

Bureau of Real Estate
320 West 4th Street, Suite 350
Los Angeles, California 90013

(213) 576-6982

FILED

JAN 08 2014

BUREAU OF REAL ESTATE

By 

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
DARCIE D. MCKNIGHT,) NO. H-39094 LA
Respondent.) STIPULATION AND AGREEMENT

It is hereby stipulated by and between DARCIE D. MCKNIGHT ("Respondent") and the Complainant, acting by and through Diane Lee, Counsel for the Bureau of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on October 14, 2013 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 submitted solely on the basis of the provisions of this Stipulation and Agreement.

1 2. Respondent has received and read and understands
2 the Statement to Respondent, the Discovery Provisions of the APA,
3 and the Accusation filed by the Bureau of Real Estate in this
4 proceeding.

5 3. Respondent acknowledges she has the right to file
6 Notice of Defense pursuant to California Government Code section
7 11506 for the purpose of requesting a hearing on the allegations
8 in the Accusation. Respondent hereby freely and voluntarily
9 waives such right, and withdraws her Notice of Defense, if any.
10 Respondent acknowledges that she understands that by waiving her
11 right to file a Notice of Defense, she thereby waives her right
12 to require the Commissioner to prove the allegations in the
13 Accusation at a contested hearing held in accordance with the
14 provisions of the APA and that she will waive other rights
15 afforded to her in connection with the hearing, such as the right
16 to present evidence in defense of the allegations in the
17 Accusation and the right to cross-examine witnesses.

18 4. Respondent, pursuant to the limitations set forth
19 below, hereby admits that the factual allegations of the
20 Accusation filed in this proceeding are true and correct, and the
21 Real Estate Commissioner shall not be required to provide further
22 evidence of such allegations. The factual allegations are as
23 follows: On or about September 2, 2011, in the Superior Court of
24 California, County of Santa Barbara, case no. 1386655, Respondent
25 was convicted of violating 4463(b)(3) (acquiring, possessing,
26 selling, or offering for sale a genuine or counterfeit disabled
27

1 person placard), a misdemeanor.

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

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

19 DETERMINATION OF ISSUES

20 By reason of the foregoing stipulations, admissions,
21 and waivers and solely for the purpose of settlement of the
22 pending Accusation without a hearing, it is stipulated and agreed
23 that the following determination of issues shall be made:

24 The conduct of Respondent, as set forth in the
25 Accusation, is grounds for the suspension or revocation of all of
26 the real estate licenses and license rights of Respondent under
27

1 the provision of California Business and Professions Code
2 sections 490 and 10177(b).

3 ORDER

4 WHEREFORE, THE FOLLOWING ORDER is hereby made:

5 All licenses and licensing rights of Respondent DARCIE
6 D. MCKNIGHT, under the Real Estate Law are revoked; provided,
7 however, a restricted real estate salesperson license shall be
8 issued to Respondent pursuant to California Business and
9 Professions Code section 10156.5 if Respondent makes application
10 therefor and pays to the Bureau of Real Estate the appropriate
11 fee for the restricted license within 90 days from the effective
12 date of this Decision. The restricted license issued to

13 Respondent shall be subject to all of the provisions of
14 California Business and Professions Code section 10156.7 and to
15 the following limitations, conditions, and restrictions imposed
16 under authority of the California Business and Professions Code:

17 1. The restricted license issued to Respondent may be
18 suspended prior to hearing by Order of the Real Estate
19 Commissioner in the event of Respondent's conviction or plea of
20 nolo contendere to a crime which is substantially related to
21 Respondent's fitness or capacity as a real estate licensee.

22 2. The restricted license issued to Respondent may be
23 suspended prior to hearing by Order of the Real Estate
24 Commissioner on evidence satisfactory to the Commissioner that
25 Respondent has violated provisions of the California Real Estate
26 Law, the Subdivided Lands Law, Regulations of the Real Estate

1 Commissioner, or conditions attaching to this restricted
2 license.

3 3. Respondent shall not be eligible to apply for the
4 issuance of an unrestricted real estate license nor for the
5 removal of any of the conditions, limitations, or restrictions
6 of a restricted license until one (1) year has elapsed from the
7 date of issuance of the restricted license to Respondent.

8 4. Respondent shall submit with any application for
9 license under an employing broker, or any application for
10 transfer to a new employing broker, a statement signed by the
11 prospective employing real estate broker on a form approved by
12 the Bureau of Real Estate which shall certify: (a) That the
13 employing broker has read the Decision of the Commissioner which
14 granted the right to a restricted license; and (b) That the
15 employing broker will exercise close supervision over the
16 performance by the restricted licensee relating to activities
17 for which a real estate license is required.

