

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

8 4. This Stipulation is based on the factual allegations contained in the
9 Accusation. In the interest of expedience and economy Respondent chooses not to contest these
10 allegations but to remain silent and understand that, as a result thereof, these factual allegations,
11 without being admitted or denied, will serve as a prima facie basis for the disciplinary action
12 stipulated to herein. The Real Estate Commissioner shall not be required to provide evidence to
13 prove said factual allegations.

14 5. This Stipulation is made for the purpose of reaching an agreed disposition of
15 this proceeding and is expressly limited to this proceeding and not any other proceeding or case
16 in which the Department of Real Estate ("Department"), or another licensing agency of this state,
17 another state, or the federal government is involved, and otherwise shall not be admissible in any
18 criminal or civil proceeding.

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

26 7. The Order or any subsequent Order of the Real Estate Commissioner made
27 pursuant to this Stipulation shall not constitute an estoppel, merger or bar to any further

1 administrative or civil proceedings by the Department of Real Estate with respect to any matters
2 which were not specifically alleged to be causes for accusation in this proceeding.

3 8. Respondent understands that by agreeing to this Stipulation, Respondent
4 agrees to pay, pursuant to Business and Professions Code Section 10106, the cost of the
5 investigation of this matter. The amount of said cost is \$823.49.

6 DETERMINATION OF ISSUES

7 By reason of the foregoing, it is stipulated and agreed that the following
8 determination of issues shall be made:

9 The conduct, acts, or omissions of MARLENE DIANE GREENLY, as described
10 in Paragraph 4, above, are a basis for discipline of Respondent's license and license rights as a
11 violation of the Real Estate Law, Part 1 of Division 4 of the Business and Professions Code
12 ("Code"), pursuant to Code Sections 10177(f) and (g).

13 ORDER

14 WHEREFORE, THE FOLLOWING ORDER is hereby made:

15 All licenses and licensed rights of Respondent MARLENE DIANE GREENLY
16 under the Real Estate Law are revoked; provided, however, a restricted real estate broker license
17 shall be issued to Respondent pursuant to Section 10156.5 of the Business and Professions Code
18 if Respondent makes application therefor and pays to the Department of Real Estate the
19 appropriate fee for the restricted license within 90 days from the effective date of this Decision.
20 The restricted license issued to Respondent shall be subject to all of the provisions of Section
21 10156.7 of the Business and Professions Code and to the following limitations, conditions and
22 restrictions imposed under authority of Section 10156.6 of that Code:

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

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

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

11 4. Respondent shall, within twelve (12) months of the effective date of this
12 Decision and Order, present evidence satisfactory to the Commissioner that Respondent has,
13 since the most recent issuance of an original or renewal real estate license, taken and successfully
14 completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate
15 Law for renewal of a real estate license. If Respondent fails to satisfy this condition,
16 Respondent's real estate license shall automatically be suspended until Respondent presents
17 evidence satisfactory to the Commissioner of having taken and successfully completed the
18 continuing education requirements. Proof of completion of the continuing education courses
19 must be delivered to the Department of Real Estate, Flag Section at P.O. Box 137013,
20 Sacramento, CA 95813-7013.

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

1 6. Prior to the effective date of this Decision, and pursuant to Section 10106 of
2 the Business and Professions Code, Respondent shall pay the Commissioner's reasonable cost
3 for the investigation which led to this disciplinary action in the amount of \$823.49. Said payment
4 shall be in the form of a cashier's check made payable to the Department of Real Estate. **Said**
5 **check must be delivered to the Department of Real Estate, Flag Section, P.O. Box 137013,**
6 **Sacramento, CA 95813-7013, prior to the effective date of this Decision and Order.** If
7 Respondent fails to satisfy this condition in a timely manner as provided for herein,
8 Respondent's real estate license shall automatically be suspended until payment is made in full,
9 or until a decision providing otherwise is adopted following a hearing held pursuant to this
10 condition.

11
12 DATED: 01/08/2024

13 
14 Andrea Bentler, Counsel for the
15 Department of Real Estate

16 * * *

17 EXECUTION OF THE STIPULATION

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

25 MAILING

26 Respondent shall mail the original signed signature page of the stipulation herein
27 to Andrea Bentler: Attention: Legal Section, Department of Real Estate, 320 W. Fourth St.,
Suite 350, Los Angeles, California 90013-1105.

independent violation of the terms of the restricted license and shall be grounds for the suspension or revocation of that license.

6. Prior to the effective date of this Decision, and pursuant to Section 10106 of the Business and Professions Code, Respondent shall pay the Commissioner's reasonable cost for the investigation which led to this disciplinary action in the amount of \$823.49. Said payment shall be in the form of a cashier's check made payable to the Department of Real Estate. Said check must be delivered to the Department of Real Estate, Flag Section, P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this Decision and Order. If Respondent fails to satisfy this condition in a timely manner as provided for herein, Respondent's real estate license shall automatically be suspended until payment is made in full, or until a decision providing otherwise is adopted following a hearing held pursuant to this condition.

DATED: _____

Andrea Bentler, Counsel for the
Department of Real Estate

EXECUTION OF THE STIPULATION

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

MAILING

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

In the event of time constraints before an administrative hearing, Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and Waiver by emailing a copy of the signature page, as actually signed by Respondent, to the Department counsel assigned to this case. Respondent agrees, acknowledges and understands that by electronically sending the Department a copy of Respondent's actual signature as it appears on the Stipulation and Waiver, that receipt of the copy by the Department shall be binding on Respondent as if the Department had received the original signed Stipulation and Waiver. Respondent's signature below constitutes acceptance and approval of the terms and conditions of this Stipulation. Respondent agrees, acknowledges and understands that by signing this Stipulation Respondent is bound by its terms as of the date of such signature and that this agreement is not subject to rescission or amendment at a later date except by a separate Decision and Order of the Real Estate Commissioner.

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

DATED: 1/4/2024


MARLENE DIANE GREENLY
Respondent

1 In the event of time constraints before an administrative hearing, Respondent can
2 signify acceptance and approval of the terms and conditions of this Stipulation and Waiver by
3 emailing a copy of the signature page, as actually signed by Respondent, to the Department
4 counsel assigned to this case. Respondent agrees, acknowledges and understands that by
5 electronically sending the Department a copy of Respondent's actual signature as it appears on
6 the Stipulation and Waiver, that receipt of the copy by the Department shall be binding on
7 Respondent as if the Department had received the original signed Stipulation and Waiver.
8 Respondent's signature below constitutes acceptance and approval of the terms and conditions of
9 this Stipulation. Respondent agrees, acknowledges and understands that by signing this
10 Stipulation Respondent is bound by its terms as of the date of such signature and that this
11 agreement is not subject to rescission or amendment at a later date except by a separate Decision
12 and Order of the Real Estate Commissioner.

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

18
19
20 DATED: _____

MARLENE DIANE GREENLY
Respondent

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27

MAR - 6 2024

1130/24

- 7 -