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JAN 08 2020

DEPARTMENT OF REAL ESTATE
By B. Nicholas

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of:)	
)	DRE No. H-06801 SAC
JANELLE ELAINE DUKE,)	
)	
Respondent(s).)	

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 December 12, 2019, and the Findings of Fact set forth herein, which are based on one or more of the following: (1) The express admissions of Respondent, JANELLE ELAINE DUKE ("Respondent"); (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 May 9, 2019, Tricia D. Parkhurst made an 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 Respondent's last known mailing address on file with the Department on May 09, 2019.

On May 24, 2019, Respondent filed a Notice of Defense.

On June 21, 2019, a Notice of Hearing on Accusation was mailed, by regular mail, setting forth the time, date and location to Respondent's last known mailing address on file and the address identified by Respondent on the Notice of Defense. The Notice of Hearing informed Respondent that the Hearing on Accusation would take place on TUESDAY, DECEMBER 10, 2019 at the hour of 09:00 AM, at the Sacramento Office of Administrative Hearings.

No appearance having been made by Respondent or by anyone on her behalf at the noticed time, date, and location of the hearing, and upon evidence of compliance with the provisions of Section 11506 and 11509 of the Government Code, Respondent's default was entered on December 12, 2019.

2.

Respondent is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the Code as a real estate salesperson. Respondent's real estate salesperson license expired on June 17, 2019. Pursuant to Code Section 10103, the Department retains jurisdiction.

3.

At all times mentioned, Respondent was licensed and/or had licensing rights issued by the Department of Real Estate as a real estate salesperson.

4.

Attached as Exhibit "A" is a true and correct copy of the Accusation filed on May 09, 2019, which is incorporated herein as part of this Decision.

DETERMINATION OF ISSUES

5.

The allegations contained in the Accusation, incorporated herein by reference made in Paragraph 4, above, constitute cause for the suspension or revocation of all the licenses, license endorsements, and license rights of Respondent under the provisions of Sections 10176.5, 10177(d), and 10177(g) of the Business and Professions Code.

6.

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


ORDER

All licenses and licensing rights of Respondent JANELLE ELAINE DUKE 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 JAN 29 2020.

DATED: 12/27/19.

SANDRA KNAU
ACTING REAL ESTATE COMMISSIONER



1 Department of Real Estate
1650 Exposition Blvd.
2 Sacramento CA 95815

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

10 * * *

11 In the Matter of the Accusation of:) DRE NO. *H-06801 SAC*
12 JANELLE ELAINE DUKE,) DEFAULT ORDER
13 Respondent.)
14 _____)

15 Respondent JANELLE ELAINE DUKE, filed a Notice of Defense within the
16 time required by Section 11506 of the Government Code. A hearing was set for
17 Wednesday, December 11, 2019. Respondent was duly notified of the hearing but failed to
18 appear. Respondent is now in default. It is, therefore, ordered that a default be entered on
19 the record in this matter.

20 IT IS SO ORDERED December 12, 2019

21 SANDRA KNAU
22 ACTING REAL ESTATE COMMISSIONER

23
24 By: 
25 JEFFREY OBOYSKI
26 Assistant Commissioner, Enforcement
27