

FILED

MAR 28 2023

DEPARTMENT OF REAL ESTATE

By By den

DEPARTMENT OF REAL ESTATE  
P. O. Box 137007  
Sacramento, CA 95813-7007

Telephone: (916) 576-8700

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of:	)	Case No. H-7081 SAC
	)	
WILLIAM JAMES JACKSON	)	<u>STIPULATION AND AGREEMENT</u>
and CARLLA JEAN WAGNER,	)	<u>IN SETTLEMENT AND ORDER</u>
Respondents.	)	
	)	

It is hereby stipulated by and between Respondents WILLIAM JAMES JACKSON ("JACKSON") and CARLLA JEAN WAGNER ("WAGNER"), (collectively "Respondents"), and the Complainant, acting by and through Adriana Z. Badilas, Counsel for the Department of Real Estate ("Department"), as follows for the purpose of settling and disposing of the Accusation filed on February 2, 2022, in this matter:

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondents 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 In Settlement and Order ("Stipulation and Agreement").

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

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1                   3. On February 5, 2022, a Notice of Defense was received from both  
2 Respondents pursuant to Section 11505 of the Government Code for the purpose of requesting  
3 a hearing on the allegations made in the Accusation. Respondents hereby freely and voluntarily  
4 withdraw said Notices of Defense. Respondents acknowledge that they understand that by  
5 withdrawing said Notices of Defense they will thereby waive their rights to require the  
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 they will waive other rights afforded to  
8 them in connection with the hearing such as the right to present evidence in defense of the  
9 allegations in the Accusation and the right to cross-examine witnesses.

10                   4. This Stipulation is based on the factual allegations contained in the  
11 Accusation. In the interest of expediency and economy, Respondents chooses not to contest  
12 these factual allegations, but to remain silent and understand that, as a result thereof, these  
13 factual statements will serve as a prima facie basis for the "Determination of Issues" and  
14 "Order" set forth below. The Commissioner shall not be required to provide further evidence to  
15 prove such allegations.

16                   5. This Stipulation and Agreement is made for the purpose of reaching an  
17 agreed disposition of this proceeding and is expressly limited to this proceeding and any other  
18 proceeding or case in which the Department, the state or federal government, any agency of  
19 this state, or an agency of another state is involved.

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

27 ///

7. The Order or any subsequent Order of the Real Estate Commissioner made pursuant to this Stipulation and Agreement 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.

### DETERMINATION OF ISSUES

By reason of the foregoing stipulations, admissions, and waivers, and solely for the purpose of settlement of the pending Accusation without further proceedings, it is stipulated and agreed that the following Determination of Issues shall be made:

1. The acts and/or omissions of JACKSON, as described in the Accusation, are grounds for the suspension or revocation of the licenses and license rights of JACKSON under the provisions of Sections 10145, 10159.5, 10177(d), 10177(g), and 10177(h) of the Code, and Sections 2725, 2731, 2831.1, 2831.2, 2832, and 2832 of Title 10, California Code of Regulations (“Regulations”).

2. The acts and/or omissions of WAGNER, as described in the Accusation, are grounds for the suspension or revocation of the licenses and license rights of WAGNER under the provisions of Sections 10177(d) and 10177(g) of the Code.

ORDER

**I. As to JACKSON**

All licenses and licensing rights of JACKSON, under the Real Estate Law are suspended for a period of sixty (60) days from the effective date of this Order; provided, however, that:

1. Thirty (30) days of said suspension shall be stayed, upon the condition that JACKSON petitions pursuant to Section 10175.2 of the Code and pays a monetary penalty pursuant to Section 10175.2 of the Code at a rate of \$100 for each day of the suspension for a total monetary penalty of \$3,000.

