


FILED

December 18, 2012

1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187007
3 Sacramento, CA 95818-7007
4 Telephone: (916) 227-0789

DEPARTMENT OF REAL ESTATE

By  _____

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11	In the Matter of the Accusation of)	NO. H-5524 SAC
)	
12	THE VALLADOLID CORPORATION,)	
13	GUILLERMO VALLADOLID, and)	<u>STIPULATION AND AGREEMENT</u>
14	BRADFORD WILSON DAMM,)	
	Respondents.)	

15
16 It is hereby stipulated by and between Respondent GUILLERMO
17 VALLADOLID (hereinafter "Respondent" or "Respondent VALLADOLID") and Respondent
18 THE VALLADOLID CORPORATION (hereinafter "Respondent" or "Respondent
19 CORPORATION"), acting by and through their attorney of record, Thomas F. Gallagher, and
20 the Complainant, acting by and through Michael B. Rich, Counsel for the Department of Real
21 Estate, as follows for the purpose of settling and disposing of the First Amended Accusation
22 filed on September 29, 2011, in this matter ("the Accusation"):

23 1. All issues which were to be contested and all evidence which was to be
24 presented by Complainant and Respondents at a formal hearing on the Accusation, which
25 hearing was to be held in accordance with the provisions of the Administrative Procedure Act
26 (APA), shall instead and in place thereof be submitted solely on the basis of the provisions of
27 this Stipulation and Agreement.

No. H-5524 SAC

GUILLERMO VALLADOLID and
THE VALLADOLID CORPORATION

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 Department
3 of Real Estate in this proceeding.

4 3. On January 3, 2011, Respondents, respectively, filed a Notice of Defense
5 pursuant to Section 11505 of the Government Code for the purpose of requesting a hearing on
6 the allegations in the Accusation. Respondents hereby freely and voluntarily withdraw said
7 Notices of Defense. Respondents acknowledge that Respondents understand that by
8 withdrawing said Notices of Defense Respondents will thereby waive Respondents' right to
9 require the Commissioner to prove the allegations in the Accusation at a contested hearing held
10 in accordance with the provisions of the APA and that Respondents will waive other rights
11 afforded to Respondents in connection with the hearing such as the right to present evidence in
12 defense of the allegations in the Accusation and the right to cross-examine witnesses.

13 4. Respondents, pursuant to the limitations set forth below, hereby admit
14 that the factual allegations in the Accusation pertaining to Respondents are true and correct and
15 stipulate and agree that the Real Estate Commissioner shall not be required to provide further
16 evidence of such allegations.

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

24 6. This Stipulation and Agreement shall not constitute an estoppel, merger
25 or bar to any further administrative or civil proceedings by the Department of Real Estate with
26 respect to any matters which were not specifically alleged to be causes for accusation in this
27 proceeding.

1 DETERMINATION OF ISSUES

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

5 I

6 The acts and omissions of Respondent THE VALLADOLID CORPORATION
7 described in the Accusation are grounds for the suspension or revocation of the licenses and
8 license rights of Respondent under the provisions of Section 10177(g) of the Code.

9 II

10 The acts and omissions of Respondent GUILLERMO VALLADOLID described
11 in the Accusation are grounds for the suspension or revocation of the licenses and license rights
12 of Respondent under the provisions of Section 10159.2 of the Code in conjunction with Section
13 10177(d) of the Code, and Section 10177(h) of the Code.

14 ORDER

15 I

16 All real estate licenses and license rights of Respondent THE VALLADOLID
17 CORPORATION shall be suspended for a period of sixty (60) days from the effective date of
18 the Decision, provided however:

19 1. If Respondent CORPORATION petitions, thirty (30) days of said
20 suspension (or a portion thereof) shall be stayed upon condition that Respondent pays a
21 monetary penalty pursuant to Section 10175.2 of the Code at the rate of \$50.00 for each day of
22 the suspension for a total monetary penalty of \$1,500.00, and upon condition that no further
23 cause for disciplinary action against the real estate license of Respondent occurs within two (2)
24 years from the effective date of the Decision in this matter. Any stay granted pursuant to this
25 paragraph shall be subject to the following terms:

26 (a) Said monetary penalty payment shall be in the form of a cashier's check
27 or certified check made payable to the Consumer Recovery Account of the Real

1 Estate Fund. Said check must be received by the Department prior to the
2 effective date of the Decision in this matter.

3 (b) The Commissioner may, if a final subsequent determination is made,
4 after hearing or upon stipulation, that cause for disciplinary action occurred
5 during the two (2) year period following the effective date of the Decision in
6 this matter, vacate and set aside the stay and order the immediate execution of
7 all or any part of the stayed suspension, in which event the Respondent shall not
8 be entitled to any repayment nor credit, prorated or otherwise, for money paid to
9 the Department under the terms of this Order.

