

FILED

JAN 17 2018

BUREAU OF REAL ESTATE

By Adelais

BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of	)	No. H-03071 FR
	)	
JAMES PETER LA MARCA, doing	)	<u>STIPULATION AND AGREEMENT</u>
business as Avila Beach Realty,	)	
Key Management, Key Property	)	
Management, and Mid-Coast Realty,	)	
and STELLA JODI RAMIREZ,	)	
	)	
Respondents.	)	
	)	

It is hereby stipulated by and between Respondent JAMES PETER LA MARCA and Respondent STELLA JODI RAMIREZ ("Respondents"), represented by Marisol Ocampo, and the Complainant, acting by and through Steve Chu, Counsel for the Bureau of Real Estate ("Bureau"), as follows for the purpose of settling and disposing of the Accusation filed on December 15, 2016, in this matter:

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondents 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 ("Stipulation").

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

4 3. On December 28, 2016, Respondents filed a Notice of Defense pursuant
5 to Section 11506 of the Government Code for the purpose of requesting a hearing on the
6 allegations in the Accusation. Respondents hereby freely and voluntarily withdraw said Notice
7 of Defense. Respondents acknowledge that Respondents understand that by withdrawing said
8 Notice of Defense, Respondents will thereby waive Respondents' right to require the Real
9 Estate Commissioner ("Commissioner") to prove the allegations in the Accusation at a
10 contested hearing held in accordance with the provisions of the APA and that Respondents will
11 waive other rights afforded to Respondents in connection with the hearing such as the right to
12 present evidence in defense of the allegations in the Accusation and the right to cross-examine
13 witnesses.

14 4. Respondents, pursuant to the limitations set forth below, hereby admit
15 that the factual allegations in the Accusation filed in this proceeding are true and correct and the
16 Commissioner shall not be required to provide further evidence to prove such allegations.

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

24 6. The Order or any subsequent Order of the Commissioner made pursuant
25 to this Stipulation shall not constitute an estoppel, merger or bar to any further administrative or
26 civil proceedings by the Bureau with respect to any matters which were not specifically alleged
27 to be causes for the Accusation in this proceeding.

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The conduct, acts, or omissions of Respondent JAMES PETER LA MARCA and Respondent STELLA JODI RAMIREZ, as described in the Accusation, constitute cause for the suspension or revocation of all real estate licenses and license rights of Respondent JAMES PETER LA MARCA and Respondent STELLA JODI RAMIREZ under California Business and Professions Code (“Code”) Sections 10165, 10177(a), 10177(d), 10177(g), 10177(h), and 10177(i).

I.

1. Thirty (30) days of said suspension shall be stayed, upon the condition that Respondent petitions pursuant to Code Section 10175.2 and pays a monetary penalty pursuant to Code Section 10175.2 at a rate of fifty dollars (\$50) for each day of the suspension for a total monetary penalty of \$1,500, and upon the following terms and conditions:

b. No final determination be made after hearing or upon stipulation
that cause for disciplinary against any of the real estate licenses or
license rights of Respondent occurred within two (2) years from the

effective date of this Decision and Order.

c. If Respondent fails to pay the monetary penalty in accordance
with the terms and conditions of this Decision and Order, the
suspension shall go into effect automatically. Respondent shall not
be entitled to any repayment or credit, prorated or otherwise, for any
money paid to the Bureau under the terms of this Decision and Order.

d. If Respondent pays the monetary penalty and all other money due
under this Stipulation and Agreement and if no final determination be
made after hearing or upon stipulation that cause for disciplinary
against any of the real estate licenses or license rights of Respondent
occurred within two (2) years from the effective date of this Decision
and Order, then the entire stay hereby granted pursuant to this
Decision and Order shall become permanent.

2. Thirty (30) 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.

b. No final determination be made after hearing or upon stipulation
that cause for disciplinary against any of the real estate licenses or
license rights of Respondent occurred within two (2) years from the
effective date of this Decision and 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.

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1 3. All licenses and licensing rights of Respondent are indefinitely
2 suspended unless or until Respondent provides proof satisfactory to the Commissioner of
3 having taken and successfully completed the continuing education course on trust fund
4 accounting and handling specified in Code Section 10170.5(a)(3). Proof of satisfaction of this
5 requirement includes evidence that Respondent has successfully completed the trust fund
6 accounting and handling continuing education course within one hundred twenty (120) days
7 prior to the effective date of this Decision and Order. Proof of completion of the trust fund
8 accounting and handling course must be delivered to the Bureau of Real Estate, Flag Section at
9 P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this Decision and
10 Order.

