

**FILED**

**FEB 13 2020**

**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) 576-6982

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the First Amended	)	No. H-41422 LA
12 Accusation of	)	<u>STIPULATION</u>
13 SARITA MICHELLE PAYNE,	)	<u>AND</u>
14 Respondent.	)	<u>AGREEMENT</u>

15  
16 It is hereby stipulated by and between Respondent SARITA MICHELLE PAYNE  
17 (“Respondent”), acting by and through Mary E. Work, Counsel for Respondent, and  
18 Complainant, acting by and through Andrea Bentler, Counsel for the Department of Real Estate  
19 (“Department”), as follows for the purpose of settling and disposing of the First Amended  
20 Accusation (“Accusation”), filed on January 2, 2020, in this matter:

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

26 2. Respondent has received, read and understands the Statement to Respondent,  
27 the Discovery Provisions of the APA and the First Amended Accusation filed by the Department

1 of Real Estate in this proceeding.

2           3. Respondent filed a Notice of Defense pursuant to Section 11506 of the  
3 Government Code for the purpose of requesting a hearing on the allegations in the First  
4 Amended Accusation. Respondent hereby freely and voluntarily withdraws said Notice of  
5 Defense. Respondent acknowledges that she understands that by withdrawing said Notice of  
6 Defense she thereby waives her right to require the Commissioner to prove the allegations in the  
7 First Amended Accusation at a contested hearing held in accordance with the provisions of the  
8 APA and that she will waive other rights afforded to her in connection with the hearing such as  
9 the right to present evidence in her defense, and the right to cross-examine witnesses.

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

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

21           6. It is understood by the parties that the Real Estate Commissioner may adopt  
22 this Stipulation as her Decision in this matter thereby imposing the penalty and sanctions on  
23 Respondent's real estate licenses and license rights as set forth in the below "Order." In the  
24 event that the Commissioner in her discretion does not adopt the Stipulation, the Stipulation shall  
25 be void and of no effect and Respondent shall retain the right to a hearing and proceed on the  
26 First Amended Accusation under the provisions of the APA and shall not be bound by any  
27 stipulation or waiver made herein.

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

5                   8. Respondent understands that by agreeing to this Stipulation, Respondent  
6 agrees to pay, pursuant to Business and Professions Code Section 10106, the cost of the  
7 investigation of this matter. The amount of said cost is \$955.80.

8   DETERMINATION OF ISSUES

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

11                   The conduct, acts or omissions of SARITA MICHELLE PAYNE, as described in  
12 Paragraph 4, above, are a basis for discipline of Respondent's license and license rights as a  
13 violation of the Real Estate Law, Part 1 of Division 4 of the Business and Professions Code  
14 ("Code"), pursuant to Code Section 10177(b).

15   ORDER

16                   WHEREFORE, THE FOLLOWING ORDER is hereby made:

17                   All licenses and licensed rights of Respondent SARITA MICHELLE PAYNE  
18 under the Real Estate Law are revoked; provided, however, a restricted real estate broker license  
19 shall be issued to Respondent pursuant to Section 10156.5 of the Business and Professions Code  
20 if Respondent makes application therefor and pays to the Department of Real Estate the  
21 appropriate fee for the restricted license within 90 days from the effective date of this Decision.  
22 The restricted license issued to Respondent shall be subject to all of the provisions of Section  
23 10156.7 of the Business and Professions Code and to the following limitations, conditions and  
24 restrictions imposed under authority of Section 10156.6 of that Code:

25                   1. The restricted license issued to Respondent may be suspended prior to hearing  
26 by Order of the Real Estate Commissioner in the event of either Respondent's conviction or plea  
27

1 of nolo contendere to a crime which is substantially related to Respondent's fitness or capacity as  
2 a real estate licensee.

3           2. The restricted license issued to Respondent may be suspended prior to hearing  
4 by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that  
5 Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands  
6 Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted  
7 license.

8           3. Respondent shall not be eligible to petition for the issuance of any unrestricted  
9 real estate licenses nor for removal of any of the conditions, limitations or restrictions of a  
10 restricted license until two (2) years have elapsed from the effective date of this Decision and  
11 Order. Respondent shall not be eligible to apply for any unrestricted licenses until all restrictions  
12 attaching to the license have been removed.

