

1 Department of Real Estate
2 320 W. 4th Street, Suite 350
3 Los Angeles, CA 90013-1105

4 Telephone: (213) 576-6982

FILED

JUN 07 2022

DEPT. OF REAL ESTATE

By 

8 **DEPARTMENT OF REAL ESTATE**

9 **STATE OF CALIFORNIA**

10 ***

11 In the Matter of the Accusation of)

DRE No. H-05197 SD

12 KENDRA JEAN WAHLIN, doing business as)
13 Precise Properties,)

**STIPULATION AND AGREEMENT IN
SETTLEMENT AND ORDER**

14 Respondent.)
15 _____)

16 It is hereby stipulated by and between Respondent KENDRA JEAN WAHLIN
17 (“Respondent”) and her attorney of record, Frank Buda, and the Complainant, acting by and
18 through Kevin H. Sun, Counsel for the Department of Real Estate, as follows for the purpose of
19 settling and disposing of the Accusation filed on January 7, 2021, in this matter (Case No. H-05197
20 SD):

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

26 2. Respondent has received, read and understand the Statement to Respondents, the
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1 Discovery Provisions of the APA and the Accusation filed by the Department of Real Estate in this
2 proceeding.

3 3. On January 25, 2021, Respondent filed a Notice of Defense pursuant to Section
4 11506 of the Government Code for the purpose of requesting a hearing on the allegations in the
5 Accusation. Respondent hereby freely and voluntarily withdraws said Notice of Defense.
6 Respondent acknowledges that she understands that by withdrawing said Notice of Defense she
7 will thereby waive her rights to require the Commissioner to prove the allegations in the
8 Accusation at a contested hearing held in accordance with the provisions of the APA and that she
9 will waive other rights afforded to her in connection with the hearing such as the right to present
10 evidence in defense of the allegations in the Accusation and the right to cross-examine witnesses.

11 4. This Stipulation is based on the factual allegations contained in the Accusation.
12 In the interest of expedience and economy, Respondent chooses not to contest these allegations, but
13 to remain silent, and understands that, as a result thereof, these factual allegations, without being
14 admitted or denied, will serve as a prima facie basis for the disciplinary action stipulated to herein.
15 The Real Estate Commissioner shall not be required to provide further evidence to prove said
16 factual allegations.

17 5. This Stipulation is made for the purpose of reaching an agreed disposition of this
18 proceeding and is expressly limited to this proceeding and any other proceeding or case in which
19 the Department or another licensing agency of this state, another state, or if the federal government
20 is involved, and otherwise shall not be admissible in any other criminal or civil proceeding.

21 6. It is understood by the parties that the Real Estate Commissioner may adopt the
22 Stipulation as his Decision in this matter, thereby imposing the penalty and sanctions on
23 Respondent's real estate licenses and license rights as set forth in the below "Order". In the event
24 that the Commissioner in his discretion does not adopt the Stipulation and Agreement, it shall be
25 void and of no effect, and Respondent shall retain the right to a hearing and proceeding on the
26 Accusation under all the provisions of the APA and shall not be bound by any admission or waiver
27 made herein.

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

8. Respondent understands that by agreeing to this Stipulation and Agreement, Respondent agrees to pay, pursuant to California Business and Professions Code section 10106, the cost of the investigation and enforcement. The amount of total investigation and enforcement cost is **\$3,823.00** (\$232.60 investigation and \$3,590.40 enforcement).

9. Respondent understands that by agreeing to this Stipulation and Agreement, the Commissioner may charge Respondent for the cost of any subsequent audit conducted pursuant to California Business and Professions Code section 10148. The maximum cost of the subsequent audit will not exceed **\$11,132.01**.

DETERMINATION OF ISSUES

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

The conduct of Respondent, as described in the Accusation, are in violation of California Business and Professions Code (“Code”) Sections 10140.6, 10145, and 10159.5, as well as Title 10, Chapter 6, California Code of Regulations (“Regulations”) Sections 2731, 2773, 2831, 2831.1, 2831.2, 2832, 2832.1, and 2834 and are grounds for the suspension or revocation of all of the real estate license and license rights of Respondent under the provision of Code Sections 10177(d) and (g).

In addition, the conduct of Respondent, as described in the Accusation, are grounds for the suspension or revocation of all of the real estate license and license rights of Respondent under the provision of Code Section 10177 (h) and Regulations Section 2725.

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1 1. That Respondent shall obey all laws, rules and regulations governing the
2 rights, duties and responsibilities of a real estate licensee in the State of California;

3 2. That no final subsequent determination be made after hearing or upon
4 stipulation, that cause for disciplinary action occurred within two (2) years from the effective date
5 of this Decision. Should such a determination be made, the Commissioner may, in his discretion,
6 vacate and set aside the stay order and re-impose all or a portion of the stayed suspension. Should
7 no such determination be made under this section, the stay imposed herein shall become permanent.

