

1 Department of Real Estate
2 320 West Fourth Street, #350
3 Los Angeles, California 90013

4 (213) 576-6982

FILED

DEC 13 2012

DEPARTMENT OF REAL ESTATE
BY: CA

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 PARK PLACE SERVICES;,)
13 NORTHPARK FINANCIAL SERVICES)
14 GROUP, INC.; TINA M. LATHAM,)
15 individually and as designated)
16 officer of Park Place Services;)
17 MEAGAN RAE BEETS, individually)
18 and as designated officer of)
19 Northpark Financial Services)
20 Group, Inc.; and)
21 ANDY ESPINEIRA,)
22 Respondents.)

NO. H-37187 LA
L-2012010906

STIPULATION
AND
AGREEMENT

20 It is hereby stipulated by and between ANDY ESPINEIRA
21 ("Respondent") and his attorney of record, Frank M. Buda, and the
22 Complainant, acting by and through Lissete Garcia, Counsel for
23 the Department of Real Estate, as follows for the purpose of
24 settling and disposing of the Accusation filed on April 5, 2011,
25 in this matter:

26 1. All issues which were to be contested and all
27 evidence which was to be presented by Complainant and Respondent

1 at a formal hearing on the Accusation, which hearing was to be
2 held in accordance with the provisions of the Administrative
3 Procedure Act ("APA"), shall instead and in place thereof be
4 submitted solely on the basis of the provisions of this
5 Stipulation and Agreement ("Stipulation").

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

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

22 4. This Stipulation is based on the factual
23 allegations contained in the Accusation filed in this proceeding.
24 In the interest of expedience and economy, Respondent chooses not
25 to contest these factual allegations, but to remain silent and
26 understands that, as a result thereof, these factual statements,
27 will serve as a prima facie basis for the disciplinary action

1 stipulated to herein. The Real Estate Commissioner shall not be
2 required to provide further evidence to prove such allegations.

3 5. This Stipulation and Respondent's decision not to
4 contest the Accusation are made for the purpose of reaching an
5 agreed disposition of this proceeding and are expressly limited
6 to this proceeding and any other proceeding or case in which the
7 Department of Real Estate ("Department"), or another licensing
8 agency of this state, another state or if the federal government
9 is involved and otherwise shall not be admissible in any other
10 criminal or civil proceedings.

11 6. It is understood by the parties that the Real
12 Estate Commissioner may adopt the Stipulation as his decision in
13 this matter thereby imposing the penalty and sanctions on
14 Respondent's real estate licenses and license rights as set forth
15 in the below "Order". In the event that the Commissioner in his
16 discretion does not adopt the Stipulation, the Stipulation shall
17 be void and of no effect, and Respondent shall retain the right
18 to a hearing on the Accusation under all the provisions of the
19 APA and shall not be bound by any stipulation or waiver made
20 herein.

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

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1 1. The restricted license issued to Respondent may
2 be suspended prior to hearing by Order of the Real Estate
3 Commissioner in the event of Respondent's conviction or plea of
4 nolo contendere to a crime which is substantially related to
5 Respondent's fitness or capacity as a real estate licensee.

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

12 3. Respondent shall not be eligible for the issuance
13 of an unrestricted real estate license nor for the removal of
14 any of the conditions, limitations or restrictions of a
15 restricted license until at least two (2) years have elapsed
16 from the effective date of this Decision.

17 4. Respondent shall submit with any application for
18 license under an employing broker, or any application for
19 transfer to a new employing broker, a statement signed by the
20 prospective employing real estate broker on a form approved by
21 the Department of Real Estate which shall certify:

22 (a) That the employing broker has read the Decision
23 of the Commissioner which granted the right to a restricted
24 license; and

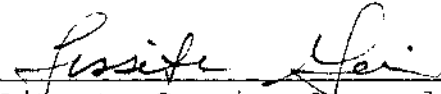
25 (b) That the employing broker will exercise close
26 supervision over the performance by the restricted licensee
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1 relating to activities for which a real estate license is
2 required.

3 5. Respondent shall, within nine (9) months from the
4 effective date of this Decision, present evidence satisfactory
5 to the Real Estate Commissioner that Respondent has, since the
6 most recent issuance of an original or renewal real estate
7 license, taken and successfully completed the continuing
8 education requirements of Article 2.5 of Chapter 3 of the Real
9 Estate Law for renewal of a real estate license. If Respondent
10 fails to satisfy this condition, the Commissioner may order the
11 suspension of the restricted license until the Respondent
12 presents such evidence. The Commissioner shall afford
13 Respondent the opportunity for a hearing pursuant to the
14 Administrative Procedures Act to present such evidence.

15 6. Any restricted real estate license issued to
16 Respondent pursuant to this Decision shall be suspended
17 indefinitely from the date of issuance of said restricted
18 license until Respondent provides a payment of restitution in
19 the amount of \$3,000 to Wilma I. Younger. Said restitution
20 payment shall be in the form of a cashier's check or certified
21 check made payable Wilma I. Younger. Respondent shall mail the
22 restitution payment directly to Department of Real Estate
23 Counsel Lissete Garcia, Attention: Legal Section, Department of
24 Real Estate 320 W. Fourth St., Suite 350, Los Angeles,
25 California 90013-1105. The Department of Real Estate will
26 forward the restitution payment to Wilma I. Younger through her
27 daughter, Charlotte Younger.

1 DATED: 9-26-12



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3 Lissete Garcia, Counsel for
4 the Department of Real Estate

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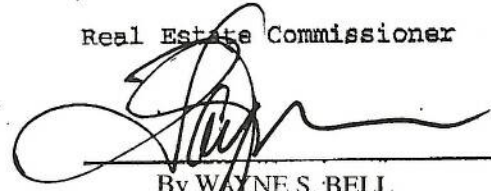
6 I have read the Stipulation and Agreement, have
7 discussed it with my counsel, and its terms are understood by me
8 and are agreeable and acceptable to me. I understand that I am
9 waiving rights given to me by the California Administrative
10 Procedure Act (including but not limited to Sections 11506,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

17 Respondent can signify acceptance and approval of the
18 terms and conditions of this Stipulation and Agreement by faxing
19 a copy of the signature page, as actually signed by Respondent,
20 to the Department at the following telephone/fax number:
21 (213) 576-6914. Respondent agrees, acknowledges and understands
22 that by electronically sending to the Department a fax copy of
23 his actual signature as it appears on the Stipulation and
24 Agreement, that receipt of the faxed copy by the Department shall
25 be as binding on Respondent as if the Department had received the
26 original signed Stipulation and Agreement.
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1 Further, if the Respondent is represented by counsel,
2 the Respondent's counsel can signify his agreement to the terms
3 and conditions of the Stipulation and Agreement by submitting
4 that signature via fax. The Commissioner has asked that within
5 24 hours of obtaining Respondent's signature to the agreement,
6 Respondent's counsel shall deposit in the mail the original
7 settlement/stipulation containing the original signatures of
8 both the Respondent and Respondent's counsel.

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10 DATED: 9/14/12
Andy Espineira
Respondent11
12 DATED: 9-14-12
Frank M. Buda, Esq.
Counsel for Respondent
Approved as to Form13
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15 * * *16 The foregoing Stipulation and Agreement is hereby
17 adopted as my Decision and Order in this matter, and shall become
18 effective at 12 o'clock noon on January 2, 2013.

19 IT IS SO ORDERED

11/13/201220
21 Real Estate Commissioner22 
23 By WAYNE S. BELL
24 Chief Counsel
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