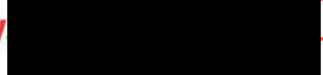


FILED

NOV 13 2025

DEPT. OF REAL ESTATE

By 

1 Department of Real Estate
2 320 W. 4th Street, Suite 350
3 Los Angeles, CA 90013-1105
4 Telephone: (213)-559-5990
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7

8 **BEFORE THE DEPARTMENT OF REAL ESTATE**
9 **STATE OF CALIFORNIA**

10 * * *

11 In the Matter of the Accusation Against) DRE Case No. H-42873 LA
12) OAH Case No. 2025060402
13 WINDFALL SPRINGS, INC., and)
14 LINDA JEAN SCARBERRY, individually and as)
15 Designated Officer of Windfall Springs, Inc.,) STIPULATION AND AGREEMENT
16 Respondents.) IN SETTLEMENT AND ORDER

17 It is hereby stipulated by and between Respondents WINDFALL SPRINGS, INC
18 and LINDA JEAN SCARBERRY, individually and as designated officer of Windfall Springs
19 Inc, (collectively "Respondents") acting by and through their attorney Joshua A. Rosenthal at
20 Hargrave Rosenthal, APC, and the Complainant, acting by and through Judith A. Buranday,
21 Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing
22 of the Accusation ("Accusation") filed on August 7, 2024, in this matter:

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

1 2. Respondents have received and read, and understand the Statement to
2 Respondent, the Discovery Provisions of the APA and the Accusation filed by the Department of
3 Real Estate (“Department”) in this proceeding.

4 3. Respondents filed a Notice of Defense pursuant to Section 11506 of the
5 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.
6 Respondents hereby freely and voluntarily withdraw said Notice of Defense. Respondents
7 acknowledge that they understand that by withdrawing said Notice of Defense they thereby
8 waive their right to require the Commissioner to prove the allegations in the Accusation at a
9 contested hearing held in accordance with the provisions of the APA and that they will waive
10 other rights afforded to them in connection with the hearing such as the right to present evidence
11 in their defense, and the right to cross-examine witnesses.

12 4. This Agreement is based on the factual allegations contained in the Accusation
13 filed in this proceeding. In the interest of expedience and economy, Respondents choose not to
14 contest these factual allegations, but to remain silent and understand that, as a result thereof,
15 these factual statements, will serve as a prima facie basis for the disciplinary action stipulated to
16 herein. The Real Estate Commissioner shall not be required to provide further evidence to prove
17 such allegations.

18 5. This Agreement is made for the purpose of reaching an agreed disposition of
19 this proceeding and is expressly limited to this proceeding and not any other proceeding or case
20 in which the Department, or another licensing agency of this state, another state, or the federal
21 government is involved, and otherwise shall not be admissible in any criminal or civil
22 proceeding.

23 6. It is understood by the parties that the Real Estate Commissioner may adopt
24 this Agreement as her Decision in this matter thereby imposing the penalty and sanctions on
25 Respondents’ real estate licenses and license rights as set forth in the below “Order.” In the event
26 that the Commissioner, in her discretion, does not adopt the Agreement, the Agreement shall be
27 void and of no effect and Respondents shall retain the right to a hearing and proceed on the

1 Accusation under the provisions of the APA and shall not be bound by any stipulation or waiver
2 made herein.

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

7 DETERMINATION OF ISSUES

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

10 The conduct, acts or omissions of Respondents, as set forth in the Accusation, are
11 in violation of California Business and Professions Code ("Code") section 10145 and 10159.5
12 and Sections 2731, 2831, 2831.1, 2950(d), 2950(h), and 2951, of Title 10, Chapter 6 of the
13 California Code of Regulations ("Regulations") are a basis for discipline of Respondents'
14 licenses and licensing rights pursuant to Code sections 10177(d) and/or 10177(g).

15 ORDER

16 WHEREFORE, THE FOLLOWING ORDER is hereby made:

17 (WINDFALL SPRINGS, INC)

18 I.

19 All licenses and licensing rights of Respondent WINDFALL SPRINGS, INC
20 under the Real Estate Law are revoked; provided, however, a restricted real estate broker license
21 shall be issued to Respondent pursuant to Section 10156.5 of the Code if Respondent makes
22 application therefor and pays to the Department the appropriate fee for the restricted license
23 within ninety (90) days from the effective date of this Decision and Order. The restricted license
24 issued to Respondent shall be subject to all of the provisions of Section 10156.7 of the Code and
25 to the following limitations, conditions and restrictions imposed under authority of Section
26 10156.6 of that Code:
27


1 receive the invoice. If Respondents fail to satisfy this condition in a timely manner as provided
2 for herein, Respondents' real estate license shall automatically be suspended until payment is
3 made in full, or until a decision providing otherwise is adopted following a hearing held pursuant
4 to this condition.

