

FILED

MAY 09 2018

BUREAU OF REAL ESTATE

By By dew

BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

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In the Matter of the Accusation of:

VENTURE PROPERTY MANAGEMENT, INC.
and KRISTIN N. GIOVANNOTTO,
Respondents.

No. H-12112 SF

STIPULATION AND
AGREEMENT IN
SETTLEMENT AND ORDER

It is hereby stipulated by and between VENTURE PROPERTY MANAGEMENT, INC. ("VENTURE") and KRISTIN NICHOLE GIOVANNOTTO ("GIOVANNOTTO") (collectively "Respondents") and their attorney Mary E. Work, and the Complainant, acting by and through Adriana Z. Badilas, Counsel for the Bureau of Real Estate ("Bureau"), as follows for the purpose of settling and disposing of the Accusation filed on August 17, 2017, 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.

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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 Bureau in this
3 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 that Respondents will waive Respondents' right to require the Real Estate
8 Commissioner ("Commissioner") to prove the allegations in the Accusation at a contested
9 hearing held in accordance with the provisions of the APA and that Respondents will waive other
10 rights afforded to Respondents in connection with the hearing, such as the right to present
11 evidence in defense of the allegations in the Accusation and the right to cross-examine witnesses.

12 4. This Stipulation and Agreement and Respondents' decision not to contest
13 the Accusation are made for the purpose of reaching an agreed disposition of this proceeding and
14 are expressly limited to this proceeding and any other proceeding or case in which the Bureau,
15 the state or federal government, an agency of this state, or an agency of another state is involved.

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

23 6. This Decision and Order or any subsequent Order of the Commissioner
24 made pursuant to this Stipulation and Agreement shall not constitute an estoppel, merger or bar
25 to any further administrative or civil proceedings by the Bureau with respect to any matters,
26 which were not specifically alleged in Accusation H-12112 SF.

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1 DETERMINATION OF ISSUES

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

5 I

6 The acts and/or omissions of VENTURE, as described in the Accusation, are
7 grounds for the suspension or revocation of the licenses and license rights of VENTURE under
8 Business and Professions Code ("Code") Sections 10140.6, 10145, 10177(d), and 10177(g), in
9 conjunction with the California Code of Regulations ("Regulations"), Title 10, Sections 2773,
10 2832, and 2832.1.

11 II

12 The acts and/or omissions of GIOVANNOTTO, as described in the Accusation,
13 are grounds for the suspension or revocation of the licenses and license rights of
14 GIOVANNOTTO under Sections 10140.6, 10145, 10159.2, 10177(d), and 10177(h) of the Code,
15 in conjunction with Sections 2725, 2773, 2832, and 2832.1 of the Regulations.

16 ORDER AS TO VENTURE

17 I

18 All licenses and licensing rights of VENTURE under the Real Estate Law are
19 revoked; provided, however, a restricted real estate corporate broker license shall be issued to
20 VENTURE pursuant to Section 10156.5 of the Code if VENTURE makes application therefore
21 for the restricted license within ninety (90) days from the effective date of this Decision and
22 Order. The restricted license issued to VENTURE shall be subject to all of the provisions of
23 Section 10156.7 of the Code and to the following limitations, conditions and restrictions imposed
24 under authority of Section 10156.6 of that Code:

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1 1. The restricted license issued to VENTURE may be suspended prior to
2 hearing by Order of the Commissioner on evidence satisfactory to the Commissioner that
3 VENTURE has violated provisions of the California Real Estate Law, the Subdivided Lands
4 Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted
5 license.

6 2. VENTURE shall not be eligible to petition for the issuance of any
7 unrestricted real estate license nor for removal of any of the conditions, limitations or restrictions
8 of a restricted license until two (2) years have elapsed from the effective date of this Decision
9 and Order. VENTURE shall not be eligible to apply for any unrestricted license until all
10 restrictions attaching to the license have been removed.

11 ORDER AS TO GIOVANNOTTO

12 I

13 All licenses and licensing rights of GIOVANNOTTO under the Real Estate Law
14 are revoked; provided, however, a restricted real estate broker license shall be issued to
15 GIOVANNOTTO pursuant to Section 10156.5 of the Code if GIOVANNOTTO makes
16 application therefore for the restricted license within ninety (90) days from the effective date of
17 this Decision and Order. The restricted license issued to GIOVANNOTTO shall be subject to all
18 of the provisions of Section 10156.7 of the Code and to the following limitations, conditions and
19 restrictions imposed under authority of Section 10156.6 of that Code:

20 1. The restricted license issued to GIOVANNOTTO may be suspended
21 prior to hearing by Order of the Commissioner in the event of GIOVANNOTTO's conviction
22 or plea of nolo contendere to a crime which is substantially related to GIOVANNOTTO's
23 fitness or capacity as a real estate licensee.

24 2. The restricted license issued to GIOVANNOTTO may be suspended
25 prior to hearing by Order of the Commissioner on evidence satisfactory to the Commissioner
26 that GIOVANNOTTO has violated provisions of the California Real Estate Law, the
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1 Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching
2 to the restricted license.

