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1 Department of Real Estate  
2 107 South Broadway, Room 8107  
3 Los Angeles, California 90012

4 (213) 897-3937

FILED  
MAR 11 1996  
DEPARTMENT OF REAL ESTATE

By C. Bay

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \* \* \*

11 In the Matter of the Accusation of ) No. H-1844 SA  
12 JENNY ELAINE McLEAN, individually ) STIPULATION AND  
13 and formerly dba ) AGREEMENT IN  
14 The McLean Company and ) SETTLEMENT AND ORDER  
15 Realty World-McLean Company, )  
Respondent. )

16 It is hereby stipulated by and between JENNY ELAINE  
17 McLEAN (hereinafter "Respondent") represented by Charles E.  
18 Koller, Esq., and the Complainant, acting by and through Chris  
19 Leong, Counsel for the Department of Real Estate, as follows for  
20 the purpose of settling and disposing of the Accusation filed on  
21 September 13, 1994:

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 Procedures Act (APA), shall instead and in place thereof be  
27 submitted solely on the basis of the provisions of this

1 Stipulation and Agreement in Settlement and Order (hereinafter  
2 "Stipulation").

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

7 3. On November 4, 1994, 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 she  
12 understands she will thereby waive her right to require the  
13 Commissioner to prove the allegations in the Accusation at a  
14 contested hearing, held in accordance with the provisions of the  
15 APA and that she will waive other rights afforded to her in  
16 connection with the hearing, such as the right to present  
17 evidence in defense of the allegations in the Accusation and the  
18 right to cross-examine witnesses.

19 4. Respondent, pursuant to the limitations set forth  
20 below, hereby acknowledges that the factual allegations in  
21 Paragraphs 1 through 17 of the Accusation, are the basis of this  
22 Stipulation. The Real Estate Commissioner shall not be required  
23 to provide further evidence of such allegations.

24 5. It is understood by the parties that the Real  
25 Estate Commissioner may adopt the Stipulation as his decision in  
26 this matter thereby imposing the penalty and sanctions on  
27 Respondent's real estate license and license rights as set forth

1 in the below "Order". In the event that the Commissioner in his  
2 discretion does not adopt the Stipulation, the Stipulation shall  
3 be void and of no effect, and Respondent shall retain the right  
4 to a hearing and proceeding on the Accusation under all the  
5 provisions of the APA, and shall not be bound by any admission or  
6 waiver made herein.

7 6. The Order, or any subsequent Order of the Real  
8 Estate Commissioner, made pursuant to this Stipulation shall not  
9 constitute an estoppel, merger or bar to any further disciplinary  
10 or civil proceedings by the Department of Real Estate with  
11 respect to any matters which are not specifically alleged to be  
12 causes for accusation in this proceeding.

13 DETERMINATION OF ISSUES

14 By reason of the foregoing stipulations, admissions and  
15 waivers and solely for the purpose of settlement of the pending  
16 Accusation without a hearing or determination on the merits, it is  
17 stipulated and agreed that Respondent's real estate license and  
18 license rights may be revoked under the provisions of Section 10137  
19 of the Code.

20 ORDER

21 WHEREFORE, THE FOLLOWING ORDER is hereby made:

22 The restricted license and license rights of  
23 Respondent, under the provisions of Part 1 of Division 4 of the  
24 Business and Professions Code, are hereby suspended for the sixty  
25 (60) day period commencing on the effective date of the Decision  
26 entered herein.

27 The sixty (60) day suspension period of Respondent's

1 license shall be stayed for a period of 12 months if, prior to  
2 the effective date of the Decision herein, said Respondent,  
3 pursuant to Section 10175.2 of the Code:

4 a) pays \$2,500.00 to the Real Estate Recovery Account.

5 The adoption of this provision in the Decision of the Real Estate  
6 Commissioner shall constitute a determination that it would not  
7 be against the public interest to permit said Respondent to pay a  
8 monetary penalty. Payment of the monetary penalty shall be by  
9 certified or cashier's check made payable to the Department of  
10 Real Estate, and

11 b) submits proof to the Department of payment of  
12 \$797.44 to Joseph Wilson.

13 If it is determined pursuant to the Administrative  
14 Procedure Act that further cause for disciplinary action against  
15 the real estate license and license rights of Respondent has  
16 occurred within one (1) year from the effective date of this  
17 Decision, the stay of suspension hereby granted, or such portion  
18 thereof as the Real Estate Commissioner shall deem to be  
19 appropriate, shall be immediately vacated.

20 If no further cause for disciplinary action against the  
21 real estate license and license rights of Respondent shall occur  
22 within one (1) year from the effective date of this Decision, the  
23 stay hereby granted shall become permanent.

24  
25 DATED: 2/20/96

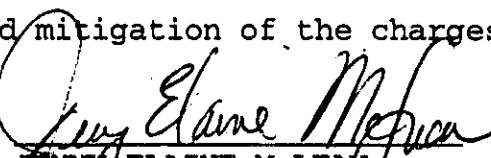
Chris Leong  
CHRIS LEONG  
Counsel for Complainant

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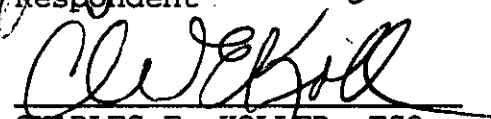
\* \* \*

I have read the Stipulation, 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 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.

