

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

4 (213) 576-6982

**FILED**

NOV 23 2015

BUREAU OF REAL ESTATE

By *[Signature]*

8 BEFORE THE BUREAU OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )  
12 HORIZON PROPERTY GROUP INC. and )  
13 ALETA VICTORIA WINTERS, )  
14 individually and as former designated officer of )  
15 Horizon Property Group Inc., )  
16 Respondents. )

NO. H-39545 LA

STIPULATION AND AGREEMENT

18 It is hereby stipulated by and between ALETA VICTORIA WINTERS  
19 (hereinafter "Respondent") and her attorney, Dennis C. Winters, and the Complainant, acting by  
20 and through Julie L. To, Counsel for the Bureau of Real Estate, as follows for the purpose of  
21 settling and disposing of the Accusation filed on July 22, 2014, in Case No. H-39545 LA, in this  
22 matter:

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

3           2. Respondent has received, read and understands the Statement to Respondent,  
4 the Discovery Provisions of the APA and the Accusation filed by the Bureau of Real Estate in  
5 this proceeding.

6           3. On August 5, 2014, Respondent filed a Notice of Defense pursuant to Section  
7 11506 of the Government Code for the purpose of requesting a hearing on the allegations in the  
8 Accusation. Respondent hereby freely and voluntarily withdraws said Notice of Defense.  
9 Respondent acknowledges that she understands that by withdrawing said Notice of Defense she  
10 will thereby waive her right to require the Commissioner to prove the allegations in the  
11 Accusation at a contested hearing held in accordance with the provisions of the APA and that  
12 she will waive other rights afforded to her in connection with the hearing such as the right to  
13 present evidence in defense of the allegations in the Accusation and the right to cross-examine  
14 witnesses.

15           4. This Stipulation is based on the factual allegations contained in the  
16 Accusation. This Respondent previously filed a Notice of Defense. In the interest of  
17 expedience and economy, Respondent chooses to withdraw the Notice of Defense as part of this  
18 Stipulation and chooses not to contest these allegations, but to remain silent and understands  
19 that, as a result thereof, these factual allegations, without being admitted or denied, will serve as  
20 a prima facie basis for the disciplinary action stipulated to herein. The Real Estate  
21 Commissioner shall not be required to provide further evidence to prove said factual allegations.

22           5. This Stipulation is made for the purpose of reaching an agreed disposition of  
23 this proceeding and is expressly limited to this proceeding any other proceeding or case in which  
24 the Bureau of Real Estate ("Bureau") or another licensing agency of this state, another state or if  
25 the federal government is involved, and otherwise shall not be admissible in any other criminal  
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1 or civil proceeding.

2           6. Respondent understands that by agreeing to this Stipulation and Agreement,  
3 Respondent agrees to pay, pursuant to Section 10106 of the California Business and Professions  
4 Code ("Code"), the cost of the investigation and enforcement which resulted in the  
5 determination that Respondent committed the violations found in the Determination of Issues.  
6 The amount of said costs is \$1,055.85.

7           7. Respondent understands that by agreeing to this Stipulation and Agreement,  
8 Respondent agrees to pay, pursuant to Section 10148 of the Code, the cost of the audit which  
9 resulted in the determination that Respondent committed the violations found in the  
10 Determination of Issues. The amount of said costs is \$3,481.97.

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

18           9. The Order or any subsequent Order of the Real Estate Commissioner made  
19 pursuant to this Stipulation and Agreement shall not constitute an estoppel, merger or bar to any  
20 further administrative or civil proceedings by the Bureau of Real Estate with respect to any  
21 matters which were not specifically alleged to be causes for accusation in this proceeding.

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1 DETERMINATION OF ISSUES

2 By reason of the foregoing stipulations, admissions and waivers and solely for  
3 the purpose of settlement of the pending Accusation without a hearing, it is stipulated and  
4 agreed that the following determination of issues shall be made:

5 The conduct of Respondent, as set forth in the Accusation constitutes grounds for  
6 suspension or revocation of Respondent's real estate salesperson license under the provisions of  
7 Sections 10145, 10159.2, 10176(i), 10177(d), 10177(g), 10177(h), and 10177(j) of the Business  
8 and Professions Code.

9 ORDER

10 WHEREFORE, THE FOLLOWING ORDER is hereby made:

11 All licenses and licensing rights of Respondent ALETA VICTORIA WINTERS  
12 under the Real Estate Law are revoked; provided, however, a restricted real estate broker license  
13 shall be issued to Respondent pursuant to Section 10156.5 of the Business and Professions Code  
14 if Respondent makes application therefor and pays to the Bureau of Real Estate the appropriate  
15 fee for the restricted license within ninety (90) days from the effective date of this Decision.

16 The restricted license issued to Respondent shall be subject to all of the provisions of Section  
17 10156.7 of the Business and Professions Code and to the following limitations, conditions and  
18 restrictions imposed under authority of that Code:

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

23 2. The restricted license issued to Respondent may be suspended prior to hearing  
24 by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that  
25 Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands  
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1 Law, Regulations of the Real Estate Commissioner, or conditions attaching to this restricted  
2 license.

