

**FILED**

**December 28, 2012**

1 DEPARTMENT OF REAL ESTATE  
2 P. O. Box 187000  
3 Sacramento, CA 95818-7000  
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 )  
12 )  
13 HOME RESOLUTION AND CREDIT )  
14 SERVICES, INC., a California corporation, dba )  
15 HABLANO DE CASAS!, dba HOME )  
16 RESOLUTION & CREDIT SERVICES, and )  
17 MARTHA LOPEZ-CHUBB, )  
18 Respondents. )

No. H-10749 SF

18 In the Matter of the Accusation of )  
19 )  
20 MARTHA LOPEZ-CHUBB dba )  
21 SURF CITY REAL ESTATE AND )  
22 HOME LOANS, )  
23 )

No. H-10750 SF

24 STIPULATION AND AGREEMENT

25 It is hereby stipulated by and between Respondent MARTHA LOPEZ-CHUBB  
26 (hereinafter "Respondent"), acting by and through her attorney of record, Robert F. Hahn, and  
27 the Complainant, acting by and through Michael B. Rich, Counsel for the Department of Real

H-10749 SF - HOME RESOLUTION AND CREDIT SERVICES, INC., ET AL.  
H-10750 SF - MARTHA LOPEZ-CHUBB

1 Estate, as follows for the purpose of settling and disposing of the Accusations filed on August  
2 10, 2009, in this matter (hereinafter "the Accusations"):

3 1. All issues which were to be contested and all evidence which was to be  
4 presented by Complainant and Respondent at a formal hearing on the Accusations, which  
5 hearing was to be held in accordance with the provisions of the Administrative Procedure Act  
6 (APA), shall instead and in place thereof be submitted solely on the basis of the provisions of  
7 this Stipulation and Agreement.

8 2. Respondent has received, read and understand the Statement to  
9 Respondent, the Discovery Provisions of the APA and the Accusations filed by the Department  
10 of Real Estate in this proceeding.

11 3. On August 19, 2009, in Case No. H-10749 SF, and on August 26, 2009, in  
12 Case No. H-10750 SF, Respondent respectively filed Notices of Defense pursuant to Section  
13 11505 of the Government Code for the purpose of requesting a hearing on the allegations in the  
14 Accusations. Respondent hereby freely and voluntarily withdraws said Notices of Defense.  
15 Respondent acknowledges that Respondent understands that by withdrawing said Notices of  
16 Defense Respondent will thereby waive Respondent's right to require the Commissioner to  
17 prove the allegations in the Accusations at a contested hearing held in accordance with the  
18 provisions of the APA and that Respondent will waive other rights afforded to Respondent in  
19 connection with the hearing such as the right to present evidence in defense of the allegations in  
20 the Accusations and the right to cross-examine witnesses.

21 4. Without admitting the truth of the allegations contained in the  
22 Accusations, Respondent stipulates that she will not interpose a defense thereto. This Stipulation  
23 is based on the factual allegations as to Respondent contained in the Accusations and as set forth  
24 and limited in the Determination of Issues, below. In the interests of expedience and economy,  
25 Respondent chooses not to contest these allegations, but to remain silent and understands that, as  
26 a result thereof, these factual allegations, without being admitted or denied, will serve as the  
27 basis for the disciplinary action stipulated to herein. The Real Estate Commissioner shall not be

1 required to provide further evidence to prove said factual allegations, and all allegations  
2 contained in the Accusations as set forth and limited by the Determination of Issues, below, may  
3 be considered by the Department as true and correct for the purpose of deciding whether to grant  
4 re-licensure or reinstatement pursuant to Government Code Section 11522.

5           5. It is understood by the parties that the Real Estate Commissioner may adopt  
6 the Stipulation and Agreement as his decision in this matter, thereby imposing the penalty and  
7 sanctions on Respondent's real estate licenses and license rights as set forth in the "Order"  
8 below. In the event that the Commissioner in his discretion does not adopt the Stipulation and  
9 Agreement, it shall be void and of no effect, and Respondent shall retain the right to a hearing  
10 and proceeding on the Accusations under all the provisions of the APA and shall not be bound  
11 by any admission or waiver made herein.

