

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

Telephone: (213) 576-6982

FILED

APR 08 2016

BUREAU OF REAL ESTATE

By *[Signature]*

BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of)
JERRY DAVID JACKINTELL,)
Respondent.)

No. H-40081 LA

STIPULATION AND AGREEMENT

It is hereby stipulated by and between JERRY DAVID JACKINTELL ("Respondent") (license no. 01809514), who is represented by Catherine J. Swysen, Esq., and the Complainant, acting by and through Diane Lee, Esq., Counsel for the Bureau of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on December 24, 2015 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.

2. Respondent has received and read and understands the Statement to

1 Respondent, the Discovery Provisions of the APA, and the Accusation filed by the Bureau of
2 Real Estate in this proceeding.

3 3. On or about January 8, 2016, Respondent filed a Notice of Defense pursuant to
4 California Government Code section 11506 for the purpose of requesting a hearing on the
5 allegations in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice
6 of Defense. Respondent acknowledges that he understands that by withdrawing said Notice of
7 Defense, he will thereby waive his right to require the Commissioner to prove the allegations in
8 the Accusation at a contested hearing held in accordance with the provisions of the APA and that
9 he will waive other rights afforded to him in connection with the hearing, such as the right to
10 present evidence in defense of the allegations in the Accusation and the right to cross-examine
11 witnesses.

12 4. Respondent, pursuant to the limitations set forth below, hereby admits that the
13 factual allegations of the Accusation filed in this proceeding are true and correct and the Real
14 Estate Commissioner shall not be required to provide further evidence of such allegations. The
15 factual allegations are as follows: On or about February 4, 2015, in the Superior Court of
16 California, County of Santa Barbara, case no. 1445738, Respondent was convicted of violating
17 California Vehicle Code section 20002(a) (hit and run with property damage), a misdemeanor..

18 5. It is understood by the parties that the Real Estate Commissioner may adopt
19 the Stipulation and Agreement as his Decision in this matter, thereby imposing the penalty and
20 sanctions on Respondent's real estate license and license rights as set forth in the below "Order."
21 In the event that the Commissioner in his discretion does not adopt the Stipulation and
22 Agreement, it shall be void and of no effect, and Respondent shall retain the right to a hearing
23 and proceeding on the Accusation under all the provisions of the APA and shall not be bound by
24 any admission or waiver made herein.

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

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4 DETERMINATION OF ISSUES

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

8 The conduct of Respondent, as set forth in the Accusation, is grounds for the
9 suspension or revocation of all of the real estate licenses and license rights of Respondent under
10 the provision of California Business and Professions Code sections 490 and 10177(b).

11
12 ORDER

13 WHEREFORE, THE FOLLOWING ORDER is hereby made:

14 All licenses and licensing rights of Respondent JERRY DAVID JACKINTELL,
15 under the Real Estate Law are revoked; provided, however, a restricted real estate broker license
16 shall be issued to Respondent pursuant to California Business and Professions Code section
17 10156.5 if Respondent makes application therefor and pays to the Bureau of Real Estate the
18 appropriate fee for the restricted license within 90 days from the effective date of this Decision.

19 The restricted license issued to Respondent shall be subject to all of the provisions of California
20 Business and Professions Code section 10156.7 and to the following limitations, conditions, and
21 restrictions imposed under authority of the California Business and Professions Code:

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

1 2. The restricted license issued to Respondent may be suspended prior to hearing
2 by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that
3 Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands
4 Law, Regulations of the Real Estate Commissioner, or conditions attaching to this restricted
5 license.

6 3. Respondent shall not be eligible to apply for the issuance of an unrestricted
7 real estate license nor for the removal of any of the conditions, limitations, or restrictions of a
8 restricted license until three (3) years have elapsed from the date of issuance of the restricted
9 license to Respondent.

