

**FILED**  
JUN 06 2023  
DEPARTMENT OF REAL ESTATE  
By J. Taggart

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

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DRE No. H-5697 SD

**STIPULATION AND AGREEMENT**  
**IN SETTLEMENT AND ORDER**

Respondent.

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

1           2. Respondent received, read and understands the Statement to Respondent, the  
2       Discovery Provisions of the APA and the Accusation filed by the Department of Real Estate  
3       ("Department") in this proceeding.

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

12          4. This Stipulation is based on the factual allegations contained in the Accusation filed in  
13      this proceeding. In the interest of expedience and economy, Respondent chooses not to contest  
14      these factual allegations, but to remain silent and understands that, as a result thereof, these  
15      factual statements, will serve as a prima facie basis for the disciplinary action stipulated to  
16      herein. The Real Estate Commissioner shall not be required to provide further evidence to prove  
17      such allegations.

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

25          6. The Order or any subsequent Order of the Real Estate Commissioner made pursuant to  
26      this Stipulation shall not constitute an estoppel, merger or bar to any further administrative or  
27      civil proceedings by the Department with respect to any matters which were not specifically

1 alleged to be causes for accusation in this proceeding.

2 DETERMINATION OF ISSUES

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

6 The conduct, acts or omissions of Respondent BRIANNA LEIGH WATERS, as set forth  
7 in the Accusation, are a basis for discipline of Respondent's real estate license, mortgage loan  
8 originator ("MLO") license endorsement(s), and license rights pursuant to the Real Estate Law,  
9 Part 1 of Division 4 of the California Business and Professions Code ("Code") sections  
10 10166.051(a), 10166.051(b), 10177(d), 10177(g) and/or 10177(j).

11 ORDER

12 WHEREFORE, THE FOLLOWING ORDER is hereby made:

13 I. SUSPENSION OF MLO LICENSE ENDORSEMENT

14 1. All MLO license endorsements and endorsement rights of Respondent under the Real  
15 Estate Law are suspended for a period of one hundred and eighty (180) days from the Effective  
16 of this Order.

17 2. Respondent further agrees that Respondent must satisfy the Education and  
18 Administrative Penalty provisions prior to reinstatement of their MLO license endorsement or  
19 issuance of new MLO license endorsement.

20 II. MORTGAGE LOAN ORIGINATION EDUCATION

21 1. No MLO license endorsement shall be reinstated or issued to Respondent, unless  
22 Respondent takes and completes, prior to the reinstatement of Respondent's MLO license  
23 endorsement or the issuance of a new MLO license endorsement, the following mortgage loan  
24 originator education requirements:

- 25 a) Twenty (20) hours of NMLS approved pre-licensure education ("PE"), which  
26 shall consist of fourteen (14) hours of federal law curriculum, three (3) hours of  
27 ethics curriculum, and three (3) hours of non-traditional mortgage lending

curriculum. None of these twenty (20) hours of PE may be state-specific curriculum;

b) Eight (8) hours of continuing education ("CE"), which shall consist of four (4) hours of federal law curriculum, two (2) hours of ethics curriculum, and two (2) hours of non-traditional mortgage lending curriculum. None of these eight (8) hours of CE may be state-specific curriculum.

2. Respondent may not take any of the PE provided for in Paragraph 1(a) of this Section in an online self-study format ("OSS"). Respondent may take the CE provided for in Paragraph 1(b) in any format.

3. For a period of three (3) years from the Effective Date of this Order, Respondent shall be required to complete any additional PE and/or CE required under the SAFE Act in a format other than OSS. If Respondent fails to comply with this condition, the renewal application or new application of Respondent will be deemed incomplete by the Department.

4. If Respondent fails to timely satisfy the education provided for in Paragraph 1 of this section, Respondent's MLO license endorsement shall remain suspended until Respondent presents evidence satisfactory to the Commissioner of having taken and successfully completed the education requirements.

5. Respondent agrees that the CE provided for in Paragraph 1 of this section is in addition to any NMLS education required for licensure under the SAFE Act. The CE provided for in Paragraph 1 will not count toward satisfying 2024 standard SAFE Act CE requirements.

6. Respondent further agrees that the Department may exercise its examination or investigative authority pursuant to the normal process for such authorized under the Real Estate Law and Commissioner's Regulations in the instance a determination is made wherein Respondent is found to be in violation of the education requirements under this section.

### III. ADMINISTRATIVE PENALTY

All licenses and licensing rights of Respondent are indefinitely suspended unless or until Respondent pays an administrative penalty of \$1,500.00. Said payment shall be in the form of a

1 cashier's check made payable to the Department of Real Estate. The payment must be delivered  
2 to the Department of Real Estate, Flag Section, at P.O. Box 137013, Sacramento, CA 95813-  
3 7013, prior to the Effective Date of this Decision and Order.

4 IV. STAYED SUSPENSION OF REAL ESTATE LICENSE

5 All licenses and licensing rights of Respondent under the Real Estate Law, with the  
6 exception of the MLO license endorsement (NMLS ID 950262) referenced in Section I above,  
7 are suspended for a period of ninety (90) days from the Effective Date of this Decision;  
8 provided, however, that all ninety (90) days of said suspension shall be stayed for one (1) year  
9 upon the following terms and conditions:

- 10 1. Respondent shall obey all laws, rules and regulations governing the rights, duties and  
11 responsibilities of a real estate licensee in the State of California; and
- 12 2. That no final subsequent determination be made, after hearing or upon stipulation, that  
13 cause for disciplinary action occurred within one (1) year from the effective date of this Decision  
14 and Order. Should such a determination be made, the Commissioner may, in his discretion,  
15 vacate and set aside the stay order and reimpose all or a portion of the stayed suspension. Should  
16 no such determination be made, the stay imposed herein shall become permanent.

17 V. INVESTIGATION AND ENFORCEMENT COSTS

18 All licenses and licensing rights of Respondent are indefinitely suspended unless or until  
19 Respondent pays the sum of \$778.35 for the Commissioner's reasonable costs of the  
20 investigation (\$520.25) and enforcement (\$258.10), which led to this disciplinary action. Said  
21 payment shall be in the form of a cashier's check made payable to the Department of Real Estate.  
22 The payment of the investigative and enforcement costs must be delivered to the Department of  
23 Real Estate, Flag Section, at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the  
24 Effective Date of this Decision and Order.

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27 DATED

KYLE JONES, Counsel  
DEPARTMENT OF REAL ESTATE

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The foregoing Stipulation and Agreement In Settlement and Order is hereby  
adopted by the Real Estate Commissioner as his Decision and Order and shall become  
effective at 12 o'clock noon on JUN 26 2023.

IT IS SO ORDERED

  
DOUGLAS R. MCCAULEY  
REAL ESTATE COMMISSIONER