

1 DEPARTMENT OF REAL ESTATE  
2 651 Bannon Street, Suite 507  
3 Sacramento, CA 95811

4 Telephone: (916) 737-4389  
5 Fax: (916) 263-3767

**FILED**

**AUG 29 2024**

DEPARTMENT OF REAL ESTATE  
By B. Nicholas

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7  
8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of ) No. H-3492 FR  
12 )  
13 RHONDA KAY NAVARRO, ) STIPULATION AND AGREEMENT  
14 ) IN SETTLEMENT AND ORDER  
15 Respondent. )

16 It is hereby stipulated by and between RHONDA KAY NAVARRO  
17 (“Respondent”), represented by Joshua Rosenthal, and the Complainant, acting by and through  
18 Kyle Jones, attorney for the Department of Real Estate (“Department”); as follows for the  
19 purpose of settling and disposing of the Accusation filed on September 6, 2023, in this matter:

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

25 2. Respondent has received, read, and understands the Statement to Respondent,  
26 the Discovery Provisions of the APA and the Accusation filed by the Department in this  
27 proceeding.

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1                   3. Respondent filed a Notice of Defense pursuant to Section 11505 of the  
2 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.  
3 Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent  
4 acknowledges and understands that by withdrawing said Notice of Defense Respondent will  
5 thereby waive their right to require the Real Estate Commissioner (“Commissioner”) to prove the  
6 allegations in the Accusation at a contested hearing held in accordance with the provisions of the  
7 APA and that Respondent will waive other rights afforded to them in connection with the  
8 hearing such as the right to present evidence in defense of the allegations in the Accusation and  
9 the right to cross-examine witnesses.

10                   4. This Stipulation is based on the factual allegations contained in the Accusation.  
11 In the interest of expediency and economy, Respondent chooses not to contest these factual  
12 allegations, but to remain silent and understands that, as a result thereof, these factual statements  
13 will serve as a prima facie basis for the “Determination of Issues” and “Order” set forth below.  
14 The Commissioner shall not be required to provide further evidence to prove such allegations.

15                   5. It is understood by the parties that the Commissioner may adopt the Stipulation  
16 as her Decision and Order in this matter, thereby imposing the penalty and sanctions on  
17 Respondent’s real estate license and license rights as set forth in the below “Order”. In the event  
18 that the Commissioner in her discretion does not adopt the Stipulation, it shall be void and of no  
19 effect, and Respondent shall retain the right to a hearing and proceeding on the Accusation under  
20 all the provisions of the APA and shall not be bound by any admission or waiver made herein.

21                   6. The Order or any subsequent Order of the Commissioner made pursuant to this  
22 Stipulation shall not constitute an estoppel, merger, or bar to any further administrative or civil  
23 proceedings by the Department with respect to any matters which were not specifically alleged to  
24 be causes for Accusation in this proceeding.

25                   7. Respondent understands that by agreeing to this Stipulation, Respondent agrees  
26 to pay, pursuant to Section 10148 of the Business and Professions Code (“Code”), the cost of the

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1 audit which resulted in the violations found in the "Determination of Issues". The amount of  
2 such costs is \$4,354.00.

3 8. Respondent further understands that by agreeing to this Stipulation, the  
4 findings set forth below in the "Determination of Issues" become final, and that the  
5 Commissioner may charge said Respondent for the costs of any audit conducted pursuant to  
6 Section 10148 of the Code to determine if the violations have been corrected. The maximum  
7 cost of said audit shall not exceed \$5,442.50.

8 9. Respondent further understands that by agreeing to this Stipulation and  
9 Agreement, Respondent agrees to be responsible for paying, pursuant to Section 10106 of the  
10 Code, the costs of the investigation and enforcement of this case which resulted in the  
11 determination that Respondent committed the violation(s) found in the Determination of Issues.  
12 The amount of such cost is \$4,010.85.

13 DETERMINATION OF ISSUES

14 By reason of the foregoing stipulations, admissions and waivers, and solely for  
15 the purpose of settlement of the pending Accusation without a hearing, it is stipulated and agreed  
16 that the acts and/or omissions of Respondent, as described in the Accusation, constitute grounds  
17 for the suspension or revocation of the licenses and license rights of Respondent under the  
18 provisions of Sections 10145(a), 10176(e), 10177(d), and 10177(g) of the Code and Sections  
19 2831.1, 2831.2, and 2832.1 of Chapter 6, Title 10 of the California Code of Regulations  
20 ("Regulations").

21 ORDER

22 All licenses and licensing rights of RHONDA KAY NAVARRO, under the Real  
23 Estate Law are suspended for a period of sixty (60) days from the effective date of this Order;  
24 provided, however, that:

25 1. Thirty (30) days of said suspension shall be stayed, upon the condition that  
26 Respondent pays a monetary penalty pursuant to Section 10175.2 of the Code at a rate of \$50 for  
27 each day of the suspension for a total monetary penalty of \$1,500.

