

FILED

SEP 30 2013

BUREAU OF REAL ESTATE

By *L. J. [Signature]*

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
)
 STRONG HOLDINGS, INC.,)
 JENNIFER J. MARTIN and)
BRENDA J. BAGGIOLINI,)
)
 Respondents.)

H-2687 FR

DECISION

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on August 21, 2013, and the findings of fact set forth herein, which are based on one or more of the following: (1) Respondent's express admissions; (2) affidavits; and (3) other evidence.

FINDINGS OF FACT

1

On November 2, 2011, Luke Martin made the Accusation in his official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statement to Respondent, and Notice of Defense were mailed, by regular and certified mail, return receipt requested, to Respondent's last known mailing addresses on file with the Bureau on November 7, 2011.

2

On August 21, 2013, after BAGGIOLINI was duly noticed for the hearing set for June 27, 2013 on this matter and having failed to appear at said hearing, BAGGIOLINI's default was entered herein.

3

From December 7, 2010, until June 20, 2011, BAGGIOLINI was not licensed by the Bureau, either as a real estate broker or as a real estate salesperson.

4

On or about January 23, 2011, BAGGIOLINI obtained a listing to sell that certain real property commonly known as 1885 Rivermist Court, in Hanford, California (Rivermist Property). On that date, Seller signed an exclusive listing agreement with Strong Holdings, Inc. (SH).

5

On or about February 1, 2011, an offer to purchase the Rivermist Property was accepted by sellers.

6

On or about March 7, 2011, the lenders accepted a short sale offer forwarded by BAGGIOLINI, with an initial closing date of March 15, 2011, which was extended several times until it closed on April 5, 2011.

7

From January 23, 2011, through April 2011, BAGGIOLINI communicated with the bank, escrow holder, and buyer's agent concerning the sale of the Rivermist Property. On January 23, 2011, BAGGIOLINI signed the Agency Disclosure Statement and Real Estate Transfer Disclosure Statement regarding the Rivermist Property. On or about March 7, 2011, BAGGIOLINI negotiated with the tenants living in the Rivermist Property, including a promise to pay the buyers \$1,500.00 for the time that tenants remained in the Rivermist Property beyond the original closing date. On and around April 5, 2011, BAGGIOLINI had numerous email contacts with and obtained and forwarded several documents to the escrow holder.

8

On or about April 1, 2011, buyer's agent informed Jennifer Martin (Martin) that BAGGIOLINI was unlicensed. Martin advised buyer's agent that another employee would help complete the transaction on the Rivermist Property. In fact, BAGGIOLINI continued to perform real estate activities on the transaction until it closed.

9

On or about April 1, 2011, the seller added additional terms, including \$1,500.00 more to the purchase price and a provision allowing the tenants to stay in the property until April 22, 2011. BAGGIOLINI agreed to these terms on behalf of the buyer, despite the fact that they were not in the original contract of sale and failed to document these terms with an addendum.

In and around May 2011, the seller, Martin and SH entered a settlement agreement arising out of the last minute demands of sellers, with Martin and SH agreeing to pay buyer \$1,467.42.

DETERMINATION OF ISSUES

1

Cause for disciplinary action against BAGGIOLINI exists pursuant to Business and Professions Code Sections 10130, 10177(d), 10177(g) and 10177(j).

2

The standard of proof applied was clear and convincing proof to a reasonable certainty.

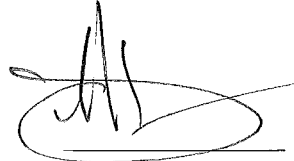
ORDER

All licenses and licensing rights of Respondent BRENDA J. BAGGIOLINI, under the provisions of Part I of Division 4 of the Business and Professions Code, are revoked.

This Decision shall become effective at 12 o'clock noon on OCT 21 2013.

DATED: Sept 1, 2013

REAL ESTATE COMMISSIONER



By: JEFFREY MASON
Chief Deputy Commissioner

1 Department of Real Estate
2 P. O. Box 137007
3 Sacramento, CA 95813-7007

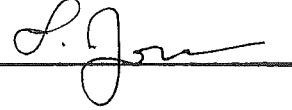
4 Telephone: (916) 263-8670

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10 * * *

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14 BRENDA J. BAGGIOLINI,

15 Respondents.

No. H-2687 FR

DEFAULT ORDER

16
17 Respondent, BRENDA J. BAGGIOLINI, having been duly noticed and failing to
18 appear at the hearing in this matter, in now in default. It is, therefore, ordered that a default be
19 entered on the record in this matter.

20 IT IS SO ORDERED

August 19, 2013

21
22 REAL ESTATE COMMISSIONER

23
24 By:


25 PHILLIP HYDE

26 Central Area Regional Manager
27