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Bureau of Real Estate
320 West 4th Street, Suite 350
Los Angeles, California 90013

Telephone: (213) 576-6982

APR 18 2017

BUREAU OF REAL ESTATE

By AL Delorio

BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of	)	No. H-04853 SD
	)	
PROJECT MANAGEMENT	)	
SUPPORT SERVICES, INC.; and	)	
AMY CORINNE LUJAN,	)	<u>STIPULATION AND</u>
individually and as designated	)	<u>AGREEMENT</u>
officer of Project Management	)	
Support Services, Inc.,	)	
	)	
Respondents.	)	

It is hereby stipulated by and between Respondents PROJECT MANAGEMENT SUPPORT SERVICES, INC. ("PMSSI") and AMY CORINNE LUJAN ("LUJAN"), individually and as designated officer of Project Management Support Services, Inc., (collectively "Respondents") both represented by James D'Ambrosio, Esq., and the Complainant, acting by and through Diane Lee, Counsel for the Bureau of Real Estate, as follows for the purpose of settling and disposing of the Accusation ("Accusation") filed on November 14, 2016, in this matter:

1. All issues which were to be contested and all evidence which were to be presented by Complainant and Respondents PMSSI and LUJAN at a formal hearing on the

1 Accusation, which hearing was to be held in accordance with the provisions of the California
2 Administrative Procedure Act ("APA"), shall instead and in place thereof be submitted solely on
3 the basis of the provisions of this Stipulation and Agreement ("Stipulation").

4 2. Respondents PMSSI and LUJAN have received and read, and understand the
5 Statement to Respondent, the Discovery Provisions of the APA, and the Accusation filed by the
6 Bureau of Real Estate in this proceeding.

7 3. Respondents PMSSI and LUJAN filed Notices of Defense pursuant to
8 California Government Code section 11506 for the purpose of requesting a hearing on the
9 allegations in the Accusation. Respondents PMSSI and LUJAN hereby freely and voluntarily
10 withdraw said Notices of Defense. Respondents PMSSI and LUJAN acknowledge that they
11 understand that by withdrawing said Notices of Defense they thereby waive their right to require
12 the Commissioner to prove the allegations in the Accusation at a contested hearing held in
13 accordance with the provisions of the APA and that Respondents PMSSI and LUJAN will waive
14 other rights afforded to them in connection with the hearing such as the right to present evidence
15 in their defense and the right to cross-examine witnesses.

16 4. This Stipulation is based on the factual allegations contained in the Accusation.
17 In the interest of expedience and economy, Respondents PMSSI and LUJAN choose not to
18 contest these allegations, but to remain silent and understand that, as a result thereof, these
19 factual allegations, without being admitted or denied, will serve as a prima facie basis for the
20 disciplinary action stipulated to herein. The Real Estate Commissioner shall not be required to
21 provide further evidence to prove said factual allegations.

22 5. This Stipulation is made for the purpose of reaching an agreed disposition of
23 this proceeding and is expressly limited to this proceeding and any other proceeding or case in
24 which the Bureau of Real Estate, the state or federal government, or any agency of this state, or
25 another state or federal government is involved.

26 6. It is understood by the parties that the Real Estate Commissioner may adopt
27 this Stipulation as his Decision in this matter thereby imposing the penalties and sanctions on the

1 real estate licenses and license rights of Respondents PMSSI and LUJAN as set forth in the
2 below "Order." In the event that the Commissioner in his discretion does not adopt this
3 Stipulation, it shall be void and of no effect, and Respondents PMSSI and LUJAN shall retain the
4 right to a hearing and proceeding on the Accusation under the provisions of the APA and shall
5 not be bound by this Stipulation herein.

6 7. The Order or any subsequent Order of the Real Estate Commissioner made
7 pursuant to this Stipulation herein shall not constitute an estoppel, merger, or bar to any further
8 administrative or civil proceedings by the Bureau of Real Estate with respect to any matters
9 which were not specifically alleged to be causes for Accusation in this proceeding, but do
10 constitute a bar, estoppel, and merger as to any allegations specifically and actually contained in
11 the Accusation against Respondents PMSSI and LUJAN herein.

12 8. Respondents PMSSI and LUJAN understand that by agreeing to this
13 Stipulation, Respondents PMSSI and LUJAN agree to pay, pursuant to California Business and
14 Professions Code section 10106, the cost of the investigation and enforcement. The amount of
15 investigation and enforcement cost is \$2,033.40

16 9. Respondents PMSSI and LUJAN understand that by agreeing to this
17 Stipulation, Respondents PMSSI and LUJAN agree to pay, pursuant to California Business and
18 Professions Code section 10148, the cost of the audit which led to this disciplinary action. The
19 amount of said cost for the original audit (SD140029) is \$5,110.59.

