

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

4 Telephone: (916) 576-8700
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FILED

JAN 24 2024

DEPARTMENT OF REAL ESTATE
By K. Snapp

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7
8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

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11 In the Matter of the Accusation of) No. H-7084 SAC
12)
13 MEDALLION GOLD INC) STIPULATION AND AGREEMENT
and BRENDA SUE VOELKER,) IN SETTLEMENT AND ORDER
14 Respondents.)
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16 It is hereby stipulated by and between MEDALLION GOLD INC (MGI) and
17 BRENDA SUE VOELKER (VOELKER), collectively Respondents, represented by David A.
18 Diepenbrock, and the Complainant, acting by and through Megan Lee Olsen, Counsel for the
19 Department of Real Estate (Department); as follows for the purpose of settling and disposing of
20 the Accusation filed on November 15, 2022, in this matter:

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

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

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

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

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

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

1 administrative or civil proceedings by the Department with respect to any matters which were
2 not specifically alleged to be causes for Accusation in this proceeding.

3 7. Respondents understand that by agreeing to this Stipulation, Respondents
4 agrees to pay, pursuant to Section 10148 of the Business and Professions Code (Code), the cost
5 of the audit which resulted in the violations found in the Determination of Issues. The amount of
6 such costs is \$7,285.00.

7 8. Respondents further understand that by agreeing to this Stipulation, the
8 findings set forth below in the "Determination of Issues" become final, and that the
9 Commissioner may charge said Respondents for the costs of any audit conducted pursuant to
10 Section 10148 of the Code to determine if the violations have been corrected. The maximum
11 cost of said audit shall not exceed \$9,106.25.

12 **DETERMINATION OF ISSUES**

13 **MEDALLION GOLD INC and BRENDA SUE VOELKER**

14 By reason of the foregoing stipulations, admissions and waivers, and solely for
15 the purpose of settlement of the pending Accusation without a hearing, it is stipulated and agreed
16 that the acts and/or omissions of Respondents, as described in the Accusation, constitute grounds
17 for the suspension or revocation of the licenses and license rights of Respondents under the
18 provisions of Sections 10177(d) and 10177 (g) of the Code, in conjunction with Sections
19 10232.45, 10235, 10238 (f), 10238 (h)(4)(A), 10238 (h)(4)(E), 10145 of the Code, and Section
20 2834 of Title 10 of the California Code of Regulations (Regulations).

21 **BRENDA SUE VOELKER**

22 By reason of the foregoing stipulations, admissions and waivers, and solely for
23 the purpose of settlement of the pending Accusation without a hearing, it is stipulated and agreed
24 that the acts and/or omissions of Respondent VOELKER, as described in the Accusation,
25 constitute grounds for the suspension or revocation of the licenses and license rights of
26 Respondents under the provisions of Sections 10177(d), 10177 (g) and 10177 (h) of the Code, in
27 conjunction with Section 10159.2 of the Code, and Section 2725 of the Regulations.

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1 (a) MGI shall obey all laws, rules and regulations governing the rights,
2 duties and responsibilities of a real estate licensee in the State of California; and,

3 (b) That no final subsequent determination be made, after hearing or upon
4 stipulation, that cause for disciplinary action occurred within two (2) years from the effective
5 date of this Order. Should such a determination be made, the Commissioner may, in his
6 discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed
7 suspension. Should no such determination be made, the stay imposed herein shall become
8 permanent.

9 BRENDA SUE VOELKER

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

13 3. Thirty (30) days of said suspension shall be stayed, upon the condition that
14 VOELKER petition pursuant to Section 10175.2 of the Code and pays a monetary penalty
15 pursuant to Section 10175.2 of the Code at a rate of \$50 for each day of the suspension for a total
16 monetary penalty of \$1,500.

17 (a) Said payment shall be in the form of a cashier's check made payable
18 to the Department of Real Estate. Said check must be delivered to the Department of Real
19 Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective
20 date of this Order.

21 (b) No further cause for disciplinary action against the real estate license
22 of VOELKER occurs within two (2) years from the effective date of the decision in this matter.

23 (c) If VOELKER fails to pay the monetary penalty as provided above
24 prior to the effective date of this Order, the stay of the suspension shall be vacated as to
25 VOELKER and the order of suspension shall be immediately executed, under this Order, in
26 which event that VOELKER shall not be entitled to any repayment nor credit, prorated or
27 otherwise, for the money paid to the Department under the terms of this Order.

