

FILED

APR 19 2016

BUREAU OF REAL ESTATE

By *hdw*

1 BUREAU OF REAL ESTATE
2 P. O. Box 137007
3 Sacramento, CA 95813-7007
4 Telephone: (916) 263-8670
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7

8 BEFORE THE BUREAU OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the First Amended Accusation of)
12)
13) NO. H-11890 SF
14) STIPULATION AND AGREEMENT
15) IN SETTLEMENT AND ORDER
16)
17)
18)
19) Respondent.)

20 It is hereby stipulated by and between Respondent JINNIE J. CHAO (herein
21 "Respondent") acting by and through Jeffrey S. Kravitz, attorney of record herein for Respondent
22 and the Complainant, acting by and through Mary F. Clarke, Counsel for the Bureau of Real
23 Estate (herein "Bureau"), as follows for the purpose of settling and disposing the First Amended
24 Accusation filed on November 17, 2015, in this matter (herein "Accusation"):

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

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

3 3) A Notice of Defense was filed on October 21, 2015, by Respondent pursuant
4 to Section 11505 of the Government Code for the purpose of requesting a hearing on the
5 allegations in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice
6 of Defense. Respondent acknowledges she understands that by withdrawing said Notice of
7 Defense she will thereby waive her rights to require the Real Estate Commissioner (herein
8 "Commissioner") to prove the allegations in the Accusation at a contested hearing held in
9 accordance with the provisions of the APA and that she will waive other rights afforded to her in
10 connection with the hearing such as the right to present evidence in defense of the allegations in
11 the Accusation and the right to cross-examine witnesses.

12 4) Respondent, pursuant to the "Determination of Issues" set forth below, hereby
13 admits that the factual allegations, in the Accusation filed in this proceeding are true and correct
14 and the Commissioner shall not be required to provide further evidence of such allegations.

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

21 6) The "Order" or any subsequent Order of the Commissioner made pursuant to
22 this Stipulation shall not constitute an estoppel, merger, or bar to any further administrative or
23 civil proceedings by the Bureau with respect to any matters which were not specifically alleged to
24 be causes for accusation in this proceeding.

25 7) Respondent further understands that by agreeing to this Stipulation,
26 Respondent agrees to pay, pursuant to Section 10106(a) of the Code, investigative and
27 enforcement costs of \$2,419.80 which led to this disciplinary action.

1 DETERMINATION OF ISSUES

2 The acts and/or omissions of Respondent as described in the Accusation are
3 grounds for the suspension or revocation of the license and license rights of Respondent under
4 Section 10176(a) and (i) of the Code.

5 ORDER

6 1) All licenses and licensing rights of Respondent under the Real Estate Law are
7 revoked; provided, however, a restricted real estate broker license shall be issued to Respondent
8 pursuant to Section 10156.5 of the Code if, within 90 days from the effective date of the Decision
9 entered pursuant to this Order, Respondent, prior to and as a condition of the issuance of said
10 restricted license makes application for the restricted license and pays to the Bureau the
11 appropriate fee therefor. The restricted license issued to Respondent shall be subject to all of the
12 provisions of Section 10156.7 of the Code and to the following limitations, conditions, and
13 restrictions imposed under authority of Section 10156.6 of that Code:

14 (a) The restricted license issued to Respondent may be suspended prior to
15 hearing by Order of the Commissioner in the event of Respondent's conviction or plea of nolo
16 contendere to a crime which is substantially related to Respondent's fitness or capacity as a real
17 estate licensee.

18 (b) The restricted license issued to Respondent may be suspended prior to
19 hearing by Order of the Commissioner on evidence satisfactory to the Commissioner that
20 Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands
21 Law, Regulations of the Real Estate Commissioner, or conditions attaching to the restricted
22 license.

23 (c) Respondent shall not be eligible to apply for the issuance of an
24 unrestricted real estate license or for the removal of any of the conditions, limitations or
25 restrictions of a restricted license until two (2) years have elapsed from the effective date of this
26 Order. Respondent shall not be eligible to apply for any unrestricted license until all restrictions
27 attaching to the license have been removed.

1 2) All licenses and licensing rights of Respondent are indefinitely suspended
2 unless or until Respondent pays the sum of \$2,419.80 for the Commissioner's reasonable cost of
3 the investigation and enforcement which led to this disciplinary action. Said payment shall be in
4 the form of a cashier's check made payable to the Bureau of Real Estate. The investigative and
5 enforcement costs must be delivered to the Bureau of Real Estate, Flag Section at P.O. Box
6 137013, Sacramento, CA 95813-7013, prior to the effective date of this Order.

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

16 4) Respondent shall, within six (6) months from the effective date of this
17 Decision, take and pass the Professional Responsibility Examination administered by the Bureau
18 including the payment of the appropriate examination fee. If Respondent fails to satisfy this
19 condition, Respondent's real estate license shall automatically be suspended until Respondent
20 passes the examination.

21
22 3-8-16

23 _____
 DATED

24 
25 _____
 MARY F. CLARKE, Counsel
 Bureau of Real Estate

26 * * *

27 Respondent can signify acceptance and approval of the terms and conditions of
this Stipulation by faxing or electronically e-mailing a copy of the signature page, as actually

1 signed by Respondent, to the Bureau at fax number (916) 263-3767. Respondent agrees,
2 acknowledges and understands that by electronically sending to the Bureau a fax or other
3 electronic copy of Respondent's actual signature as it appears on the Stipulation and Agreement
4 to Citation and Fine, that receipt of the faxed or e-mailed copy by the Bureau shall be as binding
5 on Respondent as if the Bureau had received the original signed Stipulation.

6 I have read this Stipulation and its terms are understood by me and are agreeable
7 and acceptable to me. I understand that I am waiving rights given to me by the California APA
8 (including but not limited to Sections 11506, 11508, 11509, and 11513 of the Government
9 Code), and I willingly, intelligently, and voluntarily waive those rights, including the right of
10 requiring the Commissioner to prove the allegations in the Accusation at a hearing at which I
11 would have the right to cross-examine witnesses against me and to present evidence in defense
12 and mitigation of the charges.

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3/4/2016

DATED


JINNIE J. CHAO
Respondent

I have reviewed the Stipulation as to form and content and have advised my client accordingly.

3/4/16

DATED


JEFFREY S. KRAVITZ
Attorney for Respondent

The foregoing Stipulation and Agreement in Settlement and Order is hereby

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///

1 adopted by me as my Decision in this matter and shall become effective at 12 o'clock noon on

2 **MAY 10 2016**

3 _____,

4 IT IS SO ORDERED Apr. 18, 2016,

6 WAYNE S. BELL
7 REAL ESTATE COMMISSIONER

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9 By: JEFFREY MASON
10 Chief Deputy Commissioner

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