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FILED

JAN 10 2012

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

BY: 

* * * *

In the Matter of the Accusation of)	
IVY ESTELLA MAGALLANES,)	No. H-37554 LA
Respondent.)	

DECISION

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on November 8, 2011, and the findings of fact set forth herein are based on one or more of the following: (1) Respondent's express admissions; (2) affidavits; and (3) other evidence.

The right to reinstatement of a revoked license is controlled by Section 11522 of the Government Code. A copy of the Commissioner's Criteria of Rehabilitation is attached hereto for the information of the Respondent.

FINDINGS OF FACT

I

On September 26, 2011, Maria Suarez made the Accusation in her official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified mail, to Respondent's last known mailing address on file with the Department on September 27, 2011.

On November 8, 2011, no Notice of Defense having been filed herein within the time prescribed by Section 11506 of the Government Code, Respondent's default was entered herein.

II

Respondent was originally licensed by the Department of Real Estate of the State of California ("Department") on April 23, 2002. Respondent's license expired on April 22, 2010. The Department retains jurisdiction pursuant to Business and Professions Code Section ("Code") 10103.

III

At all times herein mentioned, Respondent was licensed by the as a real estate salesperson employed by real estate broker Nazario Moreno dba Power Home Loans and Realty.

IV

On or about September 30, 2008, for or in expectation of compensation, Respondent solicited and negotiated a re-finance loan and loan modification on real property located at 525 S. Shelton St. Unit 106, Burbank, California, for borrower Sandra R. Trujillo.

V

Respondent's employing broker was unaware of the above transaction.

VI

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

VII

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

VIII

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

DETERMINATION OF ISSUES

I

Cause for disciplinary action against Respondent exists pursuant to Business and Professions Code Section 10177(j), and Sections 10177(d) and 10177(g) for violation of Code Sections 10130 and 10145(c).

II

The standard of proof applied was clear and convincing proof to a reasonable certainty.

ORDER

The license and license rights of Respondent IVY ESTELLA MAGALLANES under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

JAN 30 2012 This Decision shall become effective at 12 o'clock noon

DATED: 12/5/11

BARBARA J. BIGBY
Acting Real Estate Commissioner



NOV - 8 2011

1 Department of Real Estate
2 320 West Fourth Street, Suite 350
3 Los Angeles, California 90013-1105
4 (213) 576-6982

DEPARTMENT OF REAL ESTATE
BY: [Signature]

6 BEFORE THE DEPARTMENT OF REAL ESTATE

7 STATE OF CALIFORNIA

8 * * * *

9 In the Matter of the Accusation of)
10 IVY ESTELLA MAGALLANES,)
11)
12 Respondent.)

NO. H-37554 LA
DEFAULT ORDER

13
14 Respondent, IVY ESTELLA MAGALLANES, having failed to
15 file a Notice of Defense within the time required by Section
16 11506 of the Government Code, is now in default. It is,
17 therefore, ordered that a default be entered on the record in
18 this matter.

19 IT IS SO ORDERED NOVEMBER 7, 2011.

20 BARBARA J. BIGBY
21 Acting Real Estate Commissioner

22 By: [Signature]
23 PHILLIP IHDE
24 Regional Manager
25
26
27

5/10/11
flag

FILED
SEP 27 2011
DEPARTMENT OF REAL ESTATE



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2 Department of Real Estate
3 320 West Fourth Street, Ste. 350
4 Los Angeles, California 90013-1105
5
6
7
8 Telephone: (213) 576-6982
9 -or- (213) 576-6913 (Direct)

8 DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) No. H-37554 LA
12 IVY ESTELLA MAGALLANES,) A C C U S A T I O N
13 Respondent.)
14

15 The Complainant, Maria Suarez, a Deputy Real Estate
16 Commissioner of the State of California, for cause of accusation
17 against IVY ESTELLA MAGALLANES alleges as follows:

18 I

19 The Complainant, Maria Suarez, acting in her official
20 capacity as a Deputy Real Estate Commissioner of the State of
21 California, makes this Accusation against IVY ESTELLA MAGALLANES.

22 II

23 IVY ESTELLA MAGALLANES (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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Respondent's employing broker was not aware of the above transaction.

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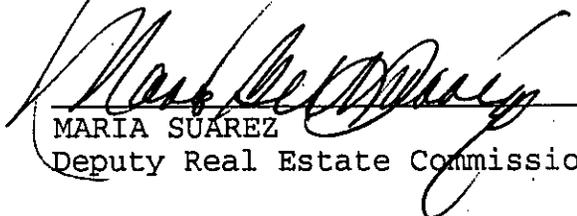
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IX

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

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 IVY ESTELLA MAGALLANES 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 26th day of September, 2011.



MARIA SUAREZ
Deputy Real Estate Commissioner

cc: Ivy Estella Magallanes
Maria Suarez
Sacto.