

FILED

JAN 15 2015

BUREAU OF REAL ESTATE

By [Signature]

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BEFORE THE  
BUREAU OF REAL ESTATE  
STATE OF CALIFORNIA

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In the Matter of the Accusation of	)	NO. H-2848 FR
	)	
MARTHA G. NEVAREZ,	)	<u>STIPULATION AND AGREEMENT</u>
	)	
Respondent.	)	

It is hereby stipulated by and between MARTHA G. NEVAREZ ("Respondent") and the Complainant, acting by and through JASON D. LAZARK, Counsel for the Bureau of Real Estate (the "Bureau"), as follows for the purpose of settling and disposing of the Accusation filed on December 2, 2013, 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.

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

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

9                   4. Respondent, pursuant to the limitations set forth below, hereby admits that  
10 the factual allegations in the Accusation filed in this proceeding are true and correct and the  
11 Commissioner shall not be required to provide further evidence to prove such allegations.

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

19                   6. The Order or any subsequent Order of the Commissioner made pursuant  
20 to this Stipulation and Agreement shall not constitute an estoppel, merger or bar to any  
21 further administrative or civil proceedings by the Bureau with respect to any matters which  
22 were not specifically alleged to be causes for accusation in this proceeding as admitted or  
23 withdrawn.

24                   7. Respondent further understands that by agreeing to this Stipulation and  
25 Agreement, the findings set forth below in the Determination of Issues become final, and that the  
26 Commissioner may charge said Respondent for the costs of the investigation and enforcement  
27 herein. The amount of said costs is \$2,640.85.

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2 DETERMINATION OF ISSUES

3 By reason of the foregoing stipulations, admissions, and waivers, and solely for  
4 the purpose of settlement of the pending Accusation without hearing, it is stipulated and agreed  
5 that the following Determination of Issues shall be made:

6 The acts and/or omissions of Respondent as described in the Accusation violate  
7 Sections 10177(j) (fraud or dishonest dealing) of the California Business and Professions Code  
8 (the "Code").

9 ORDER

10 1. All licenses and licensing rights of Respondent under the Real Estate Law  
11 are revoked; provided, however, a restricted real estate salesperson license shall be issued to  
12 Respondent pursuant to Section 10156.5 of the Code if Respondent makes application therefore  
13 and pays to the Bureau the appropriate fee for the restricted license within 90 days from the  
14 effective date of this Decision.

15 2. The restricted license issued to Respondent shall be subject to all of the  
16 provisions of Section 10156.7 of the Code as to the following limitations, conditions, and  
17 restrictions imposed under authority of Section 10156.6 of that Code:

18 (a) The restricted license issued to Respondent shall be suspended prior to  
19 hearing by Order of the Commissioner in the event of Respondent's  
20 conviction (including by plea of guilty or nolo contendere) to a crime  
21 which is substantially related to Respondent's fitness or capacity as a real  
22 estate licensee; and,

23 (b) The restricted license issued to Respondent shall be suspended prior to  
24 hearing by Order of the Commissioner on evidence satisfactory to the  
25 Commissioner that Respondent has violated provisions of the California  
26 Real Estate Law, the Subdivided Lands Law, Regulations of the Real  
27 Estate Commissioner, or conditions attaching to the restricted license.

1                   3. Respondent shall not be eligible to apply for the issuance of an unrestricted  
2 real estate license nor for removal of any of the conditions, limitations or restrictions of a  
3 restricted license until four (4) years have elapsed from the effective date of this Decision.

4                   4. Respondent shall notify the Commissioner in writing within 72 hours of any  
5 arrest by sending a certified letter to the Commissioner at: Bureau of Real Estate, P. O. Box  
6 137007, Sacramento, CA 95813-7007. The letter shall set forth the date of Respondent's arrest,  
7 the crime for which Respondent was arrested, and the name and address of the arresting law  
8 enforcement agency. Respondent's failure to timely file written notice shall constitute an  
9 independent violation of the terms of the restricted license and shall be grounds for the  
10 suspension or revocation of that license.

