

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

FILED

FEB 27 2014

BUREAU OF REAL ESTATE

By J. L. ...

8 BEFORE THE BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)

CalBRE No. H-38337 LA
OAH No. 2012110929

12 JAMIE LYNNE RAMSEY and)
13 JOAN A. KINDT,)

14 Respondents.)
15)

REVISED
STIPULATION AND
AGREEMENT

16 It is hereby stipulated by and between JAMIE LYNNE
17 RAMSEY and JOAN A. KINDT (collectively "Respondents"), who are
18 representing themselves in this matter, and the Complainant,
19 acting by and through Lissete Garcia, Counsel for the Bureau of
20 Real Estate, as follows for the purpose of settling and disposing
21 of the First Amended Accusation in this matter, filed on
22 April 16, 2013:
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1 1. All issues which were to be contested and all
2 evidence which was to be presented by Complainant and Respondents
3 at a formal hearing on the First Amended Accusation, which hearing
4 was to be held in accordance with the provisions of the
5 Administrative Procedure Act (APA), shall instead and in place
6 thereof be submitted solely on the basis of the provisions of this
7 Stipulation and Agreement (Stipulation).

8 2. Respondents have received, read and understand the
9 Statement to Respondent, the Discovery Provisions of the APA and
10 the First Amended Accusation filed by the Bureau of Real Estate in
11 this proceeding.

12 3. Respondents filed a Notice of Defense pursuant to
13 Section 11506 of the Government Code for the purpose of requesting
14 a hearing on the allegations in the Accusation. Respondents
15 hereby freely and voluntarily withdraw said Notice of Defense.
16 Respondents acknowledge that they understand that by withdrawing
17 said Notice of Defense, they thereby waive their right to require
18 the Commissioner to prove the allegations in the Accusation and
19 First Amended Accusation at a contested hearing held in accordance
20 with the provisions of the APA and that they will waive other
21 rights afforded to them in connection with the hearing such as the
22 right to present evidence in their defense and the right to cross-
23 examine witnesses.

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1 4. This Stipulation is based on the factual allegations
2 contained in the First Amended Accusation. In the interest of
3 expedience and economy, Respondents choose not to contest these
4 allegations, but to remain silent and understand that, as a result
5 thereof, these factual allegations, without being admitted or
6 denied, will serve as a prima facie basis for the disciplinary
7 action stipulated to herein. The Real Estate Commissioner shall
8 not be required to provide further evidence to prove said factual
9 allegations.

10 5. This Stipulation is based on Respondents' decision
11 not to contest the allegations set forth in the First Amended
12 Accusation as a result of the agreement negotiated between the
13 parties. This Stipulation is expressly limited to this proceeding
14 and any further proceeding initiated by or brought before the
15 Bureau of Real Estate based upon the factual allegations in the
16 First Amended Accusation and is made for the sole purpose of
17 reaching an agreed disposition of this proceeding. The decision
18 of Respondents not to contest the allegations contained in the
19 "Order" herein below, is made solely for the purpose of
20 effectuating this Stipulation. It is the intent and understanding
21 of the parties that this Stipulation shall not be binding or
22 admissible against Respondents in any action against Respondents
23 by third parties.

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1 6. It is understood by the parties that the Real Estate
2 Commissioner may adopt the Stipulation as his Decision in this
3 matter thereby imposing the penalty and sanctions on Respondents'
4 real estate licenses and license rights as set forth in the
5 "Order" herein below. In the event that the Commissioner in his
6 discretion does not adopt the Stipulation, it shall be void and of
7 no effect, and Respondents shall retain the right to a hearing and
8 proceeding on the First Amended Accusation under the provisions of
9 the APA and shall not be bound by any admission or waiver made
10 herein.

11 7. The Order or any subsequent Order of the Real Estate
12 Commissioner made pursuant to this Stipulation shall not
13 constitute an estoppel, merger or bar to any further
14 administrative or civil proceedings by the Bureau of Real Estate
15 with respect to any matters which were not specifically alleged to
16 be causes for accusation in this proceeding.

17 8. Respondents understand that by agreeing to this
18 Stipulation, they agree to pay pursuant to Business and
19 Professions Code Section 10148, the cost of audit which led to
20 this disciplinary action. The amount of said cost for the audit
21 is \$4,634.70.

