

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

FILED

SEP 21 2016

BUREAU OF REAL ESTATE

By 

8
9 BEFORE THE BUREAU OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation) No. H-40168 LA
13 JACQUELINE CONTRERAS,) STIPULATION & AGREEMENT
14)
15 Respondent.)
16 _____)

17 It is hereby stipulated by and between JACQUELINE CONTRERAS
18 (sometimes referred to as "Respondent") and her attorney, Frank Buda, Esq., and the
19 Complainant, acting by and through Cheryl Keily, Counsel for the Bureau of Real Estate, as
20 follows for the purpose of settling and disposing of the Accusation filed on March 15, 2016, in
21 this matter.

22
23 1. All issues which were to be contested and all evidence which was to be
24 presented by Complainant and Respondent at a formal hearing on the Accusation, which
25 hearing was to be held in accordance with the provisions of the Administrative Procedure Act
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1 (APA), shall instead and in place thereof be submitted solely on the basis of the provisions of
2 this Stipulation and Agreement.

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

6 3. On April 7, 2016, Respondent filed a Notice of Defense, pursuant to Section
7 11506 of the Government Code for the purpose of requesting a hearing on the allegations in the
8 Accusation. Respondent hereby freely and voluntarily withdraws said Notice of Defense.
9 Respondent acknowledges that she understands that by withdrawing said Notice of Defense she
10 will thereby waive her right to require the Commissioner to prove the allegations in the
11 Accusation at a contested hearing held in accordance with the provisions of the APA and that
12 she will waive other rights afforded to her in connection with the hearing, such as the right to
13 present evidence in defense of the allegations in the Accusation and the right to cross-examine
14 witnesses.
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16 4. It is understood by the parties that the Real Estate Commissioner may adopt
17 the Stipulation and Agreement as his decision in this matter, thereby imposing the penalty and
18 sanctions on Respondent’s real estate licenses and license rights as set forth in the below
19 “Order”. In the event that the Commissioner in his discretion does not adopt the Stipulation
20 and Agreement, it shall be void and of no effect, and Respondent shall retain the right to a
21 hearing and proceeding on the Accusation under all the provisions of the APA and shall not be
22 bound by any admission or waiver made herein.
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25 5. This Stipulation is based on the factual allegations contained in the
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1 Accusation. In the interest of expedience and economy, Respondent chooses not to contest
2 these allegations, but to remain silent and understand that, as a result thereof, these factual
3 allegations, without being admitted or denied, will serve as a prima facie basis for the
4 disciplinary action stipulated to herein. The Real Estate Commissioner shall not be required to
5 provide further evidence to prove said factual allegations.
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7 6. This Stipulation and Respondent's decision not to contest the Accusation are
8 made for the purpose of reaching an agreed disposition of this proceeding, and are expressly
9 limited to this proceeding and any other proceeding or case in which the Bureau of Real Estate,
10 or another licensing agency of this state, another state or the federal government is involved
11 and otherwise shall not be admissible in any other criminal or civil proceedings.
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13 7. The Order or any subsequent Order of the Real Estate Commissioner made
14 pursuant to this Stipulation and Agreement shall not constitute an estoppel, merger or bar to any
15 further administrative or civil proceedings by the Bureau of Real Estate with respect to any
16 matters which were not specifically alleged to be causes for accusation in this proceeding.
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18 8. Respondent understands that by agreeing to this Stipulation, Respondent
19 agrees to pay, pursuant to California Business and Professions Code ("Code") Section 10106,
20 the Commissioner's cost for the investigation and enforcement of this matter. The amount of
21 said cost is \$3,036.65.
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1 DETERMINATION OF ISSUES

2 By reason of the foregoing stipulations, admissions and waivers and solely for
3 the purpose of settlement of the pending Accusation without a hearing, it is stipulated and
4 agreed that the following determination of issues shall be made:
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6 The Conduct of Respondent is in violation of Code Section 10177(g), and is
7 grounds for the suspension or revocation of all of the real estate licenses and license rights of
8 Respondent.