1 (a) Said payment shall be in the form of a cashier's check made payable  
2 to the Department of Real Estate. Said check must be delivered to the Department of Real  
3 Estate, Flag Section at 651 Bannon Street, Suite 504, Sacramento, CA 95811, prior to the  
4 effective date of this Order.

5 (b) No further cause for disciplinary action against the real estate license  
6 of Respondent occurs within two (2) years from the effective date of the decision in this matter.

7 (c) If Respondent fails to pay the monetary penalty as provided above  
8 prior to the effective date of this Order, the stay of the suspension shall be vacated as to  
9 Respondent and the order of suspension shall be immediately executed, under this Order, in  
10 which event Respondent shall not be entitled to any repayment nor credit, prorated or otherwise,  
11 for the money paid to the Department under the terms of this Order.

12 (d) If Respondent pays the monetary penalty and any other moneys due  
13 under this Stipulation and if no further cause for disciplinary action against the real estate license  
14 of Respondent occurs within two (2) years from the effective date of this Order, the entire stay  
15 hereby granted in this Order shall become permanent.

16 2. Thirty (30) days of said suspension shall be stayed for two (2) years upon  
17 the following terms and conditions:

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

20 (b) That no final subsequent determination be made, after hearing or upon  
21 stipulation, that cause for disciplinary action occurred within two (2) years from the effective  
22 date of this Order. Should such a determination be made, the Commissioner may, in her  
23 discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed  
24 suspension. Should no such determination be made, the stay imposed herein shall become  
25 permanent.

26 3. All licenses and licensing rights of Respondent are indefinitely suspended  
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1 unless or until Respondent provides proof satisfactory to the Commissioner, of having taken and  
2 successfully completed the continuing education course on trust fund accounting and handling  
3 specified in paragraph (3) of subdivision (a) of Section 10170.5 of the Code. Proof of  
4 satisfaction of these requirements includes evidence that Respondent has successfully completed  
5 the trust fund account and handling continuing education courses, no earlier than 120 days prior  
6 to the effective date of the Decision and Order in this matter. Proof of completion of the trust  
7 fund accounting and handling course must be delivered to the Department of Real Estate, Flag  
8 Section at 651 Bannon Street, Suite 504, Sacramento, CA 95811 or by fax at 916-263-8758,  
9 prior to the effective date of this Decision and Order.

10           4. Pursuant to Section 10148 of the Code, Respondent shall pay the sum of  
11 \$4,354.00 for the Commissioner's cost of the audit which led to this disciplinary action.  
12 Respondent shall pay such cost within sixty (60) days of receiving an invoice therefore from the  
13 Commissioner. Payment of audit costs should not be made until Respondent receives the  
14 invoice. If Respondent fails to satisfy this condition in a timely manner as provided for herein,  
15 Respondent's real estate license shall automatically be suspended until payment is made in full,  
16 or until a decision providing otherwise is adopted following a hearing held pursuant to this  
17 condition.

18           5. Pursuant to Section 10148 of the Code, Respondent shall pay the  
19 Commissioner's reasonable cost, not to exceed \$5,442.50 for an audit to determine if Respondent  
20 has corrected the violations found in the "Determination of Issues". In calculating the amount of  
21 the Commissioner's reasonable cost, the Commissioner may use the estimated average hourly  
22 salary for all persons performing audits of real estate brokers, and shall include an allocation for  
23 travel time to and from the auditor's place of work. Respondent shall pay such cost within sixty  
24 (60) days of receiving an invoice therefore from the Commissioner. Payment of the audit costs  
25 should not be made until Respondent receives the invoice. If Respondent fails to satisfy this  
26 condition in a timely manner as provided for herein, Respondent's real estate license shall  
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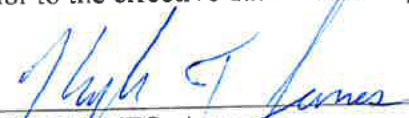
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automatically be suspended until payment is made in full, or until a decision providing otherwise is adopted following a hearing held pursuant to this condition.

6. All licenses and licensing rights of Respondent are indefinitely suspended unless or until Respondent pays the sum of \$4,010.85 for the Commissioner's reasonable cost of the investigation which led to this disciplinary action. Said payment shall be in the form of a cashier's check made payable to the Department of Real Estate, Flag Section at 651 Bannon Street, Suite 500-D, Sacramento, CA 95811, prior to the effective date of this Stipulation.

8/9/24

DATED

  
KYLE JONES, Attorney  
DEPARTMENT OF REAL ESTATE

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I have read the Stipulation and Agreement In Settlement and Order, 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.

7/31/2024  
DATED

  
RHONDA KAY NAVARRO  
Respondent

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

7/31/24

DATED

  
JOSHUA ROSENTHAL,  
Attorney for Respondent

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The foregoing Stipulation and Agreement In Settlement and Order is hereby adopted by the Real Estate Commissioner as her Decision and Order and shall become effective at 12 o'clock noon on SEP 19 2024.

IT IS SO ORDERED 8/24/2024.

CHIKA SUNQUIST  
REAL ESTATE COMMISSIONER

