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FILED

MAY 29 2012

1 Department of Real Estate
2 320 W. 4th St., Room 350
3 Los Angeles, California 90013
4 Telephone: (213) 576-6982

DEPARTMENT OF REAL ESTATE
BY: *R. Medelicholt*

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) No. H-37307 LA
12) L-2011 090 702
13)
14) ANGIE S. RAMIREZ)
15)) STIPULATION AND AGREEMENT
16) Respondent.)
17)

16 It is hereby stipulated by and between ANGIE S.
17 RAMIREZ (sometimes referred to as Respondent), and her attorney,
18 Frank M. Buda, and the Complainant, acting by and through James
19 R. Peel, Counsel for the Department of Real Estate, as follows
20 for the purpose of settling and disposing of the Accusation
21 filed on May 27, 2011, in this matter.

22 1. All issues which were contested and all evidence
23 which was presented by Complainant and Respondent at a formal
24 hearing on the Accusation, which hearing is to be held in
25 accordance with the provisions of the Administrative Procedure
26 Act ("APA"), shall instead and in place thereof be submitted
27

1 solely on the basis of the provisions of this Stipulation and
2 Agreement ("Stipulation").

3 2. Respondent has received, read and understands the
4 Statement to Respondent, the Discovery Provisions of the
5 Administrative Procedure Act ("APA") and the Accusation filed by
6 the Department of Real Estate in this proceeding.

7 3. On July 26, 2011, Respondent filed a Notice of
8 Defense pursuant to Section 11506 of the Government Code for the
9 purpose of requesting a hearing on the allegations in the
10 Accusation. Respondent hereby freely and voluntarily withdraws
11 said Notice of Defense. Respondent acknowledges that she
12 understands that by withdrawing said Notice of Defense she will
13 thereby waive her rights to require the Commissioner to prove
14 the allegations in the Accusation at a contested hearing held in
15 accordance with the provisions of the APA and that she will
16 waive other rights afforded to her in connection with the
17 hearing such as the right to present evidence in defense of the
18 allegations in the Accusation and the right to cross-examine
19 witnesses.

20 4. This Stipulation is based on the factual
21 allegations contained in the Accusation filed in this
22 proceeding. In the interest of expedience and economy,
23 Respondent chooses not to contest these factual allegations, but
24 to remain silent and understands that, as a result thereof,
25 these factual statements, will serve as a prima facie basis for
26 the disciplinary action stipulated to herein. The Real Estate
27

1 Commissioner shall not be required to provide further evidence
2 to prove such allegations.

3 5. This Stipulation is made for the purpose of
4 reaching an agreed disposition of this proceeding and is
5 expressly limited to this proceeding and any other proceeding or
6 case in which the Department of Real Estate ("Department"), the
7 state or federal government, or an agency of this state, another
8 state or the federal government is involved.

9 6. It is understood by the parties that the Real
10 Estate Commissioner may adopt the Stipulation as her decision
11 in this matter thereby imposing the penalty and sanctions on
12 Respondent's real estate licenses and license rights as set
13 forth in the below "Order". In the event that the Commissioner
14 in her discretion does not adopt the Stipulation, the
15 Stipulation shall be void and of no effect, and Respondent shall
16 retain the right to a hearing and proceeding on the Accusation
17 under all the provisions of the APA and shall not be bound by
18 any stipulation or waiver made herein.
19

20 7. The Order or any subsequent Order of the Real
21 Estate Commissioner made pursuant to this Stipulation shall not
22 constitute an estoppel, merger or bar to any further
23 administrative or civil proceedings by the Department of Real
24 Estate with respect to any conduct which was not specifically
25 alleged to be causes for accusation in this proceeding.
26
27

DETERMINATION OF ISSUES

1
2 By reason of the foregoing stipulations and waivers
3 and solely for the purpose of settlement of the pending
4 Accusation, it is stipulated and agreed that the following
5 determination of issues shall be made:

I

6
7 The conduct, acts and/or omissions of Respondent
8 ANGIE S. RAMIREZ, as set forth in the Accusation, constitutes
9 cause for the suspension or revocation of all of the real estate
10 licenses and license rights of Respondent under the provisions
11 of Section 10177(g) of the Business and Professions Code
12 ("Code").

ORDER

13
14 The license and license rights of Respondent ANGIE S.
15 RAMIREZ under the Real Estate Law are suspended for a period of
16 fifteen (15) days from the effective date of this Decision.

17
18 1. Provided, however, that fifteen (15) days of said
19 suspension shall be stayed for one (1) year, upon the following
20 terms and conditions:

21 a. Respondent shall obey all laws, rules and
22 regulations governing the rights, duties and responsibilities of
23 a real estate licensee in the State of California; and

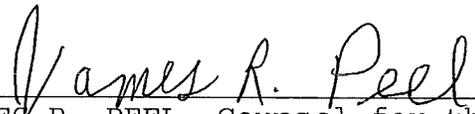
24 b. That no final subsequent determination be made,
25 after hearing or upon stipulation that cause for disciplinary
26 action occurred within one (1) year of the effective date of
27 this Decision. Should such a determination be made, the

1 Commissioner may, in her discretion, vacate and set aside the
2 stay order and reimpose all or a portion of the stayed
3 suspension. Should no such determination be made, the stay
4 imposed herein shall become permanent.