9 ORDER

10 WHEREFORE, THE FOLLOWING ORDER is hereby made:

11 I. All licenses and licensing rights of Respondent under the Real Estate Law are
12 revoked; provided, however, a restricted real estate salesperson license shall be issued to
13 Respondent pursuant to Section 10156.5 of the Code if Respondent makes application therefor
14 and pays to the Bureau the appropriate fee for the restricted license within 90 days from the
15 effective date of this Decision and Order. The restricted license issued to Respondent shall be
16 subject to all of the provisions of Section 10156.7 of the Code and to the following limitations,
17 conditions and restrictions imposed under authority of Section 10156.6 of that Code:
18

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

4
5 3. Respondent shall not be eligible to apply for the issuance of an unrestricted
6 real estate license nor for removal of any of the conditions, limitations or restrictions of a
7 restricted license until two (2) years have elapsed from the effective date of this Decision and
8 Order.

9 4. Respondent shall submit with any application for license under an employing
10 broker, or any application for transfer to a new employing broker, a statement signed by the
11 prospective employing real estate broker on a form approved by the Bureau which shall certify:
12

13 (a) That the employing broker has read the Decision and Order of the
14 Commissioner which granted the right to a restricted license; and

15 (b) That the employing broker will exercise close supervision over the
16 performance by the restricted licensee relating to activities for which a
17 real estate license is required.
18

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

5 III. All licenses and license rights of Respondent are indefinitely suspended
6 unless or until Respondent provides proof satisfactory to the Commissioner of having paid the
7 amount of \$4,270.00 as restitution to the victim(s). Proof of satisfaction of this requirement
8 includes a certified copy of the satisfaction of judgment, a letter from an attorney or certified
9 public accountant stating under penalty of perjury to the fact that said judgment has been paid
10 by Respondent, a copy of a cancelled check to the victim(s), and/or a letter from the victim(s)
11 attesting that repayment has been received. Proof of payment must be delivered to the Bureau
12 of Real Estate, Flag Section at P.O. Box 137013, Sacramento, California 95813-7013 or by fax
13 at (916) 263-8758 prior to the effective date of this Decision and Order.
14

15 IV. All licenses and licensing rights of Respondent are indefinitely suspended
16 unless or until Respondent pays the sum of \$3,036.65 for the Commissioner's reasonable cost
17 of the investigation and enforcement which led to this disciplinary action. Said payment shall
18 be in the form of a cashier's check made payable to the Bureau of Real Estate. The
19 investigative and enforcement costs must be delivered to the Bureau of Real Estate, Flag
20 Section at P.O. Box 137013, Sacramento, CA 95813-7013, within 60 days of the effective date
21 of this Decision and Order.
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24 DATED: 8/5/16

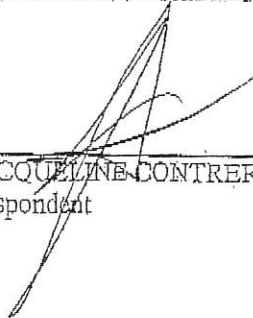
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26 CHERYL D. KEILY, Counsel
27 BUREAU OF REAL ESTATE

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

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

DATED: 8/4/2016



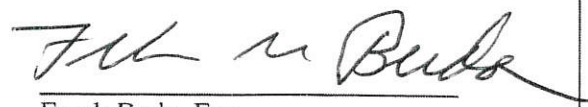
JACQUELINE CONTRERAS
Respondent

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

DATED: 8-4-16

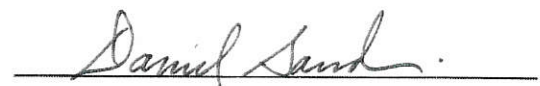


Frank Buda, Esq.
Attorney for Respondent
JACQUELINE CONTRERAS

The foregoing Stipulation and Agreement is hereby adopted as my Decision in this matter and shall become effective at 12 o'clock noon on OCT 11, 2016.

IT IS SO ORDERED 9/19/16, 2016.

WAYNE S. BELL
REAL ESTATE COMMISSIONER



By: DANIEL SANDRI
Assistant Commissioner