III

- 1 a) Said payment shall be in the form of a cashier's check made payable to the  
2 Department of Real Estate. Said check must be delivered to the Department of  
3 Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013,  
4 prior to the effective date of this Order.
- 5 b) No further cause for disciplinary action against the real estate license of  
6 JACKSON occurs within two (2) years from the effective date of the decision  
7 in this matter.
- 8 c) If JACKSON fails to pay the monetary penalty as provided above prior to the  
9 effective date of this Order, the stay of the suspension shall be vacated as to  
10 JACKSON and the order of suspension shall be immediately executed, under  
11 this Order, in which event JACKSON shall not be entitled to any repayment  
12 nor credit, prorated or otherwise, for the money paid to the Department under  
13 the terms of this Order.
- 14 d) If JACKSON pays the monetary penalty and any other moneys due under this  
15 Stipulation and if no further cause for disciplinary action against the real  
16 estate license of JACKSON occurs within two (2) years from the effective  
17 date of this Order, the entire stay hereby granted in this Order shall become  
18 permanent.
- 19 2. Thirty (30) days of said suspension shall be stayed for two (2) years upon  
20 the following terms and conditions:
- 21 a) JACKSON shall obey all laws, rules and regulations governing the rights,  
22 duties and responsibilities of a real estate licensee in the State of California;  
23 and,
- 24 b) That no final subsequent determination be made, after hearing or upon  
25 stipulation that cause for disciplinary action occurred within two (2) years  
26 from the effective date of this Order. Should such a determination be made,  
27 the Commissioner may, in his discretion, vacate and set aside the stay order

1 and re-impose all or a portion of the stayed suspension. Should no such  
2 determination be made, the stay imposed herein shall become permanent.

3 3. JACKSON shall, within six (6) months from the effective date of this Order,  
4 take and pass the Professional Responsibility Examination administered by the Department,  
5 including the payment of the appropriate examination fee. If JACKSON fails to satisfy this  
6 condition, JACKSON's real estate license shall automatically be suspended until JACKSON  
7 passes the examination.

8 4. All licenses and licensing rights of JACKSON are indefinitely suspended  
9 unless or until JACKSON provides proof satisfactory to the Commissioner, of having taken and  
10 successfully completed the continuing education course on trust fund accounting and handling  
11 specified in paragraph (3) of subdivision (a) of Section 10170.5 of the Code. Proof of satisfaction  
12 of these requirements includes evidence that JACKSON has successfully completed the trust  
13 fund accounting and handling continuing education course, no earlier than one hundred twenty  
14 (120) days prior to the effective date of the Order in this matter. Proof of completion of the trust  
15 fund accounting and handling course must be delivered to the Department of Real Estate, Flag  
16 Section at P.O. Box 137013, Sacramento, CA 95813-7013 or by fax at 916-263-8785, prior to  
17 the effective date of this Order.

18 5. All licenses and licensing rights of JACKSON, are indefinitely suspended  
19 unless or until JACKSON pays the sum of \$1,365.50 for the Commissioner's reasonable cost of  
20 the investigation and enforcement which led to this disciplinary action. Said payment shall be in  
21 the form of a cashier's check or certified check made payable to the Department of Real Estate.  
22 The investigative and enforcement costs must be delivered to the Department of Real Estate,  
23 Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this  
24 Order.

25 6. JACKSON shall pay the sum of \$4,199.25 for the Commissioner's cost of  
26 the audit which led to this disciplinary action. JACKSON shall pay such cost within sixty (60)  
27 days of receiving an invoice therefore from the Commissioner. The Commissioner shall

1 indefinitely suspend all licenses and licensing rights of JACKSON pending a hearing held in  
2 accordance with Section 11500, et seq., of the Government Code, if payment is not timely  
3 made as provided for herein, or as provided for in a subsequent agreement between JACKSON  
4 and the Commissioner. The suspension shall remain in effect until payment is made in full or  
5 until JACKSON enter into an agreement satisfactory to the Commissioner to provide for  
6 payment, or until a decision providing otherwise is adopted following a hearing held pursuant  
7 to this condition.

8               7. JACKSON shall pay the Commissioner's costs, not to exceed \$5,249.06, of  
9 any audit conducted pursuant to Section 10148 of the Code to determine if JACKSON has  
10 corrected the violations described in the Determination of Issues, above, and any other  
11 violations found in the audit which led to this disciplinary action. In calculating the amount of  
12 the Commissioner's reasonable cost, the Commissioner may use the estimated average hourly  
13 salary for all persons performing audits of real estate brokers, and shall include an allocation  
14 for travel time to and from the auditor's place of work. JACKSON shall pay such cost within  
15 sixty (60) days of receiving an invoice therefore from the Commissioner detailing the activities  
16 performed during the audit and the amount of time spent performing those activities. If  
17 JACKSON fails to pay such cost within the sixty (60) days, the Commissioner shall  
18 indefinitely suspend all licenses and licensing rights of JACKSON under the Real Estate Law  
19 until payment is made in full or until JACKSON enters into an agreement satisfactory to the  
20 Commissioner to provide for payment. Upon full payment, the indefinite suspension provided  
21 for in this paragraph shall be stayed.