5 (INVESTIGATION AND ENFORCEMENT COSTS)

6 IV.

7 Respondents shall, jointly and severally, pay the Commissioner's reasonable costs
8 of the investigation and enforcement which led to this disciplinary action. The total amount of
9 said investigation (\$263.05) and enforcement (\$818.40) costs is \$1,081.45. Said payment shall
10 be in the form of a cashier's check made payable to the Department of Real Estate. The
11 investigation and enforcement costs must be delivered to the Department of Real Estate, Flag
12 Section, at 651 Bannon Street, Suite 504, Sacramento, CA 95811, prior to the effective date of
13 this Decision and Order. If Respondents fail to satisfy this condition in a timely manner as
14 provided for herein, all licenses and licensing rights of Respondents shall be automatically
15 suspended unless or until Respondents pay the costs of the investigation and enforcement.

16
17 DATED: 9/22/2025

18 
19 Judith A. Buranday, Counsel for
Department of Real Estate

20 EXECUTION OF THE AGREEMENT

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

1 Respondents shall mail the original signed signature page of the stipulation herein
2 to Judith Buranday, Attention: Legal Section, Department of Real Estate, 320 W. Fourth St.,
3 Suite 350, Los Angeles, California 90013-1105.

4 In the event of time constraints before an administrative hearing, Respondents can
5 signify acceptance and approval of the terms and conditions of this Agreement by emailing a
6 scanned copy of the signature page, as actually signed by Respondents, to Judith Buranday, Real
7 Estate Counsel, at Judith.Buranday@dre.ca.gov. Respondents agree, acknowledge and
8 understand that by electronically sending the Department a scan of Respondents' actual
9 signatures as it appears on the Agreement that receipt of the scan by the Department shall be
10 binding on Respondents as if the Department had received the original signed Agreement.
11 Respondents shall also mail the original signed signature page of this Agreement to the
12 Department counsel.

13 Respondents' signatures below constitute acceptance and approval of the terms
14 and conditions of this Agreement. Respondents agree, acknowledge and understand that by
15 signing this Agreement, Respondents are bound by its terms as of the date of such signatures and
16 that 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 DATED: 9-19-25

19 [REDACTED]
WINDFALL SPRINGS, INC

Respondents

By: [REDACTED]

21 DATED: 9-19-25

22 [REDACTED]
LINDA JEAN SCARBERRY, individually and
23 as Designated Officer of Windfall Springs, Inc,
24 Respondent

25 DATED: 9/22/25

26 [REDACTED]
Joshua A. Rosenthal, Esq.
Counsel for Respondents
27 Approved as to Form and Content

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The foregoing Stipulation and Agreement is hereby adopted as my Decision as to Respondents WINDFALL SPRINGS, INC and LINDA JEAN SCARBERRY and shall become effective at 12 o'clock noon on DEC - 3 2025.

IT IS SO ORDERED 11/7/2025.

CHIKA SUNQUIST
REAL ESTATE COMMISSIONER



By: Marcus L. McCarther
Chief Deputy Real Estate Commissioner

FILED

FEB 25 2025

DEPT. OF REAL ESTATE

By *[Signature]*

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation Against:)	
)	DRE No. H-42873 LA
WINDFALL SPRINGS, INC., and)	
LINDA JEAN SCARBERRY, individually and as)	
Designated Officer of Windfall Springs, Inc.,)	
)	
)	
Respondents.)	

ORDER VACATING DECISION AND SETTING ASIDE DEFAULT

On August 7, 2024, an Accusation was filed in this matter against Respondents WINDFALL SPRINGS, INC. and LINDA JEAN SCARBERRY and mailed to Respondents' last known address on file with the Department of Real Estate ("Department"). The Department did not receive a Notice of Defense from Respondents.

On January 7, 2025, a Default Order was filed. Thereafter, on February 3, 2025, a Decision was rendered revoking the real estate broker licenses of Respondents, effective February 27, 2025.

On February 14, 2025, good cause was presented to vacate the Decision of February 3, 2025, and to have the matter remanded to the Office of Administrative Hearings as a contested matter.

