

1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187000
3 Sacramento, CA 95818-7000
4 Telephone: (916) 227-0789

FILED
SEP 14 2001

DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 SHERENE PATRICIA CHANDLER,) NO. H-3571 SAC
13 Respondent.) STIPULATION AND AGREEMENT
14)

15 It is hereby stipulated by and between SHERENE
16 PATRICIA CHANDLER (hereafter Respondent), represented by Craig
17 Hassler, Attorney at Law, and the Complainant, acting by and
18 through Deidre L. Johnson, Counsel for the Department of Real
19 Estate, as follows for the purpose of settling and disposing
20 the Accusation filed on March 5, 2001, in this matter:

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 Procedure 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 this proceeding.

4 3. On March 16, 2001, Respondent filed her Notice of
5 Defense pursuant to Section 11505 of the Government Code for the
6 purpose of requesting a hearing on the allegations in the
7 Accusation. Respondent hereby freely and voluntarily withdraws
8 said Notice of Defense. Respondent acknowledges that she
9 understands that by withdrawing said Notice of Defense she will
10 thereby waive her rights to require the Commissioner to prove the
11 allegations in the Accusation at a contested hearing held in
12 accordance with the provisions of the APA, and that she will
13 waive other rights afforded to her in connection with the hearing
14 such as the right to present evidence in defense of the
15 allegations in the Accusation and the right to cross-examine
16 witnesses.

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

22 5. Without admitting the truth of the allegations
23 contained in the remaining paragraphs of the Accusation,
24 Respondent stipulates that she will not interpose a defense
25 thereto. This Stipulation is based on the factual allegations
26 contained in the Accusation. In the interests of expedience and
27 economy, Respondent chooses not to contest these allegations, but

1 to remain silent and understands that, as a result thereof, these
2 factual allegations, without being admitted or denied, will serve
3 as the basis for the disciplinary action stipulated to herein.
4 The Real Estate Commissioner shall not be required to provide
5 further evidence to prove said factual allegations.

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

16 7. Respondent has received, read and understands the
17 "Notice Concerning Cost of Audit." Respondent understands, by
18 agreeing to this Stipulation and Agreement, and after the
19 findings set forth below in the "Determination of Issues" become
20 final, that the Commissioner may charge Respondent for the cost
21 of the audit alleged in the Accusation pursuant to Section 10148
22 of the Business and Professions Code. The maximum cost of said
23 audit will not exceed \$1,850.00.

24 8. The Order or any subsequent Order of the Real
25 Estate Commissioner made pursuant to this Stipulation and
26 Agreement shall not constitute an estoppel, merger or bar to any
27 further administrative or civil proceedings by the Department of

1 Real Estate with respect to any matters which were not
2 specifically alleged to be causes for accusation in this
3 proceeding.

4 DETERMINATION OF ISSUES

5 By reason of the foregoing stipulations, admissions and
6 waivers, and for the purpose of settlement of the pending
7 Accusation as to Respondent without a hearing, it is stipulated
8 and agreed that the following determination of issues shall be
9 made:

10 The acts and/or omissions of Respondent SHERENE
11 PATRICIA CHANDLER as stipulated above violate Section 2834 of
12 Title 10, California Code of Regulations, and constitute grounds
13 for disciplinary action against all real estate license(s)
14 and license rights of Respondent under the provisions of
15 Sections 10137 and 10177(d) of the Code.

16 ORDER

17 A. All real estate license(s) and license rights of
18 Respondent SHERENE PATRICIA CHANDLER shall be suspended for a
19 period of ninety (90) days from the effective date of the
20 Decision.

21 B. The first sixty (60) days of said suspension are
22 stayed for a period of two (2) years upon the following terms and
23 conditions:

- 24 (1) Respondent shall obey all laws, rules and
25 regulations governing the rights, duties and
26 responsibilities of a real estate licensee in
27 the State of California; and

1 (2) The Commissioner may, if a final subsequent
2 determination is made, after hearing or upon
3 stipulation, that cause for disciplinary
4 action against the license of Respondent has
5 occurred within two (2) years from the
6 effective date of the Decision, vacate and set
7 aside the stay order and reimpose all or a
8 portion of the stayed suspension. Should no
9 order vacating the stay be made pursuant to
10 this condition or conditions B(3) and/or C
11 below, the stay imposed herein shall become
12 permanent.

13 (3) Pursuant to Section 10148 of the Business and
14 Professions Code, Respondent SHERENE PATRICIA
15 CHANDLER shall pay the Commissioner's
16 reasonable cost for the audit alleged in the
17 Accusation herein, Audit No. SC99-0028. In
18 calculating the amount of the Commissioner's
19 reasonable cost, the Commissioner may use
20 the estimated average hourly salary for all
21 Department personnel performing audits of
22 real estate brokers, and shall include an
23 allocation for travel costs, including
24 mileage, time to and from the auditor's place
25 of work and per diem. Respondent shall pay
26 such cost within sixty (60) days of receiving
27 an invoice from the Commissioner detailing the

1 activities performed during the audit and
2 the amount of time spent performing those
3 activities. The total cost shall not exceed
4 \$1,850.00. The Commissioner may, in her
5 discretion, vacate and set aside the stay
6 order, if payment is not timely made as
7 provided for herein, or as provided for in a
8 subsequent agreement between Respondent and
9 the Commissioner. The vacation and the set
10 aside of the stay shall remain in effect
11 until payment is made in full, or until
12 Respondent enters into an agreement
13 satisfactory to the Commissioner to provide
14 for payment. Should no order vacating the
15 stay be issued, either in accordance with
16 this condition or conditions B(2) and/or C
17 herein, the stay imposed herein shall become
18 permanent.