22 9. Respondents understand that by agreeing to this
23 Stipulation, the findings set forth below in the Determination of
24 Issues become final, and the Commissioner may charge Respondents

1 for the cost of any subsequent audit conducted pursuant to
2 Business and Professions Code Section 10148, to determine if the
3 violations have been corrected. The maximum cost of the
4 subsequent audit will not exceed \$4,634.70.

5 DETERMINATION OF ISSUES

6 By reason of the foregoing stipulations and solely for
7 the purpose of settlement of the First Amended Accusation without
8 a hearing, it is stipulated and agreed that the following
9 determination of issues shall be made:

10 1.

11 The conduct of Respondent JAMIE LYNNE RAMSEY, as
12 described in Paragraph 4, above, is a basis for discipline of
13 Respondent JAMIE LYNNE RAMSEY's license and license rights
14 pursuant to Sections 10130, 10177(d), and 10176(a) of the Business
15 and Professions Code ("Code") and Regulations 2715 and 2773,
16 Regulations of the Real Estate Commissioner, Title 10, Chapter 6,
17 California Code of Regulations ("Regulations").

18 2.

19 The conduct of Respondent JOAN A. KINDT, as described in
20 Paragraph 4, above, is a basis for discipline of Respondent JOAN
21 A. KINDT's license and license rights pursuant to Code Sections
22 10130, 10145, 10159.5, 10162, 10177(d) and Regulations 2731, 2715,
23 2773, 2725, 2832.1, 2831.2, 2832, and 2834.

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ORDER

WHEREFORE THE FOLLOWING ORDER IS MADE PURSUANT TO THE
WRITTEN STIPULATION OF THE PARTIES:

I.

All licenses and licensing rights of Respondents JAMIE LYNNE RAMSEY and JOAN A. KINDT under the Real Estate Law are suspended for a period of thirty (30) days from the effective date of this Decision; provided, however, that fifteen (15) days of said suspension, shall be stayed for two (2) years upon the following terms and conditions:

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

2. That no final subsequent determination is 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 his 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.

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II.

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2 If Respondents JAMIE LYNNE RAMSEY and/or JOAN A. KINDT
3 petition, an additional fifteen (15) days shall be stayed upon
4 condition that:

5 1. Respondent(s) pay a monetary penalty pursuant to
6 Section 10175.2 of the Code at the rate of \$100 for each day of
7 the suspension for a total monetary penalty of \$1,500, for each
8 Respondent.

9 2. Said payment(s) shall be in the form of a cashier's
10 check or certified check made payable to the Recovery Account of
11 the Real Estate Fund. Said check(s) must be received by the
12 Bureau prior to the effective date of the Decision in this matter.

13 3. No further cause for disciplinary action against
14 the real estate licenses of Respondent(s) occur within two years
15 from the effective date of the Decision in this matter.

16 4. If Respondent(s) fail to pay the monetary penalty in
17 accordance with the terms and conditions of the Decision, the
18 Commissioner may, without a hearing, order the immediate execution
19 of all or any part of the stayed suspension in which event the
20 Respondent(s) shall not be entitled to any repayment nor credit,
21 prorated or otherwise, for money paid to the Bureau under the
22 terms of this Decision.

23 5. If Respondent(s) pay the monetary penalty and if no
24 further cause for disciplinary action against the real estate

1 licenses of Respondent(s) occurs within two years from the
2 effective date of the Decision, the stay hereby granted shall
3 become permanent.

4 III.

5 All licenses and licensing rights of Respondents JAMIE
6 LYNNE RAMSEY and JOAN A. KINDT are indefinitely suspended unless
7 or until Respondents provide proof satisfactory to the
8 Commissioner, of having taken and successfully completed the
9 continuing education course on trust fund accounting and handling
10 specified in Paragraph (3) of subdivision (a) of Section 10170.5
11 of the Business and Professions Code. Proof of satisfaction of
12 this requirement includes evidence that respondents have
13 successfully completed the trust fund account and handling
14 continuing education course within 120 days prior to the effective
15 date of the Decision in this matter.

