

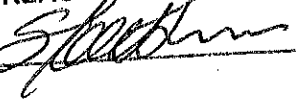
1 Bureau of Real Estate
2 320 West 4th Street, Suite 350
3 Los Angeles, CA 90013-1105

4 Telephone: (213) 576-6982

FILED

NOV 04 2016

BUREAU OF REAL ESTATE

By 

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

12 In the Matter of the Accusation of)

No. H-40147 LA

13 MARY JEANNE MUHLESTEIN,)

OAH No. 2016030678

15 Respondent.)

STIPULATION & AGREEMENT

17 It is hereby stipulated by and between Respondent MARY JEANNE
18 MUHLESTEIN ("Respondent") and the Complainant, acting by and through Cheryl Keily,
19 Counsel for the Bureau of Real Estate, as follows for the purpose of settling and disposing of
20 the Accusation filed on February 23, 2016, in this matter.

21 1. All issues which were to be contested and all evidence which was to be
22 presented by Complainant and Respondent at a formal hearing on the Accusation, which
23 hearing was to be held in accordance with the provisions of the Administrative Procedure Act
24 (APA), shall instead and in place thereof be submitted solely on the basis of the provisions of
25 this Stipulation and Agreement.
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2 2. Respondent has received, read and understands the Statement to Respondent,
3 the Discovery Provisions of the APA and the Accusation filed by the Bureau of Real Estate
4 ("Bureau") in this proceeding.

5 3. On March 7, 2016, Respondent filed a Notice of Defense, pursuant to Section
6 11506 of the Government Code for the purpose of requesting a hearing on the allegations in the
7 Accusation. Respondent hereby freely and voluntarily withdraws said Notice of Defense.
8 Respondent acknowledges that she understands that by withdrawing said Notice of Defense she
9 will thereby waive her right to require the Commissioner of Real Estate ("Commissioner") to
10 prove the allegations in the Accusation at a contested hearing held in accordance with the
11 provisions of the APA and that she will waive other rights afforded to her in connection with
12 the hearing, such as the right to present evidence in defense of the allegations in the Accusation
13 and the right to cross-examine witnesses.

14 4. This Stipulation is based on the factual allegations contained in the
15 Accusation. In the interest of expedience and economy, Respondent chooses not to contest
16 these allegations, but to remain silent and understand that, as a result thereof, these factual
17 allegations, without being admitted or denied, will serve as a prima facie basis for the
18 disciplinary action stipulated to herein. The Commissioner shall not be required to provide
19 further evidence to prove 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, the state or federal government, or any agency of this state, another state or
23 federal government is involved, and otherwise shall not be admissible in any other criminal or
24 civil proceedings.

25 6. It is understood by the parties that the Commissioner may adopt the
26 Stipulation and Agreement as his decision in this matter, thereby imposing the penalty and
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1 sanctions on Respondent's real estate licenses and license rights as set forth in the below
2 "Order." In the event that the Commissioner in his discretion does not adopt the Stipulation
3 and Agreement, it shall be void and of no effect, and Respondent shall retain the right to a
4 hearing and proceeding on the Accusation under all the provisions of the APA and shall not be
5 bound by any admission or waiver made herein.
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7 7. The Order or any subsequent Order of the Commissioner made pursuant to
8 this Stipulation and Agreement shall not constitute an estoppel, merger or bar to any
9 further administrative or civil proceedings by the Bureau with respect to any matters which
10 were not specifically alleged to be causes for accusation in this proceeding.

11 8. Respondent understands that by agreeing to this Stipulation, Respondent
12 agrees to be liable to pay, pursuant to Code Section 10106, the cost of the investigation and
13 enforcement of this matter. The amount of the investigation costs is \$1,470.20; the amount of
14 the enforcement costs is \$578.50. The total amount of the costs is \$2,048.70.

