

DEPARTMENT OF REAL ESTATE

JUL -1 1991

STATE OF CALIFORNIA

RECEIVED DEPT. OF REAL ESTATE
BY *K. H. H. H. H. H.*

* * * *

In the Matter of the Accusation of)

NO. H- 24240 LA

MARIA DE LA PAZ ESPARZA,

Respondent(s))

DECISION

The Proposed Decision dated May 29, 1991 of
Randolph Brendia, Regional Manager, Department of Real Estate, is
hereby adopted as the Decision of the Real Estate Commissioner in
the above-entitled matter.

This Decision shall become effective at 12 o'clock noon
on July 23, 1991.

IT IS SO ORDERED

June 26, 1991.

CLARK WALLACE
Real Estate Commissioner

Clark Wallace

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of)	No. H-24240 LA
MARIA DE LA PAZ ESPARZA,)	
Respondent.)	
_____)	

PROPOSED DECISION

This matter was presided over by Randolph Brendia, Regional Manager, Department of Real Estate, as the designee of the Real Estate Commissioner, in Los Angeles, California on May 29, 1991.

James R. Peel, Counsel, represented the complainant.

Respondent MARIA DE LA PAZ ESPARZA didnot appear having waived her right to make an appearance.

The matter was submitted upon a written stipulation entered into by and between the parties hereto. Pursuant to the said written stipulation, the parties stipulated to the following facts and proposed order:

FINDINGS OF FACT

I

The complainant, Steven J. Ellis, a Deputy Real Estate Commissioner of the State of California, made the Accusation in his official capacity.

II

MARIA DE LA PAZ ESPARZA (hereinafter referred to as respondent) is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code, hereinafter Code.)

III

At all times herein mentioned, respondent was licensed by the Department of Real Estate of the State of California as a real estate salesperson, and was employed by Le Francis Arnold of Century 21 Astro Realty Inc. Respondent's real estate salesperson

license was suspended pursuant to Section 10153.4 of the Code effective June 2, 1988 through May 31, 1989.

IV

On or about October 28, 1988, respondent, acting on behalf of others, for or in expectation of compensation, negotiated the sale of real property located at 4212 Agnes, Lynwood, California (hereinafter Property) from Maud Marie Scott (hereinafter Seller) to Alberto and Consuelo Sandoval (hereinafter Buyer).

V

In connection with the above sale, respondent received a total of \$700 from the Buyer as an earnest money deposit toward the purchase of the Property.

VI

After collecting the above-referenced deposit in the amount of \$700 from the Buyer, respondent failed to handle the deposit as required by Section 10145(c) of the Code in that she did not immediately deliver the funds to her broker.

VII

The Buyer in the above transaction was unable to qualify for a loan to purchase the Property and thereafter, on or about October 28, 1988, respondent, acting on behalf of others, for or in expectation of compensation, negotiated the sale of the Property from the Seller to Efrain and Socorro DeLoza (hereinafter Buyer).

VIII

In connection with the above sale, respondent received a total of \$2,600 on behalf of the Buyer as an earnest money deposit toward the purchase of the Property.

IX

After collecting the above-referenced deposit in the total amount of \$2,600 from the Buyer, respondent failed to handle the deposit as required by Section 10145(c) of the Code in that she did not immediately deliver the funds to her broker.

X

In each transaction described above, respondent falsely represented to the Seller that the deposit received by respondent from the buyer was in the form of a cashier's check or personal check, when in fact the deposit in each case was in the form of cash given by the respective Buyer to respondent.

XI

The activities described above are acts for which a real estate broker or salesperson license is required under Section 10131(a) of the Code.

XII

Respondent violated Section 10130 of the Code by engaging in the above-described conduct during the period of time when her real estate salesperson license was suspended by the Department of Real Estate.

DETERMINATION OF ISSUES

Respondent's conduct, as found above, subjects her real estate license and license rights to suspension or revocation pursuant to Sections 10177(d) and 10176(a) of the Code.

ORDER

The real estate salesperson license and licensing rights of MARIA DE LA PAZ ESPARZA are hereby revoked; provided however, a restricted real estate salesperson license shall be issued to respondent pursuant to Section 10156.5 of the Business and Professions Code if respondent makes application therefor and pays to the Department of Real Estate the appropriate fee for said license within 90 days from the effective date of the Decision herein. The restricted license issued to respondent shall be subject to all of the provisions of Section 10156.7 of the Business and Professions Code and to the following limitations, conditions and restrictions imposed under authority of Section 10156.6 of the Code.

1. Respondent shall not be issued a restricted license until 30 days have elapsed from the effective date of the Decision. Immediately thereafter the Department will issue a restricted license to respondent.

2. The license shall not confer any property right in the privileges to be exercised thereunder and the Real Estate Commissioner may by appropriate order suspend the right of respondent to exercise any privileges granted under this restricted license in the event of:

- a. The conviction of respondent (including a plea of nolo contendere) to a crime which bears a substantial relationship to respondent's fitness or capacity as a real estate licensee; or
- b. The receipt of evidence that respondent has violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to this restricted license.