## 22                               **II. As to WAGNER**

23               All licenses and licensing rights of WAGNER, under the Real Estate Law are  
24 suspended for a period of thirty (30) days from the effective date of this Order; provided,  
25 however, that:

26               1. Fifteen (15) days of said suspension shall be stayed, upon the condition that  
27 WAGNER petitions pursuant to Section 10175.2 of the Code and pays a monetary penalty

1 pursuant to Section 10175.2 of the Code at a rate of \$100 for each day of the suspension for a  
2 total monetary penalty of \$1,500.

- 3 a) Said payment shall be in the form of a cashier's check made payable to the  
4 Department of Real Estate. Said check must be delivered to the Department  
5 of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-  
6 7013, prior to the effective date of this Order.
- 7 b) No further cause for disciplinary action against the real estate license of  
8 WAGNER occurs within two (2) years from the effective date of the decision  
9 in this matter.
- 10 c) If WAGNER fails to pay the monetary penalty as provided above prior to the  
11 effective date of this Order, the stay of the suspension shall be vacated as to  
12 WAGNER and the order of suspension shall be immediately executed, under  
13 this Order, in which event WAGNER shall not be entitled to any repayment  
14 nor credit, prorated or otherwise, for the money paid to the Department under  
15 the terms of this Order.
- 16 d) If WAGNER pays the monetary penalty and any other moneys due under this  
17 Stipulation and if no further cause for disciplinary action against the real  
18 estate license of WAGNER occurs within two (2) years from the effective  
19 date of this Order, the entire stay hereby granted in this Order shall become  
20 permanent.

21 2. Fifteen (15) days of said suspension shall be stayed for two (2) years upon  
22 the following terms and conditions:


- 23 a) WAGNER shall obey all laws, rules and regulations governing the rights,  
24 duties and responsibilities of a real estate licensee in the State of California;  
25 and
- 26 b) That no final subsequent determination be made, after hearing or upon  
27 stipulation that cause for disciplinary action occurred within two (2) years

1 from the effective date of this Order. Should such a determination be made,  
2 the Commissioner may, in his discretion, vacate and set aside the stay order  
3 and re-impose all or a portion of the stayed suspension. Should no such  
4 determination be made, the stay imposed herein shall become permanent.

5 3. WAGNER shall, within six (6) months from the effective date of this Order,  
6 take and pass the Professional Responsibility Examination administered by the Department,  
7 including the payment of the appropriate examination fee. If WAGNER fails to satisfy this  
8 condition, WAGNER real estate license shall automatically be suspended until WAGNER  
9 passes the examination.

10 4. All licenses and licensing rights of WAGNER, are indefinitely suspended  
11 unless or until WAGNER, jointly and severally with JACKSON, pay the sum of \$1,365.50 for  
12 the Commissioner's reasonable cost of the investigation and enforcement which led to this  
13 disciplinary action. Said payment shall be in the form of a cashier's check or certified check  
14 made payable to the Department of Real Estate. The investigative and enforcement costs must be  
15 delivered to the Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA  
16 95813-7013, prior to the effective date of this Order.

17  
18  
19 11/1/22  
20 DATED

  
21 ADRIANA Z. BADILAS, Counsel  
22 Department of Real Estate

23 \* \* \*

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



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

4 Respondents further agree to send the original signed Stipulation and Agreement  
5 by mail to the following address no later than one (1) week from the date the Stipulation and  
6 Agreement is signed by Respondents: *Department of Real Estate, Legal Section, P.O. Box*  
7 *137007, Sacramento, California 95813-7007.*

8 Respondents understand and agree that if they fail to return the original signed  
9 Stipulation and Agreement by the due date, Complainant retains the right to set this matter for  
10 hearing.

11  
12  
13 10/31/2022  
14 DATED

*William James Jackson*  
WILLIAM JAMES JACKSON  
Respondent

15  
16  
17 10-31-22  
18 DATED

*Carla Jean Wagner*  
CARLA JEAN WAGNER  
Respondent

19  
20 \*\*\*

21 The foregoing Stipulation and Agreement is hereby adopted as my Decision in  
22 this matter and shall become effective at 12 o'clock noon on APR 18 2023

23 IT IS SO ORDERED 1.19.23, 2022.

24 REAL ESTATE COMMISSIONER

25   
26 DOUGLAS R. McCAULEY  
27