

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

4 Telephone: (916) 576-8700

FILED

FEB 14 2024

DEPARTMENT OF REAL ESTATE
By B. A. C. W. W.

5
6
7 BEFORE THE DEPARTMENT OF REAL ESTATE
8 STATE OF CALIFORNIA

9 * * *

10 In the Matter of the Accusation of

11 ACTION ONE PROPERTY
12 MANAGEMENT, INC.;

13 and

14 JACKELINE P. PRICE, individually and as
15 designated officer of Action One Property
16 Management, Inc.,

17 Respondents.)

No. H-3491 FR

STIPULATION AND
AGREEMENT

18 It is hereby stipulated by and between ACTION ONE PROPERTY
19 MANAGEMENT, INC. (ACTION), and JACKELINE P. PRICE (PRICE) (collectively
20 "Respondents"), and the Complainant, acting by and through Truly Sughrue, Counsel for the
21 Department of Real Estate (Department), as follows for the purpose of settling and disposing
22 of the Accusation (Accusation) filed on June 13, 2023, in this matter:

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

1 2. Respondents have received, read, and understand the Statement to
2 Respondent, and the Discovery Provisions of the APA filed by the Department in this
3 proceeding.

4 3. Respondents filed a Notice of Defense pursuant to Section 11505 of the
5 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.
6 Respondents hereby freely and voluntarily withdraw said Notice of Defense. Respondents
7 acknowledge that Respondents understand that by withdrawing said Notice of Defense
8 Respondents will thereby waive Respondents' rights to require the Real Estate Commissioner
9 (Commissioner) to prove the allegations in the Accusation at a contested hearing held in
10 accordance with the provisions of the APA, and that Respondents will waive other rights
11 afforded to Respondents in connection with the hearing such as the right to present evidence in
12 defense of the allegations in the Accusation and the right to cross-examine witnesses.

13 4. This Stipulation and Agreement is based on the factual allegations
14 contained in the Accusation. In the interest of expediency and economy, Respondents choose not
15 to contest these factual allegations, but to remain silent and understand that, as a result thereof,
16 these factual statements will serve as a prima facie basis for the "Determination of Issues" and
17 "Order" set forth below. The Commissioner shall not be required to provide further evidence to
18 prove such allegations.

19 5. This Stipulation and Agreement and Respondents' decision not to contest
20 the Accusation are made for the purpose of reaching an agreed disposition of this proceeding and
21 are expressly limited to this proceeding and any other proceeding or case in which the
22 Department, the state or federal government, an agency of this state, or an agency of another
23 state is involved.

24 6. Respondents further understand that by agreeing to this Stipulation and
25 Agreement, the findings set forth below in the Determination of Issues become final, and that
26 the Commissioner may charge said Respondents for the costs of any audit conducted pursuant
27 to Section 10148 of the Code to determine if the violations have been corrected. The maximum

1 costs of said audit shall not exceed \$5,538.75.

2 7. Respondents understand that by agreeing to this Stipulation and
3 Agreement, Respondents agree to pay, pursuant to Section 10106 of the Code, the reasonable
4 costs of investigation and enforcement, which resulted in the determination that Respondent
5 committed the violation(s) found in the Determination of Issues. The amount of said
6 investigation and enforcement costs is \$2,076.20.

7 8. It is understood by the parties that the Commissioner may adopt the
8 Stipulation and Agreement as his decision in this matter thereby imposing the penalty and
9 sanctions on the real estate licenses and license rights of Respondents as set forth in the below
10 "Order". In the event that the Commissioner in his discretion does not adopt the Stipulation and
11 Agreement, it shall be void and of no effect, and Respondents shall retain the right to a hearing
12 and proceeding on the Accusation under all the provisions of the APA and shall not be bound by
13 any admission or waiver made herein.

14 9. The Order or any subsequent Order of the Commissioner made pursuant to
15 this Stipulation and Agreement shall not constitute an estoppel, merger or bar to any further
16 administrative or civil proceedings by the Department with respect to any matters which were
17 not specifically alleged to be causes for action in Accusation H-3491 FR.

18 * * *

19 DETERMINATION OF ISSUES

20 By reason of the foregoing stipulations and waivers and solely for the purpose of
21 settlement of the pending Accusation without a hearing, it is stipulated and agreed that the
22 following determination of issues shall be made:

23 I

24 The acts and omissions of Respondents as described in Paragraphs 12 through 14
25 of the Accusation are grounds for the suspension or revocation of Respondents' licenses and
26 license rights under Section 10177(d) of the Code in conjunction with Section 10145 of the
27

1 Code and Section 2832.1 of the Title 10, Chapter 6, of the California Code of Regulations
2 (Regulations).

3 II

4 The acts and/or omissions of ACTION as described in Paragraph 15 of the
5 Accusation is cause for the suspension or revocation of ACTION's license and/or license rights
6 under Section 10177(d) of the Code in conjunction with Section 2742(c) of the Regulations.

7 III

8 The acts and/or omissions of PRICE as described in the Accusation is cause for
9 the suspension or revocation of PRICE's license and/or license rights under Section 10177(h) of
10 the Code.

11 * * *

12 ORDER

13 I

14 All licenses and licensing rights of ACTION under the Real Estate Law are
15 suspended for a period of sixty (60) days from the effective date of this Order; provided,
16 however, that:

17 1) Thirty (30) days of said suspension shall be stayed, upon the condition that
18 ACTION petition pursuant to Section 10175.2 of the Code and pays a monetary penalty pursuant
19 to Section 10175.2 of the Code at a rate of \$50 for each day of the suspension for a total
20 monetary penalty of \$1,500.

