

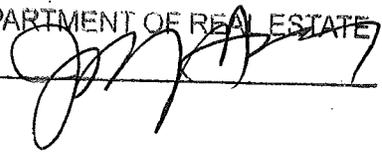
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1 Department of Real Estate
2 320 West 4th Street, Suite 350
3 Los Angeles, CA 90013-1105

4 Telephone: (213) 576-6982

FILED

MAY 15 2012

DEPARTMENT OF REAL ESTATE
BY: 

9 BEFORE THE DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * *

12			
13	In the Matter of the Accusation of)	NO. H-37502 LA
14	JENELLE KRISTIN TOLLEFSON,)	L-2011100498
15)	
16	Respondent.)	<u>STIPULATION AND AGREEMENT</u>

17
18 It is hereby stipulated by and between JENELLE
19 KRISTIN TOLLEFSON (sometimes referred to as "Respondent," and
20 the Complainant, acting by and through Cheryl D. Keily, Counsel
21 for the Department of Real Estate, as follows for the purpose
22 of settling and disposing of the Accusation filed on September
23 6, 2011, in this matter.

24
25 1. All issues which were to be contested and all
26 evidence which was to be presented by Complainant and Respondent
27 at a formal hearing on the Accusation, which hearing was to be
held in accordance with the provisions of the Administrative

1 Procedure Act (APA), shall instead and in place thereof be
2 submitted solely on the basis of the provisions of this
3 Stipulation and Agreement.

4
5 2. Respondent has received, read and understands the
6 Statement to Respondent, the Discovery Provisions of the APA and
7 the Accusation filed by the Department of Real Estate
8 ("Department") in this proceeding.

9 3. On September 22, 2011, Respondent filed a Notice of
10 Defense, pursuant to Section 11506 of the Government Code for
11 the purpose of requesting a hearing on the allegations in the
12 Accusation. Respondent hereby freely and voluntarily withdraws
13 said Notice of Defense. Respondent acknowledges that she
14 understands that by withdrawing said Notice of Defense she will
15 thereby waive her right to require the Commissioner to prove the
16 allegations in the Accusation at a contested hearing held in
17 accordance with the provisions of the APA and that she will
18 waive other rights afforded to her in connection with the
19 hearing, such as the right to present evidence in defense of the
20 allegations in the Accusation and the right to cross-examine
21 witnesses.
22
23

24 4. It is understood by the parties that the Real
25 Estate Commissioner may adopt the Stipulation and Agreement as
26 his decision in this matter, thereby imposing the penalty and
27 sanctions on Respondent's real estate licenses and license

1 rights as set forth in the below "Order". In the event that
2 the Commissioner in his discretion does not adopt the
3 Stipulation and Agreement, it shall be void and of no effect,
4 and Respondent shall retain the right to a hearing and
5 proceeding on the Accusation under all the provisions of the
6 APA and shall not be bound by any admission or waiver made
7 herein.
8

9 5. This Stipulation is based on the factual
10 allegations contained in the Accusation. In the interest of
11 expedience and economy, Respondent chooses not to contest these
12 allegations, but to remain silent and understand that, as a
13 result thereof, these factual allegations, without being
14 admitted or denied, will serve as a prima facie basis for the
15 disciplinary action stipulated to herein. The Real Estate
16 Commissioner shall not be required to provide further evidence
17 to prove said factual allegations.
18

19 6. This Stipulation and Respondent's decision not to
20 contest the Accusation are made for the purpose of reaching an
21 agreed disposition of this proceeding, and are expressly
22 limited to this proceeding and any other proceeding or case in
23 which the Department of Real Estate, or another licensing
24 agency of this state, another state or the federal government
25 is involved and otherwise shall not be admissible in any other
26 criminal or civil proceedings.
27

1 if Respondent makes application therefor and pays to the
2 Department the appropriate fee for the restricted license within
3 90 days from the effective date of this Decision.

4 The Restricted license issued to Respondent shall be
5 subject to all of the provisions of Section 10156.7 of the Code
6 and to the following conditions, limitations and restrictions
7 imposed under the authority of Section 10156.6 of the Code:

8 1. The restricted license issued to Respondent may be
9 suspended prior to hearing by Order of the Commissioner in the
10 event of Respondent's conviction or plea of nolo contendere to
11 a crime which is substantially related to Respondent's fitness
12 or capacity as a real estate licensee.

13 2. The restricted license issued to Respondent may be
14 suspended prior to hearing by Order of the Commissioner on
15 evidence satisfactory to the Commissioner that Respondent has
16 violated provisions of the Real Estate law, the Subdivided
17 Lands Law, Regulations of the Real Estate Commissioner or
18 conditions attaching to the restricted license.

19 3. Respondent shall not be eligible to apply for
20 issuance of an unrestricted real estate license nor for the
21 removal of any of the conditions, limitations or restrictions
22 of a restricted license until two (2) years have elapsed from
23 the effective date of this Decision.

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

6 (a) That the employing broker has read the Decision
7 of the Commissioner which granted the right to a restricted
8 license; and

9 (b) That the employing broker will exercise close
10 supervision over the performance by the restricted licensee
11 relating to activities for which a real estate salesperson
12 license is required.

13 5. Respondent shall, within nine (9) months from the
14 effective date of this Decision, present evidence satisfactory
15 to the Commissioner that Respondent has, since the most recent
16 issuance of an original or renewal real estate license, taken
17 and successfully completed the continuing education
18 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
19 for renewal of a real estate license. If Respondent fails to
20 satisfy this condition, the Commissioner may order the
21 suspension of the restricted license until Respondent presents

22 ///

23 ///

24 ///

1 such evidence. The Commissioner shall afford Respondent the
2 opportunity for a hearing pursuant to the APA to present such
3 evidence.

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6 DATED:

April 18, 2012

Cheryl D. Kelly

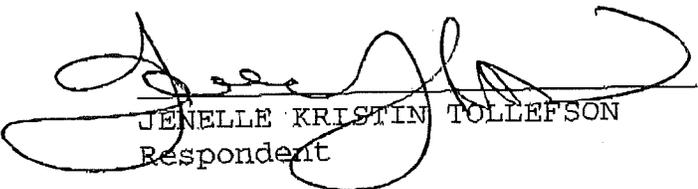
CHERYL D. KELLY, Counsel
DEPARTMENT OF REAL ESTATE

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8 * * *

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

22 Respondent can signify acceptance and approval of the
23 terms and conditions of this Stipulation and Agreement by
24 faxing a copy of its signature page, as actually signed by
25 Respondent, to the Department at the following telephone/fax
26 number (213) 576-6917. Respondent agrees, acknowledges, and
27 understands that by electronically sending to the Department a

1 fax copy of his actual signature as it appears on the
 2 Stipulation and Agreement, that receipt of the faxed copy by
 3 the Department shall be as binding on Respondent as if the
 4 Department had received the original signed Stipulation and
 5 Agreement.
 6

7
 8 DATED: 4/17/2012 
 9 JENELLE KRISTIN TOLLEFSON
 Respondent

10 * * *

11
 12 The foregoing Stipulation and Agreement is hereby
 13 adopted as my Decision in this matter and shall become
 14 effective at 12 o'clock noon on JUN 04 2012, 2012.

15 IT IS SO ORDERED May 7, 2012.

16 REAL ESTATE COMMISSIONER

17
 18
 19 By: 
 20 WAYNE S. BELL
 Chief Counsel