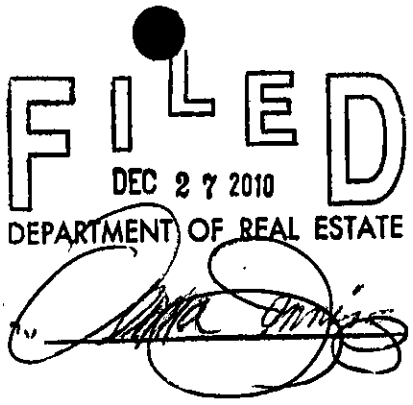
Department of Real Estate
320 W. 4th St., Room 350
Los Angeles, California 90013

Telephone: (213) 576-6982



BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of A L E ASSOCIATES, INC., dba Castle Realty Homes and Castle Mortgage; and ANA MICHELLE ESPINOZA individually and as designated officer of the corporation, Respondents.	No. H-36286 LA L 2010 050 562 STIPULATION AND AGREEMENT

It is hereby stipulated by and between A L E ASSOCIATES, INC., and ANA MICHELLE ESPINOZA (sometimes referred to as Respondents), and the Complainant, acting by and through James R. Peel, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on September 29, 2009, in this matter.

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondents 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 ("Stipulation").

2. Respondents have received, read and understand the Statement to Respondent, the Discovery Provisions of the Administrative Procedure Act ("APA") and the Accusation filed by the Department of Real Estate in this proceeding.

3. On October 15, 2009, Respondents filed a Notice of Defense pursuant to Section 11506 of the Government Code for the purpose of requesting a hearing on the allegations in the Accusation. Respondents hereby freely and voluntarily withdraw said Notice of Defense. Respondents acknowledge that they understand that by withdrawing said Notices of Defense they will thereby waive their right to require the Commissioner to prove the allegations in the Accusation at a contested hearing held in accordance with the provisions of the APA and that they will waive other rights afforded to them in connection with the hearing, such as the right to present evidence in defense of the allegations in the Accusation and the right to cross-examine witnesses.

4. This Stipulation is based on the factual allegations contained in the Accusation filed in this proceeding. In the interest of expedience and economy, Respondents choose not to contest these factual allegations, but to remain silent and understand that, as a result thereof, these factual statements, will serve as a prima facie basis for the

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

5. This Stipulation and Respondents' decision not to contest the Accusation is made for the purpose of reaching an agreed disposition of this proceeding and is expressly limited to this proceeding and any other proceeding or case in which the Department of Real Estate ("Department"), the state or federal government, or an agency of this state, another state or the federal government is involved.

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

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

DETERMINATION OF ISSUES

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

The conduct, acts and/or omissions of Respondents A L E ASSOCIATES, INC., and ANA MICHELLE ESPINOZA, as set forth in the Accusation, constitute cause for the suspension or revocation of all of the real estate licenses and license rights of Respondents under the provisions of Section 10177(g) of the Business and Professions Code ("Code").

ORDER

All licenses and licensing rights of Respondents A L E ASSOCIATES, INC., and ANA MICHELLE ESPINOZA, under the Real Estate Law are suspended for a period of ninety (90) days from the effective date of this Decision; provided, however, that sixty (60) days of said suspension shall be stayed for two (2) years upon the following terms and conditions:

1. Respondents shall obey all laws, rules and regulations governing the rights, duties and responsibilities of a real estate licensee in the State of California; and

2. That no final subsequent determination be made, after hearing or upon stipulation that cause for disciplinary action occurred within two (2) years of the effective date of this Decision. Should such a determination be made, the Commissioner may, in his discretion, vacate and set aside the

stay order and reimpose all or a portion of the stayed suspension. Should no such determination be made, the stay imposed herein shall become permanent.

3. Provided, however, that if Respondents petition, the remaining thirty (30) days of said ninety (90) day suspension shall be stayed upon condition that:

a. Respondents pay a monetary penalty pursuant to Section 10175.2 of the Business and Professions Code at the rate of $50 for each day of the suspension for a total monetary penalty of $1,500 ($3,000 for both Respondents).

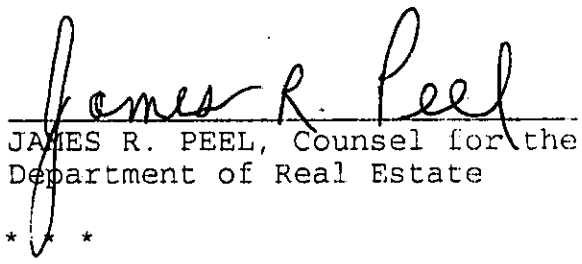
b. Said payment shall be in the form of a cashier's check or certified check made payable to the Recovery Account of the Real Estate Fund. Said check must be received by the Department prior to the effective date of the Decision in this matter.

c. No further cause for disciplinary action against the real estate licenses of Respondent occurs within two (2) years from the effective date of the Decision in this matter.

d. If Respondents fail to pay the monetary penalty in accordance with the terms and conditions of the Decision, the Commissioner may, without a hearing, order the immediate execution of all or any part of the stayed suspension in which event the Respondents shall not be entitled to any repayment nor credit, prorated or otherwise, for money paid to the Department under the terms of this Decision.

e. If Respondents pay the monetary penalty and if no further cause for disciplinary action against the real estate license of Respondent occurs within two (2) years from the effective date of the Decision, the stay hereby granted shall become permanent.

