

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

4 Telephone: (916) 576-7843

FILED

MAY 23 2023

DEPARTMENT OF REAL ESTATE
By B. McAllister

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of:) Case No. H-12574 SF
12)
13 C F McBRIDE REALTY, INC.) STIPULATION AND AGREEMENT
14 CHRISTINA F. McBRIDE, and) IN SETTLEMENT AND ORDER
15 MARLENE U. McBRIDE,)
16 Respondents.)

17 It is hereby stipulated by and between Respondent C F McBRIDE REALTY,
18 INC. ("McBRIDE INC."), CHRISTINA F. McBRIDE, and MARLENE U. McBRIDE
19 (collectively referred to as "Respondents"), acting by and through Lucy S. McAllister, counsel
20 for Respondents, and the Complainant, acting by and through Jason D. Lazark, Counsel for the
21 Department of Real Estate, as follows for the purpose of settling and disposing of the
22 Accusation filed on December 23, 2021, in this matter:

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

4 3. Respondents filed Notices 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 Notices of Defense. Respondents
7 acknowledge that they understand that by withdrawing said Notices of Defense they will
8 thereby waive their rights to require the Real Estate Commissioner ("Commissioner") to prove
9 the allegations in the Accusation at a contested hearing held in accordance with the provisions
10 of the APA, and that they will waive other rights afforded to them in connection with the
11 hearing, such as the right to present evidence in defense of the allegations in the Accusation
12 and the right to cross-examine witnesses.

13 4. Respondents, pursuant to the limitations set forth below, hereby admit that
14 the factual allegations or findings of fact as set forth in the Accusation filed in this proceeding
15 are true and correct and the Real Estate Commissioner shall not be required to provide further
16 evidence of such allegations.

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

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

1 II.

2 AS TO CHRISTINA F. McBRIDE

3 All licenses and licensing rights of CHRISTINA F. McBRIDE under the Real
4 Estate Law are revoked; provided, however, a restricted real estate broker license shall be issued
5 to CHRISTINA F. McBRIDE pursuant to Section 10156.5 of the Code if CHRISTINA F.
6 McBRIDE makes application therefore and pays to the Department the appropriate fee for the
7 restricted license within 90 days from the effective date of this Decision.

8 1. The restricted license issued to CHRISTINA F. McBRIDE shall be subject to
9 all of the provisions of Section 10156.7 of the Code as to the following limitations, conditions
10 and restrictions imposed under authority of Section 10156.6 of that Code:

11 (a) The restricted license issued to CHRISTINA F. McBRIDE shall be
12 suspended prior to hearing by Order of the Commissioner in the event of
13 CHRISTINA F. McBRIDE's conviction (including by plea of guilty or
14 nolo contendere) to a crime which is substantially related to CHRISTINA
15 F. McBRIDE's fitness or capacity as a real estate licensee; and,

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

22 2. CHRISTINA F. McBRIDE shall not be eligible to apply for the issuance of an
23 unrestricted real estate license nor for removal of any of the conditions, limitations or restrictions
24 of a restricted license until two (2) years have elapsed from the effective date of this Decision.

25 CHRISTINA F. McBRIDE shall not be eligible to apply for any unrestricted license until all
26 restrictions attached to the license have been removed.

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1 3. CHRISTINA F. McBRIDE shall notify the Commissioner in writing within 72
2 hours of any arrest by sending a certified letter to the Commissioner at the Department of Real
3 Estate, Legal Section at Post Office Box 137007, Sacramento, CA 95813-7007. The letter shall
4 set forth the date of CHRISTINA F. McBRIDE's arrest, the crime for which CHRISTINA F.
5 McBRIDE was arrested and the name and address of the arresting law enforcement agency.
6 CHRISTINA F. McBRIDE's failure to timely file written notice shall constitute an independent
7 violation of the terms of the restricted license and shall be grounds for the suspension or
8 revocation of that license.

9 4. CHRISTINA F. McBRIDE shall, within nine (9) months from the effective
10 date of this Decision, present evidence satisfactory to the Commissioner that CHRISTINA F.
11 McBRIDE has, since the most recent issuance of an original or renewal real estate license, taken
12 and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of
13 the Real Estate Law for renewal of a real estate license. If CHRISTINA F. McBRIDE fails to
14 satisfy this condition, the Commissioner shall order the suspension of the restricted license until
15 the CHRISTINA F. McBRIDE presents such evidence. The Commissioner shall CHRISTINA
16 F. McBRIDE the opportunity for hearing pursuant to the APA to present such evidence. Proof of
17 completion of the continuing education courses must be delivered to the Department of Real
18 Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013.

19 5. CHRISTINA F. McBRIDE shall, within nine (9) months from the issuance of
20 the Order, take and pass the Professional Responsibility Examination administered by the
21 Department, including the payment of the appropriate examination fee. All licenses and
22 licensing rights of CHRISTINA F. McBRIDE shall be indefinitely suspended unless or until
23 CHRISTINA F. McBRIDE passes the examination.

