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FILED

AUG 04 2021

DEPT. OF REAL ESTATE
By 

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of)	No. H-41575 LA
JACQUELINE MARLENE)	
VALENZUELA,)	<u>STIPULATION AND AGREEMENT</u>
)	
Respondent.)	
)	

It is hereby stipulated by and between Respondent JACQUELINE MARLENE VALENZUELA ("Respondent"), individually, David Givot, and the Complainant, acting by and through Steve Chu, Counsel for the Department of Real Estate ("Department"), as follows for the purpose of settling and disposing of the Accusation filed on January 13, 2020, 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 ("Stipulation").

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

4 3. On January 27, 2020, 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 freely and voluntarily withdraws said Notice
7 of Defense. Respondent acknowledges that Respondent understands that by withdrawing said
8 Notice of Defense, Respondent will thereby waive Respondent's right to require the Real Estate
9 Commissioner ("Commissioner") to prove the allegations in the Accusation at a contested
10 hearing held in accordance with the provisions of the APA and that Respondent will waive
11 other rights afforded to Respondent in connection with the hearing such as the right to present
12 evidence in defense of the allegations in the Accusation and the right to cross-examine
13 witnesses.

14 4. Respondent, pursuant to the limitations set forth below, hereby admits
15 that the factual allegations in the Accusation filed in this proceeding are true and correct and the
16 Commissioner shall not be required to provide further evidence to prove such allegations.

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

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

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2 DETERMINATION OF ISSUES

3 By reason of the foregoing stipulations, admissions, and waivers, and solely for
4 the purpose of settlement of the pending Accusation without a hearing, it is stipulated and
5 agreed that the following Determination of Issues shall be made:

6 The conduct, acts, or omissions of Respondent JACQUELINE MARLENE
7 VALENZUELA, as described in the Accusation, constitute cause for the suspension or
8 revocation of all real estate licenses and license rights of Respondent JACQUELINE
9 MARLENE VALENZUELA under California Business and Professions Code ("Code")
10 sections 490 and 10177(b)(1).

11 ORDER

12 All licenses and licensing rights of Respondent JACQUELINE MARLENE
13 VALENZUELA under the Real Estate Law are revoked; provided, however, a restricted real
14 estate broker license shall be issued to Respondent pursuant to Section 10156.5 of the Code if
15 Respondent makes application therefor and pays to the Department the appropriate fee for the
16 restricted license within ninety (90) days from the effective date of this Decision. The restricted
17 license issued to Respondent shall be subject to all of the provisions of Section 10156.7 of the
18 Code and to the following limitations, conditions, and restrictions imposed under Section
19 10156.6 of the Code:

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

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

1 3. Respondent shall not be eligible to apply for the issuance of an
2 unrestricted real estate license, including designated officer or mortgage loan originator
3 endorsement, nor for the removal of any of the conditions, limitations or restrictions of a
4 restricted license until two (2) years have elapsed from the effective date of this Decision and
5 Order. Respondent withdraws all pending license applications.

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

16 5. Respondent shall notify the Commissioner in writing within 72 hours of
17 any arrest by sending a certified letter to the Commissioner at the Department of Real Estate,
18 Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013. The letter shall set forth the
19 date of Respondent's arrest, the crime for which Respondent was arrested and the name and
20 address of the arresting law enforcement agency. Respondent's failure to timely file written
21 notice shall constitute an independent violation of the terms of the restricted license and shall
22 be grounds for the suspension or revocation of that license.

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6. All licenses and licensing rights of Respondent are indefinitely suspended unless or until Respondent pays the sum of \$2,341.85 for the Commissioner's reasonable cost of the investigation and enforcement which led to this disciplinary action. Said payment shall be in the form of a cashier's check made payable to the Department of Real Estate. The investigative and enforcement costs must be delivered to the Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this Decision and Order.

DATED: 7-15-2021



Steve Chu, Counsel
Department of Real Estate

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The foregoing Stipulation and Agreement is hereby adopted by me as my
Decision in this matter as to Respondent JACQUELINE MARLENE VALENZUELA, and
shall become effective at 12 o'clock noon on 9/3/2021.

IT IS SO ORDERED 7.15.21

DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER

Jacqueline Marlene Valenzuela