13           4. Respondent shall notify the Commissioner in writing within 72 hours of any  
14 arrest by sending a certified letter to the Commissioner at Department of Real Estate, Post Office  
15 Box 137013, Sacramento, CA 95813-7013. The letter shall set forth the date of Respondent's  
16 arrest, the crime for which Respondent was arrested, and the name and address of the arresting  
17 law enforcement agency. Respondent's failure to timely file written notice shall constitute an  
18 independent violation of the terms of the restricted license and shall be grounds for the  
19 suspension or revocation of that license.

20           5. Prior to the effective date of this Decision, and pursuant to Section 10106 of  
21 the Business and Professions Code, Respondent shall pay the Commissioner's reasonable cost  
22 for the investigation which led to this disciplinary action in the amount of \$955.80. Said payment  
23 shall be in the form of a cashier's check made payable to the Department of Real Estate. **Said**  
24 **check must be delivered to the Department of Real Estate, Flag Section, P.O. Box 137013,**  
25 **Sacramento, CA 95813-7013, prior to the effective date of this Decision and Order.** If  
26 Respondent fails to satisfy this condition in a timely manner as provided for herein,  
27 Respondent's real estate license shall automatically be suspended until payment is made in full,

1 or until a decision providing otherwise is adopted following a hearing held pursuant to this  
2 condition.

3  
4 DATED: 01/06/2020

Andrea Bentler  
Andrea Bentler, Counsel for the  
Department of Real Estate

7 \* \* \*

8 EXECUTION OF THE STIPULATION

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

16 MAILING

17 Respondent shall mail the original signed signature page of the stipulation herein  
18 to Andrea Bentler: Attention: Legal Section, Department of Real Estate, 320 W. Fourth St.,  
19 Suite 350, Los Angeles, California 90013-1105.

20 In the event of time constraints before an administrative hearing, Respondent can  
21 signify acceptance and approval of the terms and conditions of this Stipulation and Agreement  
22 by emailing a copy of the signature page, as actually signed by Respondent, to the Department  
23 counsel assigned to this case. Respondent agrees, acknowledges and understands that by  
24 electronically sending the Department a copy of Respondent's actual signature as it appears on  
25 the Stipulation and Agreement, that receipt of the copy by the Department shall be binding on  
26 Respondent as if the Department had received the original signed Stipulation and Agreement.  
27 Respondent's signature below constitutes acceptance and approval of the terms and conditions of

1 this Stipulation. Respondent agrees, acknowledges and understands that by signing this  
2 Stipulation Respondent is bound by its terms as of the date of such signature and that this  
3 agreement is not subject to rescission or amendment at a later date except by a separate Decision  
4 and Order of the Real Estate Commissioner.

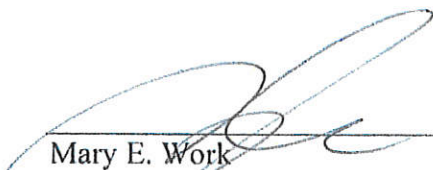
5 Respondent's signature below constitutes acceptance and approval of the terms  
6 and conditions of this Stipulation. Respondent agrees, acknowledges and understands that by  
7 signing this Stipulation Respondent is bound by its terms as of the date of such signature and that  
8 this agreement is not subject to rescission or amendment at a later date except by a separate  
9 Decision and Order of the Real Estate Commissioner.

10 DATED: 1/4/2020

  
\_\_\_\_\_  
SARITA MICHELLE PAYNE  
Respondent

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

15  
16 1/6/2020  
17 Dated

  
\_\_\_\_\_  
Mary E. Work  
Attorney for Respondent

18 \* \* \*

19 The foregoing Stipulation and Agreement is hereby adopted as my Decision as to  
20 Respondent SARITA MICHELLE PAYNE and shall become effective at 12 o'clock noon on  
21 **MAR 05 2020**.

22 IT IS SO ORDERED 1/29/20.

23  
24 SANDRA KNAU  
25 ACTING REAL ESTATE COMMISSIONER  
26   
27 \_\_\_\_\_