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NOW, THEREFORE, IT IS ORDERED that the Decision of February 3, 2025, is vacated and that the Matter of the Accusation filed on August 7, 2024, is remanded to the Office of Administrative Hearings.

This Order shall be effective immediately.

DATED: 2/25/2025.

CHIKA SUNQUIST
REAL ESTATE COMMISSIONER




By: Marcus L. McCarther
Chief Deputy Real Estate Commissioner

FILED

JAN - 7 2025

DEPT. OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation Against:)	
)	DRE No. H-42873 LA
WINDFALL SPRINGS, INC. and)	
LINDA JEAN SCARBERRY,)	
individually and as Designated Officer)	
of Windfall Springs, Inc.,)	
)	
)	
Respondents.)	

DECISION

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on January 7, 2025, and the Findings of Fact set forth herein, which are based on one or more of the following: (1) The express admissions of Respondents WINDFALL SPRINGS, INC. (WSI) and LINDA JEAN SCARBERRY (SCARBERRY) (sometimes referred to as "Respondents"); (2) affidavits; and (3) other evidence.

This Decision revokes one or more real estate licenses on the grounds of the violation of the Real Estate Law, Part 1 commencing with Section 10000 of the Business and Professions Code ("Code") and/or the Regulations of the Real Estate Commissioner, Title 10, Chapter 6 of the California Code of Regulations ("Regulations").

Pursuant to Government Code Section 11521, the California Department of Real Estate ("the Department") may order reconsideration of this Decision on petition of any party. The party seeking reconsideration shall set forth new facts, circumstances, and evidence, or errors in law or analysis, that show(s) grounds and good cause for the Commissioner to reconsider the Decision. If new evidence is presented, the party shall specifically identify the new evidence and explain why it was not previously presented. The Department's power to order reconsideration of this Decision shall expire 30 days after mailing of this Decision, or on the effective date of this Decision, whichever occurs first. The right to reinstatement of a revoked real estate license, or to the reduction of a penalty, is controlled by Section 11522 of the Government Code. A copy of Government Code Sections 11521 and 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of respondent.

FINDINGS OF FACT

1.

On July 31, 2024, Veronica Kilpatrick made the Accusation in her official capacity as a Supervising Special Investigator of the Department. The Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified mail, return receipt requested, to Respondents' last known mailing address on file with the Department on August 07, 2024.

2.

On January 7, 2025, no Notice of Defense having been received or filed herein within the time prescribed by Section 11506 of the Government Code, Respondents' default was entered herein.

3.

Attached as Exhibit "A" is a true and correct copy of the Accusation filed on August 07, 2024, which is incorporated herein as part of this Decision.

DETERMINATION OF ISSUES

Each of the foregoing violations, as alleged in the Accusation in Paragraphs 12(a)-(d), constitute cause for the suspension or revocation of the real estate licenses and/or license rights of Respondents under the provisions of Sections 10177(d) and/or 10177(g).

2.

The standard of proof applied was clear and convincing evidence to a reasonable certainty.

ORDER

All licenses and licensing rights of Respondents WINDFALL SPRINGS, INC. and LINDA JEAN SCARBERRY, individually and as Designated Officer of Windfall Springs, Inc., under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

This Decision shall become effective at 12 o'clock noon on FEB 27 2025.

DATED: 2/3/2025

CHIKA SUNQUIST
REAL ESTATE COMMISSIONER



By: Marcus L. McCarther
Chief Deputy Real Estate Commissioner

1 Department of Real Estate
2 320 West Fourth St., Ste. 350
3 Los Angeles, CA 90013

FILED

JAN 07 2025

DEPT. OF REAL ESTATE

By 

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8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA


10 * * *

11 In the Matter of the Accusation Against:) DRE NO. *H-42873 LA*
12)
13 WINDFALL SPRINGS, INC. and) DEFAULT ORDER
14 LINDA JEAN SCARBERRY,)
15 Individually and as Designated)
16 Officer of Windfall Springs, Inc.,)
17 Respondents.)

18 Respondents WINDFALL SPRINGS, INC., and LINDA JEAN
19 SCARBERRY, individually and as Designated Officer of Windfall Springs, Inc., having
20 failed to file a Notice of Defense within the time required by Section 11506 of the
21 Government Code, are now in default. It is, therefore, ordered that a default be entered on
22 the record in this matter.

23 IT IS SO ORDERED: January 7, 2025.

24 CHIKA SUNQUIST
25 REAL ESTATE COMMISSIONER

26 
27 By: HEATHER NISHIMURA
Supervising Special Investigator