16 IV.

17 Respondents JAMIE LYNNE RAMSEY and JOAN A. KINDT are
18 jointly and severally liable for restitution in the amount of
19 \$1,100 to Andrew and Danielle B. Respondents JAMIE LYNNE RAMSEY
20 and JOAN A. KINDT shall, within sixty (60) days from the effective
21 date of the Decision herein, provide proof of paying restitution
22 of \$1,100 to Andrew and Danielle B. as follows:

23 (a) Respondents shall deliver or mail the restitution
24 payment, by certified mail, return receipt requested, to Andrew

1 and Danielle B.'s last address on file with or known to
2 Respondents.

3 (b) If the payment is returned by the Post Office marked
4 "unable to deliver," Respondents shall employ a locator service
5 (that may include or be limited to the Internet or other database
6 retrieval search) to try and locate Andrew and Danielle B.
7 Repayment shall then be made to the addresses recommended by the
8 locator service.

9 (c) If unable to effect repayment after using a locator
10 service, Respondents shall provide reasonable proof satisfactory
11 to the Commissioner of their efforts to comply with the provisions
12 of this Paragraph.

13 (d) If the Commissioner determines that proof to be
14 unsatisfactory, he shall so advise Respondents, and indicate what
15 additional reasonable efforts should be made to make repayment to
16 Andrew and Danielle B.

17 (e) If Respondents fail to satisfy this condition, the
18 Commissioner may order suspension of Respondents' licenses until
19 Respondents effect compliance herein; and

20 (f) Restitution payments not made to Andrew and Danielle
21 B. shall escheat to the State of California.

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1 V.

2 Respondents JAMIE LYNNE RAMSEY and JOAN A. KINDT shall
3 by the effective date of the Decision herein, provide proof
4 satisfactory to the Commissioner that:

5 1. Respondents have restored the shortage of \$10,426.17
6 noted in Audit No. LA 110211 for the bank accounts ("B/A"):

- 7 • B/A #1 (Bank: Wells Fargo Bank, N.A. ;
8 Acct. #: xx-xx-xx-9727) (\$8,111.17); and
9 • B/A #4 (Bank: Wells Fargo Bank, N.A.,
10 Acct. #: xx-xx-xx-9305) (\$2,315.00).

11 2. Any bank accounts into which trust funds are
12 deposited are designated as a trust account in the name of JOAN A.
13 KINDT as trustee.

14 3. All unlicensed, un-bonded signatories for any bank
15 account into which trust funds are deposited have been removed as
16 signatories on said bank accounts or have obtained fidelity bond
17 coverage.

18 4. Respondent KINDT is a signatory on any bank account
19 into which trust funds are deposited.

20 VI

21 Pursuant to Section 10148 of the Business and
22 Professions Code, Respondents shall JAMIE LYNNE RAMSEY and JOAN
23 A. KINDT shall be liable, jointly and severally, for payment of
24 the Commissioner's reasonable cost for (a) the audit which led to

1 this disciplinary action and (b) a subsequent audit, if one is
2 completed, to determine if Real Property Management Goldcoast is
3 in compliance with the Real Estate Law. The cost of the audit
4 which led to this disciplinary action is \$4,634.70. In
5 calculating the amount of the Commissioner's reasonable cost, the
6 Commissioner may use the estimated average hourly salary for all
7 persons performing audits of real estate brokers, and shall
8 include an allocation for travel time to and from the auditor's
9 place of work. Said amount for the prior and subsequent audits
shall not exceed \$4,634.70 for each audit or \$9,269.40, total.

10 Respondents JAMIE LYNNE RAMSEY and JOAN A. KINDT shall
11 pay such costs within 60 days of receiving an invoice from the
12 Commissioner detailing the activities performed during the
13 audit(s) and the amount of time spent performing those
14 activities.

15 The Commissioner shall suspend the license of
16 Respondents JAMIE LYNNE RAMSEY and JOAN A. KINDT pending a
17 hearing held in accordance with Section 11500, et seq., of the
18 Government Code, if payment is not timely made as provided for
19 herein, or as provided for in a subsequent agreement between the
20 Respondents JAMIE LYNNE RAMSEY and JOAN A. KINDT and the
21 Commissioner. The suspension shall remain in effect until
22 payment is made in full or until Respondent JAMIE LYNNE RAMSEY
23 and JOAN A. KINDT enters into an agreement satisfactory to the
24 Commissioner to provide for payment, or until a decision
providing otherwise is adopted following a hearing held pursuant
to this condition.

