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DEPT. OF REAL ESTATE

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-03250 FR
)	
KAREX PROPERTY MANAGEMENT SERVICES, a corporation,)	<u>STIPULATION AND AGREEMENT</u>
KAREN KAYE JACOBSMA, doing)	
business as Jacobsma & Associates and)	
Karex Property Management Services,)	
individually and as designated officer of)	
Karex Property Management Services,)	
and REX ALAN JACOBSMA,)	
)	
Respondents.)	

It is hereby stipulated by and between Respondents KAREX PROPERTY MANAGEMENT SERVICES and KAREN KAYE JACOBSMA ("Respondents"), represented by Frank Buda, and the Complainant, acting by and through Steve Chu, Counsel for the Department of Real Estate ("Department"), as follows for the purpose of settling and disposing of the Accusation filed on June 3, 2019, in this matter:

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1 1. All issues which were to be contested and all evidence which was to be
2 presented by Complainant and Respondents at a formal hearing on the Accusation, which
3 hearing was to be held in accordance with the provisions of the Administrative Procedure Act
4 (“APA”), shall instead and in place thereof be submitted solely on the basis of the provisions of
5 this Stipulation and Agreement (“Stipulation”).

6 2. Respondents have received, read and understand the Statement to
7 Respondent, the Discovery Provisions of the APA, and the Accusation filed by the Department
8 of Real Estate in this proceeding.

9 3. On June 13, 2019, Respondents filed a Notice of Defense pursuant to
10 Section 11506 of the Government Code for the purpose of requesting a hearing on the
11 allegations in the Accusation. Respondents hereby freely and voluntarily withdraw said Notice
12 of Defense. Respondents acknowledge that Respondents understand that by withdrawing said
13 Notice of Defense, Respondents will thereby waive Respondents’ right to require the Real
14 Estate Commissioner (“Commissioner”) to prove the allegations in the Accusation at a
15 contested hearing held in accordance with the provisions of the APA and that Respondents will
16 waive other rights afforded to Respondents in connection with the hearing such as the right to
17 present evidence in defense of the allegations in the Accusation and the right to cross-examine
18 witnesses.

19 4. Respondents, pursuant to the limitations set forth below, hereby admit
20 that the factual allegations in the Accusation filed in this proceeding are true and correct and the
21 Commissioner shall not be required to provide further evidence to prove such allegations.

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1 II.

2 The conduct, acts, and/or omissions of Respondent KAREN KAYE
3 JACOBSMA, as described in the Accusation, constitute cause for the suspension or revocation
4 of all real estate licenses and license rights of Respondent KAREN KAYE JACOBSMA under
5 Code sections 10137, 10177(g), and 10177(h) for violation of Code sections 10137 and 10145
6 and Regulations sections 2725 and 2832.

7 ORDER

8 I.

9 All licenses and licensing rights of Respondent KAREX PROPERTY
10 MANAGEMENT SERVICES under the Real Estate Law are suspended for a period of
11 sixty (60) days from the effective date of this Decision and Order; provided, however, that:

12 1. Sixty (60) days of said suspension shall be stayed for two (2) years upon
13 the following terms and conditions:

- 14 a. Respondent shall obey all laws, rules, and regulations governing
15 the rights, duties, and responsibilities of a real estate licensee in the
16 State of California.
- 17 b. No final determination be made after hearing or upon stipulation
18 that cause for disciplinary action against any of the real estate
19 licenses or license rights of Respondent occurred within two (2) years
20 from the effective date of this Decision and Order. Should such a
21 determination be made, the Commissioner may, in his discretion,
22 vacate and set aside the stay order and reimpose all or a portion of the
23 stayed suspension. Should no such determination be made, the stay
24 imposed herein shall become permanent.

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1 b. No final determination be made after hearing or upon stipulation
2 that cause for disciplinary action against any of the real estate
3 licenses or license rights of Respondent occurred within two (2) years
4 from the effective date of this Decision and Order. Should such a
5 determination be made, the Commissioner may, in his discretion,
6 vacate and set aside the stay order and reimpose all or a portion of the
7 stayed suspension. Should no such determination be made, the stay
8 imposed herein shall become permanent.

9 2. All licenses and licensing rights of Respondent are indefinitely
10 suspended unless or until Respondent provides proof satisfactory to the Commissioner of
11 having taken and successfully completed the continuing education course on trust fund
12 accounting and handling specified in Code section 10170.5(a)(3). Proof of satisfaction of this
13 requirement includes evidence that Respondent has successfully completed the trust fund
14 accounting and handling continuing education course within one hundred twenty (120) days
15 prior to the effective date of this Decision and Order. Proof of completion of the trust fund
16 accounting and handling course must be delivered to the Department of Real Estate,
17 Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of
18 this Decision and Order.

19 3. All licenses and licensing rights of Respondent KAREN KAYE
20 JACOBSMA are indefinitely suspended unless or until Respondent KAREN KAYE
21 JACOBSMA pays, jointly and severally with Respondent KAREX PROPERTY
22 MANAGEMENT SERVICES, the sum of \$6,832.96 for the Commissioner's cost of the audit
23 which led to this disciplinary action. Respondent KAREN KAYE JACOBSMA shall pay such
24 cost within sixty (60) days of receiving an invoice therefore from the Commissioner. Said
25 payment shall be in the form of a cashier's check made payable to the Department of Real
26 Estate. The audit cost must be delivered to the Department of Real Estate, Flag Section at
27 P.O. Box 137013, Sacramento, CA 95813-7013.

We have read the Stipulation and Agreement. We understand that we are waiving rights given to us by the California Administrative Procedure Act, (including but not limited to sections 11521 and 11523 of the Government Code), and we willingly, intelligently, and voluntarily waive those rights, including the right to seek reconsideration and the right to seek judicial review of the Commissioner's Decision and Order by way of a writ of mandate.

We agree, acknowledge, and understand that we cannot rescind or amend this Stipulation and Agreement.

We can signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by mailing the original signed Stipulation and Agreement to: Steve Chu, Department of Real Estate, 320 West 4th Street, Suite 350, Los Angeles, California 90013-1105. Steve Chu must receive the original signed Stipulation and Agreement or a copy faxed to (213) 576-6917 by December 21, 2020; if not, this Stipulation and Agreement is invalid and void because the sum for the Commissioner's reasonable cost of the investigation and enforcement which led to this disciplinary action will increase.

DATED: 12/19/20

Karen Kaye Jacobsma
KAREX PROPERTY MANAGEMENT SERVICES
Respondent
By KAREN KAYE JACOBSMA, as designated officer of Karex Property Management Services

DATED: 12/19/20

Karen Kaye Jacobsma
KAREN KAYE JACOBSMA
Respondent

DATED: 12-21-20

Frank Buda
Frank Buda
Counsel for Respondents
Approved as to Form

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The foregoing Stipulation and Agreement is hereby adopted by me as my
Decision in this matter as to Respondents KAREX PROPERTY MANAGEMENT SERVICES
and KAREN KAYE JACOBSMA, and shall become effective at 12 o'clock noon
on April 2, 2021.

IT IS SO ORDERED 2-10-21

DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER

Douglas R. McCauley