

JUN 08 2017

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

BUREAU OF REAL ESTATE
By M. Roberts

Telephone: (916) 263-8670
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BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of:)
)
)
KAE REAL ESTATE SERVICES and)
HELEN HANSEN LIPPIT,)
)
Respondents.)

NO. H-11997 SF

STIPULATION AND AGREEMENT
IN SETTLEMENT AND ORDER

It is hereby stipulated by and between KAE REAL ESTATE SERVICES ("KAE") and HELEN HANSEN LIPPITT ("LIPPITT") (collectively "Respondents") acting by and through attorney Frank Buda, counsel for Respondents, and the Complainant, acting by and through attorney Adriana Z. Badilas, Counsel for the Bureau of Real Estate ("Bureau"), as follows for the purpose of settling and disposing the Accusation filed on September 16, 2016:

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 on the basis of the provisions of this Stipulation and Agreement in Settlement and Order ("Stipulation").

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 Bureau in this
3 proceeding.

4 3) A Notice of Defense was filed on September 27, 2016, by Respondents
5 pursuant to Section 11505 of the Government Code for the purpose of requesting a hearing on
6 the allegations in the Accusation. Respondents hereby freely and voluntarily withdraw said
7 Notice of Defense. Respondents acknowledge they understand that by withdrawing said Notice
8 of Defense they will thereby waive their rights to require the Real Estate Commissioner
9 ("Commissioner") to prove the allegations in the Accusation at a contested hearing held in
10 accordance with the provisions of the APA and that they will waive other rights afforded to them
11 in connection with the hearing such as the right to present evidence in defense of the allegations
12 in the Accusation and the right to cross-examine witnesses.

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

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

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

1 1) Thirty (30) days of said suspension shall be stayed, upon the condition that
2 KAE petition pursuant to Section 10175.2 of the Code and pay a monetary penalty pursuant to
3 Section 10175.2 of the Code at a rate of \$50.00 per day for a total monetary penalty of \$1,500.00.
4 a) Payment shall be in the form of a cashier's check made payable to the
5 Bureau of Real Estate. The check must be delivered to the Bureau of Real Estate, Flag Section
6 at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this Decision.
7 b) No further cause for disciplinary action against the Real Estate license of
8 KAE occur within two (2) years from the effective date of the Decision in this matter.
9 c) If KAE fails to pay the monetary penalty in accordance with the terms and
10 conditions of this Decision, the suspension shall go into effect automatically. KAE shall not be
11 entitled to any repayment or credit, prorated or otherwise, for money paid to the Bureau under
12 the terms of this Decision.
13 d) If KAE pay the monetary penalty and any other moneys due under this
14 Stipulation and if no further cause for disciplinary action against the real estate license of KAE
15 occurs within two (2) years from the effective date of this Decision, the entire stay hereby granted
16 pursuant to this Decision shall become permanent.
17 2) The remaining sixty (60) days of said suspension shall be stayed for two
18 (2) years upon the following terms and conditions:
19 a) KAE shall obey all laws, rules and regulations governing the rights, duties
20 and responsibilities of a real estate licensee in the State of California; and,
21 b) That no final subsequent determination be made, after hearing or upon
22 stipulation, that cause for disciplinary action occurred within two (2) years from the effective
23 date of this Decision. Should such a determination be made, the Commissioner may, in his
24 discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed
25 suspension. Should no such determination be made, the stay imposed herein shall become
26 permanent.
27 ///

1 II

2 All licenses and licensing rights of LIPPITT under the Real Estate Law are
3 suspended for a period of ninety (90) days from the effective date of this Decision; provided,
4 however, that:

5 1) Thirty (30) days of said suspension shall be stayed, upon the condition that
6 LIPPITT petition pursuant to Section 10175.2 of the Code and pays a monetary penalty pursuant
7 to Section 10175.2 of the Code at a rate of \$50.00 per day for a total monetary penalty of
8 \$1,500.00.

9 a) Payment shall be in the form of a cashier's check made payable to the
10 Bureau of Real Estate. The check must be delivered to the Bureau of Real Estate, Flag Section
11 at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this Decision.

12 b) No further cause for disciplinary action against the Real Estate license of
13 LIPPITT occurs within two (2) years from the effective date of the Decision in this matter.

14 c) If LIPPITT fails to pay the monetary penalty in accordance with the terms
15 and conditions of this Decision, the suspension shall go into effect automatically. LIPPITT shall
16 not be entitled to any repayment nor credit, prorated or otherwise, for money paid to the Bureau
17 under the terms of this Decision.