5 2. The license and license rights of Respondent are
6 indefinitely suspended unless and until she pays \$2,750 to Maria
7 Ramirez, and submits satisfactory proof of said payment to the
8 Department of Real Estate. Proof shall be sent to James Peel,
9 Real Estate Counsel, Department of Real Estate, 320 W. 4th St.,
10 Room 350, Los Angeles, CA 90013.

11 DATED:

April 4, 2012


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

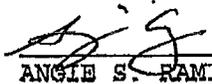
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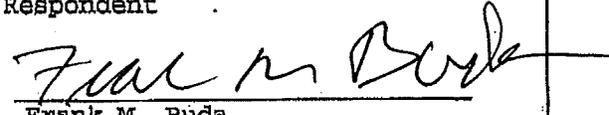
14 I have read the Stipulation and Agreement, and its
15 terms are understood by me and are agreeable and acceptable to
16 me. I understand that I am waiving rights given to me by the
17 California Administrative Procedure Act (including but not
18 limited to Sections 11506, 11508, 11509 and 11513 of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

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

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

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

12 DATED: 4/2/12 
 13 ANGIE S. RAMIREZ
 14 Respondent

15 DATED: 4-2-12 
 16 Frank M. Buda
 17 Counsel For Respondent

* * *

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

21 IT IS SO ORDERED _____

22 REAL ESTATE COMMISSIONER

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

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

12
13 DATED: _____
14 ANGIE S. RAMIREZ
15 Respondent

16 DATED: _____
17 Frank M. Buda
18 Counsel For Respondent

19 * * *

20 The foregoing Stipulation and Agreement is hereby
21 adopted as my Decision and Order in this matter, and shall
22 become effective at 12 o'clock noon on JUN 18 2012.

23 IT IS SO ORDERED

24 4/22/2012
25 REAL ESTATE COMMISSIONER

26 
27 By WAYNE S. BELL
Chief Counsel

4420
1/19

FILED
MAY 27 2011
DEPARTMENT OF REAL ESTATE

1 JAMES R. PEEL, Counsel (SBN 47055)
2 Department of Real Estate
3 320 West Fourth Street, Suite 350
4 Los Angeles, CA 90013-1105
5
6
7
8 Telephone: (213) 576-6982
9 -or- (213) 576-6913 (Direct)

[Handwritten signature]

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

11	In the Matter of the Accusation of)	No. H-37307 LA
12	ANGIE S. RAMIREZ,)	<u>A C C U S A T I O N</u>
13)	
14	Respondent.)	

15 The Complainant, Joseph Aiu, a Deputy Real Estate
16 Commissioner of the State of California, for cause of Accusation
17 against ANGIE S. RAMIREZ, alleges as follows:

I

19 The Complainant, Joseph Aiu, acting in his official
20 capacity as a Deputy Real Estate Commissioner of the State of
21 California, makes this Accusation against ANGIE S. RAMIREZ.

II

23 ANGIE S. RAMIREZ (hereinafter referred to as
24 "Respondent") is presently licensed and/or has license rights
25 under the Real Estate Law (Part 1 of Division 4 of the Business
26 and Professions Code, hereinafter Code).

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III

At all times herein mentioned, Respondent was licensed by the Department of Real Estate of the State of California as a real estate salesperson employed by real estate broker NewKey Financial Corporation dba Futura Realty.

IV

On or about June 3, 2008, for or in expectation of compensation, Respondent solicited and negotiated a re-finance loan and loan modification on real property located at 3715 Mimosa St., Riverside, California, for borrower Maria Ramirez. Respondent's employing broker was not aware of the transaction.

V

Respondent violated Code Section 10145(c) by collecting advance fees from the borrower and failing to turn the funds over to her employing broker.

VI

Respondent's activities are acts requiring a real estate broker license under the provisions of Code Section 10131(d) and (e).

VII

Respondent misappropriated the funds she received from the borrower without the knowledge or permission of the borrower.

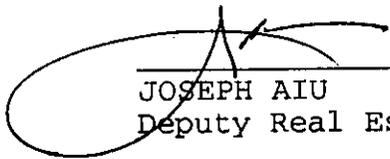
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VIII

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2 The conduct of Respondent, as alleged above, subjects
3 her real estate license and license rights to suspension or
4 revocation pursuant to Sections 10177(f) and 10177(j) of the
5 Code, and Sections 10177(d) and/or 10177(g) for violation of Code
6 Sections 10130 and 10145(c).

7 WHEREFORE, Complainant prays that a hearing be
8 conducted on the allegations of this Accusation and that upon
9 proof thereof, a decision be rendered imposing disciplinary
10 action against all licenses and license rights of Respondent
11 ANGIE S. RAMIREZ under the Real Estate Law (Part 1 of Division 4
12 of the Business and Professions Code) and for such other and
13 further relief as may be proper under other applicable provisions
14 of law.

15 Dated at San Diego, California
16 this 24 day of May, 2011.

17
18
19 
20 JOSEPH AIU
21 Deputy Real Estate Commissioner
22
23
24

25 cc: Angie S. Ramirez
26 West Adams Realty, Inc.
27 Joseph Aiu
Sacto.