

1 Department of Real Estate  
2 320 West Fourth Street, #350  
3 Los Angeles, California 90013

**FILED**

MAR 28 2011

DEPARTMENT OF REAL ESTATE  
BY: Sandra B. Olin

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of ) No. H-36693 LA  
12 ) L-2010100283  
13 WENDY DEE TEIXEIRA, )  
14 Respondent. ) STIPULATION AND AGREEMENT

15 It is hereby stipulated by and between WENDY DEE TEIXEIRA (sometimes  
16 referred to herein as "Respondent"), represented in this matter by Mary E. Work, Attorney at  
17 Law, and the Complainant, acting by and through Martha J. Rosett, Counsel for the  
18 Department of Real Estate, as follows for the purpose of settling and disposing of the  
19 Accusation filed on June 23, 2010 in this matter:

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

25 ///

26 ///

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 of Real  
3 Estate in this proceeding.

4                   3. On July 14, 2010, Respondent filed a Notice of Defense pursuant to Section  
5 11506 of the Government Code for the purpose of requesting a hearing on the allegations in the  
6 Accusation. In order to effectuate this settlement, Respondent hereby freely and voluntarily  
7 withdraws said Notice of Defense. Respondent acknowledges that she understands that by  
8 withdrawing said Notice of Defense, she will thereby waive her right to require the  
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 she will waive other rights afforded to her  
11 in connection with the hearing such as the right to present evidence in defense of the  
12 allegations in the Accusation and the right to cross-examine witnesses.

13                  4. Respondent, pursuant to the limitations set forth below, although not  
14 admitting or denying the truth of the allegations, will not contest the factual allegations  
15 contained in the Accusation filed in this proceeding and the Real Estate Commissioner shall  
16 not be required to provide further evidence of such allegations.

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

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

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

7                               DETERMINATION OF ISSUES

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

11           The conduct, acts or omissions of Respondent WENDY DEE TEIXEIRA, as set  
12 forth in the Accusation, constitute cause to suspend or revoke the real estate license and  
13 licensing rights of Respondent WENDY DEE TEIXEIRA under the provisions of Business and  
14 Professions Code ("Code") Section 10177(g).

15                               ORDER

16           WHEREFORE, THE FOLLOWING ORDER is hereby made:

17           All licenses and licensing rights of Respondent WENDY DEE TEIXEIRA  
18 under the Real Estate Law are suspended for a period of sixty (60) days from the effective date  
19 of this Decision; provided, however, that sixty (60) days of said suspension shall be stayed for  
20 two (2) years upon the following terms and conditions:

21           1. Respondent shall obey all laws, rules and regulations governing the rights,  
22 duties and responsibilities of a real estate licensee in the State of California; and

23           2. That no final subsequent determination be made, after hearing or upon  
24 stipulation, that cause for disciplinary action occurred within two (2) years of the effective date  
25 of this Decision. Should such a determination be made, the Commissioner may, in his  
26 discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed  
27

1 suspension. Should no such determination be made, the stay imposed herein shall become  
2 permanent.

3 3. Respondent shall, within six months from the effective date of this Decision,  
4 take and pass the Professional Responsibility Examination administered by the Department  
5 including the payment of the appropriate examination fee. If Respondent fails to satisfy this  
6 condition, the Commissioner may order suspension of Respondent's license until Respondent  
7 passes the examination.

8  
9 DATED: 2/10/2011

  
10 MARTHA J. ROSETT  
11 Counsel for Complainant

12 \*\*\*

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

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27

1 suspension. Should no such determination be made, the stay imposed herein shall become  
2 permanent.

3 3. Respondent shall, within six months from the effective date of this Decision,  
4 take and pass the Professional Responsibility Examination administered by the Department  
5 including the payment of the appropriate examination fee. If Respondent fails to satisfy this  
6 condition, the Commissioner may order suspension of Respondent's license until Respondent  
7 passes the examination.

8  
9 DATED: \_\_\_\_\_

10 MARTHA J. ROSETT  
11 Counsel for Complainant

12 \* \* \*

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

21 ///

22 ///

23 ///

24 ///

25 ///

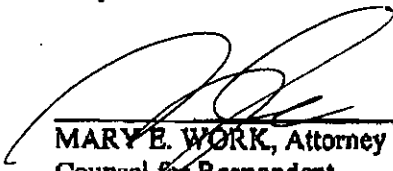
26 ///

Respondent may 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 Department at the following fax number (213) 576-6917. Respondent agrees, acknowledges and understands that by electronically sending to the Department a fax copy of his actual signature as it appears on the Stipulation that receipt of the faxed copy by the Department shall be as binding on Respondent as if the Department had received the original signed Stipulation and Agreement.