21 a) Said payment shall be in the form of a cashier's check made payable to the
22 Department of Real Estate. Said check must be delivered to the Department of Real Estate,
23 Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of
24 this Order.

25 b) No further cause for disciplinary action against the Real Estate licenses of
26 ACTION occurs within two (2) years from the effective date of the decision in this matter.

1 1. The restricted license issued to PRICE may be suspended prior to hearing
2 by Order of the Commissioner in the event of PRICE's conviction or plea of nolo contendere to a
3 crime which is substantially related to PRICE's fitness or capacity as a real estate licensee.

4 2. The restricted license issued to PRICE may be suspended prior to hearing
5 by Order of the Commissioner on evidence satisfactory to the Commissioner that PRICE has
6 violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of
7 the Commissioner or conditions attaching to the restricted license.

8 3. PRICE shall not be eligible to apply for the issuance of an unrestricted real
9 estate license nor for removal of any of the conditions, limitations, or restrictions of a restricted
10 license until two (2) years have elapsed from the effective date of this Decision and Order.
11 PRICE shall not be eligible to apply for any unrestricted licenses until all restrictions attaching to
12 the license have been removed.

13 5. PRICE shall, within nine (9) months from the effective date of this
14 Decision and Order, present evidence satisfactory to the Commissioner that PRICE has, since the
15 most recent issuance of an original or renewal real estate license, taken and successfully
16 completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate
17 Law for renewal of a real estate license. If PRICE fails to satisfy this condition, PRICE' real
18 estate license shall automatically be suspended until PRICE presents evidence satisfactory to the
19 Commissioner of having taken and successfully completed the continuing education
20 requirements. Proof of completion of the continuing education courses must be delivered to the
21 Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013.

22 6. All licenses and licensing rights of PRICE are indefinitely suspended
23 unless or until PRICE provides proof satisfactory to the Commissioner, of having taken and
24 successfully completed the continuing education course on trust fund accounting and handling
25 specified in paragraph (3) of subdivision (a) of Section 10170.5 of the Code. Proof of
26 satisfaction of these requirements includes evidence that PRICE has successfully completed the
27 trust fund account and handling continuing education courses, no earlier than 120 days prior to

1 the effective date of the Decision and Order in this matter. Proof of completion of the trust fund
2 accounting and handling course must be delivered to the Department of Real Estate, Flag Section
3 at P.O. Box 137013, Sacramento, CA 95813-7013 or by fax at 916-263-8758, prior to the
4 effective date.

5 III

6 1) Pursuant to Section 10148 of the Code, Respondents shall pay the
7 Commissioner's reasonable cost, not to exceed \$5,538.75, for an audit to determine if
8 Respondents have corrected the violation(s) found in the Determination of Issues. In calculating
9 the amount of the Commissioner's reasonable cost, the Commissioner may use the estimated
10 average hourly salary for all persons performing audits of real estate brokers and shall include an
11 allocation for travel time to and from the auditor's place of work. Respondents shall pay such
12 costs within sixty (60) days of receiving an invoice therefore from the Commissioner. Payment
13 of the audit costs should not be made until Respondents receive the invoice. If Respondents fail
14 to satisfy this condition in a timely manner as provided for herein, Respondents' real estate
15 license shall automatically be suspended until payment is made in full, or until a decision
16 providing otherwise is adopted following a hearing held pursuant to this condition.

17 2) All licenses and licensing rights of Respondents are indefinitely suspended unless
18 or until Respondents pays the sum of \$2,076.20 for the Commissioner's reasonable cost of the
19 investigation and enforcement which led to this disciplinary action. Said payment shall be in the
20 form of a cashier's check made payable to the Department of Real Estate. The investigative and
21 enforcement costs must be delivered to the Department of Real Estate, Flag Section at P.O. Box
22 137013, Sacramento, CA 95813-7013, prior to the effective date of this Decision and Order.

23
24 17 November 2023

25 DATED



26 TRULY SUGHRUE
27 Counsel for Complainant

1 I have read the Stipulation and Agreement; and its terms are understood by me
2 and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the
3 California Administrative Procedure Act, and I willingly, intelligently and voluntarily waive
4 those rights, including the right of requiring the Commissioner to prove the allegations in the
5 Accusation at a hearing at which I would have the right to cross-examine witnesses against me
6 and to present evidence in defense and mitigation of the charges.

7 Respondents further agree to send the original signed Stipulation and Agreement
8 by mail to the following address no later than one (1) week from the date the Stipulation and
9 Agreement is signed by Respondents: *Department of Real Estate, Legal Section, P.O. Box*
10 *137007, Sacramento, California 95813-7007*. Respondents understand and agree that if they fail
11 to return the original signed Stipulation and Agreement by the due date, Complainant retains the
12 right to set this matter for hearing.

13 11/15/2023

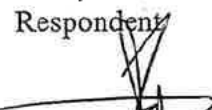
14 DATED



Jackeline P. Price, Designated Officer,
ACTION ONE PROPERTY MANAGEMENT,
INC.,
Respondent

16 11/15/2023

17 DATED



JACKELINE P. PRICE
Respondent

19 ***

20 The foregoing Stipulation and Agreement is hereby adopted as my Decision and
21 Order and shall become effective at 12 o'clock noon on MAR 06 2024

22 IT IS SO ORDERED 1/30/24

23 CHIKA SUNQUIST
24 REAL ESTATE COMMISSIONER