20 10. Respondents PMSSI and LUJAN understand that by agreeing to this
21 Stipulation, the findings set forth below in the Determination of Issues become final, and the
22 Commissioner may charge Respondents PMSSI and LUJAN for the cost of any subsequent audit
23 conducted pursuant to California Business and Professions Code section 10148 to determine if
24 the violations have been corrected. The maximum cost of the subsequent audit will not exceed
25 \$6,388.24.

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1 DETERMINATION OF ISSUES

2 By reason of the foregoing, it is stipulated and agreed that the following
3 determination of issues shall be made:

4 The conduct, acts, or omissions of Respondents PROJECT MANAGEMENT
5 SUPPORT SERVICES, INC. and AMY CORINNE LUJAN, as described in the Accusation and
6 Paragraph 4, above, are in violation of California Business and Professions Code sections 10130,
7 10145, 10159.2, and 10161.8; and Title 10, Chapter 6 of the California Code of Regulations,
8 sections 2825, 2752, 2831, 2832, and 2834, and are a basis for discipline of Respondents' license
9 and license rights as violation of the Real Estate Law pursuant to California Business and
10 Professions Code sections 10177(d), 10177(g), and 10177(h).

11
12 ORDER

13 WHEREFORE, THE FOLLOWING ORDER is hereby made:

14
15 (PMSSI: SUSPENSION)

16 I.

17 All licenses and licensing rights of Respondents PROJECT MANAGEMENT
18 SUPPORT SERVICES, INC. under the Real Estate Law are suspended for a period of ninety
19 (90) days, from the effective date of this Decision and Order, provided, however, that:

20 A. Provided, however, that if Respondent PMSSI petitions, the initial thirty (30)
21 days of said suspension (or a portion thereof) shall be stayed upon condition that:

22 1. Respondent PMSSI pays a monetary penalty pursuant to California Business
23 and Professions Code section 10175.2 at the rate of \$100.00 for each day of the suspension for a
24 total monetary penalty of \$3,000.00.

25 2. Said payment shall be in the form of a cashier's check or certified check made
26 payable to the Recovery Account of the Real Estate Fund. Said check must be received by the
27 Bureau of Real Estate at prior to the effective date of this Decision.

1 3. No further cause for disciplinary action against the real estate license of
2 Respondent PMSSI occurs within two (2) years from the effective date of the Decision in this
3 matter.

4 4. If Respondent PMSSI fails to pay the monetary penalty in accordance with the
5 terms and conditions of the Decision, the Commissioner may, without a hearing, order the
6 immediate execution of all or any part of the stayed suspension in which event the Respondent
7 PMSSI shall not be entitled to any repayment nor credit, prorated or otherwise, for money paid to
8 the Bureau of Real Estate under the terms of this Decision.

9 5. If Respondent PMSSI pays the monetary penalty and if no further cause for
10 disciplinary action against the real estate license of Respondent PMSSI occurs within two (2)
11 years from the effective date of the Decision, the stay hereby granted shall become permanent.

12 6. Payment shall be mailed to the Bureau of Real Estate at: Bureau of Real Estate,
13 Flag Section, P.O. Box 137013, Sacramento, CA 95813-7013.

14 B. The remaining sixty (60) days of the ninety (90) day suspension shall be stayed
15 for two (2) years upon the following terms and conditions:

16 1. Respondent PMSSI shall obey all laws, rules, and regulations governing the
17 rights, duties, and responsibilities of a real estate licensee in the State of California; and

18 2. That no final subsequent determination be made after hearing or upon
19 stipulation, which cause for disciplinary action occurred within two (2) years from the effective
20 date of this Decision. Should such a determination be made, the Commissioner shall, in his
21 discretion, vacate, and set aside the stay order, and reimpose all or a portion of the stayed
22 suspension. Should no such determination be made, the stay imposed herein shall become
23 permanent.

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(LUJAN: SUSPENSION)

II.

All licenses and licensing rights of Respondents AMY CORINNE LUJAN under the Real Estate Law are suspended for a period of ninety (90) days, from the effective date of this Decision and Order, provided, however, that:

A. Provided, however, that if Respondent LUJAN petitions, the initial thirty (30) days of said suspension (or a portion thereof) shall be stayed upon condition that:

1. Respondent LUJAN pays a monetary penalty pursuant to California Business and Professions Code section 10175.2 at the rate of \$100.00 for each day of the suspension for a total monetary penalty of \$3,000.00.