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

16           7. Respondent understands that by agreeing to this Stipulation and  
17 Agreement in Settlement, Respondents agree to pay, pursuant to Section 10148 of the Business  
18 and Professions Code (hereinafter "the Code"), the cost of the audit that led to this disciplinary  
19 action. The amount of said costs for the audit set forth in Case No. H-10749 SF is \$6,998.50,  
20 and amount of said costs for the audit set forth in Case No. H-10750 SF is \$6,522.50.

21           8. Respondent has received, read, and understands the "Notice Concerning  
22 Costs of Audits". Respondent further understands that by agreeing to this Stipulation and  
23 Agreement in Settlement, the findings set forth below in the DETERMINATION OF ISSUES  
24 become final, and that the Commissioner may charge Respondent for the costs of any  
25 subsequent audit conducted pursuant to Section 10148 of the Code to determine if the  
26 violations have been corrected. The maximum costs of said audit for HOME RESOLUTION  
27 AND CREDIT SERVICES, INC., and Respondent MARTHA LOPEZ-CHUBB would not

1 exceed \$6,998.50 and the maximum costs of said audit for MARTHA LOPEZ-CHUBB would  
2 not exceed \$6,522.50.

3 DETERMINATION OF ISSUES

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

7 I

8 The acts and omissions of Respondent MARTHA LOPEZ-CHUBB as  
9 described in the Accusation under Case No. H-10749 SF are grounds for the suspension or  
10 revocation of the licenses and license rights of Respondent under the provisions of Section  
11 10159.2 of the Code and Section 2725 of the Regulations in conjunction with Section 10177(d)  
12 and under the provisions of the Code Section 10177(h) of the Code.

13 II

14 The acts and omissions of Respondent MARTHA LOPEZ-CHUBB as described in the  
15 Accusation under Case No. H-10750 SF are grounds for the suspension or revocation of the  
16 licenses and license rights of Respondent under the provisions of: Sections 10085, 10085.5,  
17 10130, 10137, 10145, 10146, 10161.8, 10163 of the Code, Sections 2715, 2752, 2831.1, 2831.2,  
18 2832, 2832.1, 2834, 2970 and 2972 of Chapter 6, Title 10, California Code of Regulations  
19 (hereinafter "Regulations"), all in conjunction with Section 10177(d) of the Code; and, under  
20 Section 10177(g).

21 ORDER

22 I

23 The corporate real estate broker licenses and all license rights of Respondent  
24 MARTHA LOPEZ-CHUBB, under the Real Estate Law are revoked; provided, however, a  
25 restricted real estate broker license shall be issued to Respondent MARTHA LOPEZ-CHUBB  
26 pursuant to Section 10156.5 of the Code if Respondent makes application therefor and pays to  
27 the Department of Real Estate the appropriate fee for the restricted license within ninety (90)

1 days from the effective date of this Decision. The restricted license issued to Respondent  
2 MARTHA LOPEZ-CHUBB shall be subject to all of the provisions of Section 10156.7 of the  
3 Business and Professions Code and to the following limitations, conditions and restrictions  
4 imposed under authority of Section 10156.6 of that Code:

5 1. The restricted license issued to Respondent may be suspended prior to  
6 hearing by Order of the Real Estate Commissioner in the event of Respondent's conviction or  
7 plea of nolo contendere to a crime which is substantially related to Respondent's fitness or  
8 capacity as a real estate licensee.

9 2. The restricted license issued to Respondent may be suspended prior to  
10 hearing by Order of the Real Estate Commissioner on evidence satisfactory to the  
11 Commissioner that Respondent has violated any provision of the California Real Estate Law,  
12 the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions  
13 attaching to the restricted license.

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

17 4. Respondent shall, within nine (9) months from the effective date of this  
18 Decision, present evidence satisfactory to the Real Estate Commissioner that Respondent has,  
19 since the most recent issuance of an original or renewal real estate license, taken and  
20 successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the  
21 Real Estate Law for renewal of a real estate license. If Respondent fails to satisfy this condition,  
22 the Commissioner may order the suspension of the restricted license until Respondent presents  
23 such evidence. The Commissioner shall afford Respondent the opportunity for a hearing  
24 pursuant to the Administrative Procedure Act to present such evidence.

