

1 Bureau of Real Estate
2 P.O. Box 187007
3 Sacramento, CA 95818-7007
4 Telephone: (916) 227-0781
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FILED

FEB 21 2013

BUREAU OF REAL ESTATE

By B. Nicholas

8 BEFORE THE BUREAU OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)

12 MARIA AQUILINA GUZMAN,)

13 Respondent.)

No. H-6435 SAC

STIPULATION AND
AGREEMENT

14 It is hereby stipulated by and between MARIA AQUILINA GUZMAN
15 (Respondent), represented by Adam J. Richards, and the Complainant, acting by and through
16 Truly Sughrue, Counsel for the Bureau of Real Estate (Bureau), as follows for the purpose of
17 settling and disposing the Accusation filed on September 9, 2016, in this matter:

18 1. All issues which were to be contested and all evidence which was to be
19 presented by Complainant and Respondent at a formal hearing on the Accusation, which hearing
20 was to be held in accordance with the provisions of the Administrative Procedure Act (APA),
21 shall instead and in place thereof be submitted solely on the basis of the provisions of this
22 Stipulation and Agreement.

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

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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 Respondent understands that by withdrawing said Notice of Defense
5 Respondent will thereby waive Respondent's rights to require the Real Estate Commissioner
6 (Commissioner) to prove the allegations in the Accusation at a contested hearing held in
7 accordance with the provisions of the APA, and that Respondent will waive other rights afforded
8 to Respondent in connection with the hearing such as the right to present evidence in defense of
9 the allegations in the Accusation and the right to cross-examine witnesses.

10 4. This Stipulation and Agreement is based on the factual allegations
11 contained in the Accusation. In the interest of expediency and economy, Respondent chooses not
12 to contest these factual allegations, but to remain silent and understands that, as a result thereof,
13 these factual statements will serve as a prima facie basis for the "Determination of Issues" and
14 "Order" set forth below. The Commissioner shall not be required to provide further evidence to
15 prove such allegations.

16 5. This Stipulation and Agreement and Respondent's decision not to contest
17 the Accusation are made for the purpose of reaching an agreed disposition of this proceeding and
18 are expressly limited to this proceeding and any other proceeding or case in which the Bureau,
19 the state or federal government, an agency of this state, or an agency of another state is involved.

20 6. It is understood by the parties that the Commissioner may adopt the
21 Stipulation and Agreement as his decision in this matter thereby imposing the penalty and
22 sanctions on the real estate licenses and license rights of Respondent as set forth in the below
23 "Order". In the event that the Commissioner in his discretion does not adopt the Stipulation and
24 Agreement, it shall be void and of no effect, and Respondent shall retain the right to a hearing
25 and proceeding on the Accusation under all the provisions of the APA and shall not be bound by
26 any admission or waiver made herein.
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1 7. The Order or any subsequent Order of the Commissioner made pursuant to
2 this Stipulation and Agreement shall not constitute an estoppel, merger or bar to any further
3 administrative or civil proceedings by the Bureau with respect to any matters which were not
4 specifically alleged to be causes for action in Accusation H-6435 SAC.

5 * * *

6 DETERMINATION OF ISSUES

7 By reason of the foregoing stipulations and waivers and solely for the purpose of
8 settlement of the pending Accusation without a hearing, it is stipulated and agreed that the
9 following determination of issues shall be made:

10 The acts and omissions of Respondent as described in the Accusation are
11 grounds for the suspension or revocation of Respondent's licenses and license rights under
12 Section 10177(g) of the Code.

13 * * *

14 ORDER

15 I

16 All licenses and licensing rights of Respondent under the Real Estate Law are
17 revoked; provided, however, a restricted real estate broker license shall be issued to Respondent
18 pursuant to Section 10156.5 of the Code if Respondent makes application therefor and pays to
19 the Bureau the appropriate fee for the restricted license within 90 days from the effective date of
20 this Decision and Order. The restricted license issued to Respondent shall be subject to all of the
21 provisions of Section 10156.7 of the Code and to the following limitations, conditions and
22 restrictions imposed under authority of Section 10156.6 of that Code:

23 1. The restricted license issued to Respondent may be suspended prior to
24 hearing by Order of the Commissioner in the event of Respondent's conviction or plea of nolo
25 contendere to a crime which is substantially related to Respondent's fitness or capacity as a real
26 estate licensee.

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

5 3. Respondent shall not be eligible to apply for the issuance of an
6 unrestricted real estate license nor for removal of any of the conditions, limitations, or
7 restrictions of a restricted license until two (2) years have elapsed from the effective date of this
8 Decision and Order. Respondent shall not be eligible to apply for any unrestricted licenses until
9 all restrictions attaching to the license have been removed.

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

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

25 13-Feb-18
26 DATED


27 TRULY SUGHRUE
Counsel for Complainant

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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, and I willingly, intelligently and voluntarily waive those rights, including the right of requiring the Commissioner to prove the allegations in the Accusations 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.

Respondent and Respondent's attorney further agree to send the original signed Stipulation by mail to the following address no later than one (1) week from the date the Stipulation is signed by Respondent and Respondent's attorney: *Bureau of Real Estate, Legal Section, P.O. Box 137007, Sacramento, California 95813-7007*. Respondent and Respondent's attorney understand and agree that if they fail to return the original signed Stipulation by the due date, Complainant retains the right to set this matter for hearing.

02/05/2018
DATED


MARIA AQUILINA GUZMAN
Respondent

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

2/7/18
DATED


ADAM J. RICHARDS
Attorney for Respondent

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The foregoing Stipulation and Agreement is hereby adopted as my Decision and
Order and shall become effective at 12 o'clock noon on MAR 14 2018.

IT IS SO ORDERED 2/14/18.

WAYNE S. BELL
REAL ESTATE COMMISSIONER



By: DANIEL J. SANDRI
Chief Deputy Commissioner