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FILED

MAR 17 2020

DEPARTMENT OF REAL ESTATE

By B. Nicholas

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of:)	DRE NO. H-6816 SAC
SIERRA JUNCTION INC. and MARILYNN)	OAH NO. 2019081008
TAUSCH)	
Respondent(s).)	

ORDER STAYING EFFECTIVE DATE

On February 21, 2020, a Stipulation and Agreement was signed in the above-entitled matter to become effective March 17, 2020.

IT IS HEREBY ORDERED that the effective date of March 17, 2020, is stayed for a period of 30 days to allow Respondents SIERRA JUNCTION INC. and MARILYNN TAUSCH to comply with the terms of the Stipulation and Agreement.

The Stipulation and Agreement of February 21, 2020, shall become effective at 12 o' clock noon on April 16, 2020.

DATED: 3/17/20

SANDRA KNAU
ACTING REAL ESTATE COMMISSIONER



1 Department of Real Estate
2 P.O. Box 137007
3 Sacramento, CA 95815-7007

4 Telephone: (916) 263-8672

FILED

FEB 25 2020

DEPARTMENT OF REAL ESTATE
By B. Nicholas

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8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12)
13 SIERRA JUNCTION, INC., and)
14 MARILYNN TAUSCH,)
15 Respondents.))
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No. H-6816 SAC
STIPULATION AND
AGREEMENT TO
SURRENDER

15 It is hereby stipulated by and between SIERRA JUNCTION, INC., and
16 MARILYNN TAUSCH (collectively "Respondents"), and the Complainant, acting by and
17 through Truly Sughrue, Counsel for the Department of Real Estate (Department), as follows
18 for the purpose of settling and disposing the Accusation filed on May 9, 2019, in this matter:

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

24 2. Respondents have received, read, and understand the Statement to
25 Respondent, and the Discovery Provisions of the APA filed by the Department in this
26 proceeding.

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 her 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 Department with respect to any matters which were not specifically
20 alleged in Accusation H-6816 SAC.

21 DECLARATION OF SIERRA JUNCTION, INC.

22 In lieu of proceeding in this matter in accordance with the provisions of the APA,
23 SIERRA JUNCTION, INC. (SJI) wishes to voluntarily surrender its corporate real estate broker
24 license issued by the Department, pursuant to Code Section 10100.2. MARILYNN TAUSCH
25 (TAUSCH) is the Designated Officer of SJI, and is authorized to sign this declaration on behalf
26 of SJI.
27

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

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

7 2. It shall also be deemed to be an understanding and agreement by TAUSCH
8 that SJI waives all rights SJI has to require the Commissioner to prove the allegations contained
9 in the Accusation filed in this matter at a hearing held in accordance with the provisions of the
10 APA, and that SJI also waives other rights afforded to SJI in connection with the hearing such as
11 the 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. TAUSCH, on behalf of SJI, further agrees that upon acceptance by the
14 Commissioner, as evidenced by an appropriate order, all affidavits and all relevant evidence
15 obtained by the Department in this matter prior to the Commissioner's acceptance, and all
16 allegations contained in the Accusation filed in the Department Case No. H-6816 SAC may be
17 considered by the Department to be true and correct for the purpose of deciding whether to grant
18 re-licensure or reinstatement pursuant to Government Code section 11522.

19 4. TAUSCH freely and voluntarily surrenders all of SJI's licenses and license
20 rights under the Real Estate Law.

21 DECLARATION OF MARILYNN TAUSCH

22 In lieu of proceeding in this matter in accordance with the provisions of the APA,
23 I, TAUSCH, wish to voluntarily surrender my real estate license(s) issued by the Department,
24 pursuant to Business and Professions Code section 10100.2.

25 I understand that by voluntarily surrendering my license(s), I may be re-licensed
26 as a salesperson or as a broker only by petitioning for reinstatement pursuant to section 11522 of
27

1 the Government Code. I also understand that by voluntarily surrendering my license(s), I agree
2 to the following:

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

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

11 3. I further agree that upon acceptance by the Commissioner, as evidenced
12 by an appropriate order, all affidavits and all relevant evidence obtained by the Department in
13 this matter prior to the Commissioner's acceptance, and all allegations contained in the
14 Accusation filed in the Department Case No. H-6816 SAC may be considered by the
15 Department to be true and correct for the purpose of deciding whether to grant re-licensure or
16 reinstatement pursuant to Government Code section 11522.

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

19 * * *

20 ORDER

21 I

22 SJI's petition for voluntary surrender of its corporate real estate broker license is
23 accepted as of the effective date of this Order as set forth below, based upon the understanding
24 and agreement expressed in SJI's Declaration incorporated herein as part of this Stipulation.
25 SJI's license certificates, pocket cards and any branch office license certificates shall be sent to
26 the below listed address so that they reach the Department on or before the effective date of this
27 Order:

DEPARTMENT OF REAL ESTATE

Attn: Licensing Flag Section

P. O. Box 137013

Sacramento, CA 95815-7013

II

TAUSCH's petition for voluntary surrender of her 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 TAUSCH's Declaration incorporated herein as part of this Stipulation. TAUSCH's license certificates, pocket cards and any branch office license certificates shall be sent to the below listed address so that they reach the Department on or before the effective date of this Order:


DEPARTMENT OF REAL ESTATE

Attn: Licensing Flag Section

P. O. Box 137013

Sacramento, CA 95813-7013

23-Dec-19
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 Accusation at a hearing at which I would have the right to cross-examine witnesses against me and to present evidence in defense and mitigation of the charges.

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

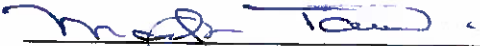
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SIERRA JUNCTION, INC, INC.
Respondent

12-23-19
DATED

By: 
Marilynn Tausch,
Designated Officer

12-23-19
DATED


MARILYNN TAUSCH
Respondent

The foregoing Stipulation is hereby adopted as my Decision and Order and shall
become effective at 12 o'clock noon on MAR 17 2020.

IT IS SO ORDERED 2/24/20

SANDRA KNAU
ACTING REAL ESTATE COMMISSIONER

