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FILED

JAN 11 2010

DEPARTMENT OF REAL ESTATE

By R. Frost

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

ROSELA P. GUEVARA,

Respondent.

No. H-27668 LA

ORDER GRANTING REINSTATEMENT OF LICENSE

On November 30, 1998, in Case No. H-27668 LA, a Decision was rendered revoking the real estate salesperson license of Respondent effective December 29, 1998, 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 December 29, 1998, and Respondent has operated as a restricted licensee since that time.

On April 11, 2008, Respondent petitioned for reinstatement of Respondent's real estate salesperson license, and the Attorney General of the State of California has been given notice of the filing of the petition.

I have considered Respondent's petition and the evidence and arguments in support thereof. Respondent has demonstrated to my satisfaction that Respondent meets the requirements of law for the issuance to Respondent of an unrestricted real estate salesperson license and that it would not be against the public interest to issue said license to Respondent.

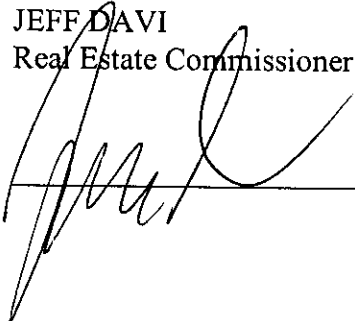
1 NOW, THEREFORE, IT IS ORDERED that Respondent's petition for
2 reinstatement is granted and that a real estate salesperson license be issued to Respondent if
3 Respondent satisfies the following conditions within twelve (12) months from the date of this
4 order:

- 5 1. Submittal of a completed application and payment of the fee for a real
6 estate salesperson license.
- 7 2. Submittal of evidence of having, since the most recent issuance of an
8 original or renewal real estate license, taken and successfully completed the continuing education
9 requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate
10 license.

11 This Order shall become effective immediately.

12 DATED: 11-30-05

13 JEFF DAVI
14 Real Estate Commissioner



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FILED
DEC - 8 1998
DEPARTMENT OF REAL ESTATE

By K. Mederholt

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of) DRE NO. H-27668 LA
) OAH NO. L-1998060144
ROSELA GUEVARA,) STIPULATION AND AGREEMENT
) AFTER HEARING
)
)
) Respondent.)
_____)

I, ROSELA GUEVARA, respondent herein, acknowledge that I have received and read the Accusation filed by the Department of Real Estate on April 30, 1998, and the Statement to Respondent sent to me in connection with the Accusation.

In the interest of expedience and economy, I choose not to contest the allegations contained in Paragraphs I through III of the Accusation, but to remain silent and understand that, as a result thereof, these factual allegations, without being admitted or denied, will serve as a prima facie basis for discipline of my real estate salesperson license.

1 I further acknowledge that the Real Estate Commissioner
2 held a hearing on this Accusation on July 30, 1998, before the
3 Office of Administrative Hearings for the purpose of proving the
4 allegations therein. I was present at the hearing representing
5 myself and participated therein. Further, I have had an
6 opportunity to read and review the Proposed Decision of the
7 Administrative Law Judge dated August 6, 1998.

8 I understand that pursuant to Government Code Section
9 11517(c), the Real Estate Commissioner has rejected the Proposed
10 Decision of the Administrative Law Judge. I further understand
11 that pursuant to the same Section 11517(c), the Real Estate
12 Commissioner may decide this case upon the record, including the
13 transcript, without taking any additional evidence, after affording
14 me the opportunity to present written argument to the Real Estate
15 Commissioner.

16 I further understand that by signing this Stipulation
17 and Agreement After Hearing (Stipulation), I am waiving my right to
18 obtain a dismissal of the Accusation through proceedings under
19 Government Code Section 11517(c) if this Stipulation is accepted by
20 the Real Estate Commissioner. However, I also understand that I am
21 not waiving my rights to further proceedings to obtain a dismissal
22 of the Accusation if this Stipulation is not accepted by the Real
23 Estate Commissioner.

24 I hereby request that the Real Estate Commissioner in
25 his discretion revoke my real estate salesperson license and issue
26 to me a restricted real estate salesperson license under the
27 authority of Section 10156.5 of the Business and Professions Code

1 if I make application therefor and pay to the Department of Real
2 Estate the appropriate fee for said license within 90 days from the
3 effective date of the Decision herein.