DATED:

2/10/2011  
WENDY DEE TEIXEIRA  
Respondent

DATED:

2/14/11  
MARY E. WORK, Attorney at Law  
Counsel for Respondent

\*\*\*

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

IT IS SO ORDERED \_\_\_\_\_

JEFF DAVI  
Real Estate Commissioner

1 Respondent may signify acceptance and approval of the terms and conditions of  
2 this Stipulation and Agreement by faxing a copy of the signature page, as actually signed by  
3 Respondent, to the Department at the following fax number (213) 576-6917. Respondent agrees,  
4 acknowledges and understands that by electronically sending to the Department a fax copy of his  
5 actual signature as it appears on the Stipulation that receipt of the faxed copy by the Department  
6 shall be as binding on Respondent as if the Department had received the original signed  
7 Stipulation and Agreement.

8  
9 DATED: \_\_\_\_\_

10 WENDY DEE TEIXEIRA  
11 Respondent

12 DATED: \_\_\_\_\_

13 MARY E. WORK, Attorney at Law  
14 Counsel for Respondent

15 \* \* \*

16 The foregoing Stipulation and Agreement is hereby adopted as my Decision in  
17 this matter and shall become effective at 12 o'clock noon on APR 18 2011  
18

19  
20 IT IS SO ORDERED \_\_\_\_\_

21 JEFF DAVIS  
22 Real Estate Commissioner  
23  
24  
25  
26  
27

*Handwritten signature/initials*

MARTHA J. ROSETT, Counsel (SBN 142072)  
Department of Real Estate  
320 West Fourth St., #350  
Los Angeles, CA 90013

**FILED**

JUN 23 2010

(213) 576-6982  
(213) 620-6430

DEPARTMENT OF REAL ESTATE  
BY: *[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \* \*

|                                    |   |                            |
|------------------------------------|---|----------------------------|
| In the Matter of the Accusation of | ) | No. H-36693 LA             |
|                                    | ) |                            |
| WENDY DEE TEIXEIRA,                | ) | <u>A C C U S A T I O N</u> |
|                                    | ) |                            |
|                                    | ) |                            |
| Respondent.                        | ) |                            |

The Complainant, Robin Trujillo, a Deputy Real Estate Commissioner, for cause of Accusation against WENDY DEE TEIXEIRA is informed and alleges as follows:

1.

The Complainant, Robin Trujillo, a Deputy Real Estate Commissioner of the State of California, makes this Accusation in her official capacity.

2.

At all times relevant herein, Respondent WENDY DEE TEIXEIRA ("Respondent") was and is licensed by the Department of



1 Real Estate of the State of California ("Department") as a real  
2 estate salesperson. Respondent was originally licensed by the  
3 Department as a real estate salesperson on or about July 25,  
4 2002.

5 3.

6 Beginning on September 27, 2002 and continuing through  
7 March 10, 2008, Respondent was employed by Winsor-Schedler  
8 Properties Inc. as her employing broker of record. Beginning on  
9 March 11, 2008 and continuing through the present time,  
10 Respondent has been employed by Pickford Real Estate Inc. as her  
11 employing broker of record.  
12

13 4.

14 Winsor-Schedler Properties, Inc. ("Winsor") is a  
15 California Corporation, and is licensed by the Department as a  
16 corporate real estate broker. Winsor was originally licensed by  
17 the Department as a corporate real estate broker on or about  
18 March 17, 1998. At all times relevant herein, Winsor was and is  
19 authorized to act as a real estate broker by and through Iris B.  
20 Schedler as the designated officer and broker responsible,  
21 pursuant to the provisions of Business and Professions Code  
22 ("Code") Section 10159.2, for the supervision and control of the  
23 activities conducted on behalf of Winsor by Winsor's officers  
24 and employees.  
25  
26

27 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

5.

Respondent is not now and has never been a corporate officer of Winsor.

6.

At all times material herein, Respondent, as an agent of Winsor, engaged in the business of, acted in the capacity of, advertised or assumed to act as real estate broker within the meaning of Code Section 10131(a), representing another or others in the purchase, sale or exchange of real property.

7.

All further references to "Respondent", unless otherwise specified, include the parties identified in Paragraph 2 above, and also include the employees, agents and real estate licensees employed by or associated with said party, who at all times herein mentioned were engaged in the furtherance of the business or operations of said party and who were acting within the course and scope of their authority and employment.

4261 Dominion Road, Santa Maria, CA

8.

