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FILED
OCT 26 2006

DEPARTMENT OF REAL ESTATE

By *Anne Shaver*

7 BEFORE THE DEPARTMENT OF REAL ESTATE
8 STATE OF CALIFORNIA

9 * * *

10 In the Matter of the Accusation of)
11 PATRICIA ANN KAMMERZELL,)
12 Respondent.)
13

No. H-3555 SD

STIPULATION AND
AGREEMENT

14
15 It is hereby stipulated by and between PATRICIA ANN
16 KAMMERZELL (hereinafter "Respondent"), represented by Thomas
17 Lasken, and the Complainant, acting by and through Truly
18 Sughrue, Counsel for the Department of Real Estate, as follows
19 for the purpose of settling and disposing the Accusation in
20 this case filed on June 28, 2006.

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

1 2. Respondent has received, read and understands the
2 Statement to Respondent, and the Discovery Provisions of the APA
3 filed by the Department of Real Estate in these proceedings.

4 3. Respondent filed a Notice of Defense pursuant to
5 Section 11505 of the Government Code, for the purpose of
6 requesting a hearing on the allegations in the Accusation.
7 Respondent hereby freely and voluntarily withdraws said Notice of
8 Defense. Respondent acknowledges that she understands that by
9 withdrawing said Notice of Defense she will thereby waive her
10 rights to require the Commissioner to prove the allegations in
11 the Accusation at a contested hearing held in accordance with the
12 provisions of the APA, and that she will waive other rights
13 afforded to him in connection with the hearing, such as the right
14 to present evidence in defense of the allegations and the right
15 to cross-examine witnesses.

16 4. Respondent, pursuant to the limitations set forth
17 below, hereby admits that the factual allegations pertaining to
18 her in the Accusation filed in this proceeding are true and
19 correct and the Real Estate Commissioner shall not be required to
20 provide further evidence of such allegations.

21 5. It is understood by the parties that the Real
22 Estate Commissioner may adopt the Stipulation and Agreement as
23 the decision in this matter, thereby imposing the penalty and
24 sanctions on the real estate license(s) and license rights of
25 Respondent, and as set forth in the below "Order". In the event
26 that the Commissioner in his discretion does not adopt the
27 Stipulation and Agreement, it shall be void and of no effect, and

1 Respondent shall retain the right to a hearing and proceeding on
2 the Accusation under all the provisions of the APA and shall not
3 be bound by any admission or waiver made herein.

4 6. The Order or any subsequent Order of the Real
5 Estate Commissioner made pursuant to this Stipulation and
6 Agreement shall not constitute an estoppel, merger or bar to any
7 further administrative or civil proceedings by the Department of
8 Real Estate with respect to any matters which were not
9 specifically alleged to be causes for accusation in these
10 proceedings.

11 DETERMINATION OF ISSUES

12 By reason of the foregoing stipulations, admissions,
13 and waivers, and for the purpose of settlement of the pending
14 Accusation without a hearing, it is stipulated and agreed that
15 the following determinations of issues shall be made:

16 The acts and/or omissions of Respondent PATRICIA ANN
17 KAMMERZELL as stipulated above constitute grounds for
18 disciplinary action against the restricted real estate
19 salesperson license(s) and license rights of Respondent under the
20 provisions of Sections 490 and 10177(b) of the Code.

21 * * *

22 ORDER

- 23 A. All restricted real estate license(s) and license rights of
24 Respondent PATRICIA ANN KAMMERZELL are hereby revoked.
- 25 B. A new restricted real estate salesperson license shall be
26 issued to Respondent pursuant to Section 10156.6 of the
27 Code if she makes application therefor and pays to the

1 Department of Real Estate the appropriate fee for said
2 license within ninety (90) days from the effective date of
3 the decision.

4 C. The restricted license issued to Respondent shall be subject
5 to all of the provisions of Section 10156.7 of the Business
6 and Professions Code and to the following limitations,
7 conditions and restrictions imposed under authority of
8 Section 10156.6 of that Code:

9 (1) The restricted license issued to Respondent may be
10 suspended prior to hearing by Order of the Real
11 Estate Commissioner in the event of Respondent's
12 conviction or plea of nolo contendere to a crime
13 which is substantial related to Respondent's fitness
14 or capacity as a real estate licensee.

15 (2) The restricted license issued to Respondent may be
16 suspended prior to hearing by Order of the Real Estate
17 Commissioner on evidence satisfactory to the
18 Commissioner that Respondent has violated provisions of
19 the California Real Estate Law, the Subdivided Lands
20 Law, Regulations of the Real Estate Commissioner or
21 conditions attaching to the restricted license.

22 (3) Respondent shall not be eligible to apply for the
23 issuance of an unrestricted real estate license, nor
24 the removal of any of the conditions of the
25 restricted license, until four (4) years have elapsed
26 from the effective date of this Decision.

