

1 Bureau of Real Estate
320 West 4th Street, Ste. 350
2 Los Angeles, California 90013-1105
3 Telephone: (213) 576-6982

FILED
JAN 22 2016
BUREAU OF REAL ESTATE
By *Ryan Warner*

8 BEFORE THE BUREAU OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)	BRE No. H-39498 LA
)	OAH No. 2014071204
12 IRVINE PROPERTY MANAGEMENT, INC.;)	
)	
13 <u>JEFFREY VERLYN JENSEN</u> , individually and)	STIPULATION AND
14 as a designated officer of Irvine Property)	AGREEMENT
15 Management, Inc.;)	
)	
16 GARY FRANK SULLY,)	
)	
17 Respondents.)	

18
19 It is hereby stipulated by and between Respondent JEFFREY VERLYN JENSEN
20 (“Respondent”), individually and as designated officer of Irvine Property Management, Inc.,
21 represented by Mary E. Work, Esq., and the Complainant, acting by and through Diane Lee,
22 Counsel for the Bureau of Real Estate, as follows for the purpose of settling and disposing of the
23 Accusation (“Accusation”) filed on June 20, 2014, in this matter:

24 1. All issues which were to be contested and all evidence which were to be
25 presented by Complainant and Respondent at a formal hearing on the Accusation, which hearing
26 was to be held in accordance with the provisions of the California Administrative Procedure Act
27

1 (“APA”), shall instead and in place thereof be submitted solely on the basis of the provisions of
2 this Stipulation and Agreement (“Stipulation”).

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

6 3. Respondent filed a Notice of Defense pursuant to California Government Code
7 section 11506 for the purpose of requesting a hearing on the allegations in the Accusation.
8 JENSEN hereby freely and voluntarily withdraws said Notices of Defense. Respondent
9 acknowledges that he understands that by withdrawing said Notice of Defense he thereby waives
10 his right to require the Commissioner to prove the allegations in the Accusation at a contested
11 hearing held in accordance with the provisions of the APA and that he will waive other rights
12 afforded to him in connection with the hearing such as the right to present evidence in his
13 defense and the right to cross-examine witnesses.

14 4. This Stipulation is based on the factual allegations contained in the Accusation.
15 In the interest of expedience and economy, Respondent chooses not to contest these allegations,
16 but to remain silent and understand that, as a result thereof, these factual allegations, without
17 being admitted or denied, will serve as a prima facie basis for the disciplinary action stipulated to
18 herein. The Real Estate Commissioner shall not be required to provide further evidence to prove
19 said factual allegations.

20 5. This Stipulation is made for the purpose of reaching an agreed disposition of
21 this proceeding and is expressly limited to this proceeding and any other proceeding or case in
22 which the Bureau of Real Estate, the state or federal government, or any agency of this state, or
23 another state or federal government is involved.

24 6. It is understood by the parties that the Real Estate Commissioner may adopt
25 this Stipulation as his Decision in this matter thereby imposing the penalty and sanctions on
26 Respondent’s real estate licenses and license rights as set forth in the below “Order.” In the
27 event that the Commissioner in his discretion does not adopt this Stipulation, it shall be void and

1 of no effect, and Respondent shall retain the right to a hearing and proceeding on the Accusation
2 under the provisions of the APA and shall not be bound by this Stipulation herein.

3 7. The Order or any subsequent Order of the Real Estate Commissioner made
4 pursuant to this Stipulation herein shall not constitute an estoppel, merger, or bar to any further
5 administrative or civil proceedings by the Bureau of Real Estate with respect to any matters
6 which were not specifically alleged to be causes for Accusation in this proceeding, but do
7 constitute a bar, estoppel, and merger as to any allegations specifically and actually contained in
8 the Accusation against Respondent herein.

9 8. Respondent understands that by agreeing to this Stipulation, Respondent agrees
10 to pay, pursuant to California Business and Professions Code section 10148, the cost of the
11 audits which led to this disciplinary action. The amount of said cost for the original audits
12 (LA130059 and LA130073) is \$5,685.14.

13 9. Respondent understands that by agreeing to this Stipulation, the findings set
14 forth below in the Determination of Issues become final, and the Commissioner may charge
15 Respondent for the cost of any subsequent audit conducted pursuant to California Business and
16 Professions Code section 10148 to determine if the violations have been corrected. The
17 maximum cost of the subsequent audit will not exceed \$5,685.14.

18 10. Respondent understands that by agreeing to this Stipulation, Respondent
19 agrees to pay, pursuant to California Business and Professions Code section 10106, the cost of
20 the investigation and enforcement. The amount of investigation and enforcement cost is
21 \$7,791.46.

22
23 DETERMINATION OF ISSUES

24 By reason of the foregoing, it is stipulated and agreed that the following
25 determination of issues shall be made:

26 The conduct, acts, or omissions of Respondent, as described in the Accusation and
27 Paragraph 4, above, are in violation of California Business and Professions Code sections

1 10159.2, 10177(d), 10177(g), and 10177(h), and California Code of Regulations, Title 10,
2 Chapter 6, Section 2725, and are a basis for discipline of Respondent's license and license rights
3 as violations of the Real Estate Law as listed herein.

4
5 ORDER

6 WHEREFORE, THE FOLLOWING ORDER is hereby made:

7
8 (REVOCATION AND RESTRICTED LICENSE)

9 I.

10 All licenses and licensing rights of Respondent JENSEN under the Real Estate
11 Law are revoked; provided, however, a restricted real estate broker license shall be issued to
12 Respondent pursuant to California Business and Professions Code section 10156.5 if Respondent
13 makes application therefor and pays to the Bureau of Real Estate the appropriate fee for the
14 restricted license within ninety (90) days from the effective date of this Decision. The restricted
15 license issued to Respondent shall be subject to all of the provisions of California Business and
16 Professions Code section 10156.7 and to the following limitations, conditions, and restrictions
17 imposed under authority of California Business and Professions Code section 10156.6:

- 18 1. The restricted license issued to Respondent may be suspended prior to
19 hearing by Order of the Real Estate Commissioner in the event of
20 Respondent's conviction or plea of nolo contendere to a crime which is
21 substantially related to Respondent's fitness or capacity as a real estate
22 licensee.
- 23 2. The restricted license issued to Respondent may be suspended prior to
24 hearing by Order of the Real Estate Commissioner on evidence
25 satisfactory to the Commissioner that Respondent has violated provisions
26 of the California Real Estate Law, the Subdivided Lands Law, Regulations
27 of the Real Estate Commissioner, or conditions attaching to the restricted

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license.

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

4. Respondent shall, within six (6) months from the effective date of the Decision, take and pass the Professional Responsibility Examination administered by the Bureau of Real Estate, including the payment of the appropriate examination fee. If Respondent fails to satisfy this condition, Respondent's license shall be suspended until Respondent passes the examination. The Commissioner shall afford Respondent the opportunity for a hearing pursuant to the APA to present such evidence.

5. Respondent shall, within nine (9) months from the effective date of this Decision, present evidence satisfactory to the Real Estate Commissioner that Respondent has, since the most recent issuance of an original or renewal real estate license, taken, and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate license. If Respondent fails to satisfy this condition, the restricted license of Respondent shall be suspended until Respondent presents such evidence. The Commissioner shall afford Respondent the opportunity for a hearing pursuant to the APA to present such evidence.

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1 (AUDIT COSTS)

2 II.

3 Pursuant to California Business and Professions Code section 10148, Respondent
4 shall pay, jointly and severally with Irvine Property Management, Inc., the Commissioner's
5 reasonable cost for the audits which led to this disciplinary action. The cost of the original audits
6 which led to this disciplinary action is \$5,685.14. This cost of the original audits was paid on or
7 about November 3, 2015. In calculating the amount of the Commissioner's reasonable cost, the
8 Commissioner may use the estimated average hourly salary for all persons performing audits of
9 real estate brokers, and shall include an allocation for travel time to and from the auditors' place
10 of work.

11 Respondent has received and read, and understands the "Notice Concerning Costs
12 of Subsequent Audit." Respondent further understands that by agreeing to this Stipulation, the
13 findings set forth below in the Determination of Issues become final, and the Commissioner may
14 charge Respondent for the cost of any subsequent audit conducted pursuant to California
15 Business and Professions Code section 10148 to determine if the violations have been corrected.
16 The maximum cost of the subsequent audit will not exceed \$5,685.14.

17 Respondent shall pay audit costs within 60 days of receiving an invoice from the
18 Commissioner detailing the activities performed during the audit and the amount of time spent
19 performing those activities.

20 Said payments shall be in the form of a cashier's check or certified check made
21 payable to the Bureau of Real Estate with "Case No. H-39498 LA" noted on the check. Said
22 check shall be mailed to the Bureau of Real Estate at: Bureau of Real Estate, Attn. Fiscal Section,
23 1651 Exposition Blvd., Sacramento, CA 95815.

24 The Commissioner shall suspend the license of Respondent if payment is not
25 timely made as provided for herein, or as provided for in a subsequent agreement between the
26 Respondent and the Commissioner. The suspension shall remain in effect until payment is made
27 in full or until Respondent enters into an agreement satisfactory to the Commissioner to provide

1 for payment, or until a decision providing otherwise is adopted following a hearing held pursuant
2 to this condition.

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4 (INVESTIGATION AND ENFORCEMENT COSTS)

5 III.

6 Pursuant to California Business and Professions Code section 10106,


7 Respondent shall pay, jointly and severally with Irvine Property Management, Inc. and Gary
8 Frank Sully, the Commissioner's reasonable cost for investigation and enforcement of the matter.
9 The investigation and enforcement cost which led to this disciplinary action is \$7,791.46. The
10 cost of investigation and enforcement was paid in full on or about November 17, 2015.

11
12 (MAILING OF PROOF)

13 IV.

14 All proof required by this Decision shall be submitted to the Bureau of Real Estate
15 at: Bureau of Real Estate, Attn.: Legal Section – Counsel Diane Lee, 320 West Fourth Street,
16 Suite 350, Los Angeles, California 90013-1105.

17 DATED: 12/22/2015

18 
19 _____
20 DIANE LEE, Counsel for
21 Bureau of Real Estate

22 * * *

23 EXECUTION OF THE STIPULATION

24 I have read the Stipulation and discussed it with my attorney, Mary E. Work, Esq.
25 Its terms are understood by me, and are agreeable and acceptable to me. I understand that I am
26 waiving rights given to me by the California APA (including, but not limited to, California
27 Government Code sections 11506, 11508, 11509, and 11513), and I willingly, intelligently, and
voluntarily waive those rights, including, but not limited to, the right of requiring the
Commissioner to prove the allegations in the Accusation at a hearing at which I would have the

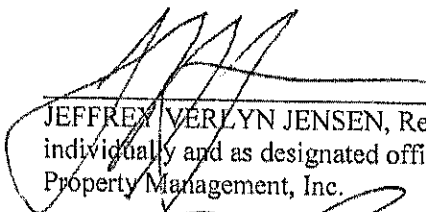
1 right to cross-examine witnesses against me and to present evidence in defense and mitigation of
2 the charges.

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4 MAILING AND FACSIMILE

5 Respondent (1) shall mail the original signed signature page of the Stipulation
6 herein to Bureau of Real Estate, Attention: Legal Section – Diane Lee, 320 West Fourth Street,
7 Suite 350, Los Angeles, California 90013-1105. Respondent shall also (2) facsimile a copy of
8 signed signature page, to the Bureau of Real Estate at the following telephone/fax number: (213)
9 576-6917, Attention: Diane Lee.

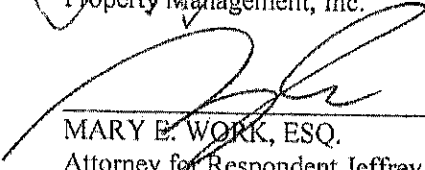
10 A facsimile constitutes acceptance and approval of the terms and conditions of
11 this Stipulation. Respondent agrees, acknowledges, and understands that by electronically
12 sending to the Bureau of Real Estate a facsimile copy of Respondent’s actual signature as it
13 appear on the Stipulation that receipt of the facsimile copy by the Bureau of Real Estate shall be
14 as binding on Respondent as if the Bureau of Real Estate had received the original signed
15 Stipulation.

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17 DATED: 12/11/15



JEFFREY VERLYN JENSEN, Respondent,
individually and as designated officer of Irvine
Property Management, Inc.

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19
20 DATED: 12/18/15



MARY E. WORK, ESQ.
Attorney for Respondent Jeffrey Verlyn Jensen

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The foregoing Stipulation and Agreement is hereby adopted as my Decision as to
Respondent JEFFREY VERLYN JENSEN, and shall become effective at 12 o'clock noon on
FEB 11 2016, 2016.

IT IS SO ORDERED JANUARY 11, 2016.

WAYNE S. BELL
REAL ESTATE COMMISSIONER



By: JEFFREY MASON
Chief Deputy Commissioner