Facto Stay

FILED

AUG 24 2011

DEPARTMENT OF REAL ESTATE
BY: Laura B. Glen

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of JOLIE DE GALICIA, Respondent(s).	NO. H-36861 LA L-2010110842

ORDER STAYING EFFECTIVE DATE

On August 1, 2011, a Decision was rendered in the above-entitled matter to become effective August 29, 2011.

IT IS HEREBY ORDERED that the effective date of the Decision of August 1, 2011, is stayed for a period of 30 days to allow Respondent JOLIE DE GALICIA to file a petition for reconsideration.

The Decision of August 1, 2011, shall become effective at 12 o' clock noon on September 28, 2011.

DATED: August 24, 2011

BARBARA J. BIGBY
Acting Real Estate Commissioner

By: Dolores Weeks
DOLORES WEEKS
Regional Manager

SACTO Flag

FILED

AUG - 8 2011

DEPARTMENT OF REAL ESTATE
BY: [signature]

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

(213) 576-6982
(213) 576-6910

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of JOLIE DE GALICIA, d.b.a. California Realty & Loans, Respondents.	NO. H-36861 LA STIPULATION AND AGREEMENT

It is hereby stipulated by and between JOLIE DE GALICIA (sometimes referred to as "Respondent") and his attorney of record, Frank M. Buda, and the Complainant, acting by and through James A. Demus, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on October 12, 2010, 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. 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.

3. On October 28, 2010, Respondent 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. Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent acknowledges that he understands that by withdrawing said Notice of Defense, she will thereby waive her 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 she will waive other rights afforded to her 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, Respondent chooses not to contest these factual allegations, but to remain silent and understands 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 Respondent's decision not to contest the Accusation are made for the purpose of reaching an agreed disposition of this proceeding and are expressly limited to this proceeding and any other proceeding or case in which the Department of Real Estate ("Department"), or another licensing agency of this state, another state or if the federal government is involved and otherwise shall not be admissible in any other criminal or civil proceedings.

6. It is understood by the parties that the Real Estate Commissioner may adopt the Stipulation as her decision in this matter thereby imposing the penalty and sanctions on Respondent's real estate license and license rights as set forth in the below "Order". In the event that the Commissioner in her discretion does not adopt the Stipulation, the Stipulation shall be void and of no effect, and Respondent 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 Respondent JOLIE DE GALICIA as described in Paragraph 4, constitute cause for the suspension or revocation of all the real estate licenses and license rights of Respondent JOLIE DE GALICIA under the provisions of Sections 10085, 10177(d) and 10177(g) of the Business and Professions Code ("Code").

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

I

A. All licenses and license rights of Respondent JOLIE DE GALICIA under the Real Estate Law are suspended for a period of ninety (90) days from the effective date of this Decision; provided, however, that the initial thirty (30) days of said suspension shall be stayed upon the following terms and conditions:

1. Respondent pays 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.

2. 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.

3. No further cause for disciplinary action against the real estate license of Respondent occurs within two years from the effective date of the Decision in this matter.

4. If Respondent fails 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 Respondent shall not be entitled to any repayment nor credit, prorated or otherwise, for money paid to the Department under the terms of this Decision.

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

B. The remaining sixty (60) days of the ninety (90) day suspension shall be stayed for two (2) years upon the following terms and conditions:

(1) Respondent JOLIE DE GALICIA 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 from the effective date of this Decision. Should such a determination be made, the Commissioner may, in her 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.

II

Respondent JOLIE DE GALICIA shall within six (6) months from the effective date of the Decision herein, take and pass the Professional Responsibility Examination administered by the Department including the payment of the appropriate examination fee. If Respondent fails to satisfy this condition, the Commissioner may order suspension of Respondent's license until Respondent passes the examination.

III

All licenses and licensing rights of Respondent JOLIE DE GALICIA are indefinitely suspended unless or until Respondent provides evidence satisfactory to the Real Estate Commissioner by the effective date of this Decision, that she has made payment of restitution in the amount of $2,000 to Juan Leyva and $2,000 to Manuel and Patricia Villaloboz.

DATED: 6/30/11

JAMES A. DEMUS, Counsel for the Department of Real Estate

* * *

I have read the Stipulation and Agreement, 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.

Respondent 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 Respondent, to the Department at the following fax number: (213) 576-6917. Respondent agrees, acknowledges and understands that by electronically sending to the Department a fax copy of 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 Respondent as if the Department had received the original signed Stipulation and Agreement.

