

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

FILED

JUL 17 2023

DEPT. OF REAL ESTATE

By *John Agui*

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

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11 In the Matter of the Application of) No. H-42567 LA
12) OAH No. 2023050804
13 JANAI DESTINY SHULER,)
14) Respondent.) **STIPULATION AND WAIVER**

15 Respondent JANAI DESTINY SHULER, a.k.a. "JaNai Shuler" and "Janai
16 Shuler" ("Respondent"), does hereby affirm that Respondent has applied to the Department of
17 Real Estate ("Department") for a real estate salesperson license, and that to the best of
18 Respondent's knowledge, Respondent has satisfied all of the statutory requirements for the
19 issuance of the license, including, but not limited to, the payment of the fee therefor.

20 Respondent acknowledges that Respondent has received and read the Statement
21 of Issues and Statement to Respondent filed by the Department on or about April 12, 2023, in
22 connection with Respondent's application for a real estate salesperson license. Respondent
23 understands that the Commissioner may hold a hearing and grant Respondent a restricted real
24 estate salesperson license based upon this Stipulation and Waiver. Respondent also understands
25 that by filing the Statement of Issues in this matter the Commissioner is shifting the burden to
26 Respondent to make a satisfactory showing that Respondent meets all the requirements for
27 issuance of a real estate salesperson license. Respondent further understands that by entering

1 into this Stipulation and Waiver, Respondent will be stipulating that the Commissioner has
2 found that Respondent has failed to make such a showing, thereby justifying the denial of the
3 issuance to me of an unrestricted real estate salesperson license.

4 Respondent hereby admits that the allegations in the Statement of Issues filed
5 against Respondent are true and correct and request that the Commissioner in his discretion
6 issue a restricted real estate salesperson license to Respondent under the authority of California
7 Business and Professions Code section 10156.5.

8 Respondent is aware that by signing this Stipulation and Waiver, and if this
9 Stipulation and Waiver is accepted by the Commissioner, Respondent is waiving Respondent's
10 right to a hearing and the opportunity to present evidence at the hearing to establish
11 Respondent's rehabilitation in order to obtain an unrestricted real estate salesperson license.
12 Respondent is not waiving my right to a hearing and to further proceedings to obtain a restricted
13 or unrestricted license if this Stipulation and Waiver is not accepted by the Commissioner.

14 Respondent agrees that by signing this Stipulation and Waiver, the conditions,
15 limitations, and restrictions imposed on Respondent's restricted license, identified below, may
16 be removed only by filing a Petition for Removal of Restrictions ("Petition") with the
17 Commissioner, and that Respondent's Petition must follow the procedures set forth in
18 California Government Code section 11522.

19 Respondent further understands that the restricted license issued to Respondent
20 shall be subject to all the provisions of California Business and Professions Code section
21 10156.7 and to the following conditions, limitations, and restrictions imposed under authority of
22 California Business and Professions Code section 10156.6:


- 23 1. The restricted license shall not confer any property right in the privileges to be
24 exercised including the right of renewal, and the Real Estate Commissioner may
25 by appropriate order suspend the right to exercise any privileges granted under
26 the restricted license in the event of:

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- 1 a. Respondent's conviction (including a plea of nolo contendere) of a crime
2 that bears a substantial relationship to Respondent's fitness or capacity as
3 a real estate licensee; or
4 b. The receipt of evidence that Respondent has violated provisions of the
5 California Real Estate Law, the Subdivided Lands Law, Regulations of
6 the Real Estate Commissioner, or conditions attaching to this restricted
7 license.
- 8 2. Respondent shall not be eligible to apply for the issuance of an unrestricted real
9 estate license nor the removal of any of the conditions, limitations, or restrictions
10 attaching to the restricted license until **three (3) years** have elapsed from the
11 date of issuance of the restricted license to Respondent. Respondent shall not be
12 eligible to apply for any unrestricted licenses until all restrictions attaching to the
13 license have been removed.
- 14 3. With the application for license or with the application for transfer to a new
15 employing broker, Respondent shall submit a statement signed by the
16 prospective employing broker on a form approved by the Department of Real
17 Estate, such as the Restricted Salesperson Change Application (RE 214A),
18 wherein the employing broker shall certify as follows:
- 19 a. That broker has read the Stipulation and Waiver which is the basis for the
20 issuance of the restricted license; and
21 b. That broker will carefully review all transaction documents prepared by
22 the restricted licensee and otherwise exercise close supervision over the
23 licensee's performance of acts for which a license is required.
- 24 4. Respondent shall notify the Real Estate Commissioner in writing within 72 hours
25 of any arrest by sending a certified letter to the Real Estate Commissioner at the
26 Department of Real Estate, Post Office Box 137013, Sacramento, CA 95813-
27 7013. The letter shall set forth the date of Respondent's arrest, the crime for

1 which Respondent was arrested, and the name and address of the arresting law
2 enforcement agency. Respondent's failure to timely file written notice shall
3 constitute an independent violation of the terms of the restricted license and shall
4 be grounds for the suspension or revocation of that license.

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6 DATED: June 22, 2023



Kathy Yi, Counsel
Department of Real Estate

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9 Respondent has read this Stipulation and Waiver, and its terms are understood by
10 Respondent and are agreeable and acceptable to Respondent. Respondent understands that
11 Respondent is waiving rights given to Respondent by the California Administrative Procedure
12 Act (including, but not limited to, California Government Code sections 11504, 11506, 11508,
13 11509, and 11513), and Respondent willingly, intelligently, and voluntarily waives those rights,
14 including, but not limited to, the right to a hearing on a Statement of Issues at which Respondent
15 would have the right to cross-examine witnesses against Respondent and to present evidence in
16 defense and mitigation of the charges.

17 Respondent agrees, acknowledges and understands that by signing this
18 Stipulation and Waiver, Respondent is bound by its terms as of the date of such signature and
19 that such agreement is not subject to rescission or amendment at a later date except by a
20 separate Decision and Order of the Commissioner.

21 Respondent can signify acceptance and approval of the terms and conditions of
22 this Stipulation and Waiver by emailing a scanned copy of the signature page, as actually signed
23 by Respondent, to the Department counsel assigned to this case. Respondent agrees,
24 acknowledges and understands that by electronically sending the Department a scan of
25 Respondent's actual signature as it appears on the Stipulation and Waiver that receipt of the
26 scan by the Department shall be binding on Respondent as if the Department had received the
27 original signed Stipulation and Waiver. Alternatively, Respondent can signify acceptance and

1 approval of the terms and conditions of this Stipulation and Waiver by sending a hard copy of
2 the original signed signature page(s) of the Stipulation herein to Kathy Yi, Legal Section,
3 Department of Real Estate, 320 W. Fourth Street, Suite 350, Los Angeles, California, 90013-
4 1105.

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6 DATED: June 6, 2023

JANAI DESTINY SHULER, Respondent

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9 I have read the foregoing Stipulation and Waiver signed by Respondent. I am
10 satisfied that the hearing for the purpose of requiring further proof as to the honesty and
11 truthfulness of Respondent need not be called and that it will not be inimical to the public
12 interest to issue a restricted real estate salesperson license to Respondent.

13 Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson
14 license be issued to Respondent JANAI DESTINY SHULER, if Respondent has otherwise
15 fulfilled all of the statutory requirements for licensure. The restricted salesperson license shall
16 be limited, conditioned, and restricted as specified in the foregoing Stipulation and Waiver.

17 This Order is effective immediately.

18 IT IS SO ORDERED 7.12.23.

19 DOUGLAS R. McCAULEY
20 REAL ESTATE COMMISSIONER
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