

1 3. Respondents filed a Notice of Defense pursuant to Section 11505 of the
2 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.
3 Respondents hereby freely and voluntarily withdraw said Notice of Defense. Respondents
4 acknowledge that Respondents understand that by withdrawing said Notice of Defense
5 Respondents will thereby waive Respondents' rights to require the Real Estate Commissioner
6 (Commissioner) to prove the allegations in the Accusation at a contested hearing held in
7 accordance with the provisions of the APA, and that Respondents will waive other rights
8 afforded to Respondents in connection with the hearing such as the right to present evidence in
9 defense of the allegations in the Accusation and the right to cross-examine witnesses.

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

17 5. The Order or any subsequent Order of the Commissioner made pursuant to
18 this Stipulation shall not constitute an estoppel, merger or bar to any further administrative or
19 civil proceedings by the Bureau with respect to any matters which were not specifically alleged in
20 Accusation H-6446 SAC.

21 6. Respondents are aware that if they petition for reinstatement pursuant to
22 Government Code Section 11522 in the future, payment of the Bureau's audit costs, which total
23 \$6,043.44, will be a condition of reinstatement.

24 DECLARATION OF KAWEAH FINANCIAL GROUP INC.

25 In lieu of proceeding in this matter in accordance with the provisions of the APA,
26 KAWEAH FINANCIAL GROUP INC. (KAWEAH) wishes to voluntarily surrender its
27 corporate real estate broker license issued by the Bureau, pursuant to Code Section 10100.2.

1 MARCIA JOLEEN PALMER (PALMER) is the President and Designated Officer of
2 KAWEAH, and is authorized to sign this declaration on behalf of KAWEAH.

3 PALMER, on behalf of KAWEAH, understands that by voluntarily surrendering
4 KAWEAH's license(s), KAWEAH may be re-licensed as a corporate broker only by petitioning
5 for reinstatement pursuant to section 11522 of the Government Code. PALMER, on behalf of
6 KAWEAH, also understands that by voluntarily surrendering KAWEAH license(s), PALMER
7 agrees to the following:

8 1. The filing of this Declaration shall be deemed as KAWEAH's petition for
9 voluntary surrender.

10 2. It shall also be deemed to be an understanding and agreement by
11 PALMER that KAWEAH waives all rights KAWEAH has to require the Commissioner to prove
12 the allegations contained in the Accusation filed in this matter at a hearing held in accordance
13 with the provisions of the APA, and that KAWEAH also waives other rights afforded to
14 KAWEAH in connection with the hearing such as the right to discovery, the right to present
15 evidence in defense of the allegations in the Accusation and the right to cross-examine witnesses.

16 3. PALMER, on behalf of KAWEAH, further agrees that upon acceptance by
17 the Commissioner, as evidenced by an appropriate order, all affidavits and all relevant evidence
18 obtained by the Bureau in this matter prior to the Commissioner's acceptance, and all allegations
19 contained in the Accusation filed in the Bureau Case No. H-6446 SAC may be considered by the
20 Bureau to be true and correct for the purpose of deciding whether to grant re-licensure or
21 reinstatement pursuant to Government Code section 11522.

22 4. PALMER freely and voluntarily surrenders all of KAWEAH's licenses
23 and license rights under the Real Estate Law.

24 DECLARATION OF MARCIA JOLEEN PALMER

25 In lieu of proceeding in this matter in accordance with the provisions of the APA,
26 I, PALMER, wish to voluntarily surrender my real estate license(s) issued by the Bureau,
27 pursuant to Business and Professions Code section 10100.2.

1 I understand that by voluntarily surrendering my license(s), I may be re-licensed
2 as a salesperson or as a broker only by petitioning for reinstatement pursuant to section 11522 of
3 the Government Code. I also understand that by voluntarily surrendering my license(s), I agree
4 to the following:

5 1. The filing of this Declaration shall be deemed as my petition for
6 voluntary surrender.

7 2. It shall also be deemed to be an understanding and agreement by me that
8 I waive all rights I have to require the Commissioner to prove the allegations contained in the
9 Accusation filed in this matter at a hearing held in accordance with the provisions of the APA,
10 and that I also waive other rights afforded to me in connection with the hearing such as the
11 right to discovery, the right to present evidence in defense of the allegations in the Accusation
12 and the right to cross-examine witnesses.

13 3. I further agree that upon acceptance by the Commissioner, as evidenced
14 by an appropriate order, all affidavits and all relevant evidence obtained by the Bureau in this
15 matter prior to the Commissioner's acceptance, and all allegations contained in the Accusation
16 filed in the Bureau Case No. H-6446 SAC may be considered by the Bureau to be true and
17 correct for the purpose of deciding whether to grant re-licensure or reinstatement pursuant to
18 Government Code section 11522.

19 4. I freely and voluntarily surrender all my licenses and license rights under
20 the Real Estate Law.

21 * * *

22 ORDER

23 I

24 With any petition for reinstatement made in the future, Respondents shall, jointly
25 and severally, pay the sum of \$6,043.44 for the Commissioner's cost of the audit which led to this
26 disciplinary action. Any petition for reinstatement made pursuant to Government Code Section
27 11522 shall be denied if Respondents fail to satisfy this condition.

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II

KAWEAH's petition for voluntary surrender of its corporate real estate broker

license is accepted as of the effective date of this Order as set forth below, based upon the understanding and agreement expressed in KAWEAH's Declaration incorporated herein as part of this Stipulation. KAWEAH's license certificates, pocket cards and any branch office license certificates shall be sent to the below listed address so that they reach the Bureau on or before the effective date of this Order:

BUREAU OF REAL ESTATE
Attn: Licensing Flag Section
P. O. Box 137013
Sacramento, CA 95815-7013

III

PALMER's petition for voluntary surrender of his real estate broker license is

accepted as of the effective date of this Order as set forth below, based upon the understanding and agreement expressed in PALMER's Declaration incorporated herein as part of this Stipulation. PALMER's license certificates, pocket cards and any branch office license certificates shall be sent to the below listed address so that they reach the Bureau on or before the effective date of this Order:

BUREAU OF REAL ESTATE
Attn: Licensing Flag Section
P. O. Box 137013
Sacramento, CA 95813-7013

9-Oct-17

DATED



TRULY SUGHRUE
Counsel for Complainant

I have read the Stipulation and Agreement, 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 the right of requiring the Commissioner to prove the allegations in the

1 Accusation at a hearing at which I would have the right to cross-examine witnesses against me
2 and to present evidence in defense and mitigation of the charges.

3 Respondents further agree to send the original signed Stipulation by mail to the
4 following address no later than one (1) week from the date the Stipulation is signed by
5 Respondents: *Bureau of Real Estate, Legal Section, P.O. Box 137007, Sacramento, California*
6 *95813-7007*. Respondents understand and agree that if they fail to return the original signed
7 Stipulation by the due date, Complainant retains the right to set this matter for hearing.

8 SELECT ASSET REALTY, INC.
9 Respondent

10 10/3/17
11 DATED

By: 
12 Marcia Joleen Palmer, President

13 10/3/17
14 DATED


15 MARCIA JOLEEN PALMER
16 Respondent

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18 * * *

19 The foregoing Stipulation is hereby adopted as my Decision and Order and shall
20 become effective at 12 o'clock noon on **NOV 09 2017**

21 IT IS SO ORDERED 10/16/17

22 WAYNE S. BELL
23 Real Estate Commissioner



24 By: DANIEL J. SANDRI
25 Chief Deputy Commissioner