

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

**FILED**

SEP 12 2019

DEPT. OF REAL ESTATE

By *Zric ja*

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of  
12 JOANN CAROLINE WALL,  
13 individually and doing business as  
14 Mid Coast Property Management,  
15 Respondent.

) No. H-41236 LA  
) OAH No. 2019020642

) STIPULATION AND AGREEMENT  
) IN SETTLEMENT AND ORDER

16 It is hereby stipulated by and between Respondent JOANN CAROLINE WALL,  
17 (sometimes referred to as "Respondent"), acting by and through her attorney Steven L. Simas,  
18 Esq., of Simas & Associates, Ltd., and the Complainant, acting by and through Judith B. Vasan,  
19 Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing  
20 of the Accusation ("Accusation") filed on December 10, 2018, 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 hearing  
23 was to be held in accordance with the provisions of the Administrative Procedure Act ("APA"),  
24 shall instead and in place thereof be submitted solely on the basis of the provisions of this  
25 Stipulation and Agreement ("Stipulation").

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

STIPULATION AND AGREEMENT

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

3 3. On December 24, 2018, Respondent filed a Notice of Defense pursuant to  
4 Section 11506 of the Government Code for the purpose of requesting a hearing on the allegations  
5 in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice of Defense.  
6 Respondent acknowledges that she understands that by withdrawing said Notice of Defense  
7 Respondent thereby waives her right to require the Commissioner to prove the allegations in the  
8 Accusation at a contested hearing held in accordance with the provisions of the APA and that  
9 Respondent will waive other rights afforded to her in connection with the hearing such as the  
10 right to present evidence in her defense, and the right to cross-examine witnesses.

11 4. Respondent, pursuant to the limitations set forth below, hereby admits that the  
12 factual allegations in the Accusation filed in this proceeding are true and correct and the Real  
13 Estate Commissioner shall not be required to provide further evidence of such allegations.

14 5. It is understood by the parties that the Real Estate Commissioner may adopt  
15 this Stipulation as his Decision in this matter, thereby imposing the penalty and sanctions on  
16 Respondent’s real estate license and license rights as set forth in the below “Order”. In the event  
17 that the Commissioner in his discretion does not adopt the Stipulation, the Stipulation shall be  
18 void and of no effect and Respondent shall retain the right to a hearing and proceed on the  
19 Accusation under the provisions of the APA and shall not be bound by any stipulation or waiver  
20 made herein.

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

25 DETERMINATION OF ISSUES

26 By reason of the foregoing stipulations, admissions and waivers and solely for the  
27 purpose of settlement of the pending Accusation without a hearing, it is stipulated and agreed

STIPULATION AND AGREEMENT

1 that the following determination of issues shall be made:

2 The conduct, acts or omissions of Respondent JOANN CAROLINE WALL, as  
3 set forth in the Accusation, are in violation of Sections 10145 and 10159.5 of the Real Estate  
4 Law, Part 1 of Division 4, of the California Business and Professions Code ("Code"), and  
5 Sections 2731, 2831.2, 2832, 2834, and 2835 of Title 10, Chapter 6, of the California Code of  
6 Regulations, and are a basis for discipline of Respondent's licenses and license rights pursuant to  
7 the Code sections 10176(e), 10176(g), 10177(d), and/or 10177(g).

8 ORDER


9 WHEREFORE, THE FOLLOWING ORDER is hereby made:

- 10 1. Respondent JOANN CAROLINE WALL is publicly reprovved.  
11 2. Pursuant to Code section 10148, Respondent shall pay the sum of \$1,750.07

12 for the Commissioner's costs of the audit which led to this disciplinary action. Respondent shall  
13 pay such costs within sixty (60) days of receiving an invoice therefore from the Commissioner.  
14 Payment of audit costs should not be made until Respondent receives the invoice. If Respondent  
15 fails to satisfy this condition in a timely manner as provided for herein, Respondent's real estate  
16 license shall automatically be suspended until payment is made in full, or until a decision  
17 providing otherwise is adopted following a hearing held pursuant to this condition.

18 3. All licenses and licensing rights of Respondent are indefinitely suspended  
19 unless or until Respondent pays the sum of \$3,235.00 for the Commissioner's reasonable costs  
20 of the investigation and enforcement, which led to this disciplinary action. Said payment shall  
21 be in the form of a cashier's check made payable to the Department of Real Estate. The  
22 investigative and enforcement costs must be delivered to the Department of Real Estate, Flag  
23 Section, at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this  
24 Decision and Order.

25  
26 DATED: 7-30-2019

27   
Judith B. Vasan, Counsel for  
Department of Real Estate

1 \* \* \*

2 EXECUTION OF THE STIPULATION

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

11 Respondent shall mail the original signed signature page of the stipulation herein  
12 to Judith B. Vasan, Attention: Legal Section, Department of Real Estate, 320 W. Fourth St.,  
13 Suite 350, Los Angeles, California 90013-1105.

14 In the event of time constraints before an administrative hearing, Respondent can  
15 signify acceptance and approval of the terms and conditions of this Stipulation and Agreement  
16 by emailing a scanned copy of the signature page, as actually signed by Respondent, to the  
17 Department counsel assigned to this case. Respondent agrees, acknowledges, and understands  
18 that by electronically sending the Department a scan of Respondent's actual signature as it  
19 appears on the Stipulation and Agreement that receipt of the scan by the Department shall be  
20 binding on Respondent as if the Department had received the original signed Stipulation and  
21 Agreement.

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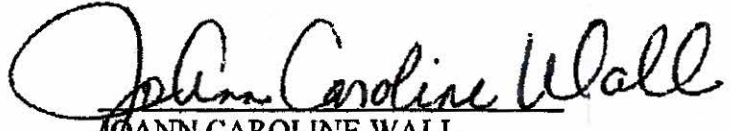
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1 Respondent's signature below constitutes acceptance and approval of the terms  
2 and conditions of this Stipulation. Respondent agrees, acknowledges and understands that by  
3 signing this Stipulation, Respondent is bound by its terms as of the date of such signatures and  
4 that this agreement is not subject to rescission or amendment at a later date except by a separate  
5 Decision and Order of the Real Estate Commissioner.

6  
7 DATED: 7/30/19



8 JOANN CAROLINE WALL  
Respondent

9  
10 DATED: 7/30/19

 For:

11 Steven L. Simas, Esq.  
12 Counsel for Respondent  
13 Approved as to Form

14 \* \* \*

15 The foregoing Stipulation and Agreement is hereby adopted as my Decision as to  
16 Respondent JOANN CAROLINE WALL and shall become effective at 12 o'clock noon on  
17 OCT 02 2019

18 IT IS SO ORDERED September 6, 2019

19 DANIEL J. SANDRI  
20 ACTING REAL ESTATE COMMISSIONER

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