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

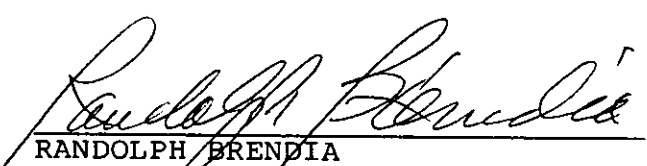
4. With the application for license, or with the application for transfer to a new employing broker, respondent shall submit a statement signed by the prospective employing broker on a form approved by the Department of Real Estate wherein the employing broker shall certify as follows:

a. That the broker has read the Decision and this Order which are the basis for the issuance of the restricted license; and

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.

5. Respondent shall, within six months from the effective date of the restricted license, take and pass the Professional Responsibility Examination administered by the Department including the payment of the appropriate examination fee. If respondent fails to satisfy this condition, the Commissioner may order suspension of the restricted license until respondent passes the examination.

DATED: May 29, 1991


RANDOLPH BRENDIA
Regional Manager
Department of Real Estate

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

FEB - 1 1991

DEPARTMENT OF REAL ESTATE
BY *K. H. Riedelholz*

In the Matter of the Accusation of

MARIA DE LA PAZ ESPARZA,

Case No. H-24240 LA

OAH No. _____

Respondent(s)

NOTICE OF HEARING ON ACCUSATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at _____

Office of Administrative Hearings, 314 West First Street, Los Angeles

on the 27th day of February, 19 91, at the hour of 9:00 a.m.; or as soon thereafter as the matter can be heard, upon the charges made in the Accusation 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 upon any express admissions, or other evidence including affidavits, without any notice to you.

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.

DEPARTMENT OF REAL ESTATE

Dated: February 1, 1991

cc: Maria De La Paz Esparza
Luis Portillo, Jr.
Trudy Polsky, Esq.
Sacto. OAH LK

By

James R. Peel
Counsel

Sub 219

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

FILED

NOV-6 1990

DEPARTMENT OF REAL ESTATE
BY *R. J. Schubert*

In the Matter of the Accusation of

MARIA DE LA PAZ ESPARZA,

} Case No. H-24240 LA

} OAH No. _____

Respondent(s)

NOTICE OF HEARING ON ACCUSATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at _____
Office of Administrative Hearings, 314 West First Street, Los Angeles

on the 5th day of February, 19 91, at the hour of 9:00 a.m.; or as soon thereafter
as the matter can be heard, upon the charges made in the Accusation 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 upon any express admissions, or other evidence including affidavits, without any notice to you.

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.

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DEPARTMENT OF REAL ESTATE

Dated: November 6, 1990

By

James R. Peel

Counsel

cc: Maria De La Paz Esparza
Luis Portillo, Jr.
Trudy Polsky, Esq.
Sacto.
OAH LK

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JAMES R. PEEL, Counsel
Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, CA 90012
(213) 620-4790

FILED
AUG 17 1990
DEPARTMENT OF REAL ESTATE
BY F. Bony

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of)	No. H-24240 LA
MARIA DE LA PAZ ESPARZA,)	<u>A C C U S A T I O N</u>
)	
)	
)	
Respondent.)	

The Complainant, Steven J. Ellis, a Deputy Real Estate Commissioner of the State of California, for cause of accusation against MARIA DE LA PAZ ESPARZA, alleges as follows:

I

The Complainant, Steven J. Ellis, a Deputy Real Estate Commissioner of the State of California, makes this accusation in his official capacity.

II

MARIA DE LA PAZ ESPARZA (hereinafter referred to as respondent) is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code, hereinafter Code).

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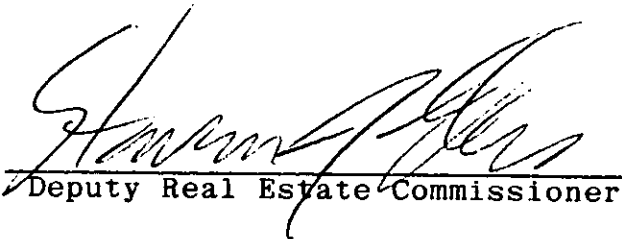
Respondent violated Section 10130 of the Code by engaging in the above-described conduct during the period of time when her real estate salesperson license was suspended by the Department of Real Estate.

XIII

Respondent's conduct, as alleged above, subjects her real estate license and license rights to suspension or revocation pursuant to Sections 10177(d), 10177(g), 10176(a) and 10176(i) of the Code.

WHEREFORE, complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against all licenses and license rights of respondent MARIA DE LA PAZ ESPARZA under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) and for such other and further relief as may be proper under other applicable provisions of law.

Dated at Los Angeles, California
this 17th day of August, 1990.


Deputy Real Estate Commissioner

cc: Maria De La Paz Esparza
Sacto.
LK
Luis Portillo, Jr.

ceb