

FILED

AUG 24 2000

DEPARTMENT OF REAL ESTATE

By Jean Dumet

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of)
MARIA DE LOURDES ALEMAN,) No. H-23332 LA
Respondent.)

ORDER GRANTING UNRESTRICTED LICENSE

On October 19, 1988, an Order was rendered herein denying the Respondent's application for real estate license, but granting Respondent the right to the issuance of a restricted real estate salesperson license. A restricted real estate salesperson license was issued to Respondent on November 4, 1988, and Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent.

On June 10, 1999, Respondent petitioned for the removal of restrictions attaching to her real estate salesperson license.

I have considered Respondent's petition and the evidence submitted in support thereof including Respondent's record as a restricted licensee. Respondent has demonstrated to

1 my satisfaction that she meets the requirements of law for the
2 issuance to her of an unrestricted real estate salesperson
3 license and that it would not be against the public interest to
4 issue said license to her.

5 NOW, THEREFORE, IT IS ORDERED that Respondent's
6 petition for removal of restrictions is granted and that a real
7 estate salesperson license be issued to Respondent if Respondent
8 satisfies the following conditions within nine months from the
9 date of this Order:

10 1. Submittal of a completed application and payment of
11 the fee for a real estate salesperson license.

12 2. Submittal of evidence of having, since the most
13 recent issuance of an original or renewal real estate license,
14 taken and successfully completed the continuing education
15 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
16 for renewal of a real estate license.

17 This Order shall become effective immediately.

18 DATED: July 27, 2000

19 PAULA REDDISH ZINNEMANN
20 Real Estate Commissioner

21 Paula Reddish Zinnemann
22
23
24
25
26
27

OCT 24 1988

DEPARTMENT OF REAL ESTATE
BY *[Signature]*

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Application of) No. H-23332 LA
MARIA DE LOURDES ALEMAN,)
aka Mary Lou Aleman,) STIPULATION AND WAIVER
Respondent.)
_____)

I, MARIA DE LOURDES ALEMAN, respondent herein, do hereby affirm that I have applied to the Department of Real Estate for a real estate salesperson license and that to the best of my knowledge I have satisfied all of the statutory requirements for the issuance of the license, including the payment of the license fee.

I acknowledge that I have received and read the Statement of Issues and the Statement to Respondent filed by the Department of Real Estate on April 22, 1988, in connection with my application for license. I understand that the Real Estate Commissioner may hold a hearing on this Statement of Issues for the purpose of requiring further proof of my honesty and truthfulness and to prove other allegations therein, or that he may in his discretion waive

1 the hearing and grant me a restricted real estate salesperson
2 license based upon this Stipulation and Waiver.

3 I do not contest the allegations of the Statement of
4 Issues filed against me and request that the Real Estate
5 Commissioner in his discretion issue a restricted real estate
6 salesperson license to me under the authority of Section 10156.5
7 of the Business and Professions Code. It is specifically agreed
8 and understood that the failure to contest such allegations shall
9 not be deemed an admission of the truth thereof for any purposes
10 whatsoever.

11 I am aware that by signing this Stipulation and Waiver, I
12 am waiving my right to a hearing and the opportunity through a
13 hearing to obtain an unrestricted real estate license at this time
14 if this Stipulation and Waiver is accepted by the Real Estate
15 Commissioner. However, I am not waiving my right to a hearing and
16 to further proceedings to obtain a restricted or unrestricted
17 license if this Stipulation and Waiver is not accepted by the
18 Commissioner.

19 I further understand that the following conditions,
20 limitations and restrictions will attach to a restricted license
21 issued by the Department of Real Estate pursuant hereto:

22 1. The license shall not confer any property right in
23 the privileges to be exercised, and the Real
24 Estate Commissioner may by appropriate order suspend
25 the right to exercise any privileges granted under
26 this restricted license in the event of:

27 /

- 1 a. The conviction of respondent (including a plea of
2 nolo contendere) to a crime which bears a
3 significant relation to respondent's fitness or
4 capacity as a real estate licensee; or
5 b. The receipt of evidence that respondent has
6 violated provisions of the California Real Estate
7 Law, the Subdivided Lands Law, Regulations of the
8 Real Estate Commissioner or conditions attaching
9 to this restricted license.

10 2. Respondent shall not be eligible to apply for the
11 issuance of an unrestricted real estate license nor
12 the removal of any of the conditions, limitations or
13 restrictions attaching to the restricted license
14 until one year has elapsed from the date of issuance
15 of the restricted license to respondent.