10 (c) If Respondent CORPORATION fails to pay the monetary penalty in
11 accordance with the terms and conditions of the Decision, the Commissioner
12 may, without a hearing, order the immediate execution of all or any part of the
13 stayed suspension in which event the Respondent shall not be entitled to any
14 repayment nor credit, prorated or otherwise, for money paid to the Department
15 under the terms of the Decision.

16 (d) If Respondent CORPORATION pays the monetary penalty and if no
17 order vacating the stay is made pursuant to Paragraph (b), above, the stay
18 granted pursuant to this Decision shall become permanent.

19 2. Thirty (30) days of said sixty-(60) day suspension shall be stayed upon
20 condition that:

21 (a) No final subsequent determination be made, after hearing or upon
22 stipulation, that cause for disciplinary action against Respondent
23 CORPORATION occurred within two (2) years of the effective date of the
24 Decision herein.

25 (b) Should such a determination be made, the Commissioner may, in his or
26 her discretion, vacate and set aside the stay order, and order the execution of all
27 or any part of the stayed suspension, in which event the Respondent shall not be

1 entitled to any repayment nor credit, prorated or otherwise, for money paid to the
2 Department under the terms of this Decision.

3 (c) If no order vacating the stay is issued, and if no further cause for
4 disciplinary action against the real estate license of Respondent occurs within
5 two (2) years from the effective date of the Decision, then the stay hereby granted
6 shall become permanent.

7 II

8 All real estate licenses and license rights of Respondent GUILLERMO
9 VALLADOLID shall be suspended for a period of sixty (60) days from the effective date of the
10 Decision, provided however:

11 1. If Respondent GUILLERMO petitions, thirty (30) days of said suspension
12 (or a portion thereof) shall be stayed upon condition that Respondent pays a monetary penalty
13 pursuant to Section 10175.2 of the Code at the rate of \$50.00 for each day of the suspension for
14 a total monetary penalty of \$1,500.00, and upon condition that no further cause for disciplinary
15 action against the real estate license of Respondent occurs within two (2) years from the
16 effective date of the Decision in this matter. Any stay granted pursuant to this paragraph shall
17 be subject to the following terms:

18 (a) Said monetary penalty payment shall be in the form of a cashier's check
19 or certified check made payable to the Consumer Recovery Account of the Real
20 Estate Fund. Said check must be received by the Department prior to the
21 effective date of the Decision in this matter.

22 (b) The Commissioner may, if a final subsequent determination is made,
23 after hearing or upon stipulation, that cause for disciplinary action occurred
24 during the two (2) year period following the effective date of the Decision in
25 this matter, vacate and set aside the stay and order the immediate execution of
26 all or any part of the stayed suspension, in which event the Respondent shall not
27

1 be entitled to any repayment nor credit, prorated or otherwise, for money paid to
2 the Department under the terms of this Order.

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

9 (d) If Respondent GUILLERMO pays the monetary penalty and if no order
10 vacating the stay is made pursuant to Paragraph (b), above, the stay granted
11 pursuant to this Decision shall become permanent.

12 2. Thirty (30) days of said sixty-(60) day suspension shall be stayed upon

13 condition that:

14 (a) No final subsequent determination be made, after hearing or upon
15 stipulation, that cause for disciplinary action against Respondent GUILLERMO
16 occurred within two (2) years of the effective date of the Decision herein.

17 (b) Should such a determination be made, the Commissioner may, in his or
18 her discretion, vacate and set aside the stay order, and order the execution of all
19 or any part of the stayed suspension, in which event the Respondent shall not be
20 entitled to any repayment nor credit, prorated or otherwise, for money paid to the
21 Department under the terms of this Decision.

22 (c) If no order vacating the stay is issued, and if no further cause for
23 disciplinary action against the real estate license of Respondent occurs within
24 two (2) years from the effective date of the Decision, then the stay hereby granted
25 shall become permanent.

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11/16/12
DATED

Michael B. Rich
MICHAEL B. RICH, Counsel
Department of Real Estate

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

THE VALLADOLID CORPORATION
Respondent

10/5/12
DATE

BY: [Signature]
GUILLERMO VALLADOLID
President
(Print Title)

10/5/12
DATE

[Signature]
GUILLERMO VALLADOLID
Respondent

Approved as to form and content by counsel for Respondents.

10/5/12
DATED

[Signature]
THOMAS F. GALLAGHER
Attorney for Respondents


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* * *

The foregoing Stipulation and Agreement is hereby adopted by me as my
Decision in this matter as to Respondent THE VALLADOLID CORPORATION and
Respondent GUILLERMO VALLADOLID and shall become effective at 12 o'clock noon on
JAN 08 2013, 2012.

IT IS SO ORDERED December 17, 2012.

Real Estate Commissioner


By WAYNE S. BELL
Chief Counsel