10 4. Respondent shall, within six (6) months from the effective date of this
11 Decision, take and pass the Professional Responsibility Examination administered by the Bureau
12 of Real Estate including the payment of the appropriate examination fee. If Respondent fails to
13 satisfy this condition, the Commissioner shall order suspension of Respondent's license until
14 Respondent passes the examination. The Commissioner shall afford Respondent the opportunity
15 for a hearing pursuant to the Administrative Procedure Act to present such evidence.

16 5. Respondent shall notify the Commissioner in writing within 72 hours of any
17 arrest by sending a certified letter to the Commissioner at the Bureau of Real Estate, Flag
18 Section, Post Office Box 137013, Sacramento, CA 95813-7013. The letter shall set forth the
19 date of Respondent's arrest, the crime for which Respondent was arrested, and the name and
20 address of the arresting law enforcement agency. Respondent's failure to timely file written
21 notice shall constitute an independent violation of the terms of the restricted license and shall be
22 grounds for the suspension or revocation of that license.

23 6. Pursuant to California Business and Professions Code section 10106,
24 Respondent shall pay the Commissioner's reasonable cost for investigation and enforcement of
25 the matter. The investigation and enforcement cost which led to this disciplinary action is
26 \$1,402.50. Said payment shall be made prior to the effective date of the Decision in this matter.
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1 Said payment shall be in the form of a cashier's check or certified check made payable to the
2 Bureau of Real Estate.

3 The Commissioner shall suspend the licenses of Respondent pending a hearing
4 held in accordance with California Government Code section 11500, et seq., if payment is not
5 timely made as provided for herein, or as provided for in a subsequent agreement between the
6 Respondent and the Commissioner. The suspension shall remain in effect until payment is
7 made in full or until Respondent enters into an agreement satisfactory to the Commissioner to
8 provide for payment, or until a decision providing otherwise is adopted following a hearing held
9 pursuant to this condition.

10
11 DATED: 03/09/2016



DIANE LEE
Counsel for Complainant

13 * * *

14 I have read the Stipulation and Agreement, have discussed it with my counsel, and
15 its 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 California Government Code sections 11506, 11508, 11509, and 11513), 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
23 this Stipulation and Agreement by faxing a copy of the signature page, as actually signed by
24 Respondent, to the Bureau of Real Estate at fax number (213) 576-6917. Respondent agrees,
25 acknowledges, and understands that by electronically sending to the Bureau of Real Estate a fax
26 copy of his actual signature as it appears on the Stipulation and Agreement, that receipt of the
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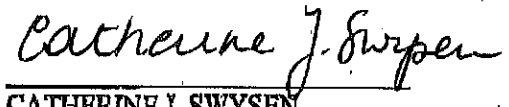
1 faxed copy by the Bureau of Real Estate shall be as binding on Respondent as if the Bureau of
2 Real Estate had received the original signed Stipulation and Agreement.

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4 DATED: 3/9/16


JERRY DAVID JACKINTELL
Respondent

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

9 DATED: 3/9/16


CATHERINE J. SWYSEN
Respondent's Counsel

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

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15 IT IS SO ORDERED _____, 2016.

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17 WAYNE S. HELL
REAL ESTATE COMMISSIONER
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1 faxed copy by the Bureau of Real Estate shall be as binding on Respondent as if the Bureau of
2 Real Estate had received the original signed Stipulation and Agreement.

3
4 DATED: _____

5 JERRY DAVID JACKINTELL
6 Respondent

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

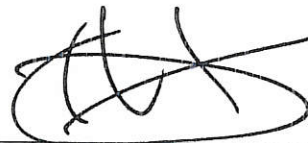
9 DATED: _____

10 CATHERINE J. SWYSEN
11 Respondent's Counsel

12 The foregoing Stipulation and Agreement is hereby adopted as my Decision in
13 this matter and shall become effective at 12 o'clock noon on MARCH 20 2016.

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15 IT IS SO ORDERED MARCH 22, 2016.

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17 WAYNE S. BELL
18 REAL ESTATE COMMISSIONER

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20 By: JEFFREY MASON
21 Chief Deputy Commissioner
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