

1 Department of Real Estate
2 320 West 4th Street, Ste. 350
3 Los Angeles, California 90013-1105
4 Telephone: (213) 576-6982

FILED

APR 15 2021

DEPT. OF REAL ESTATE

By *[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of)

No. H-41226 LA

BEATRIX ELIZABETH WHIPPLE, and)

STIPULATION

JENNIFER DYKEMA)

AND
AGREEMENT

Respondents.)

18 It is hereby stipulated by and between Respondent BEATRIX ELIZABETH
19 WHIPPLE ("WHIPPLE"), represented by Scott J. Harris, Esq./SJ Harris Law and the
20 Complainant, acting by and through Julie L. To, Counsel for the Department of Real Estate
21 ("Department" or "DRE"), as follows for the purpose of settling and disposing of the Accusation
22 of BEATRIX ELIZABETH WHIPPLE and JENNIFER DYKEMA ("Accusation") filed on
23 November 29, 2018, in Case No. H-41226 LA, in this matter.

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

6 2. Respondent has received, read and understands the Statement to Respondent,
7 the Discovery Provisions of the APA and the Accusation filed by the Department of Real Estate
8 ("Department") in this proceeding.

9 3. On December 19, 2018, Respondent timely filed her Notice of Defense
10 pursuant to Section 11506 of the Government Code for the purpose of requesting a hearing on
11 the allegations in the Accusation. Respondent hereby freely and voluntarily withdraws said
12 Notice of Defense. Respondent acknowledges that she understands that by withdrawing said
13 Notice of Defense she thereby waives her right to require the Commissioner to prove the
14 allegations in the Accusation at a contested hearing held in accordance with the provisions of the
15 APA and that she will waive other rights afforded to her in connection with the hearing such as
16 the right to present evidence in his defense and the right to cross-examine witnesses.

17 4. Respondent, pursuant to the limitations set forth below, hereby admits that the
18 factual allegations of the Accusation filed in this proceeding are true and correct and the Real
19 Estate Commissioner shall not be required to provide further evidence of such 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 Department of Real Estate ("Department") or another licensing agency of this state,
23 another state, or if the federal government is involved, and otherwise shall not be admissible in
24 any other criminal or civil proceeding.

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1 of Respondent WHIPPLE as violations of the Real Estate Law.

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3 ORDER

4 WHEREFORE, THE FOLLOWING ORDER is hereby made:

5 All licenses and licensing rights of Respondent BEATRIX ELIZABETH
6 WHIPPLE under the Real Estate Law are revoked; provided, however, a restricted real estate
7 salesperson license shall be issued to Respondent pursuant to Section 10156.5 of the Business
8 and Professions Code if Respondent makes application therefor and pays to the Department of
9 Real Estate the appropriate fee for the restricted license within ninety (90) days from the
10 effective date of this Decision. The restricted license issued to Respondent shall be subject to
11 all of the provisions of Section 10156.7 of the Business and Professions Code and to the
12 following limitations, conditions and restrictions imposed under authority of that Code:

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

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

22 3. Respondent shall not be eligible to apply for the issuance of an unrestricted
23 real estate license nor for the removal of any of the conditions, limitations or restrictions
24 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 Department 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
9 license 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 Department of Real Estate, Flag Section at P.O. Box 137013,
19 Sacramento, CA 95813-7013.

20 6. Respondent shall, within twelve (12) months from the effective date of this
21 Decision, take and pass the Professional Responsibility Examination administered by the
22 Bureau including the payment of the appropriate examination fee. If Respondent fails to satisfy
23 this condition, the Commissioner may order suspension of Respondent's license until
24 Respondent passes the examination.

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1 7. Respondent shall, prior to the issuance of the restricted real estate salesperson
2 license, and as a condition of the issuance of said restricted license, pay the amount of \$7,138.87
3 to the Department of Real Estate Consumer Recovery Account. Said payment shall be in the
4 form of a cashier's check or certified check made payable to the Department of Real Estate and
5 must be delivered to: Department of Real Estate, Consumer Recovery Account, P.O. Box
6 137007, Sacramento, CA 95813.

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8 DATED: 12-30-20



Julie L. To, Counsel for Complainant

10 EXECUTION OF THE STIPULATION

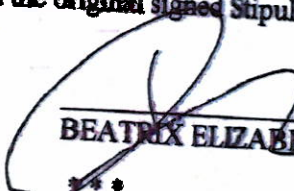
11 I have read the Stipulation and Agreement, have discussed it with my counsel,
12 and its terms are understood by me and are agreeable and acceptable to me. I understand that I
13 am waiving rights given to me by the California Administrative Procedure Act (including, but
14 not limited to Sections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

19 MAILING AND E-MAIL

20 Respondent shall send a hard copy of the original signed Stipulation and
21 Agreement to: Julie L. To, Department of Real Estate, 320 West Fourth Street, Suite 350, Los
22 Angeles, CA 90013. In the event of time constraints before an administrative hearing,
23 Respondent can signify acceptance and approval of the terms and conditions of this Stipulation
24 and Agreement by emailing a scanned copy of the signature page, as actually signed by
25 Respondent, to the Department of Real Estate counsel assigned to this case. Respondent agrees,
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1 acknowledges and understands that by electronically sending the Department of Real Estate a
2 scan of Respondent's actual signature as it appears on the Stipulation and Agreement, that
3 receipt of the scan by the Department of Real Estate shall be binding on Respondent as if the
4 Department of Real Estate had received the original signed Stipulation and Agreement.

5 DATED: 12/28/2020


BEATRIX ELIZABETH WHIPPLE, Respondent

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

10 DATED: 12/29/2020


Scott J. Harris, Esq.
Attorney for Respondent BEATRIX ELIZABETH
WHIPPLE

15 The foregoing Stipulation and Agreement is hereby adopted as my Decision in
16 this matter and shall become effective at 12 o'clock noon on MAY 17 2021.

17 IT IS SO ORDERED 3.9.21

20 REAL ESTATE COMMISSIONER


DOUGLAS R. McCAULEY