19 C. If Respondent petitions the Department in writing
20 pursuant to Section 10175.2 of the Code prior to the effective
21 date of the Decision, the remaining thirty (30) days of said
22 suspension shall be stayed upon condition that:

23 (1) Respondent shall pay a monetary penalty

24 pursuant to Section 10175.2 of the Code at
25 the rate of \$100.00 for each day of
26 suspension for a total maximum monetary
27 penalty of \$3,000.00.

- 1 (2) Said payment shall be in the form of a
2 cashier's check or certified check made
3 payable to the Recovery Account of the Real
4 Estate Fund. Said check must be received
5 by the Department prior to the effective
6 date of the Decision in this matter.
- 7 (3) No further cause for disciplinary action
8 against the real estate license of Respondent
9 occurs within two (2) years from the effective
10 date of the Decision.
- 11 (4) If Respondent fails to pay the monetary
12 penalty in accordance with the terms and
13 conditions of the Decision, the Commissioner
14 may, without a hearing, order the immediate
15 execution of all or any part of the stayed
16 suspension, in which event Respondent shall
17 not be entitled to any repayment nor credit,
18 prorated or otherwise, for money paid to
19 the Department under the terms of this
20 Decision.
- 21 (5) If Respondent pays the monetary penalty and
22 if no further cause for disciplinary action
23 against the real estate license of Respondent
24 occurs within two (2) years from the effective
25 date of the Decision, the stay hereby granted
26 in this condition and in condition B above to
27 Respondent(s) shall become permanent.

1 (6) If the Real Estate Commissioner determines
2 that further cause for disciplinary action
3 against Respondent's license has occurred
4 within two (2) years from the effective date
5 of the Decision, the stay of suspension
6 hereby granted, or such portion of the stay
7 as the Real Estate Commissioner shall deem
8 appropriate, shall be vacated.

9
10 August 14, 2001
11 DATED

Deidre L. Johnson
 DEIDRE L. JOHNSON
 Counsel for the Complainant

12
13 * * *

14 I have read the Stipulation and Agreement, have
15 discussed it with my counsel, and its terms are understood by me
16 and are agreeable and acceptable to me. I understand that I am
17 waiving rights given to me by the California Administrative
18 Procedure Act, and I willingly, intelligently and voluntarily
19 waive those rights, including the right of requiring the
20 Commissioner to prove the allegations in the Accusation at a
21 hearing at which I would have the right to cross-examine
22 witnesses against me and to present evidence in defense and
23 mitigation of the charges.

24
25 08-09-01
26 DATED

Sherene Patricia Chandler
 SHERENE PATRICIA CHANDLER
 Respondent

1 APPROVED AS TO FORM:
2
3

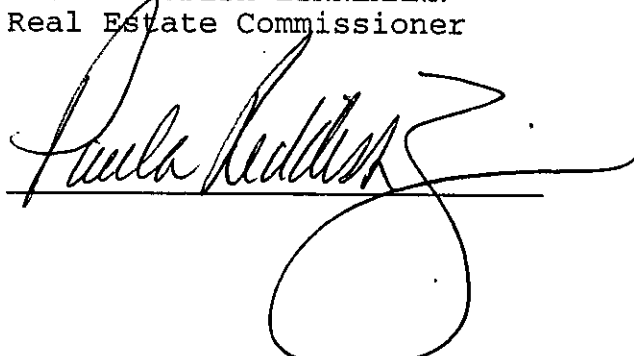
4 8/5/01
5 DATED

6 
7 CRAIG HASSLER
8 Counsel for Respondent

9 * * *

10 The foregoing Stipulation and Agreement is hereby
11 adopted as my Decision and shall become effective at 12 o'clock
12 noon on October 4, 2001.

13 IT IS SO ORDERED August 24, 2001.
14

15 PAULA REDDISH ZINNEMANN
16 Real Estate Commissioner
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27

FILED
JUL 16 2001

**BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA**

DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of

SHERENE PATRICIA CHANDLER dba
CHANDLER PROPERTIES, and
BETTY CHANDLER,

Case No. H-3571 SAC/H-3572 SAC

OAH No. N-2001060057

Respondent

FIRST CONTINUED
NOTICE OF HEARING ON ACCUSATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at _____

The Office of Administrative Hearings, 560 J Street,

Suites 340/360, Sacramento, California 95814

on August 15, 2001, at the hour of 9:00 AM,
or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: July 16, 2001

