

1 Department of Real Estate
2 320 W. 4th Street, Suite 350
3 Los Angeles, CA 90013-1105

4 Telephone: (213) 576-6982

FILED

NOV 26 2018

DEPT. OF REAL ESTATE

By *Jacob G. Reinhardt*

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation Against) No. H-41054 LA
12)
13) CHANTAL BOROWSKI,
14) individually and doing business as
15) White Glove Property Management,
16) Respondent.)
17)

STIPULATION
AND
AGREEMENT

17 It is hereby stipulated by and between Respondent CHANTAL BOROWSKI
18 (“Respondent”), acting by and through her attorney, Jacob G. Reinhardt, of the LAW OFFICE
19 OF GOULD & HAHN, and the Complainant, acting by and through Amelia V. Vetrone, Counsel
20 for the Department of Real Estate, as follows for the purpose of settling and disposing of the
21 Accusation (“Accusation”) filed on May 23, 2018, in this matter:

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

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

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

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

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

17 5. This Stipulation is made for the purpose of reaching an agreed disposition of
18 this proceeding and is expressly limited to this proceeding and not any other proceeding or case
19 in which the Department of Real Estate ("Department"), or another licensing agency of this state,
20 another state, or the federal government is involved, and otherwise shall not be admissible in any
21 criminal or civil proceeding.

22 6. It is understood by the parties that the Real Estate Commissioner may adopt
23 this Stipulation as his Decision in this matter thereby imposing the penalty and sanctions on
24 Respondent's real estate license and license rights as set forth in the below "Order". In the event
25 that the Commissioner in his discretion does not adopt the Stipulation, the Stipulation shall be
26 void and of no effect and Respondent shall retain the right to a hearing and proceed on the
27 Accusation under the provisions of the APA and shall not be bound by any stipulation or waiver

1 made herein.

2 7. The Order or any subsequent Order of the Real Estate Commissioner made
3 pursuant to this Stipulation shall not constitute an estoppel, merger or bar to any further
4 administrative or civil proceedings by the Department of Real Estate with respect to any matters
5 which were not specifically alleged to be causes for accusation in this proceeding.

6 8. Respondent understands that by agreeing to this Stipulation, she agrees to pay,
7 pursuant to Business and Professions Code Section 10148, the cost of the audit which led to this
8 disciplinary action. The amount of said cost is \$9,521.24.

9 9. Respondent understands that by agreeing to this Stipulation, she agrees to pay,
10 pursuant to Business and Professions Code Section 10106, the cost of the investigation of this
11 matter. The amount of that cost is \$1,742.16.

12 DETERMINATION OF ISSUES

13 By reason of the foregoing, it is stipulated and agreed that the following
14 determination of issues shall be made:

15 The conduct, acts or omissions of CHANTAL BOROWSKI, as described in
16 Paragraph 4, above, are a basis for discipline of Respondent's license and license rights as a
17 violation of the Real Estate Law, Part 1 of Division 4 of the Business and Professions Code
18 ("Code"), pursuant to Code Sections 10176(e), 10177(d), 10177(g), and/or 10177(h).

19 ORDER

20 WHEREFORE, THE FOLLOWING ORDER is hereby made:

21 All licenses and licensed rights of Respondent CHANTAL BOROWSKI under
22 the Real Estate Law are revoked; provided, however, a restricted real estate salesperson license
23 shall be issued to Respondent pursuant to Code Section 10156.5 if Respondent makes
24 application therefor and pays to the Department of Real Estate the appropriate fee for the
25 restricted license within 90 days from the effective date of this Decision. The restricted license
26 issued to Respondent shall be subject to all of the provisions of Code Section 10156.7 and to the
27

1 following limitations, conditions and restrictions imposed under authority of Code Section
2 10156.6:

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

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

12 3. Respondent shall not be eligible to petition for the issuance of any unrestricted
13 real estate licenses nor for removal of any of the conditions, limitations or restrictions of a
14 restricted license until two (2) years have elapsed from the effective date of this Decision and
15 Order. Respondent shall not be eligible to apply for any unrestricted licenses until all restrictions
16 attaching to the license have been removed.

17 4. Respondent shall submit with any application for license under an employing
18 broker, or any application for transfer to a new employing broker, a statement signed by the
19 prospective employing real estate broker on a form approved by the Department of Real Estate
20 which shall certify:

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

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

26 5. Respondent shall within six (6) months from the effective date of the Decision
27 and Order herein, take and pass the Professional Responsibility Examination administered by the

1 Department including the payment of the appropriate examination fee. If Respondent fails to
2 satisfy this condition, her real estate license shall be automatically suspended until she passes the
3 examination.


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

16 7. Prior to the effective date of this Decision, and pursuant to Section 10106 of
17 the Business and Professions Code, Respondent shall pay the Commissioner's reasonable cost
18 for the investigation which led to this disciplinary action in the amount of \$1,742.16. Said
19 payment shall be in the form of a cashier's check made payable to the Department of Real Estate.
20 **Said check must be delivered to the Department of Real Estate, Flag Section, P.O. Box**
21 **137013, Sacramento, CA 95813-7013, prior to the effective date of this Decision and Order.**
22 If Respondent fails to satisfy this condition in a timely manner as provided for herein,
23 Respondent's real estate license shall automatically be suspended until payment is made in full,
24 or until a decision providing otherwise is adopted following a hearing held pursuant to this
25 condition.

26 8. Pursuant to Section 10148 of the Business and Professions Code, Respondent
27 shall pay the Commissioner's reasonable cost for the audit which led to this disciplinary action

1 in the amount of \$9,521.24. Respondent shall pay such cost within sixty (60) days of receiving
2 an invoice therefor from the Commissioner. Payment of the audit costs should not be made until
3 Respondent receives the invoice. If Respondent fails to satisfy this condition in a timely manner
4 as provided for herein, Respondent's real estate license shall automatically be suspended until
5 payment is made in full, or until a decision providing otherwise is adopted following a hearing
6 held pursuant to this condition.

7
8
9 DATED: 11-6-18


10 Amelia V. Vetrone, Counsel for the
11 Department of Real Estate

12 * * *

13 EXECUTION OF THE STIPULATION

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

21 MAILING

22 Respondent shall mail the original signed signature page of the stipulation herein
23 to Amelia V. Vetrone: Attention: Legal Section, Department of Real Estate, 320 W. Fourth St.,
24 Suite 350, Los Angeles, California 90013-1105.

25 Respondent's signature below constitutes acceptance and approval of the terms
26 and conditions of this Stipulation. Respondent agrees, acknowledges and understands that by
27 signing this Stipulation Respondent is bound by its terms as of the date of such signature and that

1 this agreement is not subject to rescission or amendment at a later date except by a separate
2 Decision and Order of the Real Estate Commissioner.
3

4 DATED: 11/2/18
5

Chantal Borowski
6 CHANTAL BOROWSKI
7 Respondent

8 DATED: _____
9

10 Jacob G. Reinhardt
11 Counsel for Respondent
12 Approved as to Form

13 * * *

14 The foregoing Stipulation and Agreement is hereby adopted as my Decision as to
15 Respondent CHANTAL BOROWSKI and shall become effective at 12 o'clock noon on
16 _____

17 IT IS SO ORDERED _____
18

19 DANIEL J. SANDRI
20 Acting Real Estate Commissioner
21 _____
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