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FILED
NOV 27 2007
DEPARTMENT OF REAL ESTATE

Handwritten signature: K. Mederhoff

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	NO. H-28151 LA
MARUSKA ESMERALDA BELTRAN,)	
Respondent.)	

ORDER DENYING REINSTATEMENT OF LICENSE

On October 18, 2000, a Decision After Rejection was rendered herein revoking Respondent MARUSKA ESMERALDA BELTRAN aka Maruska E. Klimenko's ("Respondent") real estate salesperson license, but granting Respondent the right to the issuance of a restricted real estate salesperson license. A Writ of Administrative Mandamus ("Writ") was filed by Respondent. On January 23, 2002, an Order Modifying Disciplinary Action Pursuant to Stipulated Settlement was rendered. Respondent agreed to dismiss the Writ and was given the right to apply for and be issued a restricted real estate

1 salesperson license. Respondent failed to apply for a
2 restricted license within the time period required.

3 On or about July 15, 2002, Respondent petitioned
4 for reinstatement of her real estate salesperson license.

5 An Order Denying Reinstatement of License was filed on
6 May 19, 2003. Said Order denied Respondent's petition
7 application, but gave Respondent the right to apply for and
8 be issued a restricted real estate salesperson license. On
9 January 21, 2004, a restricted real estate salesperson license
10 was issued to Respondent.
11

12 On or about March 29, 2006, Respondent again
13 petitioned for reinstatement of Respondent's real estate
14 salesperson license and the Attorney General of the State of
15 California has been given notice of the filing of the petition.
16

17 I have considered Respondent's petition and
18 the evidence and arguments in support thereof. Respondent
19 has failed to demonstrate to my satisfaction that Respondent
20 has undergone sufficient rehabilitation to warrant the
21 reinstatement of Respondent's real estate salesperson license,
22 in that:
23

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1
2 In the Decision which revoked Respondent's real
3 estate license, there was a Determination of Issues made that
4 there was cause to revoke Respondent's real estate license
5 pursuant to Business and Professions Code ("Code") Sections
6 10177(f) and 10177(j) for fraud or dishonest dealing.
7

8 The underlying circumstances were that during the
9 first part of 1996, prior to obtaining a real estate
10 salesperson license, Respondent and one Waldimir John Klimenko
11 ("Klimenko"), were doing business as Integrity Realty.
12 They represented the seller and buyers of property in Downey,
13 California. Respondent completed and signed the Purchase
14 Contract and Receipt for Deposit and included her own name
15 along with Klimenko's in the section marked "Agent/Broker".
16 Thereafter, Respondent obtained the seller's signatures to
17 accept the buyers offer. Escrow eventually closed on the
18 transaction.
19
20

21 Among the documents submitted to the lender by
22 and through Respondent and Klimenko, was a copy of a
23 passbook which purported to establish that the buyers had
24 \$30,000 in an account. In truth, the account was opened using
25 funds obtained from Respondent's father. This material fact
26 was not disclosed to the lender who issued the loan as part of
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III

The burden of proving rehabilitation rests with the petitioner (Feinstein v. State Bar (1952) 39 Cal. 2d 541).

A petitioner is required to show greater proof of honesty and integrity than an applicant for first time licensure. The proof must be sufficient to overcome the prior adverse judgment on the applicant's character (Tardiff v. State Bar (1980) 27 Cal. 3d 395).

The Department has developed criteria in Regulation 2911 to assist in evaluating the rehabilitation of an applicant for reinstatement of a license. Among the criteria relevant in this proceeding are:

2911(j) - Respondent has not provided proof that Respondent has paid, or made bona fide efforts toward paying a State tax lien in the amount of \$5,863, filed against a company Respondent owned and operated.

2911(k) - Respondent has not shown that Respondent has corrected business practices resulting in injury to others, or with the potential to cause such injury.

Given the fact that Respondent has not established that Respondent has complied with Regulations 2911(j) and 2911(k), I am not satisfied that Respondent is sufficiently rehabilitated to receive a real estate salesperson license.

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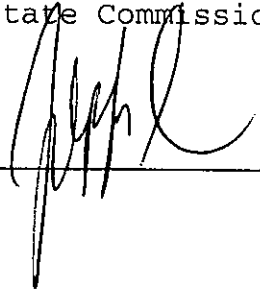
NOW, THEREFORE, IT IS ORDERED that Respondent's
petition for reinstatement of Respondent's real estate
salesperson license is denied.