16 3. With the application for license, or with the
17 application for transfer to a new employing broker,
18 respondent shall submit a statement signed by the
19 prospective employing broker on a form approved by
20 the Department of Real Estate wherein the employing
21 broker shall certify as follows:

- 22 a. That the broker has read the Statement of Issues
23 which is the basis for the issuance of the
24 restricted license; and

25 /

26 /

27 /

b. That the broker will carefully review all
transaction documents prepared by the restricted
licensee and otherwise exercise close supervision
over the licensee's performance of acts for which
a license is required.

4. Respondent shall within eighteen (18) months of the
issuance of the restricted license under the
provisions of Section 10153.4 of the Business and
Professions Code, submit evidence satisfactory to the
Commissioner of successful completion, at an
accredited institution, of two of the courses listed
in Section 10153.2, other than real estate
principles, advanced legal aspects of real estate,
advanced real estate finance or advanced real estate
appraisal. If respondent fails to present
satisfactory evidence of successful completion of
said courses, the restricted license shall be
automatically suspended effective eighteen (18)
months after issuance of the restricted license.
Said suspension shall not be lifted until respondent
has submitted the required evidence of course

✓

1

/

/

4

/

1 completion and the Commissioner has given written
2 notice to the respondent of lifting of the
3 suspension.

4 DATED this 26 day of September, 1988.

5
6 Maria de Lourdes Aleman
7 MARIA DE LOURDES ALEMAN
Respondent

8 * * * *

9 I have read the Statement of Issues filed herein and the
10 foregoing Stipulation and Waiver signed by respondent. I am
11 satisfied that the hearing for the purpose of requiring further
12 proof as to the honesty and truthfulness of respondent need not be
13 called and that it will not be inimical to the public interest to
14 issue a restricted real estate salesperson license to respondent.

15 Therefore, IT IS HEREBY ORDERED that a restricted real
16 estate salesperson license be issued to respondent MARIA DE LOURDES
17 ALEMAN if respondent has otherwise fulfilled all of the statutory
18 requirements for licensure. The restricted license shall be
19 limited, conditioned and restricted as specified in the foregoing
20 Stipulation and Waiver.

21 DATED: October 19, 1988.

22 JAMES A. EDMONDS, JR.
23 Real Estate Commissioner

24 By: John R. Liberator
25 JOHN R. LIBERATOR
26 Chief Deputy Commissioner
27

5/20/88
FLOS

**BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA**

FILED
JUN -9 1988

DEPARTMENT OF REAL ESTATE
BY *[Signature]*

In the Matter of the Application of

MARIA DE LOURDES ALEMAN,
aka Mary Lou Aleman

Case No. H-23332 LA

OAH No. L-43494

Respondent

NOTICE OF HEARING ON APPLICATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at the Office
of Administrative Hearings, 314 West First Street, Los Angeles, CA,
on the 22nd & 23rd day of August, 19 88, at the hour of 9:00 a.m., or as soon thereafter
as the matter can be heard, upon the Statement of Issues served upon you.

You may be present at the hearing, and you may be represented by counsel, but you are neither required to be present at the hearing nor to be represented by counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

The burden of proof is upon you to establish that you are entitled to the license or other action sought. If you are not present nor represented at the hearing, the Department may act upon your application without taking evidence.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter. The interpreter must be approved by the hearing officer conducting the hearing as someone who is proficient in both English and the language in which the witness will testify. You are required to pay the costs of the interpreter unless the hearing officer directs otherwise.

JAMES A. EDMONDS, JR.
DEPARTMENT OF REAL ESTATE

Dated: June 9, 1988

By *Robert E Baker*
ROBERT E. BAKER, Counsel

cc: Maria de Lourdes Aleman
Steven J. Haber, Esq.
Patricia Dolores Covarrubias
Sacto.
OAH
GS

SACD.
flay

1 ROBERT E. BAKER, Counsel
2 Department of Real Estate
3 107 South Broadway, Room 8107
4 Los Angeles, California 90012
5
6
7
8 (213) 620-4790

JUN -9 1988

DEPARTMENT OF REAL ESTATE
BY *Anna Jones*

8 DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * * *

11 In the Matter of the Application of)	No. H-23332 LA
12 MARIA DE LOURDES ALEMAN,)	
13 aka Mary Lou Aleman,)	<u>AMENDMENT TO</u>
14 Respondent.)	<u>STATEMENT OF ISSUES</u>

15 The Statement of Issues heretofore filed on April 22,
16 1988, in the above-mentioned matter is hereby amended by adding
17 the following:

18 SECOND CAUSE OF STATEMENT OF ISSUES

19 XIV

20 The allegations set forth in Paragraphs I through XIII
21 of the Statement of Issues filed April 22, 1988, are incorporated
22 by reference.

