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JUL 14 2000

DEPARTMENT OF REAL ESTATE

Shelly Ely

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
AVA DONNA G. SEVILLA,) No. H-2144 SD
Respondent.)

ORDER GRANTING REINSTATEMENT OF LICENSE

On August 21, 1995, a Decision was rendered herein
revoking the real estate salesperson license of Respondent.

On March 6, 1997, an Order was rendered herein denying
reinstatement of said real estate salesperson license, but
granting Respondent the right to the issuance of a restricted
real estate salesperson license. A restricted real estate
salesperson license was issued to Respondent on May 27, 1997, and
Respondent has operated as a restricted licensee without cause
for disciplinary action against Respondent.

On December 22, 1998, Respondent petitioned for
reinstatement of said real estate salesperson license, and the

1 Attorney General of the State of California has been given notice
2 of the filing of said petition.

3 I have considered the petition of Respondent and the
4 evidence and arguments in support thereof including Respondent's
5 record as a restricted licensee. Respondent has demonstrated to
6 my satisfaction that Respondent meets the requirements of law for
7 the issuance to Respondent of an unrestricted real estate
8 salesperson license and that it would not be against the public
9 interest to issue said license to Respondent.

10 NOW, THEREFORE, IT IS ORDERED that Respondent's
11 petition for reinstatement is granted and that a real estate
12 salesperson license be issued to Respondent if Respondent
13 satisfies the following conditions within nine months from the
14 date of this Order:

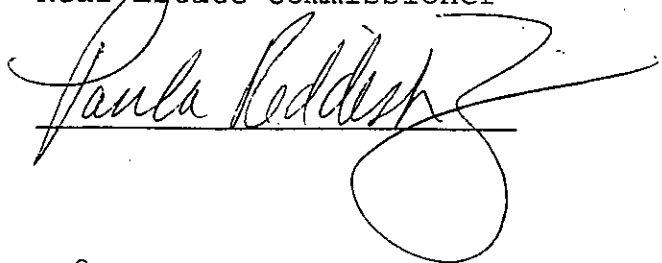
15 1. Submittal of a completed application and payment of
16 the fee for a real estate salesperson license.

17 2. Submittal of evidence of having, since the most
18 recent issuance of an original or renewal real estate license,
19 taken and successfully completed the continuing education
20 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
21 for renewal of a real estate license.

22 This Order shall be effective immediately.

23 DATED: June 29, 2000.

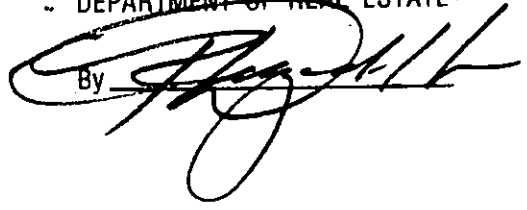
24 PAULA REDDISH ZINNEMANN
25 Real Estate Commissioner

26 
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(2)

FILED
MAR 7 - 1997

DEPARTMENT OF REAL ESTATE

By 

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of) NO. H-2144 SD
AVA DONNA G. SEVILLA)
Respondent.)

ORDER DENYING REINSTATEMENT OF LICENSE

On August 21, 1995, a Decision was rendered herein
revoking the real estate salesperson license of Respondent,
AVA DONNA G. SEVILLA (hereinafter "Respondent"), effective
September 26, 1995.

On August 28, 1996, Respondent petitioned for
reinstatement of said real estate salesperson license and the
Attorney General of the State of California has been given
notice of the filing of said petition.

I have considered the petition of Respondent and
the evidence submitted in support thereof. Respondent has
failed to demonstrate to my satisfaction that she has
undergone sufficient rehabilitation to warrant the

1 reinstatement of her real estate salesperson license at this
2 time. This determination has been made in light of
3 Respondent's history of acts and conduct which are
4 substantially related to the qualifications, functions and
5 duties of a real estate licensee. That history includes:

6 I

7 In the Decision which revoked Respondent's real
8 estate salesperson license there was a Determination that
9 there was cause to suspend or revoke the real estate license
10 and license rights of Respondent under the provisions of
11 Sections 10177(d) and 10177(g) of the California Business and
12 Professions Code. The basis for this Determination was
13 Respondent's conduct in 1993 wherein she admitted falsifying
14 certain documentation in a loan application and package for
15 Corazon Gonzales submitted by Respondent to Norwest Mortgage,
16 Inc.

17 Due to the serious nature of the offense which led
18 to the revocation of Respondent's license not enough time has
19 passed to determine if she is fully rehabilitated. This is
20 cause to deny her petition pursuant to Section 2911(a) of
21 Chapter 6, Title 10, California Code of Regulations.