This Order shall become effective at 12 o'clock noon
on DEC 17 2007.

DATED: _____

11-13-07

JEFF DAVI
Real Estate Commissioner



*Writs
Filed*

FILED
MAY 19 2003
DEPARTMENT OF REAL ESTATE

Jana B. Olson

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) NO. H-28151 LA
)
MARUSKA ESMERALDA BELTRAN,)
)
Respondent.)
)

ORDER DENYING REINSTATEMENT OF LICENSE

On October 18, 2000, a Decision After Rejection was rendered herein revoking Respondent MARUSKA ESMERALDA BELTRAN aka Maruska E. Klimenko's ("Respondent") real estate salesperson license, but granting Respondent the right to the issuance of a restricted real estate salesperson license. A Writ of Administrative Mandamus ("Writ") was filed by Respondent. On January 23, 2002, an Order Modifying Disciplinary Action Pursuant to Stipulated Settlement was rendered. Respondent agreed to dismiss the Writ and was given the right to apply for and be issued a restricted real estate

1 California. Respondent completed and signed the Purchase
2 Contract and Receipt for Deposit and included her own name
3 along with Klimenko's in the section marked "Agent/Broker".
4 Thereafter, Respondent obtained the seller's signatures to
5 accept the buyers offer. Escrow eventually closed on the
6 transaction.
7

8 Among the documents submitted to the lender by
9 and through Respondent and Klimenko, was a copy of a
10 passbook which purported to establish that the buyers had
11 \$30,000 in an account. In truth, the account was opened using
12 funds obtained from Respondent's father. This material fact
13 was not disclosed to the lender who issued the loan as part of
14 a special community lending program that required borrowers to
15 establish that they held a certain amount of cash.
16

17 Prior to close of escrow, Respondent and Klimenko
18 caused a second trust deed securing a lien of \$30,500 in favor
19 of Respondent's father to be executed. The deed of trust which
20 was not disclosed to the buyers or the lender, was recorded
21 approximately eleven months after escrow closed.
22

23 A second loan on the property was obtained for the
24 purpose of "home improvements". At least one of the buyers
25 had no knowledge of the loan. Approximately \$12,000 in
26 proceeds from this loan were deposited by Respondent into her
27 business account and never accounted for.

1 applicable; (g) payment of fine or monetary penalty is not
2 applicable; (h) stability of family life appears to be met;
3 (i) Respondent has completed educational or vocational training
4 courses; (j) discharge of debts appears to be met; (k)
5 correction of business practices appears to be met; (n) change
6 in attitude appears to be met.
7

8 III

9 Respondent has not provided proof of involvement in
10 community, church or social programs. This evidences a lack
11 of rehabilitation and is cause to deny Respondent's petition
12 pursuant to Section 2911(1), Title 10, Chapter 6, California
13 Code of Regulations ("Regulations").
14

15 IV

16 Respondent does not have new and different social and
17 business relationships from those which existed at the time of
18 the conduct that was the basis for revocation of her license.
19 She is now married to Klimenko. This evidences a lack of
20 rehabilitation and is cause to deny Respondent's petition
21 pursuant to Regulation 2911(m).
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2 Due to the serious nature of the conduct which led
3 to the revocation of Respondent's real estate salesperson, the
4 multiple fraudulent and dishonest acts conducted, and the facts
5 set forth in Paragraphs III and IV, a longer period of time is
6 required to measure Respondent's rehabilitation. This is cause
7 to deny Respondent's petition pursuant to Regulation 2911(a).
8

9 NOW, THEREFORE, IT IS ORDERED that Respondent's
10 petition for reinstatement of Respondent's real estate
11 salesperson license is denied.
12

13 I am satisfied, however, that it will not be against
14 the public interest to issue a restricted real estate
15 salesperson license to Respondent.

16 A restricted real estate salesperson license shall
17 be issued to Respondent pursuant to Code Section 10156.5
18 if Respondent within nine (9) months from the date hereof:
19

20 (a) makes application therefor and pays the
21 appropriate fee for said license.

22 (b) Takes and passes the Professional Responsibility
23 Examination administered by the Department including the
24 payment of the appropriate examination fee.

