

FILED

OCT 30 2024

DEPARTMENT OF REAL ESTATE

By B. N. Chalkus

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of

JASMIN ALICE YEARGIN,

Respondent(s).

) DRE NO. H-12717 SF

) OAH NO. 2024020912

)

)

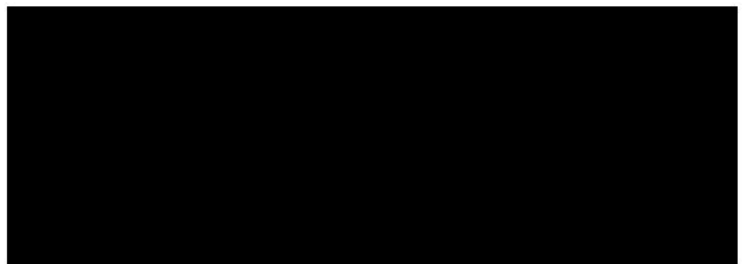
ORDER NUNC PRO TUNC
CORRECTING CLERICAL ERROR

It having been called to the attention of the Real Estate Commissioner that there was a clerical error in the Order filed on October 22, 2024, in the above-entitled matter to become effective October 10, 2024, and good cause appearing therefor, the following correction is made to the Order pursuant to California Government Code section 11517(c)(2). The effective date of October 10, 2024 is corrected to be November 12, 2024.

This Order shall become effective immediately.

IT IS SO ORDERED Oct 29, 2024.

CHIKA SUNQUIST
REAL ESTATE COMMISSIONER



1 Department of Real Estate
2 651 Bannon Street, Suite 507
3 Sacramento, CA 95811
4 Telephone: (916) 576-8700

FILED

OCT 22 2024

DEPARTMENT OF REAL ESTATE
By B. Nicholas

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of	)	DRE No. H-12717 SF
	)	OAH No. 2024020912
JASMIN ALICE YEARGIN,	)	
	)	<u>STIPULATION AND</u>
Respondent.	)	<u>AGREEMENT IN SETTLEMENT</u>
	)	<u>AND ORDER</u>

17 It is hereby stipulated by and between Respondent JASMIN ALICE YEARGIN
18 ("Respondent"), acting by and through her attorney, Frank Buda, Esq. of The Law Office of
19 Frank M. Buda, and the Department of Real Estate ("Department" or "Complainant"), acting by
20 and through Jamie Yust, Counsel for the Department of Real Estate, as follows for the purpose of
21 settling and disposing of the Accusation filed on February 13, 2024 ("Accusation"), in this
22 matter:

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

STIPULATION AND AGREEMENT IN SETTLEMENT AND ORDER

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 Department in this
3 proceeding.

4 3. Respondent filed a Notice of Defense pursuant to Section 11506 of the
5 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.
6 Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent
7 acknowledges that she understands that by withdrawing said Notice of Defense she thereby
8 waives her right to require the Commissioner to prove the allegations in the Accusation at a
9 contested hearing held in accordance with the provisions of the APA and that she will waive
10 other rights afforded to her in connection with the hearing such as the right to present evidence in
11 her defense, and the right to cross-examine witnesses.

12 4. This Stipulation is based on the factual allegations contained in the Accusation
13 filed in this proceeding. In the interest of expedience and economy, Respondent chooses not to
14 contest these factual allegations, but to remain silent and understands that, as a result thereof,
15 these factual statements, will serve as a prima facie basis for the disciplinary action stipulated to
16 herein. The Real Estate Commissioner shall not be required to provide further evidence to prove
17 such allegations.

18 5. This Stipulation is made for the purpose of reaching an agreed disposition of
19 this proceeding and is expressly limited to this proceeding and not any other proceeding or case
20 in which the Department, or another licensing agency of this state, another state, or the federal
21 government is involved, and otherwise shall not be admissible in any criminal or civil
22 proceeding.