22 NOW, THEREFORE, IT IS ORDERED that Respondent's
23 petition for reinstatement of license is denied. However,
24 Respondent has offered evidence that she is partially
25 rehabilitated and it appears that Respondent will pose no
26 danger to the public if issued a properly restricted license.

27 Therefore, a restricted real estate salesperson
license shall be issued to Respondent pursuant to Section

1 10156.5 of the Code if Respondent satisfies the following
2 conditions within six (6) months from the date of this Order:

3 1. Submittal of evidence that Respondent has,
4 since her license was revoked, taken and successfully passed
5 the Continuing Education Requirements of Section 10170.5 of
6 the Business and Professions Code for renewal of a real
7 estate license.

8 2. Submittal of a completed application and payment
9 of the fee for a restricted real estate salesperson license.

10 The restricted license issued to Respondent shall
11 be subject to all of the provisions of Section 10156.7 of the
12 Code and to the following limitations, conditions and
13 restrictions imposed under authority of Section 10156.5 of
14 said Code:

15 1. The restricted license shall not confer any
16 property right in the privileges to be exercised thereunder
17 and the Real Estate Commissioner may by appropriate order
18 suspend prior to hearing the right of Respondent to exercise
19 any privileges granted under the restricted license in the
20 event of:

21 (a) The conviction of Respondent (including a plea
22 of nolo contendere) of a crime which bears a significant
23 relationship to Respondent's fitness or capacity as a real
24 estate licensee.

25 (b) The receipt of evidence satisfactory to the
26 Real Estate Commissioner that subsequent to the date of the
27 Order herein Respondent has violated provisions of the
California Real Estate Law, Regulations of the Real Estate

1 Commissioner, or conditions attaching to said restricted
2 license.

3 2. Respondent shall submit with her application for
4 said restricted license under an employing broker or any
5 application in the future for a transfer of said restricted
6 license to a new employing broker, a statement signed by the
7 prospective employing broker which shall certify:

8 (a) That said employing broker has read the Order
9 of the Commissioner which granted the right to a restricted
10 license; and

11 (b) That said employing broker will exercise close
12 supervision over the performance of the restricted license of
13 activities for which a real estate license is required.

14 Respondent shall not be eligible to apply for the
15 issuance of an unrestricted real estate license nor the
16 removal of any of the conditions, limitations or restrictions
17 attaching to the restricted license until at least one year
18 has elapsed from the effective date of this Order.

19 This Order shall become effective at 12
20 o'clock noon on March 27 1997.

21
22 DATED: 3/6/97

23
24 JIM ANTT, JR.
25 Real Estate Commissioner

26 
27

1 Department of Real Estate
2 107 South Broadway, Room 8107
3 Los Angeles, California 90012

4 (213) 897-3937

FILED
SEP - 5 1995
DEPARTMENT OF REAL ESTATE

By 

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * * *

11 In the Matter of the Accusation of) NO. H-2144 SD
12)
13 AVA DONNA G. SEVILLA,) STIPULATION AND AGREEMENT
14) IN SETTLEMENT AND ORDER
15) Respondent.)

16 It is hereby stipulated by and between AVA DONNA G.
17 SEVILLA and the Complainant, acting by and through Elliott Mac
18 Lennan, Counsel for the Department of Real Estate, as follows for
19 the purpose of settling and disposing of the Accusation including
20 amendments thereto filed in this matter:

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

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

5 3. Respondent filed a Notice of Defense pursuant to
6 Section 11505 of the Government Code for the purpose of requesting
7 a hearing on the allegations in the Accusation. Respondent hereby
8 freely and voluntarily withdraws said Notice of Defense.
9 Respondent acknowledges that she understands that by withdrawing
10 said Notice of Defense she thereby waives her right to require the
11 Commissioner to prove the allegations in the Accusation at a
12 contested hearing held in accordance with the provisions of the
13 APA and that she will waive other rights afforded to her in
14 connection with the hearing such as the right to present evidence
15 in defense of the allegations in the Accusation and the right to
16 cross-examine witnesses.

17 4. This Stipulation and Agreement in Settlement and
18 Order (Stipulation) is based on the factual allegations contained
19 in the Accusation. In the interest of expedience and economy,
20 respondent chooses not to contest these allegations, but to remain
21 silent and understands that, as a result thereof, these factual
22 allegations, without being admitted or denied, will serve as a
23 prima facie basis for the disciplinary action stipulated to
24 herein. This Stipulation is based on respondent's decision not to
25 contest the Accusation. The Real Estate Commissioner shall not be
26 required to provide further evidence to prove said factual
27 allegations.



