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FILED
MAR 27 2003
DEPARTMENT OF REAL ESTATE

Laura B. Crane

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Application of)
LAND AND SEA REALTY, INC.,)
a corporation and ANN)
THERESE LOZADA,)
Respondents.)

No. H-29832 LA

DISMISSAL

On or about February 20, 2003, Respondent LAND AND SEA REALTY, INC., notified the Department of Real Estate that it was withdrawing its application for a corporate real estate broker license.

The Statement of Issues herein filed on December 17, 2002, against Respondent LAND AND SEA REALTY, INC., and ANN THERESE LOZADA is DISMISSED as to Respondent LAND AND SEA REALTY, INC. only.

IT IS SO ORDERED this 24th day of March, 2003.

PAULA REDDISH ZINNEMANN
Real Estate Commissioner

John R. Liberator

BY: John R. Liberator
Chief Deputy Commissioner

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FILED
MAR 27 2003

DEPARTMENT OF REAL ESTATE

Jana B. Arma

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of)	
LAND AND SEA REALTY, INC.,)	NO. H-29832 LA
a corporation and)	L-2003010407
ANN THERESE LOZADA,)	<u>STIPULATION AND WAIVER</u>
Respondent.)	

It is hereby stipulated by and between ANN THERESE LOZADA (hereinafter "Respondent") and Respondent's attorney, Frank M. Buda, and the Complainant, acting by and through Chris Leong, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Statement of Issues filed on December 17, 2002, in this matter:

A. Respondent acknowledges that Respondent has received and read the Statement of Issues and the Statement to Respondent filed by the Department of Real Estate in connection with Respondent's application for a real estate broker license. Respondent understands that the Real Estate Commissioner may hold a hearing on this Statement of Issues for the purpose of

1 requiring further proof of Respondent's honesty and truthfulness
2 and to prove other allegations therein, or that she may in her
3 discretion waive the hearing and grant Respondent a restricted
4 real estate broker license based upon this Stipulation and
5 Waiver. Respondent also understands that by filing the Statement
6 of Issues in this matter the Real Estate Commissioner is shifting
7 the burden to Respondent to make a satisfactory showing that
8 Respondent meets all the requirements for issuance of a real
9 estate broker license. Respondent further understands that by
10 entering into this stipulation and waiver, Respondent will be
11 stipulating that the Real Estate Commissioner has found that
12 Respondent has failed to make such a showing, thereby justifying
13 the denial of the issuance to Respondent of an unrestricted real
14 estate broker license.

15 B. Respondent hereby admits that the allegations of
16 the Statement of Issues filed against Respondent are true and
17 correct and requests that the Real Estate Commissioner in her
18 discretion issue a restricted real estate broker license to
19 Respondent under the authority of Section 10156.5 of the Business
20 and Professions Code.

21 C. Respondent is aware that by signing this
22 Stipulation and Waiver, Respondent is waiving Respondent's right
23 to a hearing and the opportunity to present evidence at the
24 hearing to establish Respondent's rehabilitation in order to
25 obtain an unrestricted real estate broker license if this
26 Stipulation and Waiver is accepted by the Real Estate
27 Commissioner. However, Respondent is not waiving Respondent's

1 right to a hearing and to further proceedings to obtain a
2 restricted or unrestricted license if this Stipulation and Waiver
3 is not accepted by the Commissioner.

4 D. Respondent further understands that the following
5 conditions, limitations, and restrictions will attach to a
6 restricted license issued by the Department of Real Estate
7 pursuant hereto:

8 1. The license shall not confer any property
9 right in the privileges to be exercised
10 including the right of renewal, and the Real
11 Estate Commissioner may by appropriate order
12 suspend the right to exercise any privileges
13 granted under this restricted license in the
14 event of:

15 a. The conviction of Respondent (including a
16 plea of nolo contendere) to a crime which
17 bears a substantial relationship to
18 Respondent's fitness or capacity as a real
19 estate licensee; or

20 b. The receipt of evidence that Respondent has
21 violated provisions of the California Real
22 Estate Law, the Subdivided Lands Law,
23 Regulations of the Real Estate
24 Commissioner, or conditions attaching to
25 this restricted license.

26 2. Respondent shall not be eligible to apply for
27 the issuance of an unrestricted real estate

1 license nor the removal of any of the
2 conditions, limitations or restrictions
3 attaching to the restricted license until two
4 years have elapsed from the date of issuance of
5 the restricted license to Respondent.

6
7 DATED: 3/13/03

Chris Leong
CHRIS LEONG, Counsel
Department Of Real Estate


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9 * * *

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

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


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

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6 DATED: 3/10/03


ANN THERESE LOZADA
Respondent

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9 I have reviewed the Stipulation and Waiver as to form
10 and content and have advised my client accordingly.

11
12 DATED: 3/12/03


FRANK M. BUDA
Attorney for Respondent

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14 * * *
15 I have read the Statement of Issues filed herein and
16 the foregoing Stipulation and Waiver signed by Respondent. I am
17 satisfied that the hearing for the purpose of requiring further
18 proof as to the honesty and truthfulness of Respondent need
19 not be called and that it will not be inimical to the public
20 interest to issue a restricted real estate broker license
21 to Respondent.

22 Therefore, IT IS HEREBY ORDERED that a restricted real
23 estate broker license be issued to Respondent, ANN THERESE
24 LOZADA, if Respondent has otherwise fulfilled all of the
25 statutory requirements for licensure. The restricted license
26
27

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

5
6 DATED: _____
7 ANN THERESE LOZADA
8 Respondent

9 I have reviewed the Stipulation and Waiver as to form
10 and content and have advised my client accordingly.

11
12 DATED: _____
13 FRANK M. BUDA
14 Attorney for Respondent

15 * * *

16 I have read the Statement of Issues filed herein and
17 the foregoing Stipulation and Waiver signed by Respondent. I am
18 satisfied that the hearing for the purpose of requiring further
19 proof as to the honesty and truthfulness of Respondent need
20 not be called and that it will not be inimical to the public
21 interest to issue a restricted real estate broker license
22 to Respondent.


