

Play-Sacto

Bureau of Real Estate
320 W. 4th St., Room 350
Los Angeles, California 90013

Telephone: (213) 576-6982

FILED

SEP 11 2014

BUREAU OF REAL ESTATE

By *Angela Danner*

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-39160 LA
)	
)	
ROSALIE RUTH SANDOVAL,)	<u>STIPULATION AND AGREEMENT</u>
and KATHLEEN NIELSON,)	
)	
Respondents.)	
)	

It is hereby stipulated by and between ROSALIE RUTH SANDOVAL and KATHLEEN NIELSON (sometimes referred to as Respondents), and the Complainant, acting by and through James R. Peel, Counsel for the Bureau of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on November 20, 2013, in this matter.

1. All issues which were contested and all evidence which was presented by Complainant and Respondents at a formal hearing on the Accusation, which hearing is to be held in accordance with the provisions of the Administrative Procedure Act ("APA"), shall instead and in place thereof be submitted

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

3 2. Respondents have received, read and understand the
4 Statement to Respondent, the Discovery Provisions of the
5 Administrative Procedure Act ("APA") and the Accusation filed by
6 the Bureau of Real Estate in this proceeding.

7 3. On December 13, 2013, Respondents filed a Notice
8 of Defense pursuant to Section 11506 of the Government Code for
9 the purpose of requesting a hearing on the allegations in the
10 Accusation. Respondents hereby freely and voluntarily withdraw
11 said Notice of Defense. Respondents acknowledge that they
12 understand that by withdrawing said Notice of Defense they will
13 thereby waive their right to require the Commissioner to prove
14 the allegations in the Accusation at a contested hearing held in
15 accordance with the provisions of the APA and that they will
16 waive other rights afforded to them in connection with the
17 hearing such as the right to present evidence in defense of the
18 allegations in the Accusation and the right to cross-examine
19 witnesses.

20 4. This Stipulation is based on the factual
21 allegations contained in the Accusation filed in this
22 proceeding. In the interest of expedience and economy,
23 Respondents choose not to contest these factual allegations, but
24 to remain silent and understand that, as a result thereof, these
25 factual statements, will serve as a prima facie basis for the
26 disciplinary action stipulated to herein. The Real Estate
27

1 Commissioner shall not be required to provide further evidence
2 to prove such allegations.

3 5. This Stipulation is made for the purpose of
4 reaching an agreed disposition of this proceeding and is
5 expressly limited to this proceeding and any other proceeding or
6 case in which the Bureau of Real Estate ("Bureau"), the state or
7 federal government, or an agency of this state, another state or
8 the federal government is involved.

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

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

26 ///

27 ///

DETERMINATION OF ISSUES

By reason of the foregoing stipulations and waivers and solely for the purpose of settlement of the pending Accusation, it is stipulated and agreed that the following determination of issues shall be made:

I

The conduct, acts and/or omissions of Respondents ROSALEE RUTH SANDOVAL and KATHLEEN NIELSON, as set forth in the Accusation, constitute cause for the suspension or revocation of all of the real estate licenses and license rights of Respondents under the provisions of Section 10177(g) of the Business and Professions Code ("Code").

ORDER

All licenses and licensing rights of Respondents ROSALEE RUTH SANDOVAL and KATHLEEN NIELSON under the Real Estate Law are suspended for a period of sixty (60) days from the effective date of this Decision; provided, however, that sixty (60) 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 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

1 Commissioner may, in his discretion, vacate and set aside the
2 stay order and reimpose all or a portion of the stayed
3 suspension. Should no such determination be made, the stay
4 imposed herein shall become permanent.

5 3. Respondents ROSALEE RUTH SANDOVAL and KATHLEEN
6 NIELSON shall, within six months from the effective date of this
7 Decision, take and pass a continuing education course on
8 property management. If either Respondent fails to satisfy this
9 condition, the Commissioner may order suspension of such
10 Respondent's license until Respondent passes the examination.

11 4. Respondents understand that by agreeing to this
12 Stipulation and Agreement, Respondents agree to pay, pursuant to
13 Section 10106 of the California Business and Professions Code
14 (Code), the cost of the investigation and enforcement which
15 resulted in the determination that Respondents committed the
16 violations found in the Determination of Issues. The amount of
17 said costs is \$3,442.70.

18 All licenses and licensing rights of Respondents are
19 indefinitely suspended unless or until Respondents pay the sum
20 of \$3,442.70 for the Commissioner's reasonable cost of the
21 investigation and enforcement which led to this disciplinary
22 action. Said payment shall be in the form of a cashier's check
23 or certified check made payable to the Bureau of Real Estate.

24 ///

25 ///

26 ///

1
2
3
4 DATED: 8-19-14

James R. Peel
JAMES R. PEEL, Counsel for the
Bureau of Real Estate

5
6 * * *

7 I have read the Stipulation and Agreement, and its
8 terms are understood by me and are agreeable and acceptable to
9 me. I understand that I am waiving rights given to me by the
10 California Administrative Procedure Act (including but limited
11 to Sections 11506, 11508, 11509 and 11513 of the Government
12 Code), and I willingly, intelligently and voluntarily waive
13 those rights, including the right of requiring the Commissioner
14 to prove the allegations in the Accusation at a hearing at which
15 I would have the right to cross-examine witnesses against me and
16 to present evidence in defense and mitigation of the charges.

17 Respondent can signify acceptance and approval of the
18 terms and conditions of this Stipulation and Agreement by faxing
19 a copy of the signature page, as actually signed by Respondent,
20 to the Bureau at the following telephone/fax number:
21 (213) 576-6917. Respondent agrees, acknowledges and understands
22 that by electronically sending to the Bureau a fax copy of his
23 or her actual signature as it appears on the Stipulation and
24 Agreement, that receipt of the faxed copy by the Bureau shall be
25 as binding on Respondent as if the Bureau had received the
26 original signed Stipulation and Agreement.

27 ///

Further, if the Respondent is represented, the Respondent's counsel can signify his or her agreement to the terms and conditions of the Stipulation and Agreement by submitting that signature via fax.

DATED: _____

See Attached
ROSALEE RUTH SANDOVAL
Respondent

DATED: 8-12-14

Kathleen Nielson
KATHLEEN NIELSON
Respondent

DATED: 8/15/14

Christopher Nelson
Christopher Nelson
Counsel

* * *

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

IT IS SO ORDERED _____.

Real Estate Commissioner

Further, if the Respondent is represented, the Respondent's counsel can signify his or her agreement to the terms and conditions of the Stipulation and Agreement by submitting that signature via fax.

DATED: 8-14-14

Rosalie Ruth Sandoval
ROSALIE RUTH SANDOVAL
Respondent

DATED: _____

See Attached
KATHLEEN NIELSON
Respondent

DATED: 8/15/14

Christopher Nelson
Christopher Nelson
Counsel

* * *

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

IT IS SO ORDERED _____.

Real Estate Commissioner

Further, if the Respondent is represented, the Respondent's counsel can signify his or her agreement to the terms and conditions of the Stipulation and Agreement by submitting that signature via fax.

DATED: _____

ROSALEE RUTH SANDOVAL
Respondent

DATED: _____

KATHLEEN NIELSON
Respondent

DATED: _____

Christopher Nelson
Counsel

* * *

The foregoing Stipulation and Agreement is hereby adopted as my Decision and Order in this matter, and shall become effective at 12 o'clock noon on OCT 01 2014.

IT IS SO ORDERED SEP 04 2014.

Real Estate Commissioner

By: JEFFREY MASON
Chief Deputy Commissioner