18 d) If LIPPITT pays the monetary penalty and any other moneys due under this
19 Stipulation and if no further cause for disciplinary action against the real estate license of
20 Respondent occurs within two (2) years from the effective date of this Decision, the entire stay
21 hereby granted pursuant to this Decision shall become permanent.

22 2) The remaining sixty (60) days of said suspension shall be stayed for two
23 (2) years upon the following terms and conditions:

24 a) LIPPITT shall obey all laws, rules and regulations governing the rights,
25 duties and responsibilities of a real estate licensee in the State of California; 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 from the effective

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

5 3) All licenses and licensing rights of LIPPITT are indefinitely suspended
6 unless or until LIPPITT provides proof satisfactory to the Commissioner, of having taken and
7 successfully completed the continuing education course on trust fund accounting and handling
8 specified in paragraph (3) of subdivision (a) of Section 10170.5 of the Business and Professions
9 Code. Proof of satisfaction of these requirements includes evidence that LIPPITT has
10 successfully completed the trust fund account and handling continuing education courses, no
11 earlier than 120 days prior to the effective date of the Decision in this matter. Proof of
12 completion of the trust fund accounting and handling course must be delivered to the Bureau of
13 Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013 or by fax at 916-
14 263-8758, prior to the effective date of this Decision.

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

20 III

21 1) Pursuant to Section 10148 of the Code, Respondents shall pay the sum of
22 \$4,956.28 for the Commissioner's cost of the audit which led to this disciplinary action.
23 Respondents shall pay such cost within sixty (60) days of receiving an invoice therefore from the
24 Commissioner. Payment of audit costs should not be made until Respondents receive the
25 invoice. If Respondents fail to satisfy this condition in a timely manner as provided for herein,
26 Respondents' real estate licenses shall automatically be suspended until payment is made in full,
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1 or until a decision providing otherwise is adopted following a hearing held pursuant to this
2 condition.

3 2) Pursuant to Section 10148 of the Code, Respondents shall pay the
4 Commissioner's reasonable cost, not to exceed \$6,195.35, for an audit to determine if
5 Respondents have corrected the violations found in the "Determination of Issues." In calculating
6 the amount of the Commissioner's reasonable cost, the Commissioner may use the estimated
7 average hourly salary for all persons performing audits of real estate brokers, and shall include an
8 allocation for travel time to and from the auditor's place of work. Respondents shall pay such cost
9 within sixty (60) days of receiving an invoice therefore from the Commissioner. Payment of the
10 audit costs should not be made until Respondents receive the invoice. If Respondents fail to
11 satisfy this condition in a timely manner as provided for herein, Respondents' real estate licenses
12 shall automatically be suspended until payment is made in full, or until a decision providing
13 otherwise is adopted following a hearing held pursuant to this condition.

14 3) All licenses and licensing rights of Respondents are indefinitely suspended
15 unless Respondents pay the sum of \$3,471.50 for the Commissioner's reasonable cost of the
16 investigation and enforcement which led to this disciplinary action. Payment shall be in the form
17 of a cashier's check made payable to the Bureau of Real Estate. The investigative and
18 enforcement costs must be delivered to the Bureau of Real Estate, Flag Section at P.O. Box
19 137013, Sacramento, CA 95813-7013, prior to the effective date of this Decision.

20
21
22 3/3/17

23 DATED



24 ADRIANA Z. BADILAS, Counsel
25 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, that receipt of
4 the faxed or e-mailed copy by the Bureau shall be as binding on Respondent as if the Bureau had
5 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.

14 KAE REAL ESTATE SERVICES.
15 Respondent

16
17 2/28/17
18 DATED

17 By: *Helena Hansen Lippitt*
18 HELEN HANSEN LIPPITT
19 Designated Officer Broker

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22 2/28/17
23 DATED

22 *Helena Hansen Lippitt*
23 HELEN HANSEN LIPPITT
24 Respondent

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I have reviewed the Stipulation and Agreement in Settlement and Order as to form and content and have advised my client accordingly.

3-1-17

DATED

Frank Buda

FRANK BUDA
Attorney for Respondents

The foregoing Stipulation and Agreement in Settlement and Order is hereby adopted by me as my Decision in this matter and shall become effective at 12 o'clock noon on

JUN 29 2017

IT IS SO ORDERED May 25, 2017.

WAYNE S. BELL
REAL ESTATE COMMISSIONER

Wayne S. Bell