

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 17 2020

DEPT. OF REAL ESTATE

By *[Signature]*

7  
8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of ) No. H-41526 LA  
12 )  
13 KIMBERLEY JANE ROBINSON and ) STIPULATION  
14 ) AND  
15 CATHERINE ELIZABETH PHELAN ) AGREEMENT  
16 )  
17 Respondents. )

18 It is hereby stipulated by and between Respondents KIMBERLEY JANE  
19 ROBINSON ("ROBINSON") and CATHERINE ELIZABETH PHELAN ("PHELAN"), both  
20 represented by Timothy S. Camarena, Esq. of RELAW, APC and the Complainant, acting by and  
21 through Julie L. To, Counsel for the Department of Real Estate ("Department" or "DRE"), as  
22 follows for the purpose of settling and disposing of the First Amended Accusation<sup>1</sup> filed on  
23 February 26, 2020 in Case No. H-41526 LA, in this matter.

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25  
26 <sup>1</sup> The original Accusation was filed on October 22, 2019.

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

6                   2. Respondents PHELAN AND ROBINSON have received, read and understand  
7 the Statement to Respondent, the Discovery Provisions of the APA and the Accusation filed by  
8 the Department in this proceeding.

9                   3. On November 5, 2019, Respondents PHELAN and ROBINSON timely filed  
10 Notices of Defense pursuant to Section 11506 of the Government Code for the purpose of  
11 requesting a hearing on the allegations in the Accusation. Respondents PHELAN and  
12 ROBINSON hereby freely and voluntarily withdraw said Notices of Defense. Respondents  
13 PHELAN and ROBINSON acknowledge that they understand that by withdrawing said Notices  
14 of Defense they thereby waive their right to require the Commissioner to prove the allegations in  
15 the Accusation at a contested hearing held in accordance with the provisions of the APA and that  
16 they will waive other rights afforded to them in connection with the hearing such as the right to  
17 present evidence in their defense and the right to cross-examine witnesses.

18                   4. This Stipulation is based on the factual allegations contained in the Accusation.  
19 In the interest of expedience and economy, Respondents PHELAN and ROBINSON choose not  
20 to contest these allegations, but to remain silent, and understand that, as a result thereof, these  
21 factual allegations, without being admitted or denied, will serve as a prima facie basis for the  
22 disciplinary action stipulated to herein. The Real Estate Commissioner shall not be required to  
23 provide further evidence to prove said factual allegations.

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1           5. This Stipulation is made for the purpose of reaching an agreed disposition of  
2 this proceeding and is expressly limited to this proceeding and any other proceeding or case in  
3 which the Department or another licensing agency of this state, another state, or if the federal  
4 government is involved, and otherwise shall not be admissible in any other criminal or civil  
5 proceeding.

6           6. It is understood by the parties that the Real Estate Commissioner may adopt  
7 this Stipulation as the Commissioner's Decision in this matter, thereby imposing the penalty and  
8 sanctions on Respondents' real estate licenses and license rights as set forth in below "Order." In  
9 the event that the Commissioner in his discretion does not adopt the Stipulation and Agreement,  
10 the Stipulation shall be void and of no effect and Respondents shall retain the right to a hearing  
11 and proceeding on the Accusation under the provisions of the APA and shall not be bound by any  
12 admission or waiver made herein.

13           7. The Order or any subsequent Order of the Real Estate Commissioner made  
14 pursuant to this Stipulation shall not constitute an estoppel, merger or bar to any further  
15 administrative or civil proceedings by the Department of Real Estate with respect to any matters  
16 which were not specifically alleged to be causes for Accusation in this proceeding but do  
17 constitute a bar, estoppel and merger as to any allegations actually contained in the Accusations  
18 against Respondents PHELAN and ROBINSON herein.

19           8. Respondents PHELAN and ROBINSON understand that by agreeing to this  
20 Stipulation, they agree to pay, pursuant to Code Section 10106, the Commissioner's cost of the  
21 investigation and enforcement which resulted in the determination that Respondents committed  
22 the violations found in the Determination of Issues. The amount of said investigation and  
23 enforcement costs is \$2,252.30; therefore, Respondents PHELAN and ROBINSON agree to pay,  
24 pursuant to Code Section 10106, the amount \$2,252.30.



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

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

10                  4. Respondent PHELAN shall, within six (6) months from the effective date of  
11 this Decision and Order, take and pass the Professional Responsibility Examination  
12 administered by the Department, including the payment of the appropriate examination fee. If  
13 Respondent PHELAN fails to satisfy this condition, Respondent PHELAN's real estate license  
14 shall automatically be suspended until Respondent PHELAN passes the examination.