VII.

A copy of all proof of payment, trust account

corrections, and completed coursework shall be submitted to Bureau
Counsel Lissete Garcia, Attention: Legal Section, Bureau of Real
Estate, 320 W. Fourth St., Suite 350, Los Angeles, California
90013-1105, on or before the dates set forth above.

DATED: 2/18/2014



LISSETE GARCIA, Counsel for the
Bureau of Real Estate

EXECUTION OF THE STIPULATION

We have read the Stipulation. Its terms are understood
by us and are agreeable and acceptable to us. We understand that
we are waiving rights given to us by the California Administrative
Procedure Act (including but not limited to Sections 11506, 11508,
11509 and 11513 of the Government Code), and we willingly,
intelligently and voluntarily waive those rights, including the
right of requiring the Commissioner to prove the allegations in
the First Amended Accusation at a hearing at which we would have
the right to cross-examine witnesses against us 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 by faxing a copy of the

1 signature page, as actually signed by Respondents, to the Bureau
2 at the following telephone/fax number: Lissete Garcia at (213)
3 576-6917. Respondents agree, acknowledge, and understand that by
4 electronically sending to the Bureau a fax copy of Respondents'
5 actual signatures as they appear on the Stipulation, that receipt
6 of the faxed copy by the Bureau shall be as binding on Respondents
7 as if the Bureau had received the original signed Stipulation.

8
9
10 DATED: _____

_____ JAMIE LYNNE RAMSEY

11
12 DATED: 2-11-2014

Joan A. Kindt
13 JOAN A. KINDT

14
15 ***

16
17 The foregoing Stipulation and Agreement is hereby adopted as
18 my Decision as to Respondents JAMIE LYNNE RAMSEY and JOAN A. KINDT
19 and shall become effective at 12 o'clock noon on _____, 2013.

20 IT IS SO ORDERED _____,

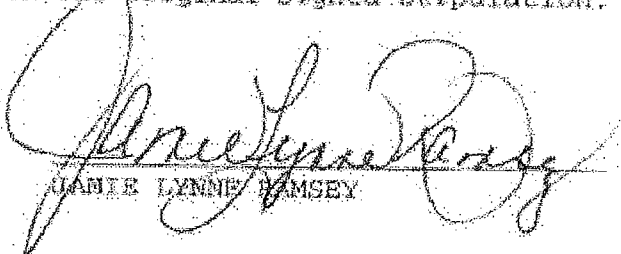
21 REAL ESTATE COMMISSIONER

22
23
24 _____
Wayne S. Bell

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9 DATED:

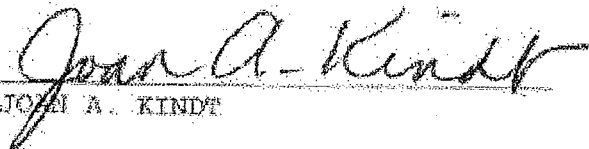
1/30/2014



JAMIE LYNNE RAMSEY

13 DATED:

2-11-2014



JOAN A. KINDT

17 The foregoing Stipulation and Agreement is hereby adopted as
 18 my Decision as to Respondents JAMIE LYNNE RAMSEY and JOAN A. KINDT
 19 and shall become effective at 12 o'clock noon on _____, 2013.

20 IT IS SO ORDERED _____

22 REAL ESTATE COMMISSIONER

24 Wayne S. Bell

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2 at the following telephone/fax number: Lissete Garcia at (213)
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6 of the faxed copy by the Bureau shall be as binding on Respondents
7 as if the Bureau had received the original signed Stipulation.

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9
10 DATED: _____ JAMIE LYNNE RAMSEY


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12 DATED: _____ JOAN A. KINDT

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16
17 The foregoing Stipulation and Agreement is hereby adopted as
18 my Decision as to Respondents JAMIE LYNNE RAMSEY and JOAN A. KINDT
19 and shall become effective at 12 o'clock noon on **MAR 20 2014**

20 IT IS SO ORDERED FEB 26 2014

21 REAL ESTATE COMMISSIONER

22 
23 **JEFFREY MASON**
24 Chief Deputy Commissioner