15 DETERMINATION OF ISSUES

16 1. The conduct, acts or omissions of Respondent MARY JEANNE
17 MUHLESTEIN, as set forth in the Accusation, is in violation of Code Section 10130 and
18 constitutes cause to suspend or revoke the real estate licenses and license rights of Respondent
19 MARY JEANNE MUHLESTEIN under the provisions of Code Section 10177(d).

20 ORDER

21 WHEREFORE, THE FOLLOWING ORDER is hereby made:

22 I. ALL licenses and licensing rights of Respondent MARY JEANNE
23 MUHLESTEIN under the Real Estate Law are suspended for a period of sixty (60) days from
24 the effective date of this Decision and Order; provided however, that the entire period of said
25 suspension shall be stayed for two (2) years upon the following terms and conditions:

26 A. Respondent shall obey all laws, rules and regulations governing the rights,
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1 duties and responsibilities of a real estate licensee in the State of California; and

2 B. That no final subsequent determination be made, after hearing or upon
3 stipulation, that cause for disciplinary action occurred within two (2) years of the effective date
4 of this Decision. Should such a determination be made, the Commissioner may, in his
5 discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed
6 suspension. Should no such determination be made, the stay imposed herein shall become
7 permanent.
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9 II. All licenses and licensing rights of Respondent are indefinitely suspended
10 unless or until the sum of \$2,048.70 is paid for the Commissioner's reasonable costs of the
11 investigation and enforcement which lead to the disciplinary action. Said payment shall be in
12 the form of a cashier's check made payable to the Bureau of Real Estate. The investigative and
13 enforcement costs must be delivered to the Bureau of Real Estate, Flag Section at P.O. Box
14 137013, Sacramento, California 95813-7013, prior to the effective date of this Decision and
15 Order.

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17 DATED: July 25, 2016

18 Cheryl D. Keily
Cheryl D. Keily, Counsel
BUREAU OF REAL ESTATE

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20 * * *

21 I have read the Stipulation and Agreement, and its terms are understood by me
22 and are agreeable and acceptable to me. I understand that I am waiving rights given to me by
23 the APA (including but not limited to Sections 11506, 11508, 11509 and 11513 of the
24 Government Code), and I willingly, intelligently and voluntarily waive those rights, including
25 the right of requiring the Commissioner to prove the allegations in the Accusation at a hearing
26 at which I would have the right to cross-examine witnesses against me and to present evidence
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1 in defense and mitigation of the charges.

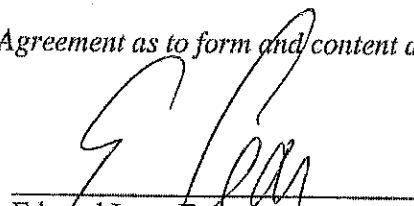
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3 Respondent can signify acceptance and approval of the terms and conditions of
4 this Stipulation and Agreement by sending a hard copy of the original signed Stipulation and
5 Agreement to Cheryl Keily at the Bureau of Real Estate, 320 W. 4th Street, Ste. 350, Los
6 Angeles, California 90013. In the event of time constraints before an administrative hearing,
7 Respondent may signify acceptance and approval of the terms and conditions of this Stipulation
8 and Agreement by e-mailing a scanned copy of the signature page, as actually signed by
9 Respondent, to Cheryl Keily whose e-mail address is cheryl.keily@dre.ca.gov. Respondent
10 agrees, acknowledges and understands that by electronically sending the Bureau a scan of
11 Respondent's actual signature as it appears on the Stipulation and Agreement that receipt of the
12 scan by the Bureau shall be binding on Respondent as if the Bureau had received the original
13 signed Stipulation and Agreement.

14 DATED: July 18, 2016


MARY JEANNE MUHLESTEIN
Respondent

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

20 DATED: 7/19/16


Edward Lear, Esq.
Attorney for Respondent
MARY JEANNE MUHLESTEIN

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The foregoing Stipulation and Agreement is hereby adopted as my Decision in
this matter and shall become effective at 12 o'clock noon on November 28, 2016.

IT IS SO ORDERED Oct. 21, 2016.

REAL ESTATE COMMISSIONER



WAYNE S. BELL