

FILED

JUN 13 2016

BUREAU OF REAL ESTATE

By B. Nicholas

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6 BUREAU OF REAL ESTATE
7 STATE OF CALIFORNIA

8 *In the Matter of the Application of*

9 KATRINA LYNN GIACALONE,

10 Respondent.

Agency Case No. H-6382 SAC

STIPULATION AND WAIVER

(Business and Professions Code § 10100.4)

11
12 KATRINA LYNN GIACALONE ("Respondent") does hereby affirm that on
13 September 25, 2015, she applied to the Bureau of Real Estate ("Bureau") for a real estate
14 salesperson license and that to the best of her knowledge she satisfied all of the statutory
15 requirements for the issuance of the license, including the payment of the fee therefore.

16 FACTUAL BASIS

17 I.

18 On or about July 6, 2005, in the Superior Court of California, County of Napa,
19 Case No. CR121405, Respondent was convicted of violating two counts of Section 487(a) of
20 the California Penal Code (grand theft by embezzlement), each felonies and crimes which bear
21 a substantial relationship under Section 2910 of Title 10 of the California Code of Regulations
to the qualifications, functions, or duties of a real estate licensee.

22 GROUND FOR DENIAL

23 Respondent's criminal convictions constitute grounds under Sections 480(a) and
24 10177(b) of the Business and Professions Code ("Code") for the denial of Respondent's
25 application for an unrestricted real estate license.
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2 TERMS AND CONDITIONS

3 Respondent understands that the Real Estate Commissioner ("Commissioner")
4 may hold a hearing regarding the matters discussed above for the purpose of requiring further
5 proof of Respondent's honesty and truthfulness and to prove other allegations therein, or that
6 the Commissioner may waive the hearing and grant Respondent a restricted real estate
7 salesperson license based upon this Stipulation and Waiver. Respondent also understands that
8 by entering into this Stipulation and Waiver, Respondent will be stipulating that the
9 Commissioner has found that Respondent has failed to make a showing that Respondent meets
10 all requirements for the issuance of a real estate salesperson license thereby justifying the denial
11 of the issuance to her of an unrestricted real estate salesperson license.

12 Respondent hereby admits the above Factual Basis is true and correct and
13 requests that the Commissioner issue a restricted real estate salesperson license to Respondent
14 under the authority of Sections 10100.4 and 10156.5 of the Code. Respondent understands that
15 any such restricted license will be issued subject to the provisions of and limitations to Sections
16 10156.6 and 10156.7 of the Code.

17 Respondent is aware that by signing this Stipulation and Waiver, and if this
18 Stipulation and Waiver is accepted by the Commissioner, Respondent is waiving her right to a
19 hearing and the opportunity to present evidence at a hearing to establish her rehabilitation in
20 order to obtain an unrestricted real estate salesperson license. Respondent is not waiving her
21 right to a hearing and to further proceedings to obtain a restricted or unrestricted license if this
22 Stipulation and Waiver is not accepted by the Commissioner.

23 Respondent understands that by signing this Stipulation and Waiver, the
24 conditions, limitations, and restrictions imposed on Respondent's restricted license, identified
25 below, may be removed only by filing a Petition for Removal of Restrictions ("Petition") with
26 the Commissioner, and that Respondent's Petition must follow the procedures set forth in
27 Government Code Section 11522.

Respondent further understands that the restricted license issued to Respondent
shall be subject to all of the provisions of Section 10156.7 of the Code and to the following

1 limitations, conditions, and restrictions imposed under authority of Section 10156.6 of the
2 Code:

3 1. The license shall not confer any property right in the privileges to be exercised
4 and the Commissioner may by appropriate order suspend the right to exercise any privileges
5 granted under this restricted license in the event of:

6 a. Respondent's conviction (including a plea of *nolo contendere*) of a crime
7 which bears a substantial relationship to Respondent's fitness or capacity as a real estate
8 licensee; or,

9 b. Receipt of evidence that Respondent has violated provisions of the
10 California Real Estate Law, the Subdivided Lands Law, the Regulations of the Real Estate
11 Commissioner, and/or any conditions attaching to this restricted license.

12 2. Respondent shall not be eligible to petition for the issuance of an unrestricted real
13 estate license nor the removal of any conditions, limitations, or restrictions attached to the
14 restricted real estate license until two (2) years have elapsed from the date of issuance of the
15 restricted real estate license to Respondent.

16 3. With the application for license or with the application for transfer to a new
17 employing broker, Respondent shall submit a statement signed by the prospective employing
18 broker on a form approved by the Bureau of Real Estate wherein the employing broker shall
19 certify as follows:

20 a. That broker has read the Statement of Issues which is the basis for the
21 issuance of the restricted license; and

22 b. That broker will carefully review all transaction documents prepared by
23 the restricted licensee and otherwise exercise close supervision over the licensee's performance
24 of acts for which a license is required.

25 4. Respondent shall notify the Commissioner in writing within 72 hours of any
26 arrest by sending a certified letter to the Commissioner of the Bureau of Real Estate, Post
27 Office Box 137007, Sacramento, CA 95813-7007. The letter shall set forth the date of
Respondent's arrest, the crime for which Respondent was arrested, and the name and address of
the arresting law enforcement agency. Respondent's failure to timely file written notice shall

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

3 Respondent has read the Stipulation and Waiver and its terms are agreeable to,
4 understood by, and acceptable to Respondent. Respondent understands that Respondent is
5 waiving rights given to Respondent by the California Administrative Procedure Act (including,
6 but not limited to, California Government Code Sections 11504, 11506, 11508, 11509, and
7 11513), and willingly, intelligently, and voluntarily waives those rights, including, but not
8 limited to, the right to a hearing on a Statement of Issues at which Respondent would have the
9 right to cross-examine witnesses against Respondent and to present evidence in defense and
10 mitigation of the charges.

11 Respondent can signify acceptance and approval of the terms and conditions of
12 this Stipulation and Waiver by faxing a copy of the signature page, as actually signed by
13 Respondent, to the Bureau at fax number (916) 263-3767. Respondent agrees, acknowledges
14 and understands that by electronically sending to the Bureau a fax copy of Respondent's actual
15 signature as it appears on the Stipulation and Waiver, that receipt of the faxed copy by the
16 Bureau shall be as binding on Respondent as if the Bureau had received the original signed
17 Stipulation and Waiver.

18 5-3-16
19 Dated

K. Klam - Giacalone
KATRINA LYNN GIACALONE, Respondent

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

25 Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson
26 license be issued to Respondent KATRINA LYNN GIACALONE, if Respondent has otherwise
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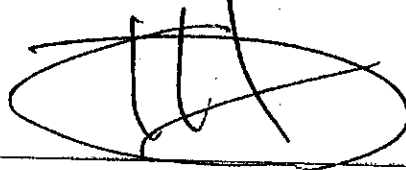
1 fulfilled all of the statutory requirements for licensure. The restricted license shall be limited,
2 conditioned, and restricted as specified in the foregoing Stipulation and Waiver.

3 This Order is effective immediately.

4 IT IS SO ORDERED June 9, 2010

5 **WAYNE S. BELL**

6 **REAL ESTATE COMMISSIONER**

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9 By: JEFFREY MASON
Chief Deputy Commissioner

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