DATED: Oct. 29, 2010



JAMES R. PEEL, Counsel for the Department of Real Estate

* * *

We have read the Stipulation and Agreement, discussed it with our counsel, and its terms are understood by us and are agreeable and acceptable to us. We understand that we are waiving rights given to us by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509 and 11513 of the Government Code), and we 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 we would have the right to cross-examine witnesses against us and to present evidence in defense and mitigation of the charges.

Respondents can signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by faxing a copy of the signature page, as actually signed by Respondents, to the Department at the following telephone/fax number: (213) 576-6917. Respondents agree, acknowledge and understand that by electronically sending to the Department a fax copy of

his or her actual signature as it appears on the Stipulation and Agreement, that receipt of the faxed copy by the Department shall be as binding on Respondents as if the Department had received the original signed Stipulation and Agreement.

Further, if the Respondents are represented, the Respondents' counsel can signify his or her agreement to the terms and conditions of the Stipulation and Agreement by submitting that signature via fax.

DATED: _____

_____
A L E ASSOCIATES, INC.
Respondent

DATED: _____

_____
ANA MICHELLE ESPINOZA
Respondent

DATED: _____

_____
ROBERT P. SIEVERS
Counsel for Respondents

his or her actual signature as it appears on the Stipulation and Agreement, that receipt of the faxed copy by the Department shall be as binding on Respondents as if the Department had received the original signed Stipulation and Agreement.

Further, if the Respondents are represented, the Respondents' counsel can signify his or her agreement to the terms and conditions of the Stipulation and Agreement by submitting that signature via fax.

DATED: 10/29/10

A L E ASSOCIATES, INC.
Respondent

DATED: 10/29/10

ANA MICHELLE ESPINOZA
Respondent

DATED: 10/29/2010

ROBERT P. SIEVERS
Counsel for Respondents

* * *

The foregoing Stipulation and Agreement is hereby adopted as my Decision and Order in this matter, and shall become effective at 12 o'clock noon on JAN 18 2011

IT IS SO ORDERED 11/30/2010.

JEFF DAVI
Real Estate Commissioner

JAMES R. PEEL, Counsel (SBN 47055)
Department of Real Estate
320 West Fourth Street, Suite 350
Los Angeles, CA 90013-1105

Telephone: (213) 576-6982
-or- (213) 576-6913 (Direct)

FILED
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DEPARTMENT OF REAL ESTATE

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of A L E ASSOCIATES, INC., dba Castle Realty Homes and Castle Mortgage; and ANA MICHELLE ESPINOZA individually and as designated officer of the corporation, Respondents	No. H-36286 LA A C C U S A T I O N

The Complainant, Robin L. Trujillo, a Deputy Real Estate Commissioner of the State of California, for cause of accusation against A L E ASSOCIATES, INC., dba Castle Realty Homes and Castle Mortgage, and ANA MICHELLE ESPINOZA individually and as designated officer of the corporation, alleges as follows:

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I

The Complainant, Robin L. Trujillo, acting in her official capacity as a Deputy Real Estate Commissioner of the State of California, makes this Accusation against A L E ASSOCIATES, INC., dba Castle Realty Homes and Castle Mortgage, and ANA MICHELLE ESPINOZA.

II

A L E ASSOCIATES, INC. and ANA MICHELLE ESPINOZA individually and as designated officer of said corporation (hereinafter referred to as "Respondents") are presently licensed and/or have license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code, hereinafter Code).

III

Respondent A L E ASSOCIATES, INC. was originally licensed as a real estate broker on January 29, 2007. Pursuant to Code Section 10159.2, Respondent ANA MICHELLE ESPINOZA is responsible for the supervision and control of the activities conducted on behalf of the corporation by its officers and employees as necessary to secure full compliance with the provisions of the real estate law including the supervision of salespersons licensed to the corporation in the performance of acts for which a real estate license is required.

IV

At all times material herein, Respondents engaged in the business of, acted in the capacity of, advertised or assumed to act as a real estate broker in the State of California, within

the meaning of Section 10131(d) and (e) of the Code, including soliciting borrowers and lenders and negotiating loans and loan modifications on real property, and Section 10131.2 of the Code including collecting and receiving advance fees.

V

In connection with Respondents' activities as a real estate broker, as described above, Respondents acted in violation of the Real Estate Law as follows:

(1) Violated Section 10146 of the Code by collecting advance fees from the public and failing to deposit the fees into a real estate broker trust account.

(2) Violated Code Section 10085 and Regulation 2970 by failing to submit to the Commissioner not less than ten calendar days before publication or other use, all materials to be used in advertising, promoting, soliciting and negotiating an agreement calling for the payment of an advance fee including the form of advance fee agreement proposed for use.

VI

The conduct, acts and/or omissions of Respondents, A L E ASSOCIATES, INC., and ANA MICHELLE ESPINOZA, as alleged above, subjects their real estate licenses and license rights to suspension or revocation pursuant to Sections 10177(d) and/or 10177(g) of the Code.

VII

The conduct, acts and/or omissions of Respondent ANA MICHELLE ESPINOZA, in failing to ensure full compliance with the Real Estate Law is in violation of Section 10159.2 of the Code

and subjects her real estate licenses and license rights to suspension or revocation pursuant to Sections 10177(d), 10177(g) and/or 10177(h) of the Code.

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 Respondents A L E ASSOCIATES, INC., dba Castle Realty Homes and Castle Mortgage, and ANA MICHELLE ESPINOZA, under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) and for such other and further relief as may be proper under other applicable provisions of law.

Dated at Los Angeles, California
this 18 day of August, 2009.

ROBIN L. TRUJILLO
Deputy Real Estate Commissioner

cc: A L E Associates, Inc.
Ana Michelle Espinoza
Robin L. Trujillo
Phillip Ihde
Sacto.