11 4. Respondent shall, within six (6) months from the effective date of this
12 Decision and Order, take and pass the Professional Responsibility Examination administered by
13 the Bureau including the payment of the appropriate examination fee. If Respondent fails to
14 satisfy this condition, all of Respondent's real estate licenses and license rights shall
15 automatically be suspended until Respondent passes the examination.

16 5. Respondent shall, within nine (9) months from the effective date of this
17 Decision and Order, present evidence satisfactory to the Commissioner that Respondent has,
18 since the most recent issuance of an original or renewal real estate license, taken and
19 successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the
20 Real Estate Law for renewal of a real estate license. If Respondent fails to satisfy this
21 condition, all of Respondent's real estate licenses and license rights shall automatically be
22 suspended until Respondent presents evidence satisfactory to the Commissioner of having taken
23 and successfully completed the continuing education requirements. Proof of completion of the
24 continuing education courses must be delivered to the Bureau of Real Estate, Flag Section at
25 P.O. Box 137013, Sacramento, CA 95813-7013.

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6. All licenses and licensing rights of Respondent JAMES PETER LA
MARCA are indefinitely suspended unless or until Respondent JAMES PETER LA MARCA pays, jointly and severally with Respondent STELLA JODI RAMIREZ, the sum of \$4,688.11 for the Commissioner's cost of the audit which led to this disciplinary action pursuant to Code Section 10148. Said payment shall be in the form of a cashier's check made payable to the Bureau of Real Estate. The audit cost must be delivered to the Bureau of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this Decision and Order.

7. All licenses and licensing rights of Respondent JAMES PETER LA
MARCA are indefinitely suspended unless or until Respondent JAMES PETER LA MARCA pays, jointly and severally with Respondent STELLA JODI RAMIREZ, the sum of \$6,051.15 for the Commissioner's reasonable cost of the investigation and enforcement which led to this disciplinary action. Said payment shall be in the form of a cashier's check made payable to the Bureau of Real Estate. The investigative and enforcement costs must be delivered to the Bureau of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this Decision and Order.

II.

All licenses and licensing rights of Respondent STELLA JODI RAMIREZ under the Real Estate Law are revoked; provided, however, a restricted salesperson license shall be issued to Respondent STELLA JODI RAMIREZ pursuant to Section 10156.5 of the Code if Respondent STELLA JODI RAMIREZ makes application therefor and pay to the Bureau the appropriate fees for the restricted license within ninety (90) days from the effective date of this Decision. The restricted license issued to Respondent STELLA JODI RAMIREZ shall be subject to all of the provisions of Section 10156.7 of the Code and to the following limitations, conditions, and restrictions imposed under Section 10156.6 of the Code:

1. The restricted license issued to Respondent may be suspended prior to
hearing by Order of the Real Estate Commissioner in the event of Respondent's conviction,

1 plea of guilty, or plea of nolo contendere to a crime which is substantially related to
2 Respondent's fitness or capacity as a real estate licensee.

3 2. The restricted license issued to Respondent may be suspended prior to
4 hearing by Order of the Real Estate Commissioner on evidence satisfactory to the
5 Commissioner that Respondent has violated provisions of the California Real Estate Law, the
6 Subdivided Lands Law, Regulations of the Real Estate Commissioner, or the conditions
7 attaching to this restricted license.

8 3. Respondent shall not be eligible to apply for the issuance of an
9 unrestricted real estate license or mortgage loan originator license endorsement, and shall not be
10 eligible to apply for the removal of any of the conditions, limitations or restrictions of a
11 restricted license until two (2) years have elapsed from the effective date of this Decision and
12 Order.

13 4. Respondent shall, within six (6) months from the effective date of this
14 Decision and Order, take and pass the Professional Responsibility Examination administered by
15 the Bureau including the payment of the appropriate examination fee. If Respondent fails to
16 satisfy this condition, all of Respondent's real estate licenses and license rights shall
17 automatically be suspended until Respondent passes the examination.

18 5. Respondent shall, within nine (9) months from the effective date of this
19 Decision and Order, present evidence satisfactory to the Commissioner that Respondent has,
20 since the most recent issuance of an original or renewal real estate license, taken and
21 successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the
22 Real Estate Law for renewal of a real estate license. If Respondent fails to satisfy this
23 condition, all of Respondent's real estate licenses and license rights shall automatically be
24 suspended until Respondent presents evidence satisfactory to the Commissioner of having taken
25 and successfully completed the continuing education requirements. Proof of completion of the
26 continuing education courses must be delivered to the Bureau of Real Estate, Flag Section at
27 P.O. Box 137013, Sacramento, CA 95813-7013.

1 6. Respondent shall notify the Commissioner in writing within 72 hours of
2 any arrest by sending a certified letter to the Commissioner at the Bureau of Real Estate,
3 Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013. The letter shall set forth the
4 date of Respondent's arrest, the crime for which Respondent was arrested and the name and
5 address of the arresting law enforcement agency. Respondent's failure to timely file written
6 notice shall constitute an independent violation of the terms of the restricted license and shall
7 be grounds for the suspension or revocation of that license.