8 C. Respondent shall, within nine (9) months from the effective date of this Decision
9 and Order, take and complete trust fund management course and filed proof of completion of such
10 course with the Department. If Respondent fails to satisfy this condition, Respondent's real estate
11 license shall automatically be suspended until Respondent provides such proof of completion.

12 D. Respondent shall, within nine (9) months from the effective date of this
13 Decision and Order, take and pass the Professional Responsibility Examination administered by
14 the Department, including the payment of the appropriate examination fee. If Respondent fails to
15 satisfy this condition, Respondent's real estate license shall automatically be suspended until
16 Respondent passes the examination. If the Department is unable to offer the Professional
17 Responsibility Examination within nine month period after the effective date of this Decision, the
18 time period will be extended if Respondent requests an extension of time.

19 E. All licenses and licensing rights of Respondent are indefinitely suspended unless
20 or until Respondent pays the sum of **\$3,823.00** for the Commissioner's reasonable costs of the
21 investigation and enforcement, which led to this disciplinary action. Said payment shall be in the
22 form of a cashier's check made payable to the Department of Real Estate. **The payment for the**
23 **investigative and enforcement costs must be delivered to the Department of Real Estate, Flag**
24 **Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this**
25 **Decision and Order.** If Respondent fails to satisfy this condition, the Commissioner shall order
26 suspension of Respondent's licenses and license rights until the sum is paid.

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1 F. Pursuant to Code section 10148 of the Code, Respondent shall pay the
2 Commissioner's reasonable costs, not to exceed **\$11,132.01**, for a subsequent audit to determine if
3 Respondent has corrected the violations found in the Determination of Issues. In calculating the
4 amount of the Commissioner's reasonable costs, the Commissioner may use the estimated average
5 hourly salary for all persons performing audits of real estate brokers, and shall include an allocation
6 for travel time to and from the auditor's place of work. **Respondent shall pay such costs within**
7 **sixty (60) days of receiving an invoice therefor from the Commissioner.** Payment of the audit
8 costs should not be made until Respondent receives the invoice. If Respondent fails to satisfy this
9 condition in a timely manner as provided for herein, Respondent's real estate licenses shall
10 automatically be suspended until payment is made in full, or until a decision, providing otherwise,
11 is adopted following a hearing held pursuant to this condition.

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13 DATED: 5/9/2022


14 Kevin H. Sun, Counsel for
15 Department of Real Estate

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17 **EXECUTION OF THE STIPULATION**

18 I have read the Stipulation, have discussed it with my counsel, and its terms are
19 understood by me and are agreeable and acceptable to me. I understand that I am waiving rights
20 given to me by the California Administrative Procedure Act (including but not limited to Sections
21 11506, 11508, 11509 and 11513 of the Government Code), and I willingly, intelligently and
22 voluntarily waive those rights, including the right of requiring the Commissioner to prove the
23 allegations in the Accusation at a hearing at which I would have the right to cross-examine
24 witnesses against me and to present evidence in defense and mitigation of the charges.

25 Respondent shall mail the original signed signature page of the stipulation herein to
26 Kevin H. Sun, Attention: Legal Section, Department of Real Estate, 320 W. Fourth St., Suite 350,
27 Los Angeles, California 90013-1105.

1 In the event of time constraints before an administrative hearing, Respondent can
2 signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by
3 emailing a scanned copy of the signature page, as actually signed by Respondent, to the
4 Department counsel assigned to this case. Respondent agrees, acknowledges and understands that
5 by electronically sending the Department a scan of Respondent's actual signature as it appears on
6 the Stipulation and Agreement that receipt of the scan by the Department shall be binding on
7 Respondent as if the Department had received the original signed Stipulation. Respondent shall also
8 mail the original signed signature page of this Stipulation to the Department counsel.

9 Respondent's signature below constitutes acceptance and approval of the terms and
10 conditions of this Stipulation. Respondent agrees, acknowledges and understands that by signing
11 this Stipulation, Respondent is bound by its terms as of the date of such signatures and that this
12 agreement is not subject to rescission or amendment at a later date except by a separate Decision
13 and Order of the Real Estate Commissioner.

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15 DATED: 04.21.22


KENDRA JEAN WAHLIN
Respondent

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18 DATED: 4-25-22


Frank Buda, Esq.
Counsel for Respondent
Approved as to Form

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1 The foregoing Stipulation and Agreement is hereby adopted as my Decision as to
2 Respondent KENDRA JEAN WAHLIN in this matter and shall become effective at 12 o'clock
3 noon on JUL 07 2022, 2022.

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5 IT IS SO ORDERED 5.27.22, 2022.

6 DOUGLAS R. McCAULEY
7 REAL ESTATE COMMISSIONER

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