

1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187000
3 Sacramento, CA 95818-7000
4
5 Telephone: (916) 227-0789
6
7

FILED
DEC 20 2001

DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 MANOLO MISTICA MOLON,) NO. H-2639 SD
13 and LLOYD CRUZ EVANGELISTA,) STIPULATION AND AGREEMENT
14 Respondents.) AS TO MANOLO MISTICA
) MOLON

15 It is hereby stipulated by and between MANOLO MISTICA
16 MOLON ("Respondent MOLON") and his attorney, Eric ^{by Eric} Kinder; and the
17 Complainant, acting by and through Larry A. Alamao, Counsel for
18 the Department of Real Estate; as follows, for the purpose of
19 settling and disposing of the Accusation filed on June 8, 2001,
20 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 and Agreement.

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

5 3. On June 13, 2001, Respondent MOLON filed a Notice
6 of Defense pursuant to Section 11505 of the Government Code for
7 the purpose of requesting a hearing on the allegations in the
8 Accusation. Respondent MOLON hereby freely and voluntarily
9 withdraws said Notice of Defense. Respondent MOLON
10 acknowledges that he understands that by withdrawing said
11 Notice of Defense he will thereby waive his right to require
12 the Commissioner to prove the allegations in the Accusation at
13 a contested hearing held in accordance with the provisions of
14 the APA and that he will waive other rights afforded to him in
15 connection with the hearing such as the right to present
16 evidence in defense of the allegations in the Accusation and
17 the right to cross-examine witnesses.

18 4. This Stipulation is based on the factual
19 allegations contained in the Accusation alleging violations of
20 Section 10177.5 of the Business and Professions Code. In the
21 interests of expedience and economy, Respondent MOLON chooses not
22 to contest these allegations, but to remain silent and
23 understands that, as a result thereof, these factual allegations,
24 without being admitted or denied, will serve as a prima facie
25 basis for the disciplinary action stipulated to herein. The Real
26 Estate Commissioner shall not be required to provide further
27 evidence to prove said factual allegations.

ORDER

- 1
- 2 A. All licenses and licensing rights of Respondent MANOLO
3 MISTICA MOLON under the Real Estate Law are suspended for a
4 period of one hundred and eighty (180) days from the
5 effective date of this Order.
- 6 B. One hundred and eighty (180) days of said suspension are
7 stayed for a period of two (2) years upon the following terms
8 and conditions:
- 9 1. Respondent MOLON shall obey all laws, rules and
10 regulations governing the rights, duties and
11 responsibilities of a real estate licensee in the State
12 of California; and,
- 13 2. If the Real Estate Commissioner determines that further
14 cause for disciplinary action against Respondent MOLON
15 has occurred within two (2) years from the effective date
16 of the Order, the stay of suspension hereby granted to
17 Respondent MOLON, or such portion of the stay as the Real
18 Estate Commissioner shall deem appropriate, shall be
19 vacated.
- 20 3. If no further cause for disciplinary action against the
21 real estate license of Respondent MOLON occurs within
22 two (2) years from the effective date of the Order, the
23 stay hereby granted shall become permanent.
- 24 4. Respondents MANOLO MISTICA MOLON and/or LLOYD CRUZ
25 EVANGELISTA shall be jointly and severally liable
26 for the payment of the \$5,000 judgment in Delacruz v.
27 Molon and Evangelista, San Diego Superior Court Case

1 have the right to cross-examine witnesses against me and to
2 present evidence in defense and mitigation of the charges.

3
4
5 10/30/01

6 DATED

MANOLO MISTICA MOLON

7
8 MANOLO MISTICA MOLON
Respondent

9 I have reviewed the Stipulation and Agreement as to
10 form and content and have advised my client accordingly.

11 10/30/01

12 DATED

ERIC KINDER

13 Attorney for Respondent

14 * * *

15
16 The foregoing Stipulation and Agreement is hereby
17 adopted by the Real Estate Commissioner as her Decision and
18 Order and shall become effective at 12 o'clock noon on
19 January 9, 2002.

20
21 IT IS SO ORDERED

November 29, 2001.

22 PAULA REDDISH ZINNEMANN
23 Real Estate Commissioner

24
25
26
27

1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187000
3 Sacramento, CA 95818-7000
4 Telephone: (916) 227-0789

FILED
DEC 20 2001

DEPARTMENT OF REAL ESTATE

By *Kathleen Contreras*

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 MANOLO MISTICA MOLON,) NO. H-2639 SD
13 and LLOYD CRUZ EVANGELISTA,) STIPULATION AND AGREEMENT
14 Respondents.) AS TO LLOYD CRUZ
) EVANGELISTA

15 It is hereby stipulated by and between LLOYD CRUZ
16 EVANGELISTA ("Respondent ") and his attorney, Eric ^{GJW}Kinder; and
17 the Complainant, acting by and through Larry A. Alamao, Counsel
18 for the Department of Real Estate; as follows, for the purpose of
19 settling and disposing of the Accusation filed on June 8, 2001,
20 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 and Agreement.

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

5 3. On June 13, 2001, Respondent EVANGELISTA filed a
6 Notice of Defense pursuant to Section 11505 of the Government
7 Code for the purpose of requesting a hearing on the allegations
8 in the Accusation. Respondent EVANGELISTA hereby freely and
9 voluntarily withdraws said Notice of Defense. Respondent
10 EVANGELISTA acknowledges that he understands that by withdrawing
11 said Notice of Defense he will thereby waive his right to require
12 the Commissioner to prove the allegations in the Accusation at a
13 contested hearing held in accordance with the provisions of the
14 APA and that he will waive other rights afforded to him in
15 connection with the hearing such as the right to present evidence
16 in defense of the allegations in the Accusation and the right to
17 cross-examine witnesses.