8 7. All licenses and licensing rights of Respondent STELLA JODI
9 RAMIREZ are indefinitely suspended unless or until Respondent STELLA JODI RAMIREZ
10 pays, jointly and severally with Respondent JAMES PETER LA MARCA, the sum of
11 \$4,688.11 for the Commissioner's cost of the audit which led to this disciplinary action
12 pursuant to Code Section 10148. Said payment shall be in the form of a cashier's check made
13 payable to the Bureau of Real Estate. The audit cost must be delivered to the Bureau of Real
14 Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective
15 date of this Decision and Order.

16 8. All licenses and licensing rights of Respondent STELLA JODI
17 RAMIREZ are indefinitely suspended unless or until Respondent STELLA JODI RAMIREZ
18 pays, jointly and severally with Respondent JAMES PETER LA MARCA, the sum of
19 \$6,051.15 for the Commissioner's reasonable cost of the investigation and enforcement which
20 led to this disciplinary action. Said payment shall be in the form of a cashier's check made
21 payable to the Bureau of Real Estate. The investigative and enforcement costs must be
22 delivered to the Bureau of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA
23 95813-7013, prior to the effective date of this Decision and Order.

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25 DATED: 12-11-2017



Steve Chu, Counsel
Bureau of Real Estate

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2 We have read the Stipulation and Agreement. We understand that we are
3 waiving rights given to us by the California Administrative Procedure Act, (including but not
4 limited to Sections 11521 and 11523 of the Government Code), and we willingly, intelligently,
5 and voluntarily waive those rights, including the right to seek reconsideration and the right to
6 seek judicial review of the Commissioner's Decision and Order by way of a writ of mandate.

7 We agree, acknowledge, and understand that we cannot rescind or amend this
8 Stipulation and Agreement.

9 We can signify acceptance and approval of the terms and conditions of this
10 Stipulation and Agreement by mailing the original signed Stipulation and Agreement to:
11 Steve Chu, Bureau of Real Estate, 320 West 4th Street, Suite 350, Los Angeles,
12 California 90013-1105. Steve Chu must receive the original signed Stipulation and Agreement
13 or a copy faxed to (213) 576-6917 by December 1, 2017; if not, this Stipulation and Agreement
14 is invalid and void because the sum for the Commissioner's reasonable cost of the investigation
15 and enforcement which led to this disciplinary action will increase.

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17 DATED: 11-29-17


18 JAMES PETER LA MARCA
Respondent

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20 DATED: 11-29-17


21 STELLA JODI RAMIREZ
Respondent

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23 DATED: _____

24 Marisol Ocampo
25 Counsel for Respondents
Approved as to Form

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* * *

We have read the Stipulation and Agreement. We understand that we are waiving rights given to us by the California Administrative Procedure Act, (including but not limited to Sections 11521 and 11523 of the Government Code), and we willingly, intelligently, and voluntarily waive those rights, including the right to seek reconsideration and the right to seek judicial review of the Commissioner's Decision and Order by way of a writ of mandate.

We agree, acknowledge, and understand that we cannot rescind or amend this Stipulation and Agreement.

We can signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by mailing the original signed Stipulation and Agreement to: Steve Chu, Bureau of Real Estate, 320 West 4th Street, Suite 350, Los Angeles, California 90013-1105. Steve Chu must receive the original signed Stipulation and Agreement or a copy faxed to (213) 576-6917 by December 1, 2017; if not, this Stipulation and Agreement is invalid and void because the sum for the Commissioner's reasonable cost of the investigation and enforcement which led to this disciplinary action will increase.

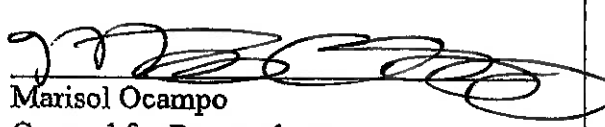
DATED: _____

JAMES PETER LA MARCA
Respondent

DATED: _____

STELLA JODI RAMIREZ
Respondent

DATED: 11/29/17


Marisol Ocampo
Counsel for Respondents
Approved as to Form

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The foregoing Stipulation and Agreement is hereby adopted by me as my
Decision in this matter as to Respondent JAMES PETER LA MARCA and Respondent
STELLA JODI RAMIREZ, and shall become effective at 12 o'clock noon on
2/6/18.

IT IS SO ORDERED

1/4/18

WAYNE S. BELL
REAL ESTATE COMMISSIONER



By: DANIEL J. SANDRI
Chief Deputy Commissioner