11                   5. With any application for license under any employing broker, or any  
12 application for transfer to a new employing broker, Respondent shall submit a statement signed  
13 by the prospective employing real estate broker on a form approved by the Bureau which shall  
14 certify as follows:

15                   (a) That the employing broker has read the Decision of the Commissioner  
16 which is the basis for the right to a restricted license; and

17                   (b) That the employing broker will carefully review all transaction  
18 documents prepared by the restricted licensee and otherwise exercise close  
19 supervision over the Respondent's performance of acts for which a real  
20 estate license is required.

21                   6. Respondent shall, within nine (9) months from the effective date of this  
22 Decision, present evidence satisfactory to the Commissioner that Respondent has, since the most  
23 recent issuance of an original or renewal real estate license, taken and successfully completed the  
24 continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal  
25 of a real estate license. If Respondent fails to satisfy this condition, Respondent's restricted real  
26 estate license shall automatically be suspended until the Respondent presents such evidence to  
27 the Commissioner. Proof of completion of the continuing education courses must be delivered

1 to: Bureau of Real Estate, Flag Section, P. O. Box 137013, Sacramento, CA 95813-7013.

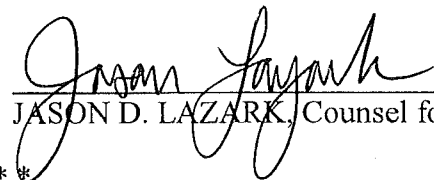
2 7. Respondent shall, within six (6) months from the effective date of this  
3 Decision, take and pass the Professional Responsibility Examination administered by the Bureau  
4 including the payment of the appropriate examination fee. If Respondent fails to satisfy this  
5 condition, Respondent's restricted real estate license shall automatically be suspended until  
6 Respondent passes the examination.

7 8. Respondent shall, within six (6) months from the effective date of this  
8 Decision, take and pass the continuing education course on Trust Fund Accounting and Handling  
9 specified in Section 10170.5(a)(3) of the Code. If Respondent fails to satisfy this condition,  
10 Respondent's restricted real estate license shall automatically be suspended until Respondent  
11 presents such evidence to the Commissioner. Proof of completion of the continuing education  
12 courses must be delivered to: Bureau of Real Estate, Flag Section, P. O. Box 137013,  
13 Sacramento, CA 95813-7013

14 9. All licenses and licensing rights of Respondent are indefinitely suspended  
15 unless or until Respondent pays the sum of \$2,640.85 representing the Commissioner's  
16 reasonable cost of the investigation and enforcement which led to this disciplinary action. Said  
17 payment shall be in the form of a cashier's check made payable to the Real Estate Fund. Said  
18 check must be received by the Bureau prior to the effective date of the Order in this matter at the  
19 following address: Bureau of Real Estate, Flag Section, Post Office Box 137013, Sacramento,  
20 CA 95813-7013.

21 1-14-15

22 DATED



JASON D. LAZARK, Counsel for the Bureau

23 \* \* \*

24 I have read the Stipulation and Agreement and its terms are understood by me  
25 and are agreeable and acceptable to me. I understand that I am waiving rights given to me by  
26 the California Administrative Procedure Act (including but not limited to Sections 11506,  
27 11508, 11509, and 11513 of the Government Code), and I willingly, intelligently, and

1 voluntarily waive those rights, including the right of requiring the Commissioner to prove the  
 2 allegations in the Accusation at a hearing at which I would have the right to cross-examine  
 3 witnesses against me and to present evidence in defense and mitigation of the charges.

4  
 5  
 6 12/18/14  
 DATED

M. G. Nevarez  
 MARTHA G. NEVAREZ, Respondent

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9 The foregoing Stipulation and Agreement is hereby adopted as my Decision in  
 10 this matter and shall become effective at 12 o'clock noon on FEB 04 2015

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 12 IT IS SO ORDERED 1/14/2015

13 REAL ESTATE COMMISSIONER

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