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1 The restricted license issued to Respondent shall be
2 subject to all of the provisions of Code Section 10156.7 and to
3 the following limitations, conditions and restrictions imposed
4 under authority of Code Section 10156.6:

5 1. The restricted license issued to Respondent
6 may be suspended prior to hearing by Order of the Real Estate
7 Commissioner in the event of Respondent's conviction or plea
8 of nolo contendere to a crime which is substantially related
9 to Respondent's fitness or capacity as a real estate licensee.
10

11 2. The restricted license issued to Respondent
12 may be suspended prior to hearing by Order of the Real Estate
13 Commissioner on evidence satisfactory to the Commissioner that
14 Respondent has violated provisions of the California Real
15 Estate Law, the Subdivided Lands Law, Regulations of the Real
16 Estate Commissioner or conditions attaching to the restricted
17 license.
18

19 3. Respondent shall not be eligible to apply for
20 the issuance of an unrestricted real estate license nor for
21 the removal of any of the conditions, limitations or
22 restrictions of a restricted license until two (2) years have
23 elapsed from the effective date of this Decision.
24

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27 ///

1 4. Respondent shall submit with any application for
2 license under an employing broker, or with any application for
3 transfer to a new employing broker, a statement signed by the
4 prospective employing real estate broker on a form approved by
5 the Department which shall certify:
6

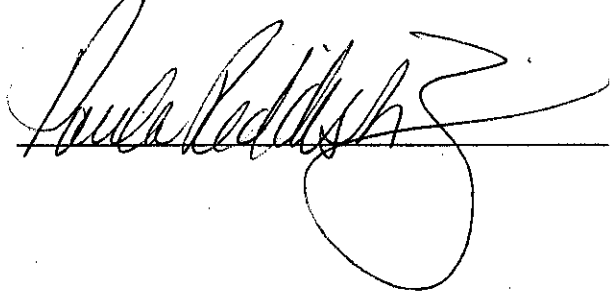
7 (a) That the employing broker has read the Decision
8 of the Commissioner which granted the right to a restricted
9 license; and

10 (b) That the employing broker will exercise close
11 supervision over the performance by the restricted licensee
12 relating to activities for which a real estate license is
13 required.
14
15

16 This Order shall become effective at 12 o'clock noon
17 on June 9, 2003.

18 DATED: May 12, 2003.

19 PAULA REDDISH ZINNEMANN
20 Real Estate Commissioner

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26 cc: Maruska E. Klimenko
27 9933 Pangborn Avenue
Downey, CA 90240

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FILED
JAN 28 2002
DEPARTMENT OF REAL ESTATE

By CS

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
)	NO. H-28151 LA
MARUSKA ESMERALDA BELTRAN,)	
)	
Respondent.)	
)	

ORDER MODIFYING DISCIPLINARY ACTION
PURSUANT TO STIPULATED SETTLEMENT

In consideration for the dismissal with prejudice and in complete settlement of Respondent's Petition for Writ of Administrative Mandamus, with each party to bear her or its own costs, the following order is made:

NOW, THEREFORE, IT IS ORDERED that a restricted real estate salesperson license shall be issued to Respondent MARUSKA ESMERALDA BELTRAN pursuant to Section 10156.5 of the Business and Professions Code provided Respondent makes application therefor and pays to the Department of Real Estate the appropriate fee for the restricted license within 90 days from the effective date of

1 this Decision. The restricted license issued to Respondent shall
2 be subject to all of the provisions of Section 10156.7 of the
3 Business and Professions Code and to the following limitations,
4 conditions and restrictions imposed under authority of Section
5 10156.6 of that Code:

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

11 2. The restricted license issued to Respondent may be
12 suspended prior to hearing by Order of the Real Estate
13 Commissioner on evidence satisfactory to the Commissioner that
14 Respondent has violated provisions of the California Real Estate
15 Law, the Subdivided Lands Law, Regulations of the Real Estate
16 Commissioner or conditions attaching to the restricted license.
17

18 3. Respondent shall not be eligible to apply for the
19 issuance of an unrestricted real estate license nor for the
20 removal of any of the conditions, limitations or restrictions of
21 a restricted license until two years have elapsed from the
22 effective date of the Decision.