Further, if the Respondent is represented by counsel, Respondent's counsel can signify his agreement to the terms and conditions of the Stipulation and Agreement by submitting that signature via fax.

DATED: JUNE 29, 2011

JOLIE DE GALICIA
Respondent

DATED: 6-29-11

Frank M. Buda
Attorney for Respondent

* * *

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 AUG 29 2011.

IT IS SO ORDERED 8/1, 2011.

BARBARA J. BIGBY
Acting Real Estate Commissioner

SACTO Flag

JAMES DEMUS, Counsel (SBN 225005)
Department of Real Estate
320 West Fourth St., #350
Los Angeles, CA 90013

(213) 576-6982
(213) 576-6910 (direct)

FILED

OCT 12 2010

DEPARTMENT OF REAL ESTATE
BY: Lana B. Ho

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of JOLIE DE GALICIA, d.b.a California Realty & Loans, Respondent.	No. H-36861-LA A C C U S A T I O N

The Complainant, Robin Trujillo, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against JOLIE DE GALICIA, d.b.a. California Realty & Loans, is informed and alleges as follows:

1.

The Complainant, Robin Trujillo, a Deputy Real Estate Commissioner of the State of California, makes this Accusation in her official capacity.

2.

JOLIE DE GALICIA, d.b.a. California Realty & Loans, a.k.a. Yolanda Jerez, (hereinafter "Respondent") is presently

licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code, hereinafter "Code"), as a real estate broker.

3.

At all times material herein, Respondent was 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 Code Section 10131.

FIRST CAUSE OF ACCUSATION

(Advance Fee Violations)

4.

Respondent engaged in the business of a real estate broker in the State of California within the meaning of Code Sections 10131(d) and 10131.2, including brokering mortgage loans and performing loan modification activities and claiming, demanding, charging, receiving, collecting or contracting for the collection of an advance fee, within the meaning of Code Section 10026, including, but not limited to, the following loan modification activities with respect to loans which were secured by liens on real property.

5.

In or about December 2009, Respondent entered into an agreement with Juan Leyva ("Leyva") to negotiate a loan modification with respect to a loan secured by a lien(s) on the real property located at 14387 Ivy Street, Adelanto, CA 92301, in exchange for advance fee payments by Leyva of $2,000. In

reliance on this agreement, Leyva submitted $1,000 checks to Respondent on January 1, 2009 and February 9, 2009.

6.

In or about January 2009, Respondent entered into an agreement with Manuel and Patricia Villaloboz to negotiate a loan modification with respect to a loan secured by a lien(s) on the real property located at 6210 Orange Knoll Avenue, San Bernardino, CA, 92404, in exchange for an advance fee payment of $2,000. In reliance on this agreement, Manuel and Patricia Villaloboz submitted $1,000 checks to Respondent on January 8, 2009 and January 31, 2009.

7.

The fees collected by Respondent, as described in Paragraphs 5 and 6 above, constitute advance fee agreements within the meaning of Code Section 10026. Respondent failed to submit the advance fee agreements referred to in Paragraphs 5 and 6 above, to the Commissioner ten days before using them, in violation of Code Section 10085 and Section 2970 of Title 10, California Code of Regulations ("Regulations").

SECOND CAUSE OF ACCUSATION

(FICTITIOUS BUSINESS NAME)

8.

Respondent submitted modification agreements regarding the transactions described in paragraphs 5 and 6 above which listed her brokerage as "CR&L, Inc". The checks Respondent received, as described in paragraphs 5 and 6 above, were also addressed to "CR&L, Inc". Respondent has never

applied with the Department to use this fictitious business name. Nor has Respondent submitted a certified copy of a fictitious business name statement filed with the county clerk for "CR&L, Inc." This constitutes a violation of Code Section 10159.5 and Section 2731, Title 10, Chapter 6, California Code of Regulations.

9.

The conduct, acts and/or omissions of Respondent, as set forth above, are cause for the suspension or revocation of the licenses and license rights of Respondent JOLIE DE GALICIA, d.b.a. California Realty & Loans, pursuant to Code Sections 10085, 10177(d) and/or 10177(g).

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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 the licenses and license rights of Respondents JOLIE DE GALICIA, d.b.a. California Realty & Loans, under the Real Estate Law, and for such other and further relief as may be proper under other applicable provisions of law.

Dated at Los Angeles, California
this 20 day of September, 2010.

Robin Trujillo
Deputy Real Estate Commissioner

cc: JOLIE DE GALICIA
Robin Trujillo
Sacto.