23 6. It is understood by the parties that the Real Estate Commissioner may adopt
24 this Stipulation as her Decision in this matter thereby imposing the penalty and sanctions on
25 Respondent's real estate license and license rights as set forth in the below "Order." In the event
26 that the Commissioner in her discretion does not adopt the Stipulation, the Stipulation shall be
27 void and of no effect and Respondent shall retain the right to a hearing and proceed on the

1 Accusation under the provisions of the APA and shall not be bound by any stipulation or waiver
2 made herein.

3 7. The Order or any subsequent Order of the Real Estate Commissioner made
4 pursuant to this Stipulation shall not constitute an estoppel, merger or bar to any further
5 administrative or civil proceedings by the Department with respect to any matters which were
6 not specifically alleged to be causes for accusation in this proceeding.

7 **DETERMINATION OF ISSUES**

8 By reason of the foregoing, and solely for the purpose of settlement of the
9 pending Accusation without a hearing, it is stipulated and agreed that the following
10 Determination of Issues shall be made:

11 The conduct, acts or omissions of Respondent JASMIN ALICE YEARGIN, as set
12 forth in the Accusation, are in violation of California Business and Professions Code ("Code")
13 Section 10145 and Sections 2832.1 and 2831.2 of Title 10, Chapter 6 of the California Code of
14 Regulations ("Regulation") and are a basis for discipline of Respondent JASMIN ALICE
15 YEARGIN's license and licensing rights pursuant to Code sections 10177(d) and/or 10177(g).

16 **ORDER**

17 **WHEREFORE, THE FOLLOWING ORDER is hereby made:**

18 **(STAYED SUSPENSION)**

19 I.

20 All licenses and licensing rights of Respondent JASMIN ALICE YEARGIN
21 under the Real Estate Law are suspended for a period of sixty (60) days from the effective date
22 of this Decision; provided, however, that all sixty (60) days of said suspension shall be stayed
23 upon the following terms and conditions:

24 1. Respondent JASMIN ALICE YEARGIN shall obey all laws, rules and
25 regulations governing the rights, duties and responsibilities of a real estate licensee in the State of
26 California; and
27

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

(AUDIT COSTS)

II.

Pursuant to Code section 10148, Respondent JASMIN ALICE YEARGIN shall pay the Commissioner's reasonable costs for the audit which led to this disciplinary action in the amount of \$5,647.50. Respondent shall pay such costs within sixty (60) days of receiving an invoice therefor from the Commissioner. Payment of the audit costs should not be made until Respondent receives the invoice. If Respondent fails to satisfy this condition in a timely manner as provided for herein, Respondent's real estate license shall automatically be suspended until payment is made in full, or until a decision providing otherwise is adopted following a hearing held pursuant to this condition.

(SUBSEQUENT AUDIT COSTS)

III.

Pursuant to Code section 10148, Respondent JASMIN ALICE YEARGIN shall pay the Commissioner's reasonable costs, not to exceed \$7,059.38, for a subsequent audit to determine if Respondent JASMIN ALICE YEARGIN has corrected the violations found in the Determination of Issues. In calculating the amount of the Commissioner's reasonable costs, the Commissioner may use the estimated average hourly salary for all persons performing audits of real estate brokers, and shall include an allocation for travel time to and from the auditor's place of work. Respondent JASMIN ALICE YEARGIN shall pay such costs within sixty (60) days of receiving an invoice therefor from the Commissioner. If Respondent JASMIN ALICE YEARGIN fails to satisfy this condition in a timely manner as provided for herein, Respondent's

1 real estate license shall automatically be suspended until payment is made in full, or until a
2 decision providing otherwise is adopted following a hearing held pursuant to this condition.