3 3. Respondent shall not be eligible to apply for the issuance of an unrestricted  
4 real estate license nor for the removal of any of the conditions, limitations or restrictions  
5 of a restricted license until three (3) years have elapsed from the date of issuance of the  
6 restricted license to Respondent.

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

15 5. Respondent shall not be a designated officer of any corporate real estate  
16 license during the period that she holds a restricted real estate broker license.

17 6. Respondent shall, within ninety (90) days of the effective date of this Decision,  
18 pay the sum of \$1,055.85 for the Commissioner's reasonable cost of the investigation and  
19 enforcement which led to this disciplinary action. Said payment shall be in the form of a  
20 cashier's check made payable to the Bureau of Real Estate. The investigative and enforcement  
21 costs must be delivered to the Bureau of Real Estate, Flag Section, at P.O. Box 137013,  
22 Sacramento, CA 95813-7013, within ninety (90) days of the effective date of this Order.

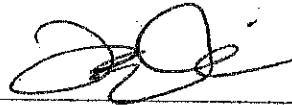
23 (a) If Respondent ALETA VICTORIA WINTERS fails to satisfy this  
24 condition, the Commissioner shall order the suspension of the restricted license until the  
25 Respondent presents evidence of payment. The Commissioner shall afford Respondent the  
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1 opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence  
2 that payment was timely made. The suspension shall remain in effect until payment is made in  
3 full or until a decision providing otherwise is adopted following a hearing held pursuant to this  
4 condition.

5 7. Pursuant to Section 10148 of the Code, Respondent ALETA VICTORIA

6 WINTERS shall pay the sum of \$3,481.97 for the Commissioner's cost of the audit which led to  
7 this disciplinary action. Respondent shall pay such cost within sixty (60) days of receiving an  
8 invoice therefore from the Commissioner. Payment of audit costs should not be made until  
9 Respondent receives the invoice. If Respondent fails to satisfy this condition in a timely manner  
10 as provided for herein, Respondent's real estate license shall automatically be suspended until  
11 payment is made in full, or until a decision providing otherwise is adopted following a hearing  
12 held pursuant to this condition.

13 DATED: 09-16-15



14 Julie L. To, Counsel for Complainant

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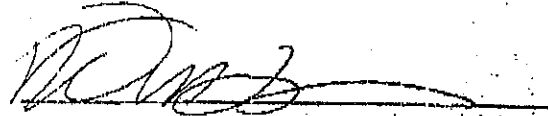
16 I have read the Stipulation and Agreement, have discussed it with my counsel,  
17 and its terms are understood by me and are agreeable and acceptable to me. I understand that I  
18 am waiving rights given to me by the California Administrative Procedure Act (including, but  
19 not limited to Sections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

24 Respondent can signify acceptance and approval of the terms and conditions of  
25 this Stipulation and Agreement by faxing a copy of the signature page, as actually signed by  
26

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1 Respondent, to the Bureau at fax number (213) 576-6917. Respondent agrees, acknowledges  
2 and understands that by electronically sending to the Bureau a fax copy of her actual signature  
3 as it appears on the Stipulation and Agreement, that receipt of the faxed copy by the Bureau  
4 shall be as binding on Respondent as if the Bureau had received the original signed Stipulation  
5 and Agreement.

6 DATED: 9-16-15

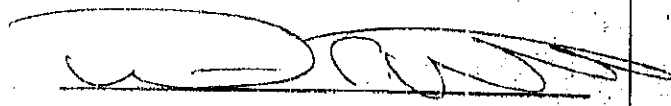


ALETA VICTORIA WINTERS, Respondent

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

11 DATED: 9/16/15



Dennis C. Winters, Attorney for Respondent

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14 The foregoing Stipulation and Agreement is hereby adopted as my  
15 Decision in this matter and shall become effective at 12 o'clock noon on \_\_\_\_\_

16 IT IS SO ORDERED \_\_\_\_\_

17 REAL ESTATE COMMISSIONER

1 Respondent, to the Bureau at fax number (213) 576-6917. Respondent agrees, acknowledges  
2 and understands that by electronically sending to the Bureau a fax copy of her actual signature  
3 as it appears on the Stipulation and Agreement, that receipt of the faxed copy by the Bureau  
4 shall be as binding on Respondent as if the Bureau had received the original signed Stipulation  
5 and Agreement.

6 DATED: \_\_\_\_\_

ALETA VICTORIA WINTERS, Respondent

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

11 DATED: \_\_\_\_\_

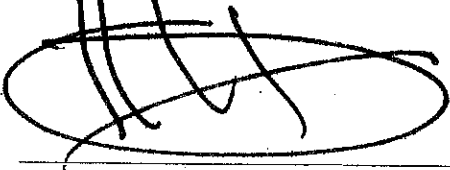
Dennis C. Winters, Attorney for Respondent

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14 The foregoing Stipulation and Agreement is hereby adopted as my  
15 Decision in this matter and shall become effective at 12 o'clock noon on **DEC 14 2015**

16 IT IS SO ORDERED NOVEMBER 19, 2015

17 REAL ESTATE COMMISSIONER  
18 **WAYNE S. BELL**

19 

20 \_\_\_\_\_  
21 By: JEFFREY MASON  
22 Chief Deputy Commissioner