FILED

JUL 15 2010

DEPARTMENT OF REAL ESTATE

By

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of MARIA CRISTINA BOLTE, Respondent.	No. H-10765 SF STIPULATION AND AGREEMENT IN SETTLEMENT AND ORDER

It is hereby stipulated by and between MARIA CRISTINA BOLTE (Respondent) and her attorney, Shawn R. Parr, and the Complainant, acting by and through Angela L. Cash, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on October 7, 2009 in this matter:

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

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

DETERMINATION OF ISSUES

By reason of the foregoing stipulations, admissions, and waivers and solely for the purpose of settlement of the pending Accusation without hearing, it is stipulated and agreed that the facts alleged above are grounds for the suspension or revocation of the license and license rights of Respondent MARIA CRISTINA BOLTE under the following provisions of the California Business and Professions Code (the Code) and/or Chapter 6, Title 10, California Code of Regulations (the Regulations): Section 10177(d) of the Code in conjunction with Sections 10085, 10085.5 and 10130 of the Code and Section 2970 of the Regulations.

ORDER

1. All licenses and licensing rights of Respondent MARIA CRISTINA BOLTE under the Real Estate Law are revoked; provided, however, a restricted real estate salesperson's license shall be issued to Respondent pursuant to Section 10156.5 of the Code if Respondent makes application therefore and pays to the Department of Real Estate the appropriate fee for the restricted license within 90 days from the effective date of the Decision entered pursuant to this Order.

2. The restricted license issued to Respondent shall be subject to all of the provisions of Section 10156.7 of the Code as to the following limitations, conditions and restrictions imposed under authority of Section 10156.6 of that Code:

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

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

5. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor for removal of any of the conditions, limitations or restrictions of a restricted license until two (2) years have elapsed from the effective date of this Order.

6. With the application for license, or with the application for transfer to a new employing broker, Respondent shall submit a statement signed by the prospective employing real estate broker on a form approved by the Department which shall certify as follows:

(a) That the employing broker has read the Decision of the Commissioner which is the basis for the issuance of the restricted license; and

(b) That the employing broker will carefully review all transaction documents prepared by the restricted licensee and otherwise exercise close supervision over the licensee's performance of acts for which a license is required.

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

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8. Respondent shall, as a condition of the issuance of said restricted license, submit proof satisfactory to the Commissioner of having refunded the advance fees collected from Ricardo Farjat in the amount of $3,000. Respondent must submit proof of said refund to the Department prior to the effective date of the Order. If Respondent fails to refund said advance fee prior to the effective date of the Order, Respondent's real estate license shall be indefinitely suspended from the effective date of the Order until the above-mentioned refund condition is met.

6/1/10
DATED

ANGELA L. CASH, Counsel
DEPARTMENT OF REAL ESTATE

* * *

I have read the Stipulation and Agreement in Settlement and Order, have discussed it with my counsel, 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 Sections 11506, 11508, 11509, and 11513 of the Government Code), and I willingly, intelligently, and voluntarily waive those rights, including the right of requiring the Commissioner to prove the allegations in the Accusation at a hearing at which I would have the right to cross-examine witnesses against me and to present evidence in defense and mitigation of the charges.

5/27/10
DATED

MARIA CRISTINA BOLTE
Respondent

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I have reviewed the Stipulation and Agreement in Settlement and Order as to form and content and have advised my client accordingly.

5/27/10
DATED

SHAWN R. PARR
Attorney for Respondent

* * *

The foregoing Stipulation and Agreement in Settlement and Order is hereby adopted by the Real Estate Commissioner as his Decision and Order and shall become effective at 12 o'clock noon on AUG - 5 2010

IT IS SO ORDERED 7/7/2010

JEFF DAVI
Real Estate Commissioner

ANGELA L. CASH, Counsel
State Bar No. 230882
Department of Real Estate
P. O. Box 187007
Sacramento, CA 95818-7007

Telephone: (916) 227-0789
-or- (916) 227-0805 (Direct)

FILED
OCT - 7 2009
DEPARTMENT OF REAL ESTATE
By R. Henry

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of MARIA CRISTINA BOLTE, Respondent.	NO. H- 10765 SF ACCUSATION

The Complainant, E.J. HABERER, II, a Deputy Real Estate Commissioner of the State of California (hereinafter "Complainant"), for Accusation against Respondent MARIA CRISTINA BOLTE (hereinafter "Respondent"), is informed and alleges as follows:

1

Complainant makes this Accusation against Respondent in his official capacity.

2

At all times herein mentioned, Respondent was and now is licensed by the Department as a real estate salesperson. From approximately September 8, 2007 through January 22, 2009, Respondent's real estate license was conditionally suspended for failure to meet educational requirements. Additionally, from approximately September 8, 2007 through February 17, 2009, Respondent was not employed by any licensed real estate broker.

3

In approximately January 2009, at a time when Respondent's real estate salesperson license was suspended and Respondent was not employed by any licensed real estate broker, Respondent engaged in the business of, acted in the capacity of, advertised, or assumed to act as a real estate broker within the State of California within the meaning of Section 10131(d) of the Business & Professions Code ("Code"), in that Respondent solicited and/or performed services for borrowers in connection with loans secured directly or collaterally by liens on real property or on a business opportunity, for or in expectation of a compensation and claimed, demanded, charged, received, collected or contracted for an advanced fee for such services, including but not limited to the solicitation of Sylvia Aviles and Ricardo Farjat (hereinafter "the borrowers") for the modification or renegotiation of their existing mortgage loan(s) for the real property located at 5840 Seminary Court, Oakland, California.

4

Respondent's conduct of the solicitations described in Paragraph 3, above, without first obtaining a real estate broker license, without active employment and supervision in Respondent's capacity as a real estate salesperson by a real estate broker, and at a time while Respondent's real estate license was suspended, constitutes a violation of Section 10130 of the Code and are grounds for the revocation or suspension of Respondent's real estate license or license rights under Sections 10177(d) of the Code.

5

At all times herein mentioned, Respondent claimed, and/or demanded, and/or charged the borrowers an advance fee for performing activities for which a license is required as described in Paragraph 3, above, at a time when Respondent's real estate salesperson's license was suspended and while not licensed as a real estate broker or in the employ of a real estate broker in violation of Section 10085.5 of the Code and are grounds for the revocation or suspension of Respondent's real estate license or license rights under Sections 10177(d) of the Code.

6

At all times herein mentioned, Respondent failed to submit to the Department any materials used in obtaining advance fees related to the solicitations described in Paragraph 3, above, including but not limited to the contract forms, letters, or cards used to solicit prospective clients, so that the Commissioner of the Department could determine whether that material might tend to mislead prospective clients.

7

Respondent's failure to cause the advance fee agreement and all materials used in obtaining the advance fee agreement to be submitted to the Department of Real Estate prior to use as required by Section 10085 of the Code and Section 2970 of Title 10 of the California Code of Regulations (hereinafter "the Regulations") constitutes grounds for the revocation or suspension of Respondent's real estate license or license rights under Section 10177(d) of the Code.

8

The acts and/or omissions of Respondent described above constitute violation of Section 10177(d) of the Code in conjunction with Sections 10085, 10085.5 and 10130 of the Code, and Section 2970 of the Regulations, and are cause for the suspension or revocation of Respondent's license and license rights.

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against all licenses and license rights of Respondent MARIA CRISTINA BOLTE under the Code and for such other and further relief as may be proper under other provisions of law.

E.J. HABERER, II
Deputy Real Estate Commissioner

Dated at Oakland, California,
this 29th day of September, 2009.