

FILED

JUL 27 2018

DEPARTMENT OF REAL ESTATE

By *Sybil Kanner*

Bureau of Real Estate
320 West Fourth Street, #350
Los Angeles, California 90013

(213) 576-6982

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of)	No. H-40738 LA
)	
TESSA MAE WILKERSON,)	<u>STIPULATION AND AGREEMENT</u>
)	
Respondent.)	
)	

It is hereby stipulated by and between TESSA MAE WILKERSON (hereinafter "Respondent") and her attorney, Frank Buda, Esq., and the Complainant, acting by and through Julie L. To, counsel for the Bureau of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on August 3, 2017 in Case No. H-40738 LA, 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.

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

4 3. On August 18, 2017, Respondent filed a Notice of Defense pursuant to
5 Section 11506 of the Government Code for the purpose of requesting a hearing on the
6 allegations in the Accusation. Respondent hereby withdraws said Notice of Defense.
7 Respondent acknowledges that she understands that by withdrawing said Notice of Defense she
8 will thereby waive her right to require the Commissioner to prove the allegations in the
9 Accusation at a contested hearing held in accordance with the provisions of the APA and that
10 she will waive other rights afforded to her in connection with the hearing such as the right to
11 present evidence in defense of the allegations in the Accusation and the right to cross-examine
12 witnesses.

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

19 5. Respondent understands that by agreeing to this Stipulation and Agreement,
20 Respondent agrees to pay, pursuant to Section 10106 of the California Business and Professions
21 Code (Code), the cost of the investigation and enforcement which resulted in the determination
22 that Respondent committed the violations found in the Determination of Issues. The amount of
23 said costs is \$1,423.65.

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ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

All licenses and licensing rights of Respondent TESSA MAE WILKERSON under the Real Estate Law are revoked; provided, however, a restricted real estate salesperson license shall be issued to Respondent pursuant to Section 10156.5 of the Business and Professions Code if Respondent makes application therefor and pays to the Bureau of Real Estate the appropriate fee for the restricted license within 90 days from the effective date of this Decision. The restricted license issued to Respondent shall be subject to all of the provisions of Section 10156.7 of the Business and Professions Code and to the following limitations, conditions and restrictions imposed under authority of that Code:

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

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

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1 4. Respondent shall submit with any application for license under an employing
2 broker, or any application for transfer to a new employing broker, a statement signed by the
3 prospective employing broker on a form approved by the Bureau of Real Estate which shall
4 certify:

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

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

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

20 6. Respondent shall, prior to the issuance of the restricted license and as a
21 condition of the issuance of said restricted license, pay the sum of \$1,423.65 for the
22 Commissioner's reasonable cost of the investigation and enforcement which led to this
23 disciplinary action. Said payment shall be in the form of a cashier's check made payable to the
24 Bureau of Real Estate. The investigative and enforcement costs must be delivered to the Bureau
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1 of Real Estate, Flag Section, P.O. Box 137013, Sacramento, CA 95813-7013, prior to the
2 effective date of this Order.

3 (a) If Respondent TESSA MAE WILKERSON fails to satisfy this
4 condition, the Commissioner shall order the suspension of the restricted license until the
5 Respondent presents evidence of payment. The Commissioner shall afford Respondent the
6 opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence
7 that payment was timely made. The suspension shall remain in effect until payment is made in
8 full or until a decision providing otherwise is adopted following a hearing held pursuant to this
9 condition.

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7. Respondent shall notify the Commissioner in writing within seventy-two (72)

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

DATED: 6-27-18



Julie L. To, Counsel for Complainant


* * *

I have read the Stipulation and Agreement, have discussed it with my counsel, 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 shall send a hard copy of the original signed Stipulation and Agreement to: Julie L. To, Bureau of Real Estate, 320 West Fourth Street, Suite 350, Los Angeles, CA 90013. In the event of time constraints before an administrative hearing, Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by emailing a scanned copy of the signature page, as actually signed by Respondent, to the Bureau counsel assigned to this case. Respondent agrees, acknowledges and understands that by electronically sending the Bureau a scan of Respondent's actual signature as

1 it appears on the Stipulation and Agreement, that receipt of the scan by the Bureau shall be
2 binding on Respondent as if the Bureau had received the original signed Stipulation and
3 Agreement.

4 DATED: 6-18-18




TESSA MAE WILKERSON, Respondent

6 * * *

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

9 DATED: 6-20-18



Frank M. Buda, Attorney for Respondent

11 * * *

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 _____.

14 IT IS SO ORDERED _____.

15 REAL ESTATE COMMISSIONER

18 _____
Wayne S. Bell

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1 it appears on the Stipulation and Agreement, that receipt of the scan by the Bureau shall be
2 binding on Respondent as if the Bureau had received the original signed Stipulation and
3 Agreement.

4 DATED: _____

5 TESSA MAE WILKERSON, Respondent

6 * * *

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

9 DATED: _____

10 Frank M. Buda, Attorney for Respondent

11 * * *

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 **AUG 15 2018**.

14 IT IS SO ORDERED July 18, 2018.

15 DANIEL J. SANDRI
16 ACTING REAL ESTATE COMMISSIONER

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18 _____