

1 Department of Real Estate
320 West Fourth Street, Suite 350
2 Los Angeles, California 90013-1105

3 Telephone: (213) 576-6982

FILED
AUG - 2 2005
DEPARTMENT OF REAL ESTATE

By Jana B. [Signature]

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-31828 LA
LILY GHILARDI JAGER)	L-2005050074
Respondent.)	STIPULATION AND AGREEMENT

It is hereby stipulated by and between LILY GHILARDI JAGER (Respondent) and the Complainant, acting by and through KELVIN K. LEE, Counsel for the Department of Real Estate of the State of California (Department), as follows for the purpose of settling and disposing of the Accusation filed on April 14, 2005, in this matter:

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondent 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

1 submitted solely on the basis of the provisions of this
2 Stipulation and Agreement (Stipulation).

3 2. Respondent has received, read and understands the
4 Statement to Respondent, the Discovery Provisions (APA) and the
5 Accusation filed by the Department of Real Estate in this
6 proceeding.

7 3. On April 19, 2005, Respondent filed a Notice of
8 Defense on Accusation pursuant to Section 11506 of the
9 California Government Code for the purpose of requesting a
10 hearing on the allegations in the Accusation. Respondent hereby
11 freely and voluntarily withdraws said Notice of Defense on
12 Accusation. Respondent acknowledges that she understands that
13 by withdrawing said Notice of Defense on Accusation she will
14 thereby waive her right to require the Real Estate Commissioner
15 of the State of California (Commissioner) to prove the
16 allegations in the Accusation at a contested hearing held in
17 accordance with the provisions of the APA and that she will
18 waive other rights afforded to her in connection with the
19 hearing such as the right to present evidence in defense of the
20 allegations in the Accusation and the right to cross-examine
21 witnesses.

22 4. This Stipulation is based on the factual
23 allegations contained in the Accusation filed in this
24 proceeding. In the interest of expedience and economy,
25 Respondent chooses not to contest these factual allegations
26 but to remain silent and understands that, as a result thereof,
27 these factual statements, without being admitted or denied,

1 will serve as a prima facie basis for the disciplinary action
2 stipulated to herein. The Real Estate Commissioner shall not be
3 required to provide further evidence to prove such allegations.

4 5. This Stipulation and Respondent's decision not to
5 contest the Accusation are made for the purpose of reaching an
6 agreed disposition of this proceeding and are expressly limited
7 to this proceeding and any other proceeding or case in which the
8 Department of Real Estate ("Department"), or another licensing
9 agency of this state, another state, or if the federal
10 government is involved and otherwise shall not be admissible in
11 any other criminal or civil proceedings.

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

22 7. This Order or any subsequent Order of the Real
23 Estate Commissioner made pursuant to this Stipulation shall not
24 constitute an estoppel, merger, or bar to any further
25 administrative or civil proceedings by the Department of Real
26 Estate with respect to any conduct which was not specifically
27 alleged to be causes for accusation in this proceeding.

DETERMINATION OF ISSUES

1
2 By reason of the foregoing stipulations and waivers
3 and solely for the purpose of settlement of the pending
4 Accusation without a hearing, it is stipulated and agreed that
5 the following Determination of Issues (Determination) shall be
6 made:

7 The conduct, acts, and/or omissions of Respondent,
8 LILY GHILARDI JAGER, as set forth in the Accusation, constitute
9 cause for the suspension or revocation of all the real estate
10 licenses and license rights of Respondent LILY JAGER under the
11 provisions of Sections 490 and 10177(b) of the California
12 Business and Professions Code (Code).

ORDER

13
14 WHEREFORE, THE FOLLOWING ORDER is hereby made:

15 All licenses and licensing rights of Respondent LILY GHILARDI
16 JAGER, under the Real Estate Law are revoked; provided, however,
17 a restricted real estate salesperson license shall be issued to
18 Respondent pursuant to Section 10156.5 of the Code if she makes
19 application therefore and pays to the Department the appropriate
20 fee for the restricted license within 90 days from the effective
21 date of this Decision.

22 The restricted license issued to Respondent shall be
23 subject to all of the provisions of Section 10156.7 of the Code
24 and to the following conditions, limitations and restrictions
25 imposed under the authority of Section 10156.6 of the Code:

- 26 1. The restricted license issued to Respondent may be
27

1 suspended prior to hearing by Order of the Commissioner in the
2 event of his conviction or plea of nolo contendere to a crime
3 which is substantially related to her fitness or capacity as a
4 real estate salesperson licensee.