4 I further understand that the restricted license shall
5 be subject to the provisions of Section 10156.7 of the Business and
6 Professions Code and the following conditions, limitations and
7 restrictions will attach to the restricted license issued by the
8 Department of Real Estate pursuant hereto:

- 9 1. The restricted license may be suspended, prior to
10 hearing, by Order of the Real Estate Commissioner
11 in the event of respondent's conviction or plea of
12 nolo contendere to a crime which bears a
13 significant relationship to respondent's fitness
14 or capacity as a real estate licensee.
- 15 2. The restricted license may be suspended, prior to
16 and pending final determination after formal
17 hearing, by order of the Real Estate Commissioner
18 based upon evidence satisfactory to the
19 Commissioner that respondent has violated
20 provisions of the California Real Estate Law, the
21 Subdivided Lands Law, Regulations of the Real
22 Estate Commissioner or conditions attaching to the
23 restricted license.
- 24 3. Respondent shall not be eligible to apply for the
25 issuance of an unrestricted real estate license
26 nor the removal of any of the conditions,
27 limitations or restrictions of the restricted

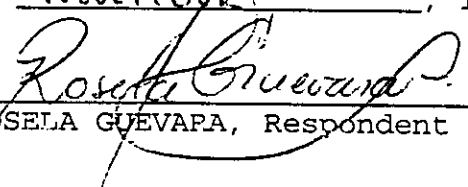


1 license until one year has elapsed from the
2 effective date of the Decision.

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

- 9 (a) That the broker has read the Order herein
10 and the Decision which is the basis for the
11 issuance of the restricted license; and
12 (b) That broker will carefully review all
13 transaction documents prepared by the
14 restricted licensee and otherwise exercise
15 close supervision over the licensee's
16 performance of acts for which a license is
17 required.

18 Dated this 3rd day of NOVEMBER, 1998.

19 
20 ROSELA GUEVARA, Respondent

21 * * * * *

22
23 I have read the Accusation filed herein, the Proposed
24 Decision of the Administrative Law Judge dated August 6, 1998, and
25 the foregoing Stipulation and Agreement in Settlement signed by
26 respondent and his attorney of record. I am satisfied that it will
27 not be inimical to the public interest to issue a restricted real
estate salesperson license to respondent.

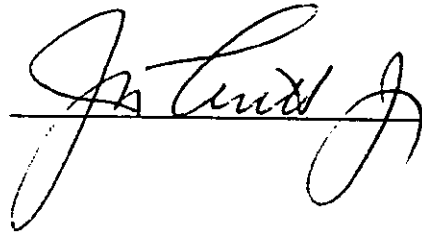


1 Therefore, IT IS HEREBY ORDERED that the real estate
2 salesperson license of respondent be revoked and a restricted real
3 estate salesperson license be issued to respondent ROSELA GUEVARA
4 if respondent has otherwise fulfilled all of the statutory
5 requirements for licensure. The restricted license shall be
6 limited, conditioned and restricted as specified in the foregoing
7 Stipulation and Agreement in Settlement.

8 This Order shall become effective on December 29, 1998.

9 DATED: 11/30/98.

10 JIM ANTT, JR.
11 Real Estate Commissioner

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FILED
AUG 19 1998
DEPARTMENT OF REAL ESTATE

By K. Kiedricholt

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)	No. H-27668 LA
ROSELA GUEVARA,)	L-1998060144
Respondent.)	

NOTICE

TO: ROSELA GUEVARA, Respondent

YOU ARE HEREBY NOTIFIED that the Proposed Decision herein dated August 6, 1998, of the Administrative Law Judge is not adopted as the Decision of the Real Estate Commissioner. A copy of the Proposed Decision dated August 6, 1998, is attached hereto for your information.

In accordance with Section 11517(c) of the Government Code of the State of California, the disposition of this case will be determined by me after consideration of the record herein including the transcript of the proceedings held on July 30, 1998, and any written argument hereafter submitted on behalf of respondent and complainant.

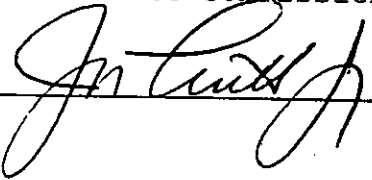
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1 Written argument for respondent to be considered by
2 me must be submitted within 15 days after receipt of the
3 transcript of the proceedings of July 30, 1998, at the Los
4 Angeles office of the Department of Real Estate unless an
5 extension of the time is granted for good cause shown.

6 Written argument of complainant to be considered by
7 me must be submitted within 15 days after receipt of the
8 argument of respondent at the Los Angeles office of the
9 Department of Real Estate unless an extension of the time is
10 granted for good cause shown.

11 DATED: 8/13/98

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13 JIM ANTT, JR.
14 Real Estate Commissioner

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BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation
of:

ROSELA GUEVARA,

Respondent.

No. H-27668 LA

L-1998060144

PROPOSED DECISION

This matter came on regularly for hearing before Milford A. Maron, Administrative Law Judge with the Office of Administrative Hearings, on July 30, 1998, at Los Angeles, California. Complainant was represented by Robert E. Baker, Attorney in Charge. Respondent Rosela Guevara, appeared in person and represented herself. Oral and documentary evidence having been received and the matter submitted, the Administrative Law Judge finds as follows:

I

Thomas McCrady, Complainant, made the Accusation in his official capacity as a Deputy Real Estate Commissioner of the State of California.

