipulation and Agreement, that receipt of the faxed
3 copy by the Bureau shall be as binding on Respondent as if the Bureau had received the original
4 signed Stipulation and Agreement.

5
6 DATED: _____

ERENIE PENDON FORTNEY
Respondent

7
8 *I have reviewed the Stipulation and Agreement as to form and content and have*
9 *advised my client accordingly.*

10 DATED: _____

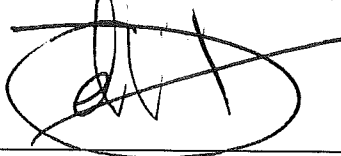
KENNETH G. BERNARD,
Attorney for Respondent

11
12 * * *

13
14 The foregoing Stipulation and Agreement is hereby adopted as my Decision in
15 this matter, and shall become effective at 12 o'clock noon on SEP - 7 2015

16 IT IS SO ORDERED August 7, 2015

17 REAL ESTATE COMMISSIONER

18 
19

20
21 By: JEFFREY MASON
Chief Deputy Commissioner