1 (d) If VOELKER pays the monetary penalty and any other moneys due
2 under this Stipulation and if no further cause for disciplinary action against the real estate license
3 of said VOELKER occurs within two (2) years from the effective date of this Order, the entire
4 stay hereby granted in this Order, as to VOELKER only, shall become permanent.

5 4. Thirty (30) days of said suspension shall be stayed for two (2) years upon
6 the following terms and conditions:

7 (a) VOELKER shall obey all laws, rules and regulations governing the
8 rights, duties and responsibilities of a real estate licensee in the State of California; and,

9 (b) That no final subsequent determination be made, after hearing or upon
10 stipulation, that cause for disciplinary action occurred within two (2) years from the effective
11 date of this Order. Should such a determination be made, the Commissioner may, in his
12 discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed
13 suspension. Should no such determination be made, the stay imposed herein shall become
14 permanent.

15 MEDALLION GOLD INC and BRENDA SUE VOELKER

16 5. Pursuant to Section 10148 of the Code, Respondents shall, jointly and
17 severally, pay the sum of \$7,285.00 for the Commissioner's cost of the audit which led to this
18 disciplinary action. Respondents shall pay such cost within sixty (60) days of receiving an
19 invoice therefore from the Commissioner. Payment of audit costs should not be made until
20 Respondents receive the invoice. If Respondents fail to satisfy this condition in a timely manner
21 as provided for herein, Respondents' real estate licenses shall automatically be suspended until
22 payment is made in full, or until a decision providing otherwise is adopted following a hearing
23 held pursuant to this condition.

24 6. Pursuant to Section 10148 of the Code, Respondents shall, jointly and
25 severally, shall pay the Commissioner's reasonable cost, not to exceed \$9,106.25 for an audit to
26 determine if Respondents have corrected the violations found in the "Determination of Issues".
27 In calculating the amount of the Commissioner's reasonable cost, the Commissioner may use the

1 estimated average hourly salary for all persons performing audits of real estate brokers, and shall
2 include an allocation for travel time to and from the auditor's place of work. Respondents shall
3 pay such cost within sixty (60) days of receiving an invoice therefore from the Commissioner.
4 Payment of the audit costs should not be made until Respondents receive the invoice. If
5 Respondents fails to satisfy this condition in a timely manner as provided for herein,
6 Respondents' real estate licenses shall automatically be suspended until payment is made in full,
7 or until a decision providing otherwise is adopted following a hearing held pursuant to this
8 condition.

9 7. All licenses and licensing rights of Respondents are indefinitely suspended
10 unless or until Respondents, jointly and severally, pay the sum of \$4,712.41 for the
11 Commissioner's reasonable cost of the investigation which led to this disciplinary action. Said
12 payment shall be in the form of a cashier's check made payable to the Department of Real Estate,
13 Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this
14 Stipulation.

15 10/11/2023

16 DATED



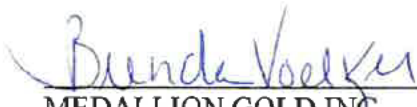
17 MEGAN LEE OLSEN,
18 Real Estate Counsel
19 DEPARTMENT OF REAL ESTATE

20 * * *

21 I have read the Stipulation and Agreement In Settlement and Order, discussed it
22 with my counsel, and its terms are understood by me and are agreeable and acceptable to me. I
23 understand that I am waiving rights given to me by the California Administrative Procedure
24 Act (including but not limited to Sections 11506, 11508, 11509 and 11513 of the Government
25 Code), and I willingly, intelligently, and voluntarily waive those rights, including the right of
26 requiring the Commissioner to prove the allegations in the Accusation at a hearing at which I
27 would have the right to cross-examine witnesses against me and to present evidence in defense
and mitigation of the charges.

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

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9 9-19-23
DATED


MEDALLION GOLD INC,
Respondent
By: BRENDA SUE VOELKER,
Designated Officer

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13 9-19-23
DATED


BRENDA SUE VOELKER,
Respondent

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19 *I have reviewed the Stipulation and Agreement as to form and content and have advised my*
20 *clients accordingly.*

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22 9-19-2023
DATED


DAVID A. DIEPENBROCK
Attorney for Respondents

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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 **FEB 14 2024**.

IT IS SO ORDERED 11/16/23.

DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER

