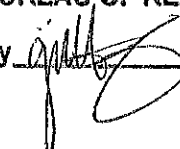


FILED

APR - 6 2016

BUREAU OF REAL ESTATE

By 

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

BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of	)	CALBRE No. H-39591 LA
	)	OAH No. 2015100416
KENDRA JEAN WAHLIN,	)	
doing business as Precise Properties,	)	
	)	<u>STIPULATION AND AGREEMENT</u>
	)	
Respondent.	)	
	)	

It is hereby stipulated by and between KENDRA JEAN WAHLIN ("Respondent") and her attorney, Patrick D'Arcy, and the Complainant, acting by and through Lissete Garcia, Counsel for the Bureau of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on September 8, 2014, in this matter:

I. 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.

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STIPULATION AND AGREEMENT

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

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

12 4. This Stipulation is based on the factual allegations contained in the Accusation filed in
13 this proceeding. In the interest of expedience and economy, Respondent chooses not to contest
14 these factual allegations, but to remain silent and understands that, as a result thereof, these
15 factual statements, will serve as a prima facie basis for the disciplinary action stipulated to
16 herein. The Real Estate Commissioner shall not be required to provide further evidence to prove
17 such allegations.

18 5. This Stipulation and Respondent's decision not to contest the Accusation are made for
19 the purpose of reaching an agreed disposition of this proceeding and are expressly limited to this
20 proceeding and any other proceeding or case in which the Bureau or another licensing agency of
21 this state, another state or if the federal government is involved and otherwise shall not be
22 admissible in any other criminal or civil proceedings.

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

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

11 8. Respondent understands that by agreeing to this Stipulation, she agrees to pay pursuant
12 to Business and Professions Code Section 10148, the cost of audit which led to this disciplinary
13 action. The amount of said cost for the audit is \$6,916.03.

14 9. Respondent understands that by agreeing to this Stipulation, the findings set forth
15 below in the Determination of Issues become final, and the Commissioner may charge
16 Respondent for the cost of any subsequent audit conducted pursuant to Business and Professions
17 Code Section 10148 to determine if the violations have been corrected. The maximum cost of
18 the subsequent audit will not exceed \$8,645.04 (125 % of the cost of audit no. LA130081).

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1 DETERMINATION OF ISSUES

2 By reason of the foregoing stipulation and agreement and solely for the purpose of
3 settlement of the pending Accusation without a hearing, it is stipulated and agreed that the
4 following determination of issues shall be made:

5 I.

6 The conduct, acts and/or omissions of Respondent KENDRA JEAN WAHLIN as set
7 forth in Paragraphs 7(a) through 7(e) of the Accusation, constitutes cause for the suspension or
8 revocation of all real estate licenses and license rights of Respondent under the provisions of
9 Sections 10177(d) and 10177(g) of the Business and Professions Code ("Code") for violations of
10 Code section 10145 and sections 2832.1, 2832, 2831, 2831.1, and 2831.2, Title 10, Chapter 6,
11 California Code of Regulations ("Regulations") as set forth in Paragraph 8 of the Accusation.

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All licenses and licensing rights of Respondent KENDRA JEAN WAHLIN under the Real Estate Law are suspended for a period of thirty (30) days from the effective date of this Decision and Order; provided, however, that the thirty (30) day suspension shall be stayed for two (2) years, upon the following terms and conditions:

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1 no earlier than 120 days prior to the effective date of the Decision and Order
2 in this matter. Proof of completion of the trust fund accounting and handling
3 course must be delivered to the Bureau of Real Estate, Flag Section at P.O.
4 Box 137013, Sacramento, CA 95813-7013 or by fax at 916-263-8758, prior to
5 the effective date of this Decision and Order. If Respondent fails to satisfy
6 this condition, Respondent's real estate license shall automatically be
7 suspended until Respondent presents evidence satisfactory to the
8 Commissioner of having taken and successfully completed the continuing this
9 requirement.

10 d) Respondent shall pay the sum of \$2,130.75 for the Commissioner's reasonable
11 cost of the investigation and enforcement which led to this disciplinary action.
12 Said payment shall be in the form of a cashier's check made payable to the
13 Bureau of Real Estate. The investigative and enforcement costs must be
14 delivered to the Bureau of Real Estate, Flag Section at P.O. Box 137013,
15 Sacramento, CA 95813-7013, prior to the effective date of this Decision and
16 Order. The Commissioner shall suspend Respondent's license pending a
17 hearing held in accordance with California Government Code Section 11500,
18 et seq., if payment is not timely made as provided for herein. The suspension
19 shall remain in effect until payment is made in full or until a decision
20 providing otherwise is adopted following a hearing held pursuant to this
21 condition.

22 e) Respondent shall, within nine (9) months from the effective date of this
23 Decision and Order, present evidence satisfactory to the Commissioner that
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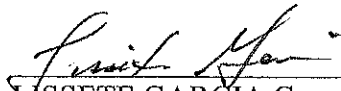
1 Respondent has, since the most recent issuance of an original or renewal real
2 estate license, taken and successfully completed the continuing education
3 requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of
4 a real estate license. If Respondent fails to satisfy this condition,
5 Respondent's real estate license shall automatically be suspended until
6 Respondent presents evidence satisfactory to the Commissioner of having
7 taken and successfully completed the continuing education requirements.
8 Proof of completion of the continuing education courses must be delivered to
9 the Bureau of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA
10 95813-7013.

11 f) Pursuant to Section 10148 of the Code, Respondent shall pay the sum of
12 \$6,916.03 for the Commissioner's cost of the audit which led to this
13 disciplinary action. Respondent shall pay such cost within sixty (60) days of
14 receiving an invoice therefore from the Commissioner. Payment of audit
15 costs should not be made until Respondent receives the invoice. If
16 Respondent fails to satisfy this condition in a timely manner as provided for
17 herein, Respondent's real estate license shall automatically be suspended until
18 payment is made in full, or until a decision providing otherwise is adopted
19 following a hearing held pursuant to this condition.

20 g) Pursuant to Section 10148 of the Code, Respondent shall pay the
21 Commissioner's reasonable cost, not to exceed \$8,645.04, for an audit to
22 determine if Respondent has corrected the violations found in the
23 Determination of Issues. In calculating the amount of the Commissioner's
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1 reasonable cost, the Commissioner may use the estimated average hourly
2 salary for all persons performing audits of real estate brokers, and shall
3 include an allocation for travel time to and from the auditor's place of work.
4 Respondent shall pay such cost within sixty (60) days of receiving an invoice
5 therefore from the Commissioner. Payment of the audit costs should not be
6 made until Respondent receives the invoice. If Respondent fails to satisfy this
7 condition in a timely manner as provided for herein, Respondent's real estate
8 license shall automatically be suspended until payment is made in full, or until
9 a decision providing otherwise is adopted following a hearing held pursuant to
10 this condition.

11 DATED: 3/14/2014

12 
LISSETE GARCIA Counsel for Complainant

13 * * *

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

22 Respondent can signify acceptance and approval of the terms and conditions of this
23 Stipulation and Agreement by faxing a copy of the signature page, as actually signed by
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03/14/2016 MON 9:09 FAX

011/016

1 Respondent, to the Bureau at fax number (213) 576-6917. Respondent agrees, acknowledges,
2 and understands that by electronically sending to the Bureau a fax copy of her actual signature as
3 it appears on the Stipulation and Agreement, that receipt of the faxed copy by the Bureau shall be
4 as binding on Respondent as if the Bureau had received the original signed Stipulation and
5 Agreement.

6 DATED: Mar 13, 2016
7 KENDRA JEAN WAHLJIN, Respondent

8 *I have reviewed the Stipulation and Agreement as to form and content and have advised*
9 *my client accordingly.*

10 DATED: _____

11 PATRICK D'ARCY, ESQ.
12 Attorney for Respondent

13 ***

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

16 IT IS SO ORDERED _____

17 REAL ESTATE COMMISSIONER
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24H-39591 LA; ACCUSATION OF KENDRA JEAN WAHLJIN
STIPULATION AND AGREEMENT

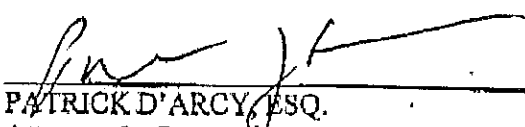
1 Respondent, to the Bureau at fax number (213) 576-6917. Respondent agrees, acknowledges,
2 and understands that by electronically sending to the Bureau a fax copy of her actual signature as
3 it appears on the Stipulation and Agreement, that receipt of the faxed copy by the Bureau shall be
4 as binding on Respondent as if the Bureau had received the original signed Stipulation and
5 Agreement.

6 DATED: _____

7 KENDRA JEAN WAHLIN, Respondent

8 *I have reviewed the Stipulation and Agreement as to form and content and have advised*
9 *my client accordingly.*

10 DATED: 3/14/16

11 
PATRICK D'ARCY, ESQ.
Attorney for Respondent

12 ***

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

15 IT IS SO ORDERED _____

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17 REAL ESTATE COMMISSIONER
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H-39391 LA; ACCUSATION OF KENDRA JEAN WAHLIN
STIPULATION AND AGREEMENT

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

DATED: _____

KENDRA JEAN WAHLIN, Respondent

I have reviewed the Stipulation and Agreement as to form and content and have advised my client accordingly.

DATED: _____

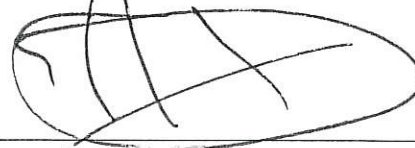
PATRICK D'ARCY, ESQ.
Attorney for Respondent

* * *

The foregoing Stipulation and Agreement is hereby adopted as my Decision in this matter and shall become effective at 12 o'clock noon on APR 26 2016.

IT IS SO ORDERED MARCH 25, 2016

WAYNE S. BELL
REAL ESTATE COMMISSIONER



By: JEFFREY MASON
Chief Deputy Commissioner