2. Said payment shall be in the form of a cashier's check or certified check made payable to the Recovery Account of the Real Estate Fund. Said check must be received by the Bureau of Real Estate at prior to the effective date of this Decision.

3. No further cause for disciplinary action against the real estate license of Respondent LUJAN occurs within two (2) years from the effective date of the Decision in this matter.

4. If Respondent LUJAN fails to pay the monetary penalty in accordance with the terms and conditions of the Decision, the Commissioner may, without a hearing, order the immediate execution of all or any part of the stayed suspension in which event the Respondent PMSSI shall not be entitled to any repayment nor credit, prorated or otherwise, for money paid to the Bureau of Real Estate under the terms of this Decision.

5. If Respondent LUJAN pays the monetary penalty and if no further cause for disciplinary action against the real estate license of Respondent LUJAN occurs within two (2) years from the effective date of the Decision, the stay hereby granted shall become permanent.

6. Payment shall be mailed to the Bureau of Real Estate at: Bureau of Real Estate, Flag Section, P.O. Box 137013, Sacramento, CA 95813-7013.

B. The remaining sixty (60) days of the ninety (90) day suspension shall be stayed

1 for two (2) years upon the following terms and conditions:

2 1. Respondent LUJAN shall obey all laws, rules, and regulations governing the
3 rights, duties, and responsibilities of a real estate licensee in the State of California; and

4 2. That no final subsequent determination be made after hearing or upon
5 stipulation, which cause for disciplinary action occurred within two (2) years from the effective
6 date of this Decision. Should such a determination be made, the Commissioner shall, in his
7 discretion, vacate, and set aside the stay order, and reimpose all or a portion of the stayed
8 suspension. Should no such determination be made, the stay imposed herein shall become
9 permanent.

10
11 (INVESTIGATION AND ENFORCEMENT COSTS)

12 III.

13 All license and license rights of Respondents PMSSI and LUJAN are indefinitely
14 suspended unless or until Respondents PMSSI and LUJAN, jointly and severally, pay the sum of
15 \$2,033.40 for the Commissioner's reasonable cost for investigation and enforcement which led to
16 this disciplinary action. Said payment shall be in the form of a cashier's check made payable to
17 the Bureau of Real Estate. The investigative and enforcement costs must be delivered to the
18 Bureau of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to
19 the effective date of this Decision and Order.

20
21 (AUDIT COSTS)

22 IV.

23 Pursuant to California Business and Professions Code section 10148, Respondents
24 PMSSI and LUJAN, jointly and severally, shall pay the sum of \$5,110.59 for the
25 Commissioner's cost of the audit which led to this disciplinary action. Respondents PMSSI and
26 LUJAN shall pay such cost within sixty (60) days of receiving an invoice therefore from the
27 Commissioner. Payment of audit costs should not be made until Respondents PMSSI and

1 LUJAN receives the invoice. If Respondents PMSSI and LUJAN fail to satisfy this condition in
2 a timely manner as provided for herein, Respondents PMSSI and LUJAN's real estate licenses
3 shall automatically be suspended until payment is made in full, or until a decision providing
4 otherwise is adopted following a hearing held pursuant to this condition.

5 Pursuant to California Business and Professions Code section 10148, Respondents
6 PMSSI and LUJAN shall pay the Commissioner's reasonable cost, not to exceed \$6,388.24, for
7 an audit to determine if Respondents PMSSI and LUJAN have corrected the violations found in
8 the Determination of Issues. In calculating the amount of the Commissioner's reasonable costs,
9 the Commissioner may use the estimated average hourly salary for all persons performing audits
10 of real estate brokers, and shall include an allocation for travel time to and from the auditor's
11 place of work. Respondents PMSSI and LUJAN shall pay such cost within sixty (60) days of
12 receiving an invoice therefore from the Commissioner. Payment of the audit costs should not be
13 made until Respondent(s) receive the invoice. If Respondents PMSSI and LUJAN fail to satisfy
14 this condition in a timely manner as provided for herein, Respondents PMSSI and LUJAN's real
15 estate licenses shall automatically be suspended until payment is made in full, or until a decision
16 providing otherwise is adopted following a hearing held pursuant to this condition.

17
18 (CONTINUING EDUCATION)

19 V.

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

1 continuing education courses must be delivered to the Bureau of Real Estate, Flag Section at P.O.
2 Box 137013, Sacramento, CA 95813-7013.

