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1 2 3 4 5 6 7	BUREAU OF REAL ESTATE       APR 0 9 2014         P. O. Box 137007       Sacramento, CA 95813-7007         Sacramento, CA 95813-7007       BUREAU OF REAL ESTATE         Telephone:       (916) 263-8679         Fax:       (916) 263-3767
8	BEFORE THE BUREAU OF REAL ESTATE
9	STATE OF CALIFORNIA
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11 12	In the Matter of the Accusation of ) BRE No. H-11339 SF
13 14 15	MELISSA MARIA ECHEVERRIA, ) ) ) ) ) ) ) ) STIPULATION AND AGREEMENT ) ) N SETTLEMENT AND ORDER Respondent. )
16 17	It is hereby stipulated by and between MELISSA MARIA ECHEVERRIA
18	(Respondent), her counsel, Frank Buda, and the Complainant, acting by and through Richard K.
19 20	Uno, Counsel for the Bureau of Real Estate; as follows for the purpose of settling and disposing of the Accusation filed on March 6, 2012, in this matter: 1. All issues which were to be contested and all evidence which was to be
21 22	presented by Complainant and Respondent at a formal hearing on the First Amended Accusation, which hearing was to be held in accordance with the provisions of the Administrative Procedure
23 24	Act (APA), shall instead and in place thereof be submitted solely on the basis of the provisions of this Stipulation and Agreement In Settlement and Order.
25	2. Respondent has received, read and understands the Statement to
26 27	Respondent, the Discovery Provisions of the APA and the Accusation filed by the Bureau of Real
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1 || Estate in this proceeding.

On or about March 9, 2012, Respondent filed a Notice of Defense 2 3. pursuant to Section 11505 of the Government Code for the purpose of requesting a hearing on 3 the allegations in the Accusation. Respondent hereby freely and voluntarily withdraws said 4 Notice of Defense. Respondent acknowledges that she understands that by withdrawing said 5 Notice of Defense, she will thereby waive her right to require the Commissioner to prove the б allegations in the Accusation at a contested hearing held in accordance with the provisions of the 7 APA and that she will waive other rights afforded to her in connection with the hearing such as 8 the right to present evidence in defense of the allegations in the Accusation and the right to cross-9 10 examine witnesses.

4. This stipulation is based on the factual allegations contained in the
Accusation. In the interest of expediency and economy, Respondent choses not to contest these
factual allegations, but to remain silent and understands that, as a result thereof, these factual
statements will serves as a prima facie basis for the "Determination of Issues" and "Order" set
forth below. The Real Estate Commissioner shall not be required to provide further evidence to
prove such allegations.

It is understood by the parties that the Real Estate Commissioner may 17 5. adopt the Stipulation and Agreement In Settlement and Order as his Decision in this matter, 18 thereby imposing the penalty and sanctions on Respondent's real estate licenses and license 19 rights as set forth in the below "Order". In the event that the Commissioner in his discretion 20 does not adopt the Stipulation and Agreement In Settlement and Order, it shall be void and of no 21 effect, and Respondent shall retain the rights to a hearing and proceeding on the Accusation 22 under all the provisions of the APA and shall not be bound by any admission or waiver made 23 24 herein.

6. The Order or any subsequent Order of the Real Estate Commissioner made
pursuant to this Stipulation and Agreement In Settlement and Order shall not constitute an
estoppel, merger or bar to any further administrative or civil proceedings by the Bureau of

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Real Estate with respect to any matters which were not specifically alleged to be causes for accusation in this proceeding.

7. Respondent understands that by agreeing to this Stipulation and
Agreement in Settlement and Order, Respondent agrees to pay, pursuant to Section 10106 of the
Business and Professions Code (Code), the cost of the investigation and enforcement which
resulted in the determination that Respondent committed the violations found in the
Determination of Issues. The amount of said costs is \$2,325.50.

## DETERMINATION OF ISSUES

By reason of the foregoing stipulations, admissions and waivers, and solely for
the purpose of settlement of the pending Accusation without a hearing, it is stipulated and agreed
that the acts and/or omissions of Respondent, as described in the Accusation, constitute grounds
for the suspension or revocation of the licenses and license rights of Respondent under the
provisions of Section 10177(g) of the Code.

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## <u>ORDER</u>

The real estate salesperson license and license rights of Respondent, 15 1. under the Real Estate Law are suspended for a period of sixty (60) days from the effective date 16 of the Decision; provided, however, that if Respondent petitions, sixty (60) days of said 17 suspension shall be stayed upon condition that: 18 19 Respondent pays the sum of \$2,325.50 for the Commissioner's а. reasonable costs of the investigation and enforcement which led to this disciplinary action. 20 21 Said payment shall be only in the form of a <u>cashier's check</u> or b, certified check made payable to the Consumer Recovery Account of the Real Estate Fund. Said 22 check must be received by the Bureau prior to the effective date of the Decision in this matter. 23 24 No further cause for disciplinary action against the real estate Ç, license of Respondent occurs within two (2) years from the effective date of the Decision in this 25 26 matter.

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<ol> <li><u>2. If Respondent pays the costs of the investigation and enforcement, and if</u></li> <li>no further cause for discipline against the real estate license of Respondent occurs within two</li> <li>(2) years from the effective date of the Decision, the stay hereby granted shall become</li> <li>permanent.</li> </ol>	
<ul> <li>no further cause for discipline against the real estate license of Respondent occurs within two</li> <li>(2) years from the effective date of the Decision, the stay hereby granted shall become</li> </ul>	
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3 (2) years from the effective date of the Decision, the stay hereby granted shall become	
4 permanent.	
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5 3. If Respondent fails to pay the costs of the investigation and enforcement	
6 in accordance with the terms and conditions of the Decision, the suspension shall go into effect	
7 automatically and remain in effect until Respondent pays the costs of the investigation and	
8 enforcement penalty in full.	
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11 DATED RICHARD K. UNO, Counsel III	-
12 BUREAU OF REAL ESTATE	
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15 I have read the Stipulation and Agreement in Settlement and Order and its terms	
16 are understood by me and are agreeable and acceptable to me. I understand that I am waiving	
17 rights given to me by the California Administrative Procedure Act (including but not limited	
18 to Sections 11506, 11508, 11509 and 11513 of the Government Code), and I willingly,	
19 intelligently, and voluntarily waive those rights, including the right of requiring the	1
20 Commissioner to prove the allegations in the Accusation at a hearing at which I would have the	
21 right to cross-examine witnesses against me and to present evidence in defense and mitigation	
22 of the charges.	
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