24 6. CHRISTINA F. McBRIDE shall not engage in or perform any property
25 management activities, under her individual broker license, as the designated officer of a real
26 estate corporation, and/or as a broker associate under another brokerage, during the period
27 CHRISTINA F. McBRIDE holds a restricted license.

1 III.

2 AS TO MARLENE U. McBRIDE

3 All licenses and licensing rights of MARLENE U. McBRIDE under the Real
4 Estate Law are revoked; provided, however, a restricted real estate salesperson license shall be
5 issued to MARLENE U. McBRIDE pursuant to Section 10156.5 of the Code if MARLENE U.
6 McBRIDE makes application therefore and pays to the Department the appropriate fee for the
7 restricted license within 90 days from the effective date of this Decision.

8 1. The restricted license issued to MARLENE U. McBRIDE shall be subject to
9 all of the provisions of Section 10156.7 of the Code as to the following limitations, conditions
10 and restrictions imposed under authority of Section 10156.6 of that Code:

11 (a) The restricted license issued to MARLENE U. McBRIDE shall be
12 suspended prior to hearing by Order of the Commissioner in the event of
13 MARLENE U. McBRIDE's conviction (including by plea of guilty or
14 nolo contendere) to a crime which is substantially related to MARLENE
15 U. McBRIDE 's fitness or capacity as a real estate licensee; and,

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

22 2. MARLENE U. McBRIDE shall not be eligible to apply for the issuance of an
23 unrestricted real estate license nor for removal of any of the conditions, limitations or restrictions
24 of a restricted license until two (2) years have elapsed from the effective date of this Decision.

25 MARLENE U. McBRIDE shall not be eligible for any unrestricted licenses until all restrictions
26 attaching to the license have been removed.

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1 3. MARLENE U. McBRIDE shall submit with any application for license under
2 an employing broker, or any application for transfer to a new employing broker, a statement
3 signed by the prospective employing real estate broker on a form approved by the Department
4 which shall certify:

- 5 (a) That the employing broker has read the Decision and Order of the
6 Commissioner which granted the right to a restricted license; and
- 7 (b) That the employing broker will exercise close supervision over the
8 performance by the restricted licensee relating to activities for which a real
9 estate license is required.

10 4. MARLENE U. McBRIDE shall notify the Commissioner in writing within 72
11 hours of any arrest by sending a certified letter to the Commissioner at the Department of Real
12 Estate, Legal Section at Post Office Box 137007, Sacramento, CA 95813-7007. The letter shall
13 set forth the date of MARLENE U. McBRIDE's arrest, the crime for which MARLENE U.
14 McBRIDE was arrested and the name and address of the arresting law enforcement agency.
15 MARLENE U. McBRIDE's failure to timely file written notice shall constitute an independent
16 violation of the terms of the restricted license and shall be grounds for the suspension or
17 revocation of that license.

18 5. MARLENE U. McBRIDE shall, within nine (9) months from the effective
19 date of this Decision, present evidence satisfactory to the Commissioner that MARLENE U.
20 McBRIDE has, since the most recent issuance of an original or renewal real estate license, taken
21 and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of
22 the Real Estate Law for renewal of a real estate license. If MARLENE U. McBRIDE fails to
23 satisfy this condition, the Commissioner shall order the suspension of the restricted license until
24 the MARLENE U. McBRIDE presents such evidence. The Commissioner shall afford
25 MARLENE U. McBRIDE the opportunity for hearing pursuant to the APA to present such
26 evidence. Proof of completion of the continuing education courses must be delivered to the
27 Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013.

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2/7/2023
DATED


JASON D. LAZARK, Counsel
Department of Real Estate

* *

I have read the Stipulation and Agreement in Settlement and Order 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 California Administrative Procedure Act (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.

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

2/6/2023

DATED


DocuSigned by:

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MARIE ANNETTE
McBRIDE-BERTOLONE,
Designated Officer for Respondent,
C F McBRIDE REALTY, INC.

2/6/2023

DATED

DocuSigned by:

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CHRISTINA F. McBRIDE,
Respondent

2/6/2023

DATED

DocuSigned by:

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MARLENE U. McBRIDE,
Respondent

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

2/7/2023

DATED

DocuSigned by:
WCM McALLISTER

Lucy S. McAllister,
Attorney for Respondents,
C F McBRIDE REALTY, INC.
CHRISTINA F. McBRIDE, and
MARLENE U. McBRIDE

* * *

The foregoing Stipulation and Agreement is hereby adopted as my Decision in this matter and shall become effective at 12 o'clock noon on JUN 13 2023

IT IS SO ORDERED 5.4.23, 2023.

REAL ESTATE COMMISSIONER