1 5. This Stipulation is based on respondent's decision
2 not to contest the allegations set forth in the Accusation as a
3 result of the agreement negotiated between the parties. This
4 Stipulation, based on respondent's decision not to contest the
5 Accusation, is expressly limited to this proceeding and any
6 further proceeding initiated by or brought before the Department
7 of Real Estate based upon the facts and circumstances alleged in
8 the Accusation, and made for the sole purpose of reaching an
9 agreed disposition of this proceeding. The decision of respondent
10 not to contest the factual statements alleged, and as contained in
11 the stipulated Order, is made solely for the purpose of
12 effectuating this Stipulation. It is the intent and understanding
13 of the parties that this Stipulation shall not be binding or
14 admissible against respondent in any actions against respondent by
15 third parties.

16 6. It is understood by the parties that the Real Estate
17 Commissioner may adopt the Stipulation as his decision in this
18 matter thereby imposing the penalty and sanctions on respondent's
19 real estate licenses and license rights as set forth in the
20 "Order" hereinbelow. In the event that the Commissioner in his
21 discretion does not adopt the Stipulation, the Stipulation shall
22 be void and of no effect, and respondent shall retain the right to
23 a hearing and proceeding on the Accusation under the provisions of
24 the APA and shall not be bound by any admission or waiver made
25 herein.

26 7. The Order or any subsequent Order of the Real Estate
27 Commissioner made pursuant to this Stipulation shall not

1 constitute an estoppel, merger or bar to any further
2 administrative or civil proceedings by the Department of Real
3 Estate with respect to any matters which were not specifically
4 alleged to be causes for accusation in this proceeding.

5 8. This Stipulation and Agreement hereby amends
6 Paragraph VIII of the Accusation to substitute Business and
7 Professions Code Sections 10177(d) and 10177(g) for Sections
8 10176(i)/10177(i).

9 DETERMINATION OF ISSUES

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

14 I

15 The conduct of respondent, as described in Paragraph 4
16 is cause to suspend or revoke the real estate license and license
17 rights of respondent AVA DONNA G. SEVILLA under the provisions of
18 Sections 10177(d) and 10177(g) of the Code.

19 ORDER

20 WHEREFORE THE FOLLOWING ORDER IS MADE PURSUANT TO THE
21 WRITTEN STIPULATION OF THE PARTIES:

22 I

23 The real estate salesperson license and license rights
24 of respondent AVA DONNA G. SEVILLA under the Real Estate Law (Part
25 1 of Division 4 of the Business and Professions Code) are revoked.

26 DATED: July 31, 1995

27 ELLIOTT MAC LENNAN
Counsel for Complainant

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3 * * * *

4 I have read the Stipulation and Agreement in Settlement
5 and Order and its terms are understood by me and are agreeable and
6 acceptable to me. I understand that I am waiving rights given to
7 me by the California Administrative Procedure Act (including but
8 not limited to Sections 11506, 11508, 11509 and 11513 of the
9 Government Code), and I willingly, intelligently and voluntarily
10 waive those rights, including the right of requiring the
11 Commissioner to prove the allegations in the Accusation at a
12 hearing at which I would have the right to cross-examine witnesses
13 against me and to present evidence in defense and mitigation of
14 the charges.

15 DATED: August 9, 1995

Ava Donna G. Sevilla
16 AVA DONNA G. SEVILLA.
17 Respondent

18 * * * *

19 The foregoing Stipulation and Agreement in Settlement
20 and Order is hereby adopted by the Commissioner as Decision and
21 Order and shall become effective at 12 o' clock noon on
22 September 26, 1995.

23 DATED 8/21, 1995.

24 JIM ANTT, JR.
25 Real Estate Commissioner

26 J. Antt
27

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

FILED
APR 13 1995
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of)

AVA DONNA G. SEVILLA,)

Respondent.)

Case No. H-2144 SD
OAH No. L-9503228

By 

NOTICE OF HEARING ON ACCUSATION

To the above-named Respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at Office of Administrative Hearings, 1350 Front Street, Room 6022, San Diego, California, on **August 30 and 31, 1995**, at the hour of **9:00 a.m.**, or as soon thereafter as the matter can be heard, upon the Accusation served upon you.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter. The interpreter must be approved by the Administrative Law Judge conducting the hearing as someone who is proficient in both English and the language in which the witness will testify. You are required to pay the costs of the interpreter unless the Administrative Law Judge directs otherwise.