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

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1 III.

2 1. All licenses and licensing rights of Respondents PHELAN and ROBINSON are  
3 indefinitely suspended unless or until Respondents PHELAN and ROBINSON jointly and  
4 severally pay the sum of \$2,252.30 for the Commissioner's reasonable cost of the investigation  
5 and enforcement which led to this disciplinary action. Said payment shall be in the form of a  
6 cashier's check or certified check made payable to the Department of Real Estate. The  
7 investigation and enforcement costs must be delivered to the Department of Real Estate, Flag  
8 Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this  
9 Decision and Order.

10 DATED: 3-16-2020



11 Julie L. To, Counsel for  
12 Department of Real Estate

13 \* \* \*

14 EXECUTION OF THE STIPULATION

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

22 MAILING AND FACSIMILE

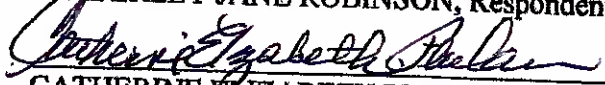
23 Respondents can signify acceptance and approval of the terms and conditions of  
24 this Stipulation and Agreement by sending a hard copy of the original signed signature page of  
25 the Stipulation herein to Julie L. To, Legal Section, Department of Real Estate, 320 W. Fourth  
26 St., Suite 350, Los Angeles, California 90013-1105. In the event of time constraints before an  
27

1 administrative hearing, Respondents can signify acceptance and approval of the terms and  
2 conditions of this Stipulation and Agreement by e-mailing a scanned copy of the signature page,  
3 as actually signed by Respondents, to the Department counsel assigned to this case. Respondents  
4 agree, acknowledge, and understand that by electronically sending to the Department a scan of  
5 Respondents' actual signatures as they appear on the Stipulation and Agreement, that receipt of  
6 the scan by the Department shall be binding on Respondents as if the Department had received  
7 the original signed Stipulation and Agreement.

8 DATED: 3/10/20

  
KIMBERLEY JANE ROBINSON, Respondent

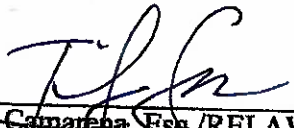
10 DATED: 3/10/20

  
CATHERINE ELIZABETH PHELAN, Respondent

12 \* \* \*

13 *I have reviewed the Stipulation and Agreement as to form and content and have*  
14 *advised my clients accordingly.*

15 DATED: 03-16-2020

  
Timothy Camarero, Esq./RELAW APC  
Attorney for Respondents  
\*\*\*  
*Jennifer Felten, Esq.*

18 The foregoing Stipulation and Agreement is hereby adopted as my Decision as to  
19 Respondents KIMBERLEY JANE ROBINSON and CATHERINE ELIZABETH PHELAN, and  
20 shall become effective at 12 o'clock noon on \_\_\_\_\_, 2020.

21 IT IS SO ORDERED \_\_\_\_\_, 2020.

22  
23 SANDRA KNAU  
24 ACTING REAL ESTATE COMMISSIONER  
25  
26 \_\_\_\_\_  
27

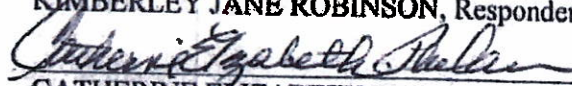


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7 the original signed Stipulation and Agreement.

8 DATED: 3/10/20

  
KIMBERLEY JANE ROBINSON, Respondent

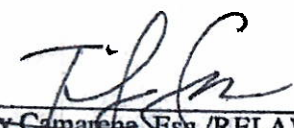
10 DATED: 3/10/20

  
CATHERINE ELIZABETH PHELAN, Respondent

12 \* \* \*

13 *I have reviewed the Stipulation and Agreement as to form and content and have*  
14 *advised my clients accordingly.*

15 DATED: 03-16-2020

  
Timothy Camarcho, Esq./RELAW APC  
Attorney for Respondents  
*Jennifer Felten, Esq.*

18 The foregoing Stipulation and Agreement is hereby adopted as my Decision as to  
19 Respondents KIMBERLEY JANE ROBINSON and CATHERINE ELIZABETH PHELAN, and  
20 shall become effective at 12 o'clock noon on MAY 18 2020, 2020.

21 IT IS SO ORDERED 3/30/20, 2020.

23 SANDRA KNAU  
24 ACTING REAL ESTATE COMMISSIONER  
