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Department of Real Estate  
P.O. Box 187007  
Sacramento, CA 95818-7007

Telephone: (916) 227-0781

FILED

DEC - 4 2008

DEPARTMENT OF REAL ESTATE

By K. MUR

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

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In the Matter of the Accusation of  
  
JUANITA CARLOS,  
  
Respondent.

No. H-2300 FR

STIPULATION AND  
AGREEMENT

It is hereby stipulated by and between JUANITA CARLOS (hereafter  
"Respondent"), and the Complainant, acting by and through Truly Sughrue, Counsel for the  
Department of Real Estate, as follows for the purpose of settling and disposing the Accusation  
filed on September 29, 2008 in this matter:

1. All issues which were to be contested and all evidence which was to be  
presented by Complainant and Respondent 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.

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

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

13                   4. This stipulation is based on the factual allegations contained in the Accusation.  
14 In the interest of expediency and economy, Respondent chooses not to contest these factual  
15 allegations, but to remain silent and understands that, as a result thereof, these factual statements  
16 will serve as a prima facie basis for the "Determination of Issues" and "Order" set forth below.  
17 The Real Estate Commissioner shall not be required to provide further evidence to prove such  
18 allegations.  
19

20                   5. This Stipulation and Respondent's decision not to contest the Accusation are  
21 made for the purpose of reaching an agreed disposition of this proceeding and are expressly  
22 limited to this proceeding and any other proceeding or case in which the Department of Real  
23 Estate (herein "the Department"), the state or federal government, an agency of this state, or an  
24 agency of another state is involved.  
25  
26  
27



\*\*\*

ORDER

I

All licenses and licensing rights of Respondent under the Real Estate Law are suspended for a period of forty-five (45) days from the effective date of this Order; provided, however, that:

1) Forty-five (45) days of said suspension shall be stayed for two (2) years upon the following terms and conditions:

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

b) 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 Order. 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-Nov-08

DATED



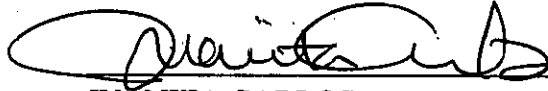
TRULY SUGHRUE  
Counsel for Complainant

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I have read the Stipulation and Agreement, 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, and I willingly, intelligently and voluntarily waive those rights, including the right of requiring the Commissioner to prove the allegations in the

1 Accusation at a hearing at which I would have the right to cross-examine witnesses against me  
2 and to present evidence in defense and mitigation of the charges.

3  
4 10-30-08



5 DATED

JUANITA CARLOS  
Respondent

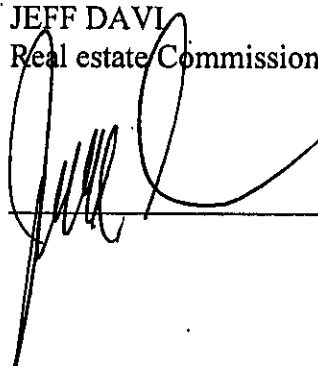
6  
7 \* \* \*

8 The foregoing Stipulation and Agreement is hereby adopted as my Decision and  
9 shall become effective at 12 o'clock noon on DEC 26 2008

10  
11 IT IS SO ORDERED

12 12/2/08

13 JEFF DAVIS  
Real estate Commissioner



1 TRULY SUGHRUE, Counsel  
2 State Bar No. 223266  
3 Department of Real Estate  
4 P.O. Box 187007  
5 Sacramento, CA 95818-7007  
6 Telephone: (916) 227-0781

**FILED**

SEP 29 2008

DEPARTMENT OF REAL ESTATE

By K. Mar

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8  
9 BEFORE THE DEPARTMENT OF REAL ESTATE  
10 STATE OF CALIFORNIA

11 \* \* \*

12 In the Matter of the Accusation of  
13 JUANITA CARLOS,  
14 Respondent.

No. H-2300 FR  
ACCUSATION

15  
16 The Complainant, JOHN W. SWEENEY, a Deputy Real Estate Commissioner  
17 of the State of California, for cause of Accusation against JUANITA CARLOS (herein  
18 "Respondent"), is informed and alleges as follows:

19 I

20 The Complainant, JOHN W. SWEENEY, a Deputy Real Estate Commissioner  
21 of the State of California, makes this Accusation in his official capacity.

22 II

23 At all times herein mentioned, Respondent was and now is licensed and/or has  
24 license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions  
25 Code) (herein "the Code").

26 ///

27 ///

1 III.

2 At all times herein mentioned, Respondent was and is licensed by the  
3 Department of Real Estate (hereafter the Department) as a real estate salesperson.

4 IV

5 At all times herein mentioned, Respondent engaged in the business of, acted in  
6 the capacity of, advertised or assumed to act as a real estate broker in the State of California  
7 within the meaning of Section 10131(a) of the Code, including the operation and conduct of a  
8 real estate resale brokerage with the public wherein, on behalf of others, for compensation or in  
9 expectation of compensation, Respondent sold and offered to sell, bought and offered to buy,  
10 solicited prospective sellers and purchasers of, solicited and obtained listings of, and negotiated  
11 the purchase and resale of real property.

12 V

13 On or about, January 2, 2007, Respondent procured a written offer for the  
14 purchase of the property located at 780 Bluff Drive, Los Banos, California from Maria Chipres  
15 (hereinafter "BUYER"). Respondent represented in said offer that she was in receipt of a check  
16 in the amount of \$500 from BUYER.

17 VI

18 On or about January 3, 2007, the seller, Steven and Audrey Sechler, accepted  
19 the offer.

20 VII

21 Respondent's representation that she was in receipt of the \$500 check was false.

22 VIII

23 Respondent's conduct described above constitutes the making of substantial  
24 misrepresentations, and fraud or dishonest dealing, and is cause under Sections 10176(a) and  
25 10176(i) of the Code for suspension or revocation of all licenses and license rights of  
26 Respondent.

27 ///

IX

In the alternative, Respondent's conduct described above constitutes negligence or incompetence in performing acts requiring a real estate license, and is cause under Section 10177(g) of the Code for suspension or revocation of all licenses and license rights of Respondent:

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, 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 provisions of law.



JOHN W. SWEENEY  
Deputy Real Estate Commissioner

Dated at Fresno, California,  
this 26<sup>th</sup> day of September 2008