II

At all times herein, Respondent was licensed by the Department of Real Estate as a real estate salesperson. Said license expires on May 23, 2002.

III

On December 5, 1996, in the Municipal Court of Citrus Judicial District, County of Los Angeles, State of California, Respondent was convicted of violating Section 484(a) of the Penal Code (petty theft), a misdemeanor, and a crime which involves moral turpitude and is substantially related to the qualifications, functions and duties of a real estate licensee.

IV

Respondent testified in her own behalf and established the following facts:

1. The offense involved removing three small notions from a department store and not paying for same.
2. At the time of the event she was undergoing substantial stress relative to her marriage.
3. The event stands alone in her background as a single event of misconduct.
4. Respondent is contrite for her misbehavior.

* * * * *

Pursuant to the foregoing Findings of Fact, the Administrative Law Judge makes the following Determination of Issues:

Cause for disciplinary action exists against Respondent pursuant to Sections 490 and 10177(b) of the Business and Professions Code.

* * * * *

WHEREFORE, THE FOLLOWING ORDER is hereby made:

All licenses and licensing rights of Respondent Rosela Guevara under the Real Estate Law are suspended for a period of sixty (60) days from the effective date of this Decision; provided, however, that forty-five (45) days of said suspension shall be stayed for one (1) year upon the following terms and conditions:

1. Respondent shall obey all laws, rules and regulations governing the rights, duties and responsibilities of a real estate licensee in the State of California; and
2. That no final subsequent determination be made, after hearing or upon stipulation, that cause for disciplinary action occurred within one (1) year of the effective date of this Decision. Should such a determination be made, the Commissioner may, in his discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed suspension. Should no such determination be made, the stay imposed herein shall become permanent.

DATED: Aug 6, 1998


MILFORD A. MARON
Administrative Law Judge
Office of Administrative Hearings

MAM:btm

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guy*

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

FILED
JUN 16 1998
DEPARTMENT OF REAL ESTATE

By *R. H. H. H. H.*

In the Matter of the Accusation of

ROSELA GUEVARA,

Case No. H-27668 LA

OAH No. L-1998060144

Respondent

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, 107 South Broadway, Second Floor, Los Angeles
CA 90012

on July 30, 1998, at the hour of 1:30 p.m.,
or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of
hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten
(10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days
will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You
are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent
yourself without legal 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.

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 and pay his or her costs. The
interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: June 16, 1998

By *ei 7. li*

Counsel

cc: Rosela Guevara
Troystar Investments Inc.
Sacto
OAH MB

RE 501 (Rev. 8/97)

kw

File

ELLIOTT MAC LENNAN, Counsel
State Bar No. 66674
Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, California 90012

(213) 897-3937

FILED
APR 30 1998
DEPARTMENT OF REAL ESTATE

By *R. M. Edmundo*

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of	)	No. H-27668 LA
ROSELA GUEVARA,	)	
	)	<u>A C C U S A T I O N</u>
	)	
Respondent.	)	

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, for cause of accusation against ROSELA GUEVARA aka Rosella P. Alva is informed and alleges in his official capacity as follows:

I

Respondent is presently licensed and/or has license rights as a real estate salesperson under the Real Estate Law (Part 1 of Division 4 of the California Business and Professions Code) (Code).

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II

Respondent was originally licensed by the Department of Real Estate of the State of California as a real estate salesperson on May 24, 1994.

III

On December 5, 1996, in the Municipal Court of California, Los Angeles County, Citrus Judicial District, State of California, respondent was convicted upon a guilty plea to one count of violating Section 484(a) of the California Penal Code (petty theft) a misdemeanor crime that occurred on November 14, 1995, which by its facts and circumstances involves moral turpitude and is substantially related under Section 2910, Chapter 6, Title 10 of the California Code of Regulations, to the qualifications, functions or duties of a real estate licensee.

IV

The facts as alleged constitute cause under Sections 490 and 10177(b) of the Code for the suspension or revocation of all licenses and license rights of respondent under the Real Estate Law.

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1 WHEREFORE, Complainant prays that a hearing be conducted
2 on the allegations of this Accusation and that upon proof thereof,
3 a decision be rendered imposing disciplinary action against the
4 licenses and license rights of respondent ROSELA GUEVARA under the
5 Real Estate Law (Part 1 of Division 4 of the Business and
6 Professions Code) and for such other and further relief as may be
7 proper under other applicable provisions of law.

8 Dated at Los Angeles, California
9 this 30th day of April, 1998.

10 THOMAS MC CRADY

11 Deputy Real Estate Commissioner
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25 cc: Rosela Guevara
26 Sacto.
27 MLB
 Troystar Investments Inc.