23 4. Respondent shall submit with any application for
24 license under an employing broker, or any application for
25 transfer to a new employing broker, a statement signed by the
26
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1 prospective employing real estate broker on a form approved by
2 the Department of Real Estate which shall certify:

3 (a) That the employing broker has read the Decision of
4 the Commissioner which granted the right to a
5 restricted license; and

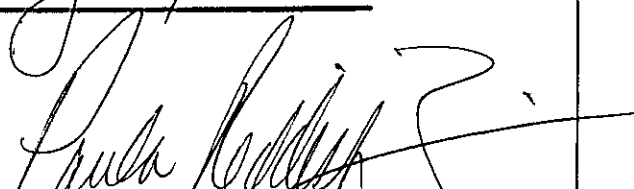
6 (b) That the employing broker will exercise close
7 supervision over the performance by the restricted
8 licensee relating to activities for which a real estate
9 license is required.

10 5. Respondent shall, within nine months from the
11 effective date of this Decision, present evidence satisfactory to
12 the Real Estate Commissioner that Respondent has, 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. If Respondent fails to
17 satisfy this condition, the Commissioner may order the suspension
18 of the restricted license until Respondent presents such
19 evidence.

20
21 This Order shall take effect immediately upon signing.

22 IT IS SO ORDERED

January 23, 2002

23
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26 PAULA REDDISH ZINNEMANN
27 Real Estate Commissioner

1 Respondent was served with a copy of the Proposed Decision dated
2 June 30, 2000, and with notice of my determination not to adopt
3 the Proposed Decision. Respondent was notified that the case
4 would be decided by me upon the record, including the
5 transcripts of proceedings held on January 13, 2000 and March
6 23, 2000, and upon any written argument offered by the parties.

7 Argument has been submitted by the Respondent and by
8 Complainant. I have given careful consideration to these
9 arguments and to the record in this case, including the
10 transcripts of proceedings of January 13, 2000 and March 23,
11 2000.

12 FINDINGS OF FACT

13 I have determined that the Findings of Fact in the
14 Proposed Decision of the Administrative Law Judge, dated
15 June 30, 2000, are appropriate. These findings are hereby
16 adopted in their entirety.

17 DETERMINATION OF ISSUES

18 The Administrative Law Judge's Legal Conclusions are
19 also appropriate and therefore are hereby adopted in their
20 entirety.

21 ORDER

22 WHEREFORE, THE FOLLOWING ORDER is hereby made:

23 The Proposed Decision dated June 30, 2000 of the
24 Administrative Law Judge of the Office of Administrative
25 Hearings is hereby adopted as the Decision of the Real Estate
26 Commissioner in the above-entitled matter.

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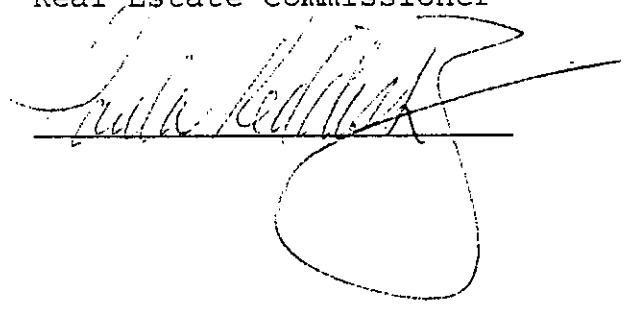
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The right to reinstatement of a revoked real estate license or to the reduction of a suspension is controlled by Section 11522 of the Government Code. A copy of Section 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of respondent.

This Decision shall become effective at 12 o'clock noon on November 13, 2000.

IT IS SO ORDERED October 18, 2000.

PAULA REDDISH ZINNEMANN
Real Estate Commissioner



By Laura B. Brown

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of)	
MARUSKA ESMERALDA BELTRAN,)	NO. H-28151 LA
Respondent.)	L-1999060139

NOTICE

TO: MARUSKA ESMERALDA BELTRAN, Respondent
and ROBERT A. BROWN, her Counsel.

YOU ARE HEREBY NOTIFIED that the Proposed Decision herein dated June 30, 2000, of the Administrative Law Judge is not adopted as the Decision of the Real Estate Commissioner. A copy of the Proposed Decision dated June 30, 2000, is attached hereto for your information.