23 /
24 /
25 /
26 /
27 /

1

XV

2

During 1984, acting as the agent of, and employed by, FMCA, Respondent solicited for, and thereafter negotiated, loans secured by liens on real property on behalf of the following borrowers which were eventually funded by the following lenders in the amounts indicated below:

7

BorrowersLendersAmount of Loan

8

1. Rafael & Elisa Perez
(hereinafter the
Perezes)

Central Federal
Savings

\$116,100.00

9

10

2. Rafael & Elisa Perez

First Federal Savings
& Loan of San Gabriel
Valley

\$ 72,000.00

11

12

In order to induce the above-named lenders to fund the loans requested by the Perezes, Respondent prepared, submitted, or caused to be submitted, to each lender information she knew, or should have known, was false regarding the Perezes' income or ability to pay. She also submitted, or caused to be submitted, to each lender federal income tax returns which Respondent knew, or should have known, were bogus to "prove" the false income claimed.

19

XVI

20

The activities of Respondent, as described above in Paragraph XV, are activities requiring a real estate license under Section 10131(d) of the Code.

23

XVII

24

Respondent's conduct, as alleged in Paragraph XVI, is in violation of Section 10130 of the Code and is grounds for denying her application for a real estate license under Sections 480(a)(2) and 10177(d) of the Code.

27

XVIII

Further, Respondent's conduct, as alleged in Paragraph XVI, would be grounds for suspension or revocation of Respondent's license as a salesperson under Section 10176(i) of the Code if she had been licensed and is, therefore, grounds for denying her application for a real estate license under Sections 480(a)(3) and 10177(f) of the Code.

Dated at Los Angeles, California
this 9th day of June, 1988.


Deputy Real Estate Commissioner

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

cc: Maria de Lourdes Aleman
Steven J. Haber, Esq.
Patricia Dolores Covarrubias
Sacto.
OAH
GS

1 ROBERT E. BAKER, Counsel
2 Department of Real Estate
3 107 South Broadway, Room 8107
4 Los Angeles, California 90012
5
6
7
8 (213) 620-4790

APR 22 1989

DEPARTMENT OF REAL ESTATE

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

11 In the Matter of the Application of)

No. H-23332 LA

12 MARIA DE LOURDES ALEMAN,)
13 aka Mary Lou Aleman,)

STATEMENT OF ISSUES

14 Respondent.)

15 The Real Estate Commissioner, in conformity with Section
16 10152, Division 4, Business and Professions Code of the State of
17 California (hereinafter the Code), requires further proof of the
18 honesty and truthfulness of MARIA DE LOURDES ALEMAN, aka Mary Lou
19 Aleman (hereinafter the Respondent), in connection with her
20 application for a real estate salesperson license, filed on or
21 about March 3, 1988, and, in relation thereto, will consider the
22 following:

23 I

24 At no time herein mentioned was Respondent licensed by
25 the Department of Real Estate of the State of California
26 (hereinafter the "Department") as a real estate broker or a real
27 estate salesperson.

1 II

2 During the period of time hereinafter described, Funders
3 Mortgage Corporation of America (hereinafter FMCA) employed and
4 compensated Respondent to conduct activities requiring a real
5 estate license under Section 10131(d) of the Code. As the agent
6 of FMCA, Respondent was required to solicit for, and negotiate,
7 loans secured by deeds of trust on real property as part of her
8 everyday activities conducted on behalf of her employer, FMCA, and
9 was compensated for said activities by FMCA.

10 III

11 On or about December 13, 1984, and December 31, 1984,
12 loans secured by liens on real property solicited for, processed
13 and negotiated by Respondent, as the agent of FMCA, on behalf of
14 Ceverino and Herminia Felix (hereinafter the Felixes) and
15 Rigoberto Hernandez (hereinafter Hernandez) were funded by First
16 Federal Savings and Loan (hereinafter FFSL).