5 2. The restricted license issued to Respondent may be
6 suspended prior to hearing by Order of the Commissioner on
7 evidence satisfactory to the Commissioner that she has violated
8 provisions of the Real Estate Law, the Subdivided Lands Law,
9 Regulations of the Real Estate Commissioner or conditions
10 attaching to the restricted license.

11 3. Respondent shall not be eligible to apply for
12 issuance of an unrestricted real estate salesperson license nor
13 for the removal of any of the conditions, limitations or
14 restrictions of a restricted license until two (2) years have
15 elapsed from the effective date of this Decision.

16 4. Respondent shall submit with any application for
17 license under an employing broker, or any application for
18 transfer to a new employing broker, a statement signed by the
19 prospective employing real estate broker on a form approved by
20 the Department of Real Estate which shall certify:

21 (a) That the employer broker has read the Decision of the
22 Commissioner which granted the right to a restricted license:
23 and

24 (b) That the employing broker will exercise close
25 supervision over the performance by the restricted licensee
26 relating to activities for which a real estate license is
27 required.

1 5. Respondent shall, within nine (9) months from the
2 effective date of this Decision, present evidence satisfactory
3 to the Commissioner that she has, since the most recent issuance
4 of an original or renewal real estate salesperson license, taken
5 and successfully completed the continuing education requirements
6 of Article 2.5 of Chapter 3 of the Real Estate Law for renewal
7 of a real estate salesperson license. If Respondent fails to
8 satisfy this condition, the Commissioner may order the
9 suspension of the restricted license until respondent presents
10 such evidence. The Commissioner shall afford Respondent the
11 opportunity for a hearing pursuant to the Administrative
12 Procedure Act (APA) to present such evidence.

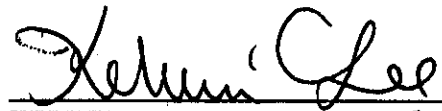
13 6. During the term of any restricted license,
14 Respondent shall submit to the Department of Real Estate as of
15 the last day of each March, June, September and December, proof
16 satisfactory to the Real Estate Commissioner of Respondent's
17 ongoing participation in a recognized alcohol diversion program.
18 Said proof shall be submitted to the Manager of the Crisis
19 Response Team at the Los Angeles Office of the Department of
20 Real Estate and shall be verified as true and accurate by
21 Respondent under penalty of perjury.

22 The Commissioner may suspend the restricted license
23 issued to Respondent pending a hearing held in accordance with
24 Section 11500 et seq., of the Government Code, if such proof is
25 not timely submitted as provided for herein, or as provided for
26 in a subsequent agreement between the Respondent and the
27 Commissioner. The suspension shall remain in effect until such

1 proof is submitted or until Respondent enters into an agreement
2 satisfactory to the Commissioner to provide such proof, or until
3 a decision providing otherwise is adopted following a hearing
4 held pursuant to this condition.

5 DATED:

6 July 12, 2005



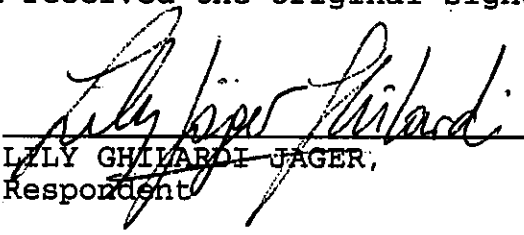
7 KELVIN K. LEE, Counsel
8 for the Complainant, the
9 Department of Real Estate

10 I have read the Stipulation and discussed it with my
11 counsel and its terms are understood by me and are agreeable and
12 acceptable to me. I understand that I am waiving rights given to
13 me by the APA (including, but not limited to, Sections 11506,
14 11508, 11509 and 11513 of the Government Code) and I willingly,
15 intelligently and voluntarily waive those rights, including the
16 right of requiring the Commissioner to prove the allegations in
17 the Accusation at a hearing at which I would have the right to
18 cross-examine witnesses against me and to present evidence in
19 defense and mitigation of the charges.