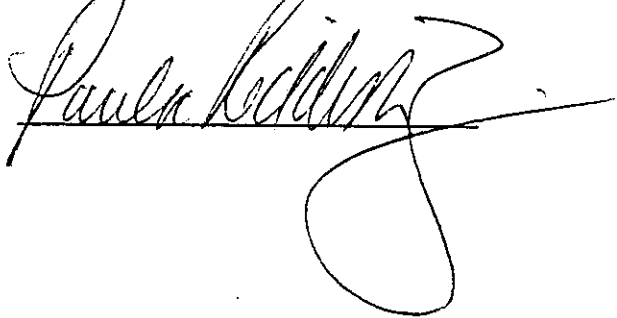
In accordance with Section 11517(c) of the Government Code of the State of California, the disposition of this case will be determined by me after consideration of the record herein including the transcript of the proceedings held on January 13, 2000 and March 23, 2000, and any written argument hereafter submitted on behalf of Respondent and Complainant.

1 Written argument of Respondent to be considered by me
2 must be submitted within fifteen (15) days after receipt of the
3 transcript of the proceedings of January 13, 2000 and
4 March 23, 2000, at the Los Angeles office of the Department of
5 Real Estate unless an extension of the time is granted for good
6 cause shown.

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

12 DATED: August 8, 2000.

13 PAULA REDDISH ZINNEMANN
14 Real Estate Commissioner

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BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of:

MARUSKA ESMERALDA BELTRAN,

Respondent.

Case No. H-28151

OAH No. L-1999060139

PROPOSED DECISION

This matter came on for hearing before Richard J. Lopez, Administrative Law Judge of the Office of Administrative Hearings, at Los Angeles, California, on January 13, 2000 and thereafter on March 23, 2000.

Martha J. Rosett, Department Attorney, represented the complainant.

Respondent appeared in person and was represented by Robert A. Brown, Attorney at Law.

Oral and documentary evidence and evidence by way of stipulation and official notice was received and the matter argued and thereafter submitted.

The record was held open to allow the filing of certain documents as follows:

On May 15, 2000, complainant filed its opening brief and the same was marked and received as Exhibit 10 for identification. On May 31, 2000 respondent filed a reply brief and the same was marked and received as Exhibit D for identification. By letter received June 6, 2000 the Department waived the filing of a closing brief.

The matter was deemed submitted on said date of June 6, 2000 and all of said briefs were read and considered.

The Administrative Law Judge now finds, determines, and orders as follows:

PARTIES AND JURISDICTION

1

The complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, brought the Accusation in said official capacity.

2

Maruska Esmeralda Beltran, respondent herein, is presently licensed by the Department of Real Estate of the State of California as real estate salesperson under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code, hereinafter Code). She was first licensed on July 16, 1996.

3

All jurisdictional requirements have been met. Jurisdictional for this proceeding does exist.

FACTUAL FINDINGS RE: ACCUSATION

4

(A) During the first part of 1996, Waldimir John Klimenko and Respondent, doing business as "Integrity Realty," represented the sellers and buyers of real property known as 9268 Gainford Street, Downey, California. In particular, in January of 1996, Respondent, filled out the Purchase Contract/receipt for Deposit, dated January 27, 1996. Respondent executed the document in her own hand and included her own name alongside Klimenko's in the section marked "Agent/Broker." Respondent, at Klimenko's direction, obtained the seller's signatures. The contract was filled out and signed by the sellers, "accepting an offer of buyers." The property was sold by Tomas Eduardo Betancourt. The purchasers were Rulman Pebe (aka, "Raul Valer"), Enrique Curioso, and Carlos Segura.

5

(A) The buyer's offer of \$258,000 was accepted and escrow was opened at Mid Cities Escrow on or about February 28, 1996. Among the documents submitted to the lender, American Savings Bank (American), by and through Respondent and Klimenko, was a copy of a passbook establishing that the buyers had some \$30,000 in an account at American in the names of two of the buyers. In truth and fact, this account was opened using funds obtained from Respondent's father, Manuel Beltran. This material fact was not disclosed to American, who issued the loan in the amount of \$231,942 as part of a special community lending program that required the borrowers to establish that they held a certain amount of cash.

2

(B) The money deposited into this account was then used by the buyers as the funds needed by them to complete the purchase over and above the \$231,942.00 supplied by American secured by a note and deed of trust. Mid Cities closed escrow on this transaction May 17, 1996. Respondent's failure to make disclosure of said material fact constitutes a material misrepresentation.

6

At some time prior to the close of escrow, Respondent and Klimenko caused to be executed a second trust deed securing a lien of \$30,500 in favor of Respondent's father, Manuel Beltran. At no time was said deed of trust disclosed to Curioso, Segura or the lender. This second deed of trust, purportedly executed on or about May 10, 1996, was recorded on or about April 15, 1997, eleven months after the close of escrow. At no time prior to the close of escrow was this lien disclosed to the lender, American Savings Bank. Respondent's failure to do so constitutes a material misrepresentation.