By

Deidre L. Johnson
DEIDRE L. JOHNSON

Counsel

FILED
JUN 19 2001

**BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA**

DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

In the Matter of the Accusation of

SHERENE PATRICIA CHANDLER dba
CHANDLER PROPERTIES, and
BETTY CHANDLER,

Case No. H-3571 SAC/H-3572 SAC

OA# No. N-2001060057

Respondent

NOTICE OF HEARING ON ACCUSATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at _____

The Office of Administrative Hearings, 560 J Street,

Suites 340/360, Sacramento, California 95814

on July 26, 2001, at the hour of 9:00 AM,
or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: June 19, 2001

By Deidre L. Johnson
DEIDRE L. JOHNSON Counsel

1 DEIDRE L. JOHNSON, Counsel
2 State Bar No. 66322
3 Department of Real Estate
P. O. Box 187000
4 Sacramento, CA 95818-7000

5 Telephone: (916) 227-0789

FILED
MAR - 5 2001

DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

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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)
12 SHERENE PATRICIA CHANDLER,)
13 Respondent.)

NO. H-3571 SAC

ACCUSATION

14 The Complainant, Charles W. Koenig, a Deputy Real
15 Estate Commissioner of the State of California, for cause of
16 Accusation against SHERENE PATRICIA CHANDLER, is informed and
17 alleges as follows:

18 I

19 Respondent SHERENE PATRICIA CHANDLER (hereafter
20 Respondent) is presently licensed and/or has license rights under
21 the Real Estate Law, Part 1 of Division 4 of the California
22 Business and Professions Code (hereafter the Code).

23 II

24 The Complainant, Charles W. Koenig, a Deputy Real
25 Estate Commissioner of the State of California, makes this
26 Accusation against Respondent in his official capacity and not
27 otherwise.

1 III

2 At all times herein mentioned, Respondent was and is
3 licensed by the California Department of Real Estate (hereafter
4 the Department) as a real estate broker, individually and doing
5 business as CHANDLER PROPERTIES.

6 IV

7 At no time herein mentioned was BETTY CHANDLER licensed
8 by the Department as either a real estate broker or real estate
9 salesperson.

10 V

11 At least within the last three years, Respondent
12 engaged in activities on behalf of others for which a real estate
13 license is required under Section 10131(b) of the Code, for or in
14 expectation of compensation, and leased or rented, offered to
15 lease or rent, solicited prospective tenants, negotiated leases,
16 collected rents on, and/or managed certain real properties in
17 California.

18 VI

19 Beginning in December of 1999, the Department conducted
20 an audit of the above business activities of Respondent for the
21 time period of January 1, 1999 through November 30, 1999
22 (hereafter the audit period). During the course of the
23 activities described in Paragraph IV above, Respondent received
24 and disbursed funds in trust on behalf of others.

25 VII

26 Within the last three years, Respondent deposited the
27 trust funds into a bank account maintained at Bank of the West,

1 Vacaville, California, account number 250-006673, entitled
2 "Chandler Properties Trust Account," (hereafter the trust
3 account).

4 VIII

5 Within the last three years, Respondent authorized or
6 permitted withdrawals to be made from the trust account upon the
7 sole signature of BETTY CHANDLER and CONSTANCE HAM when they were
8 not licensed by the Department as real estate brokers or real
9 estate salespersons, and when they were not duly bonded as
10 employees of Respondent with the requisite fidelity bond
11 insurance coverage to conduct such trust account activities,
12 pursuant to Section 2834 of the Regulations.

13 IX

14 During the audit period, BETTY CHANDLER was employed
15 or associated by, and performed activities for Respondent for
16 which a real estate license is required, for or in expectation
17 of compensation. BETTY CHANDLER solicited and/or negotiated
18 listings and real property management agreements with property
19 owners, and rentals and leases with tenants in various
20 transactions, including but not limited to the following:

21

DATE	CLIENT	PROPERTY
11/13/98	FOGERTY	281 Cherry Avenue
2/27/99	SIMMONS	525 Eldridge Avenue
7/13/99	ROBLES/ KERNAN	281 Cherry Avenue

26

27 ///

1 X

2 The acts and/or omissions of Respondent as alleged in
3 Paragraph IX above, in so employing and/or compensating BETTY
4 CHANDLER when she was not duly licensed by the Department,
5 constitute grounds for disciplinary action against Respondent
6 pursuant to Section 10137 of the Code.

7 XI

8 The acts and/or omissions of Respondent as alleged in
9 Paragraph VIII above violate Section 2834 of Title 10, California
10 Code of Regulations, and constitute cause for disciplinary action
11 pursuant to Section 10177(d) of the Code.

12 WHEREFORE, Complainant prays that a hearing be
13 conducted on the allegations of this Accusation and that upon
14 proof thereof a decision be rendered imposing disciplinary action
15 against all license(s) and license rights of Respondent under the
16 Real Estate Law (Part 1 of Division 4 of the Business and
17 Professions Code), and for such other and further relief as may
18 be proper under other provisions of law.

19
20
21
22 
23 CHARLES W. KOENIG
24 Deputy Real Estate Commissioner
25

26 Dated at Sacramento, California,
27 this 6th day of February, 2001