20 Respondent can signify acceptance and approval of the
21 terms and conditions of this Stipulation by faxing a copy of the
22 signature page, as actually signed by Respondent, to the
23 Department at the following fax number: (213) 576-6917.
24 Respondent agrees, acknowledges and understands that by
25 electronically sending to the Department a fax copy of his
26 actual signature as it appears on the Stipulation, that receipt
27 of the fax copy by the Department shall be as binding on

1 Respondent as if the Department had received the original signed
2 Stipulation and Agreement.

3 DATED: 07/05/05

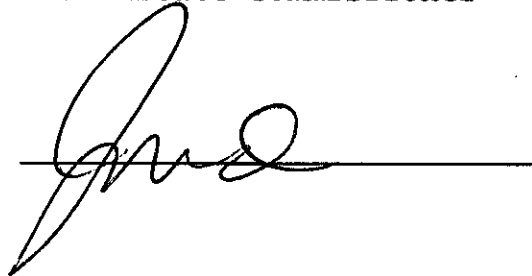

4 LILY GHILARDI JAGER,
Respondent

5 * * *

6 The foregoing Stipulation is approved to form as my
7 Decision in this matter and shall become effective at 12 o'clock
8 noon on AUG 22 2005

9 IT IS SO ORDERED 7-21-05

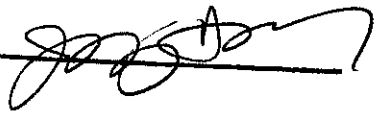
10
11 JEFF DAVI
Real Estate Commissioner

12
13
14 
15
16
17
18
19
20
21
22
23
24
25
26
27

1 KELVIN K. LEE, Counsel (SBN 152867)
2 Department of Real Estate
3 320 West 4th Street, Suite 350
4 Los Angeles, California 90013-1105

5 Telephone: (213) 576-6982
6 (Direct) (213) 576-6905

FILED
APR 14 2005
DEPARTMENT OF REAL ESTATE

By 

7
8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) No. H-31828 LA
12 LILY GHILARDI JAGER,) A C C U S A T I O N
13 Respondent.)

14
15 The Complainant, Janice Waddell, a Deputy Real Estate
16 Commissioner of the State of California, for cause of Accusation
17 against LILY GHILARDI JAGER aka Lily Aurora Dominique Jager,
18 Lily Aurora Dominique G. Jager and Lily Aurora Dom Jager D.
19 Smith ("Respondent"), is informed and alleges in her official
20 capacity as follows:

21 I

22 Respondent is presently licensed and/or has license
23 rights under the Real Estate Law, Part 1 of Division 4 of the
24 California Business and Professions Code ("Code"), as a real
25 estate salesperson. Respondent was originally licensed by the
26 Department as a real estate salesperson on August 7, 1995.

27 ///

II

1 Respondent applied for a renewal of her Department of
2 Real Estate real estate salesperson's license on January 30,
3 2004.
4

III

5 On or about June 23, 2003, in the Superior Court of
6 California, County of Orange, in Case No. 03HM01919, Respondent
7 was convicted of violating one (1) count of the California
8 Vehicle Code (VC) Section 2315(a), Driving Under the Influence
9 of Alcohol/Drugs, one (1) count of violating VC Section
10 23152(b), Driving with Blood Alcohol 0.08% or More, and one (1)
11 count of violating the California Penal Code Section 273a(b),
12 Misdemeanor Child Abuse/Neglect or Endangerment. These are
13 misdemeanor crimes involving moral turpitude which bear a
14 substantial relationship under Section 2910, Title 10, Chapter
15 6, California Code of Regulations to the qualifications,
16 functions or duties of a real estate licensee.
17

IV

18 The crime of which Respondent was convicted, as
19 described in Paragraph III, above, constitutes cause under
20 Sections 490 and/or 10177(b) of the Code for the suspension or
21 revocation of the license and license rights of Respondent under
22 the Real Estate Law.
23

IN AGGRAVATION

V

24 On or about July 8, 1999, in the Superior Court of
25 California, County of Orange, in Case No. 99WM02097, Respondent
26
27

1 was convicted of violating one (1) count of VC Section 23152(b),
2 Driving with Blood Alcohol 0.08% or More.

3 VI

4 On Respondent's 1999 renewal application, she left
5 Question 3 blank and failed to disclose the conviction described
6 in Paragraph V, above.

7 WHEREFORE, Complainant prays that a hearing be
8 conducted on the allegations of the Accusation and that upon
9 proof thereof, a decision be rendered imposing disciplinary
10 action against all the licenses and license rights of
11 Respondent, LILY GHILARDI JAGER, under the Real Estate Law (Part
12 1 of Division 4 of the Business and Professions Code) and for
13 such other and further relief as may be proper under other
14 applicable provisions of law.

15 Dated at Los Angeles, California

16 this 11 day of April, 2005.

17
18 
19 Janice Waddell
Deputy Real Estate Commissioner

20 cc: Lily Ghilardi Jager
21 James Dean Diversified Entrp., Inc.
22 Janice Waddell
Sacto.
23 JL
24
25
26
27