

1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 137007
3 Sacramento, CA 95813-7007

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FILED

MAR 13 2020

DEPARTMENT OF REAL ESTATE

By X. Knapp

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7
8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

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12 In the Matter of the Accusation of) BRE No. H-6675 SAC
13)
14 HEATHER JOANN ESTEBEZ,)
15)
16) Respondent.) STIPULATION AND AGREEMENT
17) IN SETTLEMENT AND ORDER

18 It is hereby stipulated by and between HEATHER JOANN ESTEBEZ
19 (Respondent), her Counsel, Timothy Jones, and the Complainant, acting by and through Richard
20 K. Uno, Counsel for the Department of Real Estate (Department); as follows for the purpose of
21 settling and disposing of the Accusation filed on May 8, 2018, in this matter:

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

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

1 3. Respondent filed a Notice of Defense pursuant to Section 11505 of the
2 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.
3 Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent
4 acknowledges that she understands that by withdrawing said Notice of Defense she will thereby
5 waive his right to require the Real Estate Commissioner (Commissioner) to prove the allegations
6 in the Accusation at a contested hearing held in accordance with the provisions of the APA and
7 that he will waive other rights afforded to her in connection with the hearing such as the right to
8 present evidence in defense of the allegations in the Accusation and the right to cross-examine
9 witnesses.

10 4. This Stipulation is based on the factual allegations contained in the
11 Accusation. In the interest of expediency and economy, Respondent choses not to contest these
12 factual allegations, but to remain silent and understands that, as a result thereof, these factual
13 statements will serves as a prima facie basis for the "Determination of Issues" and "Order" set
14 forth below. The Commissioner shall not be required to provide further evidence to prove such
15 allegations.

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

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

1 Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands
2 Law, Regulations of the Commissioner or conditions attaching to the restricted license.

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

8 4. Respondent shall submit with any application for license under an
9 employing broker, or any application for transfer to a new employing broker, a statement signed
10 by the prospective employing real estate broker on a form approved by the Department which
11 shall certify:

12 (1) That the employing broker has read the Decision which is
13 the basis for the issuance of a restricted license; and

14 (2) That the employing broker will carefully review all
15 transaction documents prepared by the restricted licensee and otherwise exercise close
16 supervision over the licensee's performance of acts for which a license is required.

17 5. Respondent shall, within nine (9) months from the effective date of this
18 Stipulation, present evidence satisfactory to the Commissioner that Respondent has, since the
19 most recent issuance of an original or renewal real estate license, taken and successfully
20 completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate
21 Law for renewal of a real estate license. If Respondent fails to satisfy this condition,
22 Respondent's real estate license shall automatically be suspended until Respondent presents
23 evidence satisfactory to the Commissioner of having taken and successfully completed the
24 continuing education requirements. Proof of completion of the continuing education courses
25 must be delivered to the Department of Real Estate, Flag Section, at P.O. Box 137013,
26 Sacramento, CA 95813-7013.

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1 6. All licenses and licensing rights of Respondent are indefinitely suspended
2 unless or until Respondent pays the sum of \$3,857.70 for the Commissioner's reasonable cost
3 of the investigation and enforcement which led to this disciplinary action. Said payment shall
4 be in the form of a cashier's check made payable to the Department of Real Estate. The
5 investigative and enforcement costs must be delivered to the Department of Real Estate, Flag
6 Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this
7 Stipulation.

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9
10 2/24/20

11 DATED

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11 RICHARD K. UNO, Counsel III
12 DEPARTMENT OF REAL ESTATE


13 * * *

14 I have read the Stipulation and Agreement in Settlement and Order and its terms
15 are understood by me and are agreeable and acceptable to me. I understand that I am waiving
16 rights given to me by the California Administrative Procedure Act (including but not limited
17 to Sections 11506, 11508, 11509 and 11513 of the Government Code), and I willingly,
18 intelligently, and voluntarily waive those rights, including the right of requiring the
19 Commissioner to prove the allegations in the Accusation at a hearing at which I would have the
20 right to cross-examine witnesses against me and to present evidence in defense and mitigation
21 of the charges. I understand that I must sign and return this Stipulation by fax to (916) 263-
22 3767 or by email to Richard.Uno@dre.ca.gov. I further agree to mail the original Stipulation
23 no later than five days after signing it to: Department of Real Estate, Legal Section, P.O. Box
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1 137007, Sacramento, California 95813-7007. I understand that failure to mail the original
2 back may result in this matter going to hearing.


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Feb. 20, 2020
DATED


HEATHER JOANN ESTEBÉZ

I have reviewed this Stipulation and Agreement as to form and content and have advised my client accordingly.

2/24/2020
DATED


TIMOTHY JONES

The foregoing Stipulation and Agreement In Settlement and Order is hereby adopted by the Real Estate Commissioner as her Decision and Order and shall become effective at 12 o'clock noon on APR 03 2020

IT IS SO ORDERED 3/2/20

SANDRA KNAU
ACTING REAL ESTATE COMMISSIONER