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4 (TRUST FUND COURSE)

5 VI.

6 All licenses and licensing rights of Respondent LUJAN are indefinitely suspended
7 unless or until Respondent LUJAN provides proof satisfactory to the Commissioner, of having
8 taken and successfully completed the continuing education course on trust fund accounting and
9 handling specified in California Business and Professions Code section 10170.5(a)(3). Proof of
10 satisfaction of these requirements includes evidence that Respondent LUJAN has successfully
11 completed the trust fund account and handling continuing education courses, no earlier than 120
12 days prior to the effective date of the Decision and Order in this matter. Proof of completion of
13 the trust fund accounting and handling course must be delivered to the Bureau of Real Estate,
14 Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013 or by fax at 916-263-8758, prior
15 to the effective date of this Decision and Order.

16
17 (PROFESSIONAL RESPONSIBILITY EXAM)

18 VII.

19 Respondent LUJAN shall, within six (6) months from the effective date of this
20 Decision and Order, take and pass the Professional Responsibility Examination administered by
21 the Bureau of Real Estate including the payment of the appropriate examination fee. If
22 Respondent LUJAN fails to satisfy this condition, Respondent LUJAN's real estate license shall
23 automatically be suspended until Respondent LUJAN passes the examination.

24 DATED: 03/14/2017

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DIANE LEE, Counsel for
26 Bureau of Real Estate

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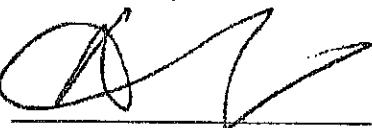
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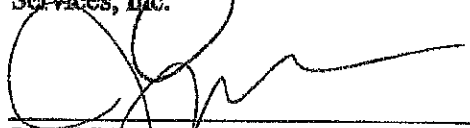
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1 A facsimile constitutes acceptance and approval of the terms and conditions of
2 this Stipulation. Respondents PMSSI and LUJAN agree, acknowledge, and understand that by
3 electronically sending to the Bureau of Real Estate a facsimile copy of the actual signatures of
4 Respondents PMSSI and LUJAN as it appear on the Stipulation that receipt of the facsimile copy
5 by the Bureau of Real Estate shall be as binding on Respondents PMSSI and LUJAN as if the
6 Bureau of Real Estate had received the original signed Stipulation.

7
8 DATED: 3-13-17


AMY CORINNE LUJAN, individually and as
designated officer of Project Management Support
Services, Inc.

9
10
11 DATED: 3-14-17


JAMES D'AMBROSIO, ESQ.
Attorney for Respondents PROJECT
MANAGEMENT SUPPORT SERVICES, INC. and
AMY CORINNE LUJAN

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15 * * *

16 The foregoing Stipulation and Agreement is hereby adopted as my Decision as to
17 Respondents PROJECT MANAGEMENT SUPPORT SERVICES, INC. and AMY CORINNE
18 LUJAN, and shall become effective at 12 o'clock noon on _____
19 2017.

20 IT IS SO ORDERED _____, 2017.

21
22 REAL ESTATE COMMISSIONER
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1 A facsimile constitutes acceptance and approval of the terms and conditions of
2 this Stipulation. Respondents PMSSI and LUJAN agree, acknowledge, and understand that by
3 electronically sending to the Bureau of Real Estate a facsimile copy of the actual signatures of
4 Respondents PMSSI and LUJAN as it appear on the Stipulation that receipt of the facsimile copy
5 by the Bureau of Real Estate shall be as binding on Respondents PMSSI and LUJAN as if the
6 Bureau of Real Estate had received the original signed Stipulation.

7
8 DATED: _____

9 AMY CORINNE LUJAN, individually and as
10 designated officer of Project Management Support
11 Services, Inc.

12 DATED: _____

13 JAMES D'AMBROSIO, ESQ.
14 Attorney for Respondents PROJECT
15 MANAGEMENT SUPPORT SERVICES, INC. and
16 AMY CORINNE LUJAN

17 * * *

18 The foregoing Stipulation and Agreement is hereby adopted as my Decision as to
19 Respondents PROJECT MANAGEMENT SUPPORT SERVICES, INC. and AMY CORINNE
20 LUJAN, and shall become effective at 12 o'clock noon on MAY - 8 2017
21 2017.

22 IT IS SO ORDERED April 9, 2017.

23 WAYNE S. BELL
24 REAL ESTATE COMMISSIONER

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