Dated: April 13, 1995.

cc: Ava Donna G. Sevilla
David S. Bright, Esq.
Sacto.
OAH-LA
OAH-SD
JCG
DMB

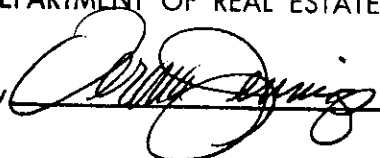
DEPARTMENT OF REAL ESTATE


ELLIOTT MAC LENNAN, Counsel

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1 ELLIOTT MAC LENNAN, Counsel
2 Department of Real Estate
3 107 South Broadway, Room 8107
4 Los Angeles, California 90012
5
6 (213) 897-3937
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FILED
FEB 15 1995
DEPARTMENT OF REAL ESTATE
By 

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * * *

11 In the Matter of the Accusation of)
12 AVA DONNA G. SEVILLA,) No. H-2144 SD
13) A C C U S A T I O N
14 Respondent.)

15 The Complainant, J. Chris Graves, a Deputy Real Estate
16 Commissioner of the State of California, for cause of accusation
17 against AVA DONNA G. SEVILLA is informed and alleges in his
18 official capacity as follows:

19 I

20 AVA DONNA G. SEVILLA (SEVILLA), (respondent), is
21 presently licensed and/or has license rights under the Real Estate
22 Law (Part 1 of Division 4 of the California Business and
23 Professions Code).

24 II

25 All references to the "Code" are to the California
26 Business and Professions Code and all references to "Regulations"
27 are to Chapter 6, Title 10, California Code of Regulations.

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III

SEVILLA is presently licensed and/or has license rights under the Real Estate Law. At all mentioned times and since November 22, 1991, SEVILLA was licensed as a real estate salesperson by the Department of Real Estate (Department).

IV

At all times herein mentioned, in the city of National City, San Diego County, respondent engaged in the business of, acted in the capacity of, advertised, or assumed to act as real estate salesperson employed by Ad Valorem Realty, within the meaning of Section 10131(d) of the Code, including the operation of a mortgage loan brokerage business with the public wherein lenders and borrowers were solicited for loans secured directly or collaterally by liens on real property, wherein such loans were arranged, negotiated, processed, and consummated on behalf of others for compensation or in expectation of compensation and for fees often collected in advance.

V

On or about September 10, 1993, Rodrigo and Corazon Gonzales (Gonzales) financed the purchase of property located at 236 Kristin Court, San Diego, California (subject property), through Ad Valorem Financial Services, Inc. The lender was Norwest Mortgage, Inc. (Norwest).

VI

In or around November 1993, Mercedes P. Becker, Mrs. Gonzales' purported employer and mother-in-law, received a reverification of employment from Norwest's Quality Assurance

1 Department. The reverification included several documents assumed
2 to have been prepared by her business, Mercedes Sew-By-Samples,
3 and signed by her including a Request for Verification of
4 Employment, Statement of Earnings & Deductions, Wages and Tax
5 Statement 1992 (W-2) and Individual Payroll Record for Year Ending
6 December 1992 for Corazon Gonzales. Ms. Becker reviewed the
7 reverification document package and did not recognize the
8 signature that purportedly was her own nor the correctness of the
9 information contained therein.

10 VII

11 On January 28, 1994, and on February 1, 1994, Mr.
12 Benjamin Villaluna Minerva, real estate broker for Ad Valorem
13 Realty, received from respondent SEVILLA, then a Senior Loan
14 Officer at Ad Valorem Realty, a letter and an admission that
15 respondent had falsified the documentation described in Paragraph
16 VI in the loan application and package for Corazon Gonzales
17 submitted by her to Norwest.

18 VIII

19 The conduct of respondent SEVILLA in engaging in a
20 scheme to obtain a loan by falsifying the Gonzales' loan
21 documents, as described in Paragraphs V through VII above,
22 constitutes fraud and/or dishonest dealing. This conduct and
23 violation are cause to suspend or revoke the real estate license
24 and license rights of respondent SEVILLA pursuant to Sections
25 10176(i) and 10177(j).

26 /

27 /

1 WHEREFORE, Complainant prays that a hearing be conducted
2 on the allegations made by the Accusation and, that upon proof
3 thereof, a decision be rendered imposing disciplinary action
4 against the license and license rights of respondent AVA DONNA G.
5 SEVILLA under the Real Estate Law (Part 1 of Division 4 of the
6 Business and Professions Code) and for such other and further
7 relief as may be proper under other applicable provisions of law.
8 Dated at San Diego, California
9 this 15th day of February, 1995.

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11
12 J. CHRIS GRAVES
13 Deputy Real Estate Commissioner
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23

24 cc: Ava Donna G. Sevilla
25 Alex Cuarteron Carolino
26 Sacto.
27 DMB