On or about October 24, 2007, Respondent and her husband signed a Vacant Land Purchase Agreement and Joint Escrow Instructions ("Purchase Agreement"); offering to purchase investment property located at 4261 Dominion Road, Santa Maria, CA. In addition to signing the Purchase Agreement as Buyer, Respondent also listed Winsor as the selling firm, with her name

1 signed as agent. The original offer was accepted on or about  
2 October 29, 2007. Several counter-offers and modifications of  
3 the terms of the agreement were signed by the parties, and  
4 escrow was opened on or about November 28, 2007.

5 9.

6 On or about February 7, 2008, Respondent signed a  
7 Commission Confirmation for escrow relating to the purchase and  
8 sale of the Dominion Road Property. The Commission Confirmation  
9 called for Winsor Properties, as broker, to receive a commission  
10 of \$73,750.00, which funds were to be credited towards  
11 "Borrower's" costs. Respondent, who was the purchaser and  
12 borrower in the transaction, signed the Commission Confirmation  
13 on behalf of Winsor, indicating that she was its "VP" (vice  
14 president).

15 10.

16 At the time Respondent signed the Commission  
17 Confirmation as the vice president of Winsor, Respondent was not  
18 in fact an officer of the corporation and was not authorized to  
19 sign the Commission Confirmation on behalf of Winsor. In truth  
20 and fact, Respondent concealed the Dominion Road transaction and  
21 commission from Winsor and designated broker-officer Iris  
22 Schedler. Respondent did not provide the Dominion Road  
23 transaction file to Winsor until broker Schedler after the  
24 transaction closed and the "commission" was credited to  
25 Respondent's costs in the transaction.

26 11.

27 Between July 12, 2007 and March 9, 2008, Respondent

1 signed Commission Instructions on behalf of Winsor without  
2 proper authorization from the corporation or designated broker-  
3 officer. In addition, during that period of time, Respondent  
4 referred to herself in advertising and solicitations for real  
5 estate business as "Vice President" of Winsor Properties, which  
6 in truth and fact, she was never a corporate officer or Vice  
7 President.

8 12.

9 On or about August 29, 2008, Respondent provided the  
10 Department with written explanations of her conduct in relation  
11 to the subject transaction. Respondent stated:

12 *"I signed the Escrow's Commission*  
13 *Confirmation. I had been authorized by the*  
14 *Office Manager, Nancy McKean approximately*  
15 *two years ago to sign my individual sales*  
16 *commission instructions after being named*  
17 *Vice President of Winsor Properties. This*  
*has been acceptable practice for dozens of*  
*my transactions."*

18 This statement is false and Respondent knew that it was not true  
19 at the time that she made it.

20 13.

21 The conduct, acts and/or omissions of Respondent, as  
22 set forth in Paragraphs 9 through 11 above constitute grounds to  
23 suspend or revoke Respondent's real estate salesperson license  
24 pursuant to Business and Professions Code Section 10176(g),  
25 10176(i), 10177(j), and/or 10177(g) for claiming or taking a  
26 secret or undisclosed amount of compensation, commission or  
27

1 profit and failing to reveal to her employer the full amount of  
2 her compensation.

3 14.

4 The conduct, acts and/or omissions of Respondent, as  
5 set forth in Paragraphs 9 through 11 above constitute grounds to  
6 suspend or revoke Respondent's real estate salesperson license  
7 pursuant to Business and Professions Code Section 10137 for  
8 accepting compensation from a person other than her employing  
9 broker.

10 15.

11 The conduct, acts and/or omissions of Respondent, as  
12 set forth in Paragraphs 9 through 12 above, constitute grounds  
13 to suspend or revoke Respondent's real estate salesperson  
14 license pursuant to Code Sections 10176(a), 10176(i), 10177(j),  
15 and/or 10177(g) for falsely representing that she was a Vice  
16 President of Winsor, for acting without authority to approve  
17 commissions, and for concealing her conduct and receipt of  
18 compensation from her employing broker.

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///


26 ///

27 ///

1 WHEREFORE, Complainant prays that a hearing be  
2 conducted on the allegations of this Accusation and that upon  
3 proof thereof, a decision be rendered imposing disciplinary  
4 action against all licenses and/or license rights of Respondent  
5 WENDY DEE TEIXEIRA and for such other and further relief as may  
6 be proper under applicable provisions of law.

7 Dated at Los Angeles, California

8 this 20 day of May, 2010.

9   
10 \_\_\_\_\_  
11 Robin Trujillo,  
12 Deputy Real Estate Commissioner  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

24 cc: Wendy Dee Teixeira  
25 Pickford Real Estate Inc.  
26 Robin Trujillo  
27 Sacto.