

1 Department of Real Estate
2 320 West 4th Street, Ste. 350
3 Los Angeles, California 90013-1105
4 Telephone: (213) 576-6982

FILED

JUL 26 2022

DEPT. OF REAL ESTATE

By 

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) No. H-42106 LA
12)
13 KATHLEEN RENEE O'BRIEN) **STIPULATION**
14) **AND**
15 and) **AGREEMENT**
16)
17 BENNION & DEVILLE FINE)
18 HOMES, INC.,)
19 Respondents.)

20 It is hereby stipulated by and between Respondent KATHLEEN RENEE
21 O'BRIEN a.k.a. Kathleen Renee Sunshine O'Brien ("O'BRIEN"), represented by Steven D.
22 Spile, Esq./Spile, Leff & Goor, LLP, and the Complainant, acting by and through Julie L. To,
23 Counsel for the Department of Real Estate ("Department" or "DRE"), as follows for the purpose
24 of settling and disposing of the Accusation ("Accusation") filed on September 7, 2021, in Case
25 No. H-42106 LA, in this matter.

26 1. All issues which were to be contested and all evidence which was to be
27 presented by Complainant and Respondent at a formal hearing on the Accusation, which hearing
was to be held in accordance with the provisions of the Administrative Procedure Act ("APA"),

DRE Stipulation & Agreement: Kathleen Renee O'Brien, H-42106 LA

1 shall instead and in place thereof be submitted solely on the basis of the provisions of this
2 Stipulation and Agreement ("Stipulation").

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

6 3. On September 16, 2021, Respondent timely filed her Notice of Defense
7 pursuant to Section 11506 of the Government Code for the purpose of requesting a hearing on
8 the allegations in the Accusation. Respondent hereby freely and voluntarily withdraws said
9 Notice of Defense. Respondent acknowledges that she understands that by withdrawing said
10 Notice of Defense she thereby waives her right to require the Commissioner to prove the
11 allegations in the Accusation at a contested hearing held in accordance with the provisions of the
12 APA and that she will waive other rights afforded to her in connection with the hearing such as
13 the right to present evidence in her defense and the right to cross-examine witnesses.

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

20 5. This Stipulation is made for the purpose of reaching an agreed disposition of
21 this proceeding and is expressly limited to this proceeding and any other proceeding or case in
22 which the Department or another licensing agency of this state, another state, or if the federal
23 government is involved, and otherwise shall not be admissible in any other criminal or civil
24 proceeding.

25 ///

1 above, are in violation of the Real Estate Law pursuant to: Code Section 10140, and is basis for
2 the suspension or revocation of the license and license rights of O'BRIEN pursuant to Code
3 Section 10177(g).

4 ORDER

5 WHEREFORE, THE FOLLOWING ORDER is hereby made:

6 I.

7 All licenses and licensing rights of Respondent KATHLEEN RENEE O'BRIEN
8 under the Real Estate Law are suspended for a period of sixty (60) days from the effective date of
9 this Decision and Order; provided, however, that:

10 1. All sixty (60) days of said suspension shall be stayed for one (1) year upon the
11 following terms and conditions:

12 a) Respondent shall obey all laws, rules and regulations governing the
13 rights, duties and responsibilities of a real estate licensee in the State of
14 California; and,

15 b) That no final subsequent determination be made, after hearing or upon
16 stipulation, that cause of disciplinary action occurred within one (1) year
17 from the effective date of this Decision and Order. Should such a
18 determination be made, the Commissioner may, in his discretion, vacate
19 and set aside the stay order and reimpose all or a portion of the stayed
20 suspension. Should no such determination be made, the stay imposed
21 herein shall become permanent.

22 2. All licenses and licensing rights of Respondent are indefinitely suspended
23 unless or until Respondent pays pay the Commissioner's reasonable cost of the investigation and
24 enforcement which led to this disciplinary action; said costs total \$2,655.00 (comprised of
25 \$1,647.00 in investigation costs and \$1,008.00 in enforcement costs). Pursuant to Code Section
26

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1 10106, Respondent agrees to pay the amount \$2,655.00. Respondent's payment shall be in the
2 form of a cashier's check or certified check made payable to the Department of Real Estate. The
3 investigation and enforcement costs must be delivered to: Department of Real Estate, Flag
4 Section, P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this
5 Decision and Order.

6 DATED: 6-30-22



Julie L. To, Counsel for
Department of Real Estate

8 * * *

9 II.

10 EXECUTION OF THE STIPULATION

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

18 III.

19 MAILING AND FACSIMILE


20 Respondent can signify acceptance and approval of the terms and conditions of
21 this Stipulation and Agreement by sending a hard copy of the original signed signature page of
22 the Stipulation herein to: Julie L. To, Legal Section, Department of Real Estate, 320 W. Fourth
23 St., Suite 350, Los Angeles, California 90013-1105. In the event of time constraints before an
24 administrative hearing, Respondent can signify acceptance and approval of the terms and
25 conditions of this Stipulation and Agreement by e-mailing a scanned copy of the signature page,
26

1 as actually signed by Respondent, to the Department counsel assigned to this case. Respondent
2 agrees, acknowledges, and understands that by electronically sending to the Department a scan of
3 Respondent's actual signature as it appears on the Stipulation and Agreement, that receipt of the
4 scan by the Department shall be binding on Respondent as if the Department had received the
5 original signed Stipulation and Agreement.

6
7 DATED: 6-29-22 
8 KATHLEEN RENEE O'BRIEN, Respondent

9
10 * * *

11 *I have reviewed the Stipulation and Agreement as to form and have advised my*
12 *client accordingly.*

13
14 DATED: 6-29-2022 
15 Steven D. Spile, Attorney for Respondent

16 * * *

17 The foregoing Stipulation and Agreement is hereby adopted as my Decision as to
18 Respondent KATHLEEN RENEE O'BRIEN, and shall become effective at 12 o'clock noon on
19 AUG 25 2022, 2022.

20 IT IS SO ORDERED 7.27.22, 2022.

21
22 REAL ESTATE COMMISSIONER

23
24
25 
26 DOUGLAS R. McCAULEY

27 DRE Stipulation & Agreement: Kathleen Renee O'Brien, H-42106 LA