

1 BUREAU OF REAL ESTATE
2 P. O. Box 137007
3 Sacramento, CA 95813-7007

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8

FILED

MAR 29 2016

BUREAU OF REAL ESTATE
By B. Nicholas

9 BEFORE THE BUREAU OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of)

13 KELLY LYNN BROWN,)
14 TAMI S. SANER,)
15 KENNETH ANDREW PATTERSON,)
16 KYMM MICHELLE EMBRY, and)
17 DANCE HALL INVESTORS, Inc. a)
18 Corporation,)

18 Respondents.)

NO. H-6145 SAC

STIPULATION AND AGREEMENT
IN SETTLEMENT AND ORDER

AS TO RESPONDENT KELLY
LYNN BROWN ONLY

19 It is hereby stipulated by and between Respondent KELLY LYNN BROWN
20 (herein "Respondent") by and through Louis A. Gonzalez, Jr., attorney of record herein for
21 Respondent, and the Complainant, acting by and through Mary F. Clarke, Counsel for the Bureau
22 of Real Estate (herein "the Bureau"), as follows for the purpose of settling and disposing the
23 Accusation filed on June 27, 2014, in this matter (herein "Accusation"):

24 1. All issues which were to be contested and all evidence which was to be
25 presented by Complainant and Respondent at a formal hearing on the Accusation, which hearing
26 was to be held in accordance with the provisions of the Administrative Procedure Act (herein
27

1 "APA"), shall instead and in place thereof be submitted on the basis of the provisions of this
2 Stipulation and Agreement in Settlement and Order (herein "Stipulation").

3 2. Respondent has received, read and understands the Statement to Respondent,
4 the Discovery Provisions of the APA, and the Accusation filed by the Bureau in this proceeding.

5 3. A Notice of Defense was filed on July 10, 2014 by Respondent pursuant to
6 Section 11505 of the Government Code for the purpose of requesting a hearing on the allegations
7 in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice of Defense.
8 Respondent acknowledges she understands that by withdrawing said Notice of Defense she will
9 thereby waive her rights to require the Real Estate Commissioner (herein "the Commissioner") to
10 prove the allegations in the Accusation at a contested hearing held in accordance with the
11 provisions of the APA and that she will waive other rights afforded to her in connection with the
12 hearing such as the right to present evidence in defense of the allegations in the Accusation and
13 the right to cross-examine witnesses.

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

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

26 6. The "Order" or any subsequent Order of the Commissioner made pursuant to
27 this Stipulation shall not constitute an estoppel, merger, or bar to any further administrative or

1 civil proceedings by the Bureau with respect to any matters which were not specifically alleged to
2 be causes for accusation in this proceeding.

3 7. Respondent understands that by agreeing to this Stipulation, Respondent agrees
4 to pay, pursuant to Section 10106(a) of the California Business and Professions Code (herein
5 "Code"), investigative and enforcement costs of \$3,076.44 which led to this disciplinary action.

6 DETERMINATION OF ISSUES

7 The acts and/or omissions of Respondent as described in the Accusation are
8 grounds for the suspension or revocation of the license and license rights of Respondent under
9 Section 10177(g) of the Code.

10 ORDER

11 All licenses and licensing rights of Respondent under the Real Estate Law are
12 revoked; provided, however, a restricted real estate salesperson license shall be issued to
13 Respondent pursuant to Section 10156.5 of the Code if, within 90 days from the effective date
14 of the Decision entered pursuant to this Order, Respondent, prior to and as a condition of the
15 issuance of said restricted license makes application for the restricted license and pays to the
16 Bureau the appropriate fee therefor.

17 The restricted license issued to Respondent shall be subject to all of the
18 provisions of Section 10156.7 of the Code and to the following limitations, conditions, and
19 restrictions imposed under authority of Section 10156.6 of that Code:

20 1. The restricted license issued to Respondent may be suspended prior to hearing
21 by Order of the Commissioner in the event of Respondent's conviction or plea of nolo contendere
22 to a crime which is substantially related to Respondent's fitness or capacity as a real estate
23 licensee.

24 2. The restricted license issued to Respondent may be suspended prior to
25 hearing by Order of the Commissioner on evidence satisfactory to the Commissioner that
26 Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands
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1 Law, Regulations of the Real Estate Commissioner, or conditions attaching to the restricted
2 license.

3 3. Respondent shall not be eligible to apply for the issuance of an unrestricted
4 real estate license or for the removal of any of the conditions, limitations, or restrictions of a
5 restricted license until two (2) years have elapsed from the effective date of this Decision.