25 5. Pursuant to Section 10148 of the Business and Professions Code,  
26 Respondent shall pay the Commissioner's reasonable cost for: a) the audits which led to this  
27 disciplinary action of \$6,998.50 under Case No. H-10749 SF and \$6,522.50 under Case No. H-

1 10750 SF; and, b) a subsequent audit to determine if Respondent has corrected the trust fund  
2 violations found in Paragraph I of the Determination of Issues not to exceed \$6,998.50 under  
3 Case No. H-10749 SF and \$6,522.50 under Case No. H-10750 SF. In calculating the amount of  
4 the Commissioner's reasonable cost, the Commissioner may use the estimated average hourly  
5 salary for all persons performing audits of real estate brokers, and shall include an allocation for  
6 travel time to and from the auditor's place of work. Respondent pay such costs within sixty (60)  
7 days of receiving an invoice from the Commissioner detailing the activities performed during  
8 the audit and the amount of time spent performing those activities. The Commissioner may  
9 suspend the restricted license issued to Respondent pending a hearing held in accordance with  
10 Section 11500, et seq., of the Government Code, if payment is not timely made as provided for  
11 herein, or as provided for in a subsequent agreement between the Respondent and the  
12 Commissioner. The suspension shall remain in effect until payment is made in full or until  
13 Respondent enters into an agreement satisfactory to the Commissioner to provide for payment,  
14 or until a decision providing otherwise is adopted following a hearing held pursuant to this  
15 condition.

16 6. Any restricted real estate broker license issued to Respondent may be  
17 suspended or revoked for a violation by Respondent of any of the conditions attaching to the  
18 restricted license.

19 7. Respondent shall, prior to and as a condition of the issuance of the  
20 restricted license, submit proof satisfactory to the Commissioner of having taken and  
21 successfully completed the continuing education course on trust fund accounting and handling  
22 specified in subdivision (a) of Section 10170.5 of the Business and Professions Code. Proof of  
23 satisfaction of this requirement includes evidence that Respondent has successfully completed  
24 the trust fund account and handling continuing education course within 120 days prior to the  
25 effective date of the Decision in this matter.

26 8. Respondent shall, within six (6) months from the effective date of this  
27 Decision, take and pass the Professional Responsibility Examination administered by the

1 Department including the payment of the appropriate examination fee. If Respondent fails to  
2 satisfy this condition, the Commissioner may order suspension of Respondent's restricted  
3 license until Respondent passes the examination.

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12/5/12  
DATED

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

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DATED

MARTHA LOPEZ-CHUBB

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Approved as to form and content by counsel for Respondent.

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DATED

ROBERT F. HAHN  
Attorney for Respondents

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\* \* \*

2 satisfy this condition, the Commissioner may order suspension of Respondent's restricted  
3 license until Respondent passes the examination.

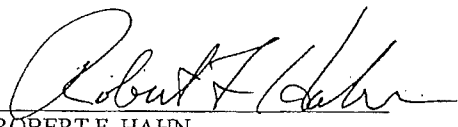
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5  
6 DATED \_\_\_\_\_ MICHAEL B. RICH, Counsel  
7 Department of Real Estate

8  
9 \* \* \*

10 I have read the Stipulation and Agreement and its terms are understood by me  
11 and are agreeable and acceptable to me. I understand that I am waiving rights given to me by  
12 the California Administrative Procedure Act (including but not limited to Sections 11506,  
13 11508, 11509, and 11513 of the Government Code), and I willingly, intelligently, and  
14 voluntarily waive those rights, including the right of requiring the Commissioner to prove the  
15 allegations in the Accusation at a hearing at which I would have the right to cross-examine  
16 witnesses against me and to present evidence in defense and mitigation of the charges.

17  
18 11/9/12   
19 DATED MARTHA LOPEZ-CHUBB

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21 Approved as to form and content by counsel for Respondent.

22  
23 11/9/12   
24 DATED ROBERT F. HAHN  
25 Attorney for Respondents

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The foregoing Stipulation and Agreement is hereby adopted by me as my  
Decision in these matters as to Respondent MARTHA LOPEZ-CHUBB and shall become  
effective at 12 o'clock noon on JAN 18 2013

IT IS SO ORDERED December 21, 2012

Real Estate Commissioner