7

A second loan on the property was obtained about which at least one of the borrowers (Curioso) had no knowledge, for the purpose of "home improvements." Approximately \$12,000 in proceeds of this loan were deposited by Respondent into her business account and never further accounted for.

8

(A) It was not established the American suffered monetary loss or other economic damage as a result of respondent's conduct. Further, American, in the ordinary course of sound and prudent underwriting and due diligence, should have placed a hold ("red flag") on the transaction. The true nature of funds available would have been revealed by a prudent investigation.

(B) However, American Savings did rely on the representations of Respondent that the buyers had sufficient funds in their account to make the required down payment. Had American Savings known that the money was provided to the buyers by Respondent and her father the loan would not have been funded.

9

Respondent's conduct set forth in Findings 5, 6 and 7, and each of them, constitutes dishonest dealing.

Respondent's conduct set forth in Findings 5, 6 and 7, and each of them, constitutes acts which would cause denial of her license.

**SUPPLEMENTAL
FINDINGS**

MITIGATION

Respondent has no record of prior discipline. Respondent's misconduct did not result in economic harm to others.

AGGRAVATION

Respondent's misconduct demonstrates multiple acts of wrongdoing and was surrounded by concealment. Respondent displayed a lack of candor and cooperation with the Department during its prosecution and investigation of the case.

LEGAL CONCLUSIONS

(A) The pertinent statutes concerning licensure and regulation of real estate licensees, prospective real estate licensees and the activities of same are found in the Business and Professions Code (BPC) *et seq* (section 1000: "This part may be cited as the Real Estate Law")

(B) The regulations pertinent herein are found in California Code of Regulations (CCR) Title 10, Chapter 6 and empower the Real Estate Commissioner to administer and enforce the Real Estate Law.

Cause exists for discipline of respondent's license for violations of the BPC as follows:

- (A) BPC section 10177(j), by reason of Findings 5, 6, 7 and 9.
- (B) BPC section 10177(f), by reason of Findings 5, 6, 7 and 10.

(A) The objective of an administrative proceeding relating to discipline, if any, is to protect the public; to determine whether a license holder or prospective license holder has acted in derogation of the public interest. Such proceedings are not for the primary purpose of punishment: *Fahmy v. MBC* (1995) 38 Cal.App. 4th 810, 817; *Ex Parte Brounsell* (1778) 2 Cowp. 829, 98 Eng.Rep. 1385.

(B) To protect the public interest the legislative has mandated to the Department, under the Real Estate Law, broad regulatory authority, duties and functions. Part of that authority includes Business and Professions Code Sections 10177(j) and 10176(i). Each grant the Commissioner the authority to revoke or to refuse to issue a real estate license if the licensee or applicant has engaged in, "[a]ny other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing." In addition, under 10177 (f), the Real Estate Commissioner, after finding on substantial evidence that a licensee was not truthful or honest, has jurisdiction to impose discipline. (*Buckley v. Savage* (1960 Cal.App.2d 18.) Code Section 10176, which provides grounds for discipline of a licensee, is focused on acts performed while "acting in the capacity of a real estate licensee." The acts set forth in Section 10177, on the other hand, are not limited to conduct undertaken in the capacity of a real estate licensee.

(C) Part of the rationale for the protection of the public interest is set forth, in part, in the following venerable cases:

As discussed in *Chodur v. Edmonds* (1985) 174 Cal. App.3d 565:

"...California courts have considered the term dishonesty within various statutory schemes and have relied on the common understanding as described in *Hogg v. Real Estate Commissioner* (1942) 54 Cal. App.2d 712, 717...involving fraud, deception, betrayal faithlessness; absence of integrity; a disposition to cheat, deceive or defraud." 174 Cal. App. 3d at 570:

“...dishonest dealing may encompass more than just fraud or deception...dishonesty necessarily includes the element of bad faith...[which] means fraud, deception, betrayal, faithlessness...It denotes an absence of integrity.” Id. At 572.