17 IV

18 In the course of her dealings with the Felixes,
19 Respondent, as the agent of FMCA, prepared or caused to be
20 prepared a loan application eventually submitted by FMCA to FFSL
21 showing the average gross monthly income of the Felixes to be
22 \$5,101.56. Attached to said application was a Profit and Loss
23 Statement alleging that the Felixes had a net profit from their
24 Shaklee business of \$52,392.00 for the first ten months of 1984,
25 \$61,423.00 in 1983 and \$59,638.00 in 1982 and that these figures
26 were used to arrive at the stated average monthly income. In
27 addition, Respondent submitted or caused to be submitted copies of

1 income tax returns for the years 1982 and 1983 allegedly prepared
2 and filed by the Felixes with the IRS showing an adjusted joint
3 gross income of \$59,540.00 for 1982 and \$61,385.00 in 1983.

4 V

5 In order to induce FFSL to fund the loan requested by
6 the Felixes, Respondent and FMCA forwarded a loan application
7 containing the income figures described above with the
8 aforementioned Profit and Loss Statement and tax returns to FFSL
9 and FFSL, relying on the representation made or caused to be made
10 by Respondent and FMCA, funded the Felix loan on or about
11 December 31, 1984.

12 VI

13 The income figures, profit and loss figures and tax
14 returns submitted by Respondent and FMCA were false and Respondent
15 knew, or should have known, that said figures and documents were
16 false. In truth and in fact, the Felixes only earned \$7,960.00 in
17 1982 and \$8,760.00 in 1983 and the true tax returns filed by the
18 Felixes for these years reflected these much lower incomes.

19 VII

20 Had FFSL been made aware of the true incomes of the
21 Felixes, they would not have funded the loan requested by
22 Respondent and FMCA. FFSL first learned of the aforesaid false
23 figures and documents less than a year ago.

24 VIII

25 In the course of her dealings with Hernandez,
26 Respondent, as the agent of FMCA, prepared or caused to be
27 prepared a loan application eventually submitted by FMCA to FFSL

1 indicating that Hernandez owned a catering service in which he
2 operated two catering trucks, that he was earning \$76,728.00 per
3 year, that he had a personal net worth of \$122,000.00, and that he
4 had a business net worth of \$56,700.00. In addition to the loan
5 application submitted to FFSL, Respondent and FMCA submitted to
6 FFSL copies of Hernandez' alleged Federal Income Tax Returns for
7 the years 1982 and 1983 showing that he had an adjusted gross
8 income of \$65,836.00 in 1982 and \$96,643.00 in 1983.

9 IX

10 In order to induce FFSL to fund the loan requested by
11 Hernandez, Respondent and FMCA forwarded a loan application
12 containing the income figures described above and the
13 aforementioned tax returns to FFSL and FFSL, relying on the
14 representations made to it by Respondent and FMCA, funded the
15 Hernandez loan on or about December 13, 1984.

16 X

17 The income figures and tax returns submitted to FFSL by
18 Respondent and FMCA were false and Respondent knew, or should have
19 known, that said figures and returns were false. In truth and in
20 fact, Hernandez only owned one truck and was only earning
21 approximately \$10,000.00 to \$12,000.00 per year and only made
22 about \$12,000.00 in 1982 and 1983. FFSL first learned of the
23 aforesaid false income figures and bogus tax returns less than one
24 year ago.

25 XI

26 The activities of Respondent, as described above in
27 Paragraphs III and IV and Paragraphs VIII and IX, are activities

1 requiring a real estate license under Section 10131(d) of the
2 Code.

3 XII

4 Respondent's conduct, as alleged above, is in violation
5 of Section 10130 of the Code and is grounds for denying her
6 application for a real estate license under Sections 480(a)(2) and
7 10177(d) of the Code.

8 XIII

9 Further, Respondent's conduct, as alleged above in
10 Paragraphs II through X, would be grounds for suspension or
11 revocation of Respondent's license as a salesperson under Section
12 10176(i) of the Code if she had been licensed and hence is grounds
13 for denying her application for a real estate license under
14 Sections 480(a)(3) and 10177(f) of the Code.

15
16 These proceedings are brought under the provisions of
17 Section 10100, Division 4 of the Business and Professions Code of
18 the State of California and Sections 11500 through 11528 of the
19 Government Code.

20 Dated at Los Angeles, California
21 this 22nd day of April, 1988.

22
23 
24 Deputy Real Estate Commissioner

25 cc: Maria de Lourdes Aleman
26 Patricia Dolores Covarrubias
27 Sacto.
GS