23 Therefore, IT IS HEREBY ORDERED that a restricted real
24 estate broker license be issued to Respondent, ANN THERESE
25 LOZADA, if Respondent has otherwise fulfilled all of the
26 statutory requirements for licensure. The restricted license
27

1 shall be limited, conditioned, and restricted as specified in the
2 foregoing Stipulation and Waiver.

3 This Order is effective immediately.

4 IT IS SO ORDERED March 24, 2003.

5
6 PAULA REDDISH ZINNEMANN
Real Estate Commissioner

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10 BY: John R. Liberator
11 Chief Deputy Commissioner

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
JAN 29 2003
DEPARTMENT OF REAL ESTATE

Sacto

* * * *

In the Matter of the Application of)
)
LAND AND SEA REALTY, INC.,)
a corporation and)
ANN THERESE LOZADA)
)
Respondent(s))

Case No. H-29832 LA
L-2003010407

Jama B. ...

NOTICE OF HEARING ON APPLICATION

To the above-named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at Office of Administrative Hearings, 320 West Fourth Street, Suite 630, Los Angeles, California, on Friday, March 28, 2003, at the hour of 1:30 p.m., or as soon thereafter as the matter can be heard, upon the Statement of Issues served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

The burden of proof is upon you to establish that you are entitled to the license or other action sought. If you are not present nor represented at the hearing, the Department may act upon your application without taking evidence.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay for his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

Dated: January 29, 2003

DEPARTMENT OF REAL ESTATE

By: *Chris Leong*
CHRIS LEONG, Counsel

cc: Ann Therese Lozada
Frank M. Buda, Esq.
Sacto.
OAH

1 CHRIS LEONG, Counsel (SBN 141079)
Department of Real Estate
2 320 West Fourth Street, Suite 350
Los Angeles, CA 90013-1105

3 Telephone: (213) 576-6982
4 -or- (213) 576-6910 (Direct)

FILED
DEC 17 2002
DEPARTMENT OF REAL ESTATE

By CS

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

In the Matter of the Application of)	No. H-29832 LA
LAND AND SEA REALTY, INC.,)	
a corporation and)	<u>STATEMENT OF ISSUES</u>
ANN THERESE LOZADA,)	
Respondents.)	

15 The Complainant, Maria Suarez, a Deputy Real Estate
16 Commissioner of the State of California, for Statement of Issues
17 against LAND AND SEA REALTY, INC., a corporation (hereafter
18 "LAND AND SEA") and ANN THERESE LOZADA (hereafter "LOZADA")
19 (hereafter sometimes referred to as "Respondents"), alleges as
20 follows:

21 I

22 Respondent LAND AND SEA made application to the
23 Department of Real Estate of the State of California for a
24 corporate real estate broker license on or about January 14,
25 2002. As part of the application LAND AND SEA submitted a
26
27

1 Corporation Background Statement which listed LOZADA as the
2 Designated Officer, Secretary and Treasurer of LAND AND SEA.

3 II

4 Respondent LOZADA made application to the Department of
5 Real Estate of the State of California for a real estate broker
6 license on or about January 14, 2002.

7 III

8 Complainant, Maria Suarez, a Deputy Real Estate
9 Commissioner of the State of California, makes this Statement of
10 Issues in his official capacity.

11 IV

12 On or about February 22, 1999, in the United States
13 District Court, Central District of California, Case
14 No. SACR98-113-1-GLT, Respondent LOZADA was convicted of
15 violating Title 21; 18 U.S.C. Section 846 (Conspiracy to
16 possess with intent distribute and to distribute marijuana); a
17 felony and a crime involving moral turpitude which is
18 substantially related under Section 2910, Title 10, Chapter 6,
19 California Code of Regulations, to the qualifications,
20 functions or duties of a real estate licensee.

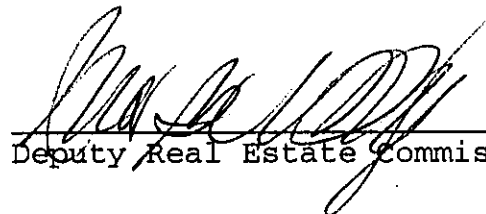
21 V

22 LOZADA's criminal conviction, as alleged above in
23 Paragraph IV, constitutes violation of Code Sections 480(a)(1)
24 and 10177(b) and is cause for denial of Respondent LAND AND SEA's
25 application for a corporate real estate broker license and
26 LOZADA's application for a real estate broker license.
27

1 These proceedings are brought under the provisions of
2 Section 10100, Division 4 of the Business and Professions Code of
3 the State of California and Sections 11500 through 11528 of the
4 Government Code.

5 WHEREFORE, the Complainant prays that the above-
6 entitled matter be set for hearing and, upon proof of the charges
7 contained herein, that the Commissioner refuse to authorize the
8 issuance of, and deny the issuance of, a corporate real estate
9 broker license to Respondent LAND AND SEA REALTY, INC., a
10 corporation and a real estate broker license to Respondent
11 ANN THERESE LOZADA, and for such other and further relief as may
12 be proper in the premises.

13 Dated at Los Angeles, California
14 this 13th day of December, 2002.

15
16 
17 Deputy Real Estate Commissioner

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23 cc: Land and Sea Realty, Inc.
24 Ann Therese Lozada
25 Maria Suarez
26 Sacto.
27 DKW