

FILED

FEB 24 2017

BUREAU OF REAL ESTATE

By *[Signature]*

1 Bureau of Real Estate
2 320 West 4th Street, Suite 350
3 Los Angeles, California 90013
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5 Telephone: (213) 576-6982
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8 **BEFORE THE BUREAU OF REAL ESTATE**
9 **STATE OF CALIFORNIA**

10 * * *

11 In the Matter of the Accusation of

12 PROSPERITY 4 U, INC.; DIANA ERIKA
13 ACOSTA, individually and as designated
14 officer of Prosperity 4 U, Inc.; ELSIE
15 ROMERO CAMBRONE, individually and
16 as former designated officer of Prosperity 4
17 U, Inc.; and RAMON ACOSTA,

Respondent.

No. H-40341 LA

STIPULATION AND AGREEMENT
RE: DIANA ERIKA ACOSTA

18 It is hereby stipulated by and between DIANA ERIKA ACOSTA ("Respondent")
19 (license no. 01845162), who is represented by Edward Lear, Esq., and the Complainant, acting
20 by and through Diane Lee, Esq., Counsel for the Bureau of Real Estate, as follows for the
21 purpose of settling and disposing of the Second Amended Accusation filed on or about January
22 23, 2017 in this matter:

23 1. 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 Second Amended
25 Accusation, which hearing was to be held in accordance with the provisions of the

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

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

6 3. On or about August 22, 2016, Respondent filed a Notice of Defense pursuant
7 to California Government Code section 11506 for the purpose of requesting a hearing on the
8 allegations in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice
9 of Defense. Respondent acknowledges that she understands that by withdrawing said Notice of
10 Defense, she will thereby waive her right to require the Commissioner to prove the allegations in
11 the Second Amended Accusation at a contested hearing held in accordance with the provisions of
12 the APA and that she will waive other rights afforded to her in connection with the hearing, such
13 as the right to present evidence in defense of the allegations in the Second Amended Accusation
14 and the right to cross-examine witnesses.

15 4. Respondent, pursuant to the limitations set forth below, hereby admits that the
16 factual allegations against her in the Second Amended Accusation filed in this proceeding are
17 true and correct, and the Real Estate Commissioner shall not be required to provide further
18 evidence of such allegations.

19 5. It is understood by the parties that the Real Estate Commissioner may adopt
20 the Stipulation and Agreement as his Decision in this matter, thereby imposing the penalty and
21 sanctions on Respondent's real estate license and license rights as set forth in the below "Order."
22 In the event that the Commissioner in his discretion does not adopt the Stipulation and
23 Agreement, it shall be void and of no effect, and Respondent shall retain the right to a hearing
24 and proceeding on the Second Amended Accusation under all the provisions of the APA and
25 shall not be bound by any admission or waiver made herein.

1 Code:

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

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

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

15 4. Respondent shall not conduct any professional and/or business activity as a
16 real estate licensee with Prosperity 4 U, Inc. ("P4UI") (license no. 01898038), Elsie Romero
17 Cambrone ("Cambrone") (license no. 00987723), and/or Ramon Acosta ("R. Acosta") (license
18 no. 01267314). Respondent shall not conduct any professional and/or business activity as a real
19 estate licensee with any brokerage and/or company that is owned by (in part or in whole),
20 employed by, and/or associated through licensure with P4UI, Cambrone, and/or R. Acosta.
21 These activities include, but are not limited to, being the designated officer, sponsoring broker,
22 broker-associate, seller's/buyer's agent, and/or employer and/or employee in a real estate
23 brokerage of P4UI, Cambrone, R. Acosta, and/or said brokerage and/or company. If Respondent
24 fails to satisfy this condition, the Commissioner shall order suspension of Respondent's license
25 until Respondent ceases to violate this condition and provides proof thereof.

(INVESTIGATION AND ENFORCEMENT COSTS)

III.


All license and license rights of Respondent are indefinitely suspended unless or until Respondent pays the sum of \$4,281.40 for the Commissioner's reasonable cost for investigation and enforcement which led to this disciplinary action. (As of January 30, 2017, the total cost for investigation and enforcement is over \$21,000.) Said payment shall be in the form of a cashier's check made payable to the Bureau of Real Estate. The investigative and enforcement costs must be delivered to the Bureau of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this Decision and Order.

(PROFESSIONAL RESPONSIBILITY EXAM)

IV.

Respondent shall, within ninety (90) days from the effective date of this Decision and Order, take and pass the Professional Responsibility Examination administered by the Bureau of Real Estate including the payment of the appropriate examination fee. If Respondent fails to satisfy this condition, Respondent's real estate license shall automatically be suspended until Respondent passes the examination.

DATED: 02/22/2017


DIANE LEE
Counsel for Complainant

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I have read the Stipulation and Agreement, and its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California Administrative Procedure Act (including but not limited to California Government

1 Code Sections 11506, 11508, 11509, and 11513), and I willingly, intelligently, and voluntarily waive
2 those rights, including the right of requiring the Commissioner to prove the allegations in the
3 Second Amended Accusation at a hearing at which I would have the right to cross-examine
4 witnesses against me and to present evidence in defense and mitigation of the charges. I also
5 understand I may have counsel, but waive that right and am choosing to represent myself in this
6 matter.

7 Respondent can signify acceptance and approval of the terms and conditions of
8 this Stipulation and Agreement by faxing a copy of the signature page, as actually signed by
9 Respondent, to the Bureau of Real Estate at fax number (213) 576-6917. Respondent agrees,
10 acknowledges, and understands that by electronically sending to the Bureau of Real Estate a fax
11 copy of his actual signature as it appears on the Stipulation and Agreement, that receipt of the
12 faxed copy by the Bureau of Real Estate shall be as binding on Respondent as if the Bureau of
13 Real Estate had received the original signed Stipulation and Agreement.

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15 DATED: 2/22/2017



DIANA ERIKA ACOSTA
Respondent

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18 I have reviewed the Stipulation and Agreement as to form and content, and have
19 advised my client accordingly.

20 DATED: 2/22/17



EDWARD LEAR
Respondent's Counsel

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The foregoing Stipulation and Agreement is hereby adopted as my Decision in
this matter and shall become effective at 12 o'clock noon on March 16, 2017.

IT IS SO ORDERED 2/24/17, 2017.

WAYNE S. BELL
REAL ESTATE COMMISSIONER


By: DANIEL J. SANDRI
Chief Deputy Commissioner