18 4. This Stipulation is based on the factual
19 allegations contained in the Accusation alleging violations of
20 Section 10177.5 of the Business and Professions Code. In the
21 interests of expedience and economy, Respondent EVANGELISTA
22 chooses not to contest these allegations, but to remain silent
23 and understands that, as a result thereof, these factual
24 allegations, without being admitted or denied, will serve as a
25 prima facie basis for the disciplinary action stipulated to
26 herein. The Real Estate Commissioner shall not be required to
27 provide further evidence to prove said factual allegations.

1 and Evangelista, San Diego Superior Court Case No.
2 SC107942. Such payment shall be made prior to the
3 effective date of this Order. If said Respondents fail
4 to satisfy this condition, the Commissioner may order
5 suspension of Respondents' licenses until Respondents
6 satisfy said condition.

7 C. Respondent shall, within nine (9) months from the effective
8 date of the Order, take and pass the Professional
9 Responsibility Examination administered by the Department
10 including the payment of the appropriate examination fee.
11 If Respondent fails to satisfy this condition, the
12 Commissioner may order suspension of Respondent's license
13 until Respondent passes the examination.

14
15
16 10/30/01

17 DATED

18
19
20 *Larry Alamao*
21 LARRY A. ALAMAO, Counsel
22 DEPARTMENT OF REAL ESTATE

23 * * *

24 I have read the Stipulation and Agreement, have
25 discussed it with my counsel, and its terms are understood by me
26 and are agreeable and acceptable to me. I understand that I am
27 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

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

4
5 10.30.2001

6 DATED



LLOYD CRUZ EVANGELISTA
Respondent

7
8 I have reviewed the Stipulation and Agreement as to
9 form and content and have advised my client accordingly.

10
11
12 10/30/01

13 DATED



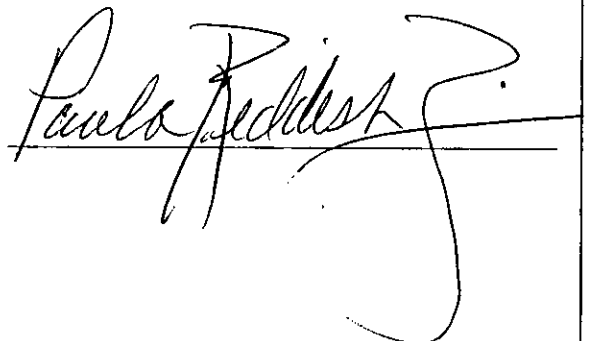
ERIC KINDER
Attorney for Respondent

14
15 * * *

16 The foregoing Stipulation and Agreement is hereby
17 adopted by the Real Estate Commissioner as her Decision and
18 Order and shall become effective at 12 o'clock noon on
19 January 9, 2002.

20
21 IT IS SO ORDERED November 29, 2001.

22
23 PAULA REDDISH ZINNEMANN
Real Estate Commissioner



BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED

JUN 15 2001

DEPARTMENT OF REAL ESTATE

By Laurie G. Zim

In the Matter of the Accusation of

MANOLO MISTICA MOLON,
LLOYD CRUZ EVANGELISTA,

}
}

Case No. H-2639 SD

OAH No.

Respondent

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 THE OFFICE OF ADMINISTRATIVE HEARINGS, 1350 FRONT STREET, ROOM 6022, SAN DIEGO, CA 92101 on TUESDAY, OCTOBER 30, 2001, at the hour of 9:00 A.M., or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

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 and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

Dated: JUNE 15, 2001

DEPARTMENT OF REAL ESTATE

By Larry Alamao
LARRY A. ALAMAO Counsel

1 DAVID A. PETERS, Counsel (SBN 99528)
2 Department of Real Estate
3 P. O. Box 187000
4 Sacramento, CA 95818-7000

5 Telephone: (916) 227-0789
6 -or- (916) 227-0781 (Direct)

FILED

JUN - 8 2001

DEPARTMENT OF REAL ESTATE

By *Lucie A. Z...*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11	In the Matter of the Accusation of)	No. H-2639 SD
12	MANOLO MISTICA MOLON,)	<u>ACCUSATION</u>
13	LLOYD CRUZ EVANGELISTA,)	
14	Respondents.)	

15 The Complainant, J. Chris Graves, a Deputy Real Estate
16 Commissioner of the State of California, for cause of accusation
17 against MANOLO MISTICA MOLON dba E Real Estate and Real
18 Financial (hereinafter "Respondent MOLON") and LLOYD CRUZ
19 EVANGELISTA (hereinafter "Respondent EVANGELISTA"), is informed
20 and alleges as follows:

21 I

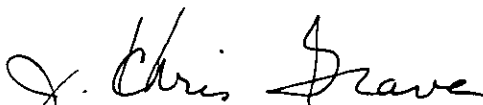
22 The Complainant, J. Chris Graves, a Deputy Real Estate
23 Commissioner of the State of California, makes this accusation
24 in his official capacity.

25 ///

26 ///

27 ///

1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations of this Accusation and that upon
3 proof thereof a decision be rendered imposing disciplinary
4 action against all licenses and license rights of Respondents
5 under the Real Estate Law (Part 1 of Division 4 of the Business
6 and Professions Code) and for such other and further relief as
7 may be proper under other provisions of law.

8
9 
10

J. CHRIS GRAVES
11 Deputy Real Estate Commissioner

11 Dated at San Diego, California,
12 this 31st day of May, 2001.

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27