6 4. Respondent shall submit with any application for license under an employing
7 broker, or any application for transfer to a new employing broker, a statement signed by the
8 prospective employing real estate broker on a form approved by the Bureau of Real Estate which
9 shall certify:

10 (a) That the employing broker has read the Decision of the
11 Commissioner which granted the right to a restricted license; and

12 (b) That the employing broker will exercise close supervision over
13 the performance by the restricted licensee relating to activities for
14 which a real estate license is required.

15 5. Respondent shall, within nine (9) months from the effective date of this
16 **Decision**, present evidence satisfactory to the Commissioner that Respondent has, since the most
17 recent issuance of an original or renewal real estate license, taken and successfully completed the
18 continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal
19 of a real estate license. If Respondent fails to satisfy this condition, Respondent's real estate
20 license shall automatically be suspended until Respondent presents evidence satisfactory to the
21 Commissioner of having taken and successfully completed the continuing education
22 requirements. **Proof of completion of the continuing education courses must be delivered to**
23 **the Bureau of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013.**

24 6. Respondent shall, within six (6) months from the effective date of this
25 **Decision**, take and pass the Professional Responsibility Examination administered by the
26 Bureau including the payment of the appropriate examination fee. If Respondent fails to satisfy
27 this condition, Respondent's real estate license shall automatically be suspended until

1 Respondent passes the examination.

2 7. All licenses and licensing rights of Respondent are indefinitely suspended
3 unless or until Respondent pays the sum of \$3,076.44 for the Commissioner's reasonable cost
4 of the investigation and enforcement which led to this disciplinary action. Said payment shall
5 be in the form of a cashier's check made payable to the Bureau of Real Estate. **The**
6 **investigative and enforcement costs must be delivered to the Bureau of Real Estate, Flag**
7 **Section at P.O. Box 137007, Sacramento, CA 95813-7007, prior to the effective date of**
8 **this Decision.**

9
10 1-27-16
11 DATED

12 
13 MARY F. CLARKE, Counsel

14 * * *

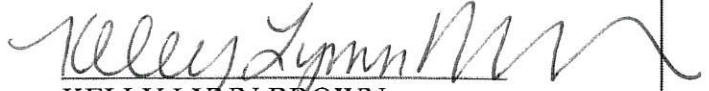
15 Respondent can signify acceptance and approval of the terms and conditions of
16 this Stipulation and Agreement to Citation and Fine by faxing or electronically e-mailing a copy
17 of the signature page, as actually signed by Respondent, to the Bureau at fax number (916) 263-
18 3767. Respondent agrees, acknowledges and understands that by electronically sending to the
19 Bureau a fax or other electronic copy of Respondent's actual signature as it appears on the
20 Stipulation and Agreement to Citation and Fine, that receipt of the faxed or e-mailed copy by the
21 Bureau shall be as binding on Respondent as if the Bureau had received the original signed
22 Stipulation.

23 I have read this Stipulation and its terms are understood by me and are agreeable
24 and acceptable to me. I understand that I am waiving rights given to me by the California APA
25 (including but not limited to Sections 11506, 11508, 11509, and 11513 of the Government
26 Code), and I willingly, intelligently, and voluntarily waive those rights, including the right of
27 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

1 and mitigation of the charges.

2
3 11/17/15

4 DATED

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KELLY LYNN BROWN

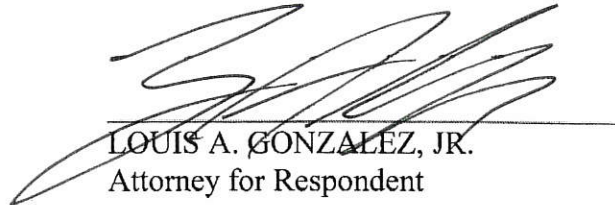
Respondent

6 * * *

7 I have reviewed the Stipulation and Agreement in Settlement and Order as to form
8 and content and have advised my client accordingly.

9 1/11/16

10 DATED

11 
LOUIS A. GONZALEZ, JR.
Attorney for Respondent

12 * * *


13 The foregoing Stipulation and Agreement in Settlement and Order is hereby
14 adopted by me as my Decision in this matter and shall become effective at 12 o'clock noon on

15 APR 19 2016

16 IT IS SO ORDERED

17 MARCH 25, 2016

18 WAYNE S. BELL
19 REAL ESTATE COMMISSIONER

20 
21 By JEFFREY MASON
22 Chief Deputy Commissioner
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