3 **(INVESTIGATION AND ENFORCEMENT COSTS)**

4 IV.

5 All licenses and license rights of Respondent JASMIN ALICE YEARGIN are
6 indefinitely suspended, unless or until Respondent pays the sum of \$1,049.85 for the
7 Commissioner's reasonable costs of the investigation and enforcement that led to this
8 disciplinary action. Said payment shall be in the form of a cashier's check made payable to the
9 Department of Real Estate. The investigative and enforcement costs must be delivered to the
10 Department of Real Estate, Flag Section at 651 Bannon Street, Suite 504, Sacramento, CA
11 95811, **prior to the effective date of this Decision and Order.** Payment of investigation and
12 enforcement costs should not be made until the Stipulation has been approved by the
13 Commissioner.

14 **(TRUST FUND HANDLING COURSE)**

15 V.

16 Respondent JASMIN ALICE YEARGIN shall, within nine (9) months from the
17 effective date of this Decision and Order, present evidence satisfactory to the Real Estate
18 Commissioner that she has, since the most recent issuance of an original or renewal real estate
19 license, taken and successfully completed the continuing education course on trust fund
20 accounting and handling specified in paragraph (3) of subdivision (a) of Code Section 10170.5.
21 If Respondent JASMIN ALICE YEARGIN fails to satisfy this condition, Respondent JASMIN
22 ALICE YEARGIN's real estate license shall be automatically suspended until she presents
23 evidence satisfactory to the Commissioner of having taken and successfully completed the trust
24 fund accounting and handling course. Proof of completion of the continuing education course

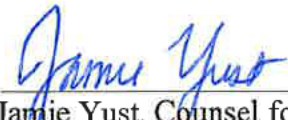
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1 must be delivered to the Department of Real Estate, Flag Section, 651 Bannon Street, Suite 504,
2 Sacramento, CA 95811.

3 DATED: 8/15/2024


4 Jamie Yust, Counsel for
5 Department of Real Estate

6 * * *

7 **EXECUTION OF THE STIPULATION**

8 Respondent has read the Stipulation, has discussed it with her counsel, and its
9 terms are understood by Respondent and are agreeable and acceptable to Respondent.
10 Respondent understands that Respondent is waiving rights given to her by the California
11 Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509 and
12 11513 of the Government Code), and Respondent willingly, intelligently and voluntarily waives
13 those rights, including the right of requiring the Commissioner to prove the allegations in the
14 Accusation at a hearing at which Respondent would have the right to cross-examine witnesses
15 against her and to present evidence in defense and mitigation of the charges.

16 Respondent agrees, acknowledges, and understands that Respondent cannot
17 rescind or amend this Stipulation and Agreement. By signing this Stipulation, Respondent
18 understands and agrees that Respondent may not withdraw Respondent's agreement or seek to
19 rescind the Stipulation prior to the time the Commissioner considers and acts upon it or prior to
20 the effective date of the Stipulation and Order.

21 Respondent can signify acceptance and approval of the terms and conditions of
22 this Stipulation and Agreement by electronically e-mailing a copy of the signature page, as
23 actually signed by Respondent, to the Department. Respondent agrees, acknowledges, and
24 understands that by electronically sending to the Department an electronic copy of Respondent's
25 actual signature, as it appears on the Stipulation, that receipt of the emailed copy by the
26 Department shall be as binding on Respondent as if the Department had received the original
27 signed Stipulation. Alternatively, Respondent can signify acceptance and approval of the terms

1 and conditions of this Stipulation and Agreement by mailing the original signed Stipulation and
2 Agreement to: Jamie Yust, Department of Real Estate, 651 Bannon Street, Suite 507,
3 Sacramento, California 95811.

4
5 Dated: 8/14/2024


JASMIN ALICE YEARGIN
Respondent

7
8 Dated: 8-14-2024


Frank M. Buda, Esq.
Counsel for Respondent

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10 * * *

11 The foregoing Stipulation and Agreement is hereby adopted as my Decision as to
12 Respondent JASMIN ALICE YEARGIN, and shall become effective at 12 o'clock noon on

13 10/10/2024

NOV 12 2024

14 IT IS SO ORDERED _____

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16 CHIKA SUNQUIST
17 REAL ESTATE COMMISSIONER
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