Further, the degree of harm to the victim is not dispositive:

“ A licensee who utters a substantial falsehood in connection with a real estate transaction is not to be insulated from the consequences of his dishonesty simply because the other party to the transaction suffers no pecuniary loss. Regardless of the lack of pecuniary damage occasioned by the falsehood, the licensee has demonstrated a lack of integrity.”
Buckley v. Savage 184 Cal. App.2d at 32.

And:

“The basic reason for disciplinary action in matters of this kind is the protection of the public against unethical and dishonest conduct on the part of those engaged in the real estate business.” *Parkman v. Savage* (1964) 227 Cal.App 2d 436, 439.

(D) Respondent, not long a licensee, participated in dishonest dealing and, therefore, should readjust her “moral compass”. Accordingly, the order which follows is consistent with the public interest.

ORDER

All licenses and licensing rights of Respondent under the Real Estate law are 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 the restricted license within 90 days from the effective date of this Decision. 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 that Code:

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

2. The restricted license issued to Respondent may be suspended prior to hearing by Order of the Real estate Commissioner on evidence satisfactory to the Commissioner 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 the restricted license.

3. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license not for the removal of any of the conditions, limitations or restrictions of a restricted license until 3 year(s) have elapsed from the effective date of this Decision.

4. Respondent shall submit with any application for license an employing broker, or any application for transfer to a new employing broker, a statement signed by the prospective employing real estate broker on a form approved by the Department of Real Estate which shall certify:

(a) That the employing broker has read the Decision of the Commissioner which granted the right to a restricted license; and

(b) That the employing broker will exercise close supervision over the performance by the restricted licensee relating to activities for which a real estate license is required.

5. Respondent shall, within six months from the effective date of this Decision, 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 Respondent's license until Respondent passes the examination.

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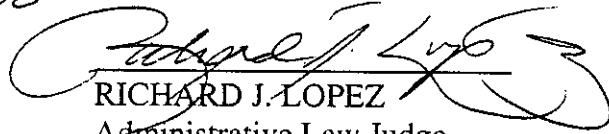
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6. Respondent shall, within nine months from the effective date of this Decision, present evidence satisfactory to the Real Estate Commissioner that Respondent has, since the most recent issuance of an original or renewal real estate license, taken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

Dated: 30 June 2000


RICHARD J. LOPEZ
Administrative Law Judge
Office of Administrative Hearings

RJL:lp

Handwritten initials/signature

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
FEB - 3 2000
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of

MARUSKA ESMERALDA BELTRAN,

By *Handwritten signature*

Case No. H- 28151 LA

OAH No. L-1999060139

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, 320 W. Fourth Street, Ste. 630, Los Angeles on March 23 & 24, 2000, at the hour of 9:00 a.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: February 3, 2000

By *Handwritten signature*

Counsel

RE 501 (Rev. 8/97) cc: Maruska Esmeralda Beltran
Robert A. Brown, Esq.
Sacto OAH LK

Handwritten initials

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
DEC - 8 1999
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of

MARUSKA ESMERALDA BELTRAN,

By *K. Weidubal*

Case No. H-28151 LA

OAH No. L-1999060139

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, 320 W. Fourth St., Ste. 630, Los Angeles, CA on January 13, 2000, at the hour of 9:00 a.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.

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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: December 8, 1999

By *Martha M. [Signature]* Counsel

cc: Maruska Esmeralda Beltran
RE 501 (Rev. 8/97) Robert A. Brown, Esq.
Sacto OAH LK

kw

Handwritten scribbles

Robert E. Ba... Counsel (SBN 53100)
Martha J. Rosett, Counsel (SBN 142072)
Department of Real Estate
320 W. 4th, Suite 350
Los Angeles, CA 90013-1105
Phone: (213) 576-6982
(213) 576-6914

FILED
NOV 30 1999
DEPARTMENT OF REAL ESTATE

By K. Melchior

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DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of)	No. H- 28151 LA
MARUSKA ESMERALDA BELTRAN,)	<u>FIRST AMENDED</u>
)	<u>ACCUSATION</u>
)	
Respondent.)	
)	
)	
)	
)	

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, does hereby amend the Accusation filed against MARUSKA ESMERALDA BELTRAN on May 14, 1999 as follows:

I

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, for cause of accusation against MARUSKA ESMERALDA BELTRAN, is informed and alleges in his official capacity as follows:

1 MARUSKA ESMERALDA BELTRAN (hereinafter referred to as
2 Respondent) is presently licensed by the Department of Real Estate
3 of the State of California ("Department") as real estate
4 salesperson under the Real Estate Law (Part 1 of Division 4 of the
5 Business and Professions Code, hereinafter Code). She was first
6 licensed on July 16, 1996.