3 3. GIOVANNOTTO shall not be eligible to petition for the issuance of any
4 unrestricted real estate license nor for removal of any of the conditions, limitations or restrictions
5 of a restricted license until two (2) years have elapsed from the effective date of this Decision
6 and Order. GIOVANNOTTO shall not be eligible to apply for any unrestricted license until all
7 restrictions attaching to the license have been removed.

8 4. GIOVANNOTTO shall, within six (6) months from the effective date of
9 this Order, take and pass the Professional Responsibility Examination administered by the
10 Bureau, including the payment of the appropriate examination fee. If GIOVANNOTTO fails to
11 satisfy this condition, GIOVANNOTTO's real estate license shall automatically be suspended
12 until GIOVANNOTTO passes the examination.

13 5. GIOVANNOTTO shall notify the Commissioner in writing within 72
14 hours of any arrest by sending a certified letter to the Commissioner at the Bureau of Real
15 Estate, Post Office Box 137000, Sacramento, CA 95813-7000. The letter shall set forth the
16 date of GIOVANNOTTO's arrest, the crime for which GIOVANNOTTO was arrested and the
17 name and address of the arresting law enforcement agency. GIOVANNOTTO's failure to
18 timely file written notice shall constitute an independent violation of the terms of the
19 restricted license and shall be grounds for the suspension or revocation of that license.

20 ORDER AS TO VENTURE AND GIOVANNOTTO

21 I

22 1. All licenses and licensing rights of Respondents are indefinitely
23 suspended unless or until Respondents, jointly and severally, pay the sum of \$1,421.75 for the
24 Commissioner's reasonable costs of the investigation and enforcement which led to this
25 disciplinary action. Said payment shall be in the form of a cashier's check or certified check
26 made payable to the Bureau. The investigative and enforcement costs must be delivered to the
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1 Bureau of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to
2 the effective date of this Order.

3 2. Respondents, jointly and severally, shall pay the sum of \$4,170.75 for
4 the Commissioner's cost of the audit which led to this disciplinary action. Respondents shall
5 pay such cost within sixty (60) days of receiving an invoice therefore from the Commissioner.
6 The Commissioner shall indefinitely suspend all licenses and licensing rights of Respondents
7 pending a hearing held in accordance with Section 11500, et seq., of the Government Code, if
8 payment is not timely made as provided for herein, or as provided for in a subsequent
9 agreement between Respondents and the Commissioner. The suspension shall remain in effect
10 until payment is made in full or until Respondents enter into an agreement satisfactory to the
11 Commissioner to provide for payment, or until a decision providing otherwise is adopted
12 following a hearing held pursuant to this condition.

13 3. Pursuant to Section 10148 of the Code, Respondents, jointly and
14 severally, shall pay the Commissioner's reasonable cost, not to exceed \$6,256.13, for an audit
15 to determine if Respondents has corrected the violation(s) found in audit #OK 16-0012 (PM).
16 In calculating the amount of the Commissioner's reasonable cost, the Commissioner may use
17 the estimated average hourly salary for all persons performing audits of real estate brokers, and
18 shall include an allocation for travel time to and from the auditor's place of work. Respondents
19 shall pay such cost within sixty (60) days of receiving an invoice therefore from the
20 Commissioner. Payment of the audit costs should not be made until Respondents receives the
21 invoice. If Respondents fail to satisfy this condition in a timely manner as provided for herein,
22 Respondents' real estate licenses shall automatically be suspended until payment is made in
23 full, or until a decision providing otherwise is adopted following a hearing held pursuant to this
24 condition.

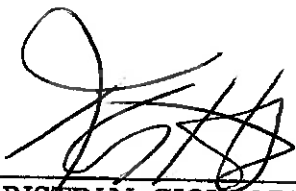
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26 03/27/18
27 DATED


ADRIANA Z. BADILAS, Counsel
Bureau of Real Estate

I have read the Stipulation and Agreement, have discussed it with my counsel, 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 APA (including but not limited to Sections 11506, 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 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 can signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by faxing a copy of the signature page, as actually signed by Respondent, to the Bureau at fax number (916) 263-3767 or by e-mail to adriana.badilas@DRE.ca.gov. Respondents agree, acknowledge, and understand that by electronically sending to the Bureau a fax copy of Respondents' actual signature as it appears on the Stipulation and Agreement, that receipt of the faxed copy by the Bureau shall be as binding on Respondents as if the Bureau had received the original signed Stipulation and Agreement.

3/17/18
DATED


KRISTIN N. GIOVANNOTTO
Respondent

3/17/18
DATED


VENTURE PROPERTY
MANAGEMENT, INC.
By: Kristin N. Giovannotto, Designated
Officer

I have reviewed this Stipulation and Agreement as to form and content and have advised my clients accordingly.

DATED

3/17/2018


MARY E. WORK
Attorney for Respondents

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 MAY 30 2018.

IT IS SO ORDERED May 2, 2018.

WAYNE S. BELL
REAL ESTATE COMMISSIONER



By: DANIEL J. SANDRI
Chief Deputy Commissioner