27

- 1 (4) Respondent shall submit with any application for
2 license under an employing broker, or any application
3 for transfer to an new employing broker, a statement
4 signed by the prospective employing real estate
5 broker on a form approved by the Department of Real
6 Estate which shall certify:
- 7 (a) That the employing broker has read the Decision
8 of the Commissioner which granted the right to a
9 restricted license; and,
- 10 (b) That the employing broker will exercise close
11 supervision over the performance by the
12 restricted licensee relating to activities for
13 which a real estate license is required.
- 14 (5) Respondent shall, within nine (9) months from the
15 effective date of this Decision, present evidence
16 satisfactory to the Real Estate Commissioner that
17 Respondent has, since the most recent issuance of an
18 original or renewal real estate license, taken and
19 successfully completed the continuing education
20 requirements of Article 2.5 of Chapter 3 of the Real
21 Estate Law for renewal of a real estate license. If
22 Respondent fails to satisfy this condition, the
23 Commissioner may order the suspension of the restricted
24 license until the Respondent presents such evidence.
25 The Commissioner shall afford Respondent the
26 opportunity for hearing pursuant to the Administrative
27 Procedure Act to present such evidence.

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(6) Respondent shall regularly attend an alcohol abuse treatment or recovery program, such as Alcoholics Anonymous or other formal program, at least once a week during the term(s) of the restricted license.

10-Oct-06

DATED

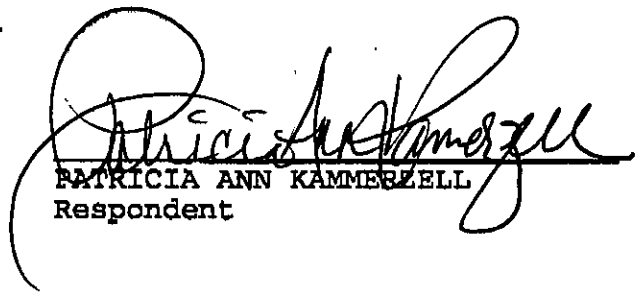


TRUDY SUGHRUE
Counsel for the Complainant

* * *

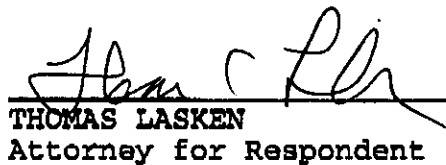
I have read the Stipulation and Agreement, have discussed it with my counsel or understand that I have the right to consult with counsel, and its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California Administrative Procedure Act, and I willingly, intelligently and voluntarily waive those rights, including but not limited to 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.

August 22, 2006
DATED


PATRICIA ANN KAMMERZELL
Respondent

APPROVED AS TO FORM:

August 22, 2006
DATED


THOMAS LASKEN
Attorney for Respondent


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The foregoing Stipulation and Agreement is hereby
adopted as my Decision and shall become effective at 12 o'clock
noon on NOV 15 2006

IT IS SO ORDERED 10 - 26, 2006.

JEFF DAVI
Real Estate Commissioner



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Telephone: (916) 227-0781

FILED
JUN 28 2006

DEPARTMENT OF REAL ESTATE

By Anne Sharon

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-3555 SD
PATRICIA KAMMERZELL,)	<u>ACCUSATION</u>
Respondent.)	

The Complainant, J. CHRIS GRAVES, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against PATRICIA KAMMERZELL (hereinafter "Respondent"), is informed and alleges as follows:

I

The Complainant, J. CHRIS GRAVES, a Deputy Real Estate Commissioner of the State of California, makes this Accusation in his official capacity.

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II

1 Respondent is presently licensed and/or has license
2 rights under the Real Estate Law (Part 1 of Division 4 of the
3 Business and Professions Code) (Code) as a restricted real
4 estate salesperson.
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III

6 On or about January 11, 2005, in the Superior Court,
7 County of San Diego, Respondent was convicted of a violation of
8 Section 23152(A) of the California Vehicle Code (Driving Under
9 the Influence With A Prior), a crime involving moral turpitude
10 which bears a substantial relationship under Section 2910, Title
11 10, California Code of Regulations, to the qualifications,
12 functions, or duties of a real estate licensee.
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IV

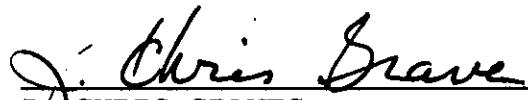
14 On or about December 8, 2003, in the Superior Court,
15 County of San Diego, Respondent was convicted of a violation of
16 Section 23152(A) of the California Vehicle Code (Driving Under
17 the Influence), a crime involving moral turpitude which bears a
18 substantial relationship under Section 2910, Title 10, California
19 Code of Regulations, to the qualifications, functions, or duties
20 of a real estate licensee.
21

V

22 The facts alleged above constitute cause under Sections
23 490 and 10177(b) of the Code for suspension or revocation of all
24 licenses and license rights of Respondent under the Real Estate
25 Law.
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27 \\\

1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations of this Accusation and that upon
3 proof thereof, a decision be rendered imposing disciplinary
4 action against all licenses and license rights of Respondent
5 under the Real Estate Law (Part 1 of Division 4 of the Business
6 and Professions Code), and for such other and further relief as
7 may be proper under the provisions of law.

8
9 
10 J. CHRIS GRAVES
 Deputy Real Estate Commissioner

11 Dated at San Diego, California,
12 this 7th day of June, 2006