DATED: 2-9-96

  
JENNY ELAINE McLEAN  
Respondent

DATED: 2-9-96

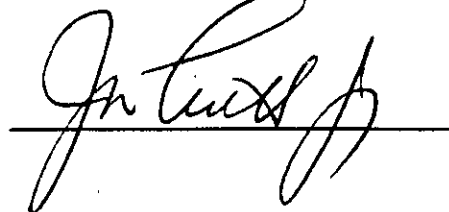
  
CHARLES E. KOLLER, ESQ.  
Respondent's Attorney

\* \* \*

The foregoing Stipulation and Agreement in Settlement  
is hereby adopted as my Decision and Order and shall become  
effective at 12 o'clock noon on April 2, 1996.

IT IS SO ORDERED 3/7/96.

JIM ANTT, JR.  
Real Estate Commissioner



504  
1 CHRISTOPHER K.D. LEONG, Counsel  
2 Department of Real Estate  
3 107 South Broadway, Room 8107  
4 Los Angeles, CA 90012  
5 (213) 897-3937

FILED  
SEP 13 1994  
DEPARTMENT OF REAL ESTATE

By C. Berg

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STATE OF CALIFORNIA

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11 In the Matter of the Accusation of ) No. H-1844 SA  
12 JENNY ELAINE McLEAN, individually ) ACCUSATION  
13 and formerly dba )  
14 The McLean Company and )  
15 Realty World-McLean Company, )  
Respondent. )

16 The Complainant, Thomas McCrady, a Deputy Real Estate  
17 Commissioner of the State of California, for cause of Accusation  
18 against JENNY ELAINE McLEAN, individually and formerly dba The  
19 McLean Company and Realty World-McLean Company (hereinafter  
20 "Respondent") is informed and alleges as follows:

21 1.

22 The Complainant, Thomas McCrady, a Deputy Real Estate  
23 Commissioner of the State of California, makes this Accusation  
24 against Respondent in his official capacity.

25 2.

26 All Sections of Title 10, Chapter 6, California Code of  
27 Regulations, are hereinafter referred to as "Regulations".

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3.

At all times herein mentioned, Respondent was and still is licensed by the Department of Real Estate of the State of California (hereinafter "Department") as a real estate broker. Respondent's restricted real estate broker license was issued on or about April 17, 1993.

4.

At all times herein mentioned, Lori Schultz (hereinafter "Schultz") was not licensed by the Department as a real estate broker or a real estate salesperson.

5.

At all times mentioned herein, in Los Angeles County, California, Respondent was acting as a property manager as defined in Subdivision (b) of Section 10131 of the Business and Professions Code by conducting a property manager brokerage business by soliciting landlords and tenants wherein she arranged, negotiated, processed, and consummated, on behalf of others, the negotiation of leases and listings of real property for rent for compensation or in expectation of compensation.

6.

From about August 1991 to present, Respondent employed and compensated Schultz as her agent to solicit for and negotiate, leases in real property for others including, but not limited to: Joseph and Victoria Wilson.

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7.

The activities of Schultz, described above in Paragraph 9, are acts requiring a real estate license as described in Section 10131(b) of the Code. In employing and compensating Schultz, for said acts when she was not licensed by the Department, Respondent violated Section 10137 of the Code.

8.

Schultz violated Section 10130 of the Code by engaging in the activities set forth in Paragraph 6, without being licensed as a real estate broker.

9.

On or about May 7, 1992, Victoria Wilson (hereinafter "V. Wilson") arrived from Louisville, Kentucky, seeking a house to lease in the Palm Springs area, for at least one year. She discovered 581 The Palms (hereinafter "the Palms"), which was listed by The McLean Company.

10.

On or about May 8, 1992, Schultz met V. Wilson at the Palms, showed her the property, discussed the terms of a lease exceeding one year, and told V. Wilson that the rent was \$1,400.00 per month.

11.

On or about May 9, 1992, V. Wilson delivered a deposit check of \$100.00 (payable to McLean Company Rentals) to Schultz and additional lease terms were discussed. This included Schultz' promise that repairs would be made to the kitchen, appliances, patio and pool.

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12.

On or about May 12, 1992, V. Wilson met Schultz at the Palms. V. Wilson gave Schultz a check for \$2,700 (payable to McLean Company Rentals) for the first months rent and a security deposit.

13.

On or about June 26, 1992, Schultz faxed a copy of a lease agreement to V. Wilson in Kentucky. This agreement was not signed by the property owner, Robert Gould, or the property Manager, Respondent. The owner refused to make the repairs promised by Schultz and V. Wilson canceled the agreement.

14.

V. Wilson sued Realty World-The McLean Co. and Respondent for the return of the deposit, first months rent and security deposit. Small Claims court in Riverside County, case S.C. 68819, granted V. Wilson a judgment of \$797.00.

15.

On June 27, 1991, an Accusation case number H-1204 SA was filed against Respondent. This case was settled by stipulation and agreement. Violations were found of Section 10145(d) of the Code and Sections 2831, 2831.1, 2831.2, 2832.1. Respondent's license was revoked with a right to a restricted license. This Order was effective August 6, 1992.

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