18 5. Respondent shall, within nine (9) months from the
19 effective date of this Decision, present evidence satisfactory
20 to the Real Estate Commissioner that Respondent has, since the
21 most recent issuance of an original or renewal real estate
22 license, taken and successfully completed the continuing
23 education requirements of Article 2.5 of Chapter 3 of the Real
24 Estate Law for renewal of a real estate license. If Respondent
25 fails to satisfy this condition, the Commissioner may order the
26 suspension of the restricted license until the Respondent
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1 presents such evidence. The Commissioner shall afford
2 Respondent the opportunity for a hearing pursuant to the
3 Administrative Procedure Act to present such evidence.

4 6. Respondent shall notify the Commissioner in
5 writing within 72 hours of any arrest by sending a certified
6 letter to the Commissioner at the Bureau of Real Estate, Post
7 Office Box 137013, Sacramento, CA 95813-7013. The letter shall
8 set forth the date of Respondent's arrest, the crime for which
9 Respondent was arrested, and the name and address of the
10 arresting law enforcement agency. Respondent's failure to
11 timely file written notice shall constitute an independent
12 violation of the terms of the restricted license and shall be
13 grounds for the suspension or revocation of that license.

14
15 DATED:

12/23/2013


DIANE LEE

Counsel for Complainant

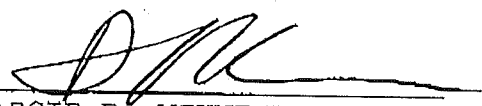
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17 * * *

18 I have read the Stipulation and Agreement, and its
19 terms are understood by me and are agreeable and acceptable to
20 me. I understand that I am waiving rights given to me by the
21 California Administrative Procedure Act (including but not
22 limited to California Government Code sections 11506, 11508,
23 11509, and 11513), and I willingly, intelligently, and
24 voluntarily waive those rights, including the right of requiring
25 the Commissioner to prove the allegations in the Accusation at a
26 hearing at which Respondent would have the right to cross-examine
27

1 witnesses and to present evidence in defense and mitigation of
2 the charges.

3 Respondent can signify acceptance and approval of the
4 terms and conditions of this Stipulation and Agreement by faxing
5 a copy of the signature page, as actually signed by Respondent,
6 to the Bureau of Real Estate at the following telephone/fax
7 number: (213) 576-6917. Respondent agrees, acknowledges, and
8 understands that by electronically sending to the Bureau of Real
9 Estate a fax copy of his actual signature as it appears on the
10 Stipulation and Agreement, that receipt of the faxed copy by the
11 Bureau of Real Estate shall be as binding on Respondent as if the
12 Bureau of Real Estate had received the original signed
13 Stipulation and Agreement.

14
15 DATED: 12/23/13


16 DARCIE D. MCKNIGHT
Respondent

17 The foregoing Stipulation and Agreement regarding
18 DARCIE D. MCKNIGHT is hereby adopted as my Decision in this
19 matter and shall become effective at 12 o'clock noon on
20 _____.

21 IT IS SO ORDERED _____, 2014.

22
23 REAL ESTATE COMMISSIONER

24
25 _____
26 Wayne S. Bell
27

1 witnesses and to present evidence in defense and mitigation of
2 the charges.

3 Respondent can signify acceptance and approval of the
4 terms and conditions of this Stipulation and Agreement by faxing
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12 Bureau of Real Estate had received the original signed
13 Stipulation and Agreement.

14
15 DATED: _____

16 DARCIE D. MCKNIGHT
17 Respondent

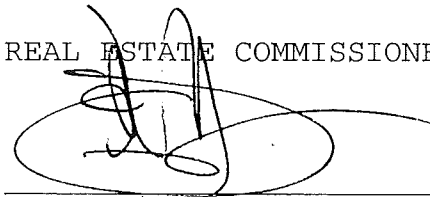
18 The foregoing Stipulation and Agreement regarding
19 DARCIE D. MCKNIGHT is hereby adopted as my Decision in this
20 matter and shall become effective at 12 o'clock noon on

JAN 29 2014

21 IT IS SO ORDERED

JAN 03 2014

22
23 REAL ESTATE COMMISSIONER

24 

25
26 **By: JEFFREY MASON**
27 **Chief Deputy Commissioner**