III

8 During the first part of 1996, Wladimir John Klimenko
9 and Respondent, doing business as "Integrity Realty," represented
10 the sellers and buyers of real property known as 9268 Gainford
11 Street, Downey, California. The property was sold by Tomas
12 Eduardo Betancourt. The purchasers were Rulman Pebe (aka, "Raul
13 Valer"), Enrique Curioso, and Carlos Segura.

IV

16 In furtherance of the Gainford Street transaction
17 described in paragraph III above, in April of 1996, Respondent and
18 her husband Klimenko met with the prospective purchasers at the
19 offices of Integrity Realty in Downey. The explanation offered to
20 Curioso and Segura was that they were assisting Pebe/Valer in
21 purchasing the property by co-signing on the loan needed to
22 purchase this property. At that time, Respondent BELTRAN served
23 as translator, providing instructions and explanations to the
24 purchasers Enrique Curioso and Carlos Segura in their native
25 language, Spanish. At that time, Respondent instructed Curioso
26 and Segura to sign documents which she knew, or should have known,
27 they did not understand.



1 The buyer's offer of \$258,000 was accepted and escrow
2 was opened at Mid Cities Escrow on or about February 28, 1996.
3 Among the documents submitted to the lender, American Savings
4 Bank, by Respondent and Klimenko, was a copy of a passbook
5 establishing that the buyers had some \$30,000 in an account at
6 American Savings in the names of two of the buyers. In truth and
7 in fact Respondent and two of the buyers had opened this account
8 using funds obtained by Respondent from her father, Manuel
9 Beltran. The money deposited into this account was then used by
10 the buyers as the funds needed by them to complete the purchase
11 over and above the \$231,942.00 supplied by American secured by a
12 note and a deed of trust. Mid Cities closed escrow on this
13 transaction May 17, 1996.

VI

14 At some time prior to the close of escrow, Respondent
15 and/or Klimenko caused to be executed a second trust deed securing
16 a lien of \$30,500 in favor of Respondent's father, Manuel Beltran.
17 At no time was said deed of trust disclosed to Curioso, Segura
18 and/or the lender. This second deed of trust, purportedly
19 executed on or about May 10, 1996, was recorded on or about April
20 15, 1997, eleven months after the close of escrow. At no time
21 prior to the close of escrow was this lien disclosed to the
22 lender, American Savings Bank.

VII

23 American Savings relied on the representations of
24 Respondent that the buyers had sufficient funds in their account
25 to make the required down payment. Had American Savings known
26
27



1 that the mon was provided to the buyer y Respondent and her
2 father the loan would not have been funded.

3 VIII

4 The acts and omissions of Respondent, as set forth
5 above, constitute fraud and/or dishonest dealing and are cause to
6 suspend or revoke her present license pursuant to Sections
7 10177(j) and/or 10176(i) of the Business and Professions Code.
8 Further, these same acts would have been cause for denial of her
9 license pursuant to Section 480(a)(2)(3) of the Code and
10 constitute grounds for the suspension or revocation of her license
11 pursuant to Section 10177(f) of the Code.

12 WHEREFORE, Complainant prays that a hearing be conducted
13 on the allegations of this Accusation and that upon proof thereof,
14 a decision be rendered imposing disciplinary action against the
15 license and/or license rights of MARUSKA ESMERALDA BELTRAN under
16 the Real Estate Law and for such other and further relief as may
17 be proper under applicable provisions of law.

18 Dated at Los Angeles, California

19 this 30th day of November 1999.

20 Thomas Mc Grady by
21 Deputy Real Estate Commissioner

22 Edward Grant

23 cc: Maruska Beltran
24 Sacto.
25 LK
26
27



Sacto

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
NOV - 8 1999
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of

MARUSKA ESMERALDA BELTRAN,

By *R. Medeiros*

Case No. H-28151 LA

OAH No. L-1999060139

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, 320 W. Fourth St., Ste 630, Los Angeles, CA on December 7, 1999, at the hour of 9:00 a.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: November 8, 1999

By *[Signature]*
Counsel

RE 501 (Rev. 8/97) cc: Maruska Esmeralda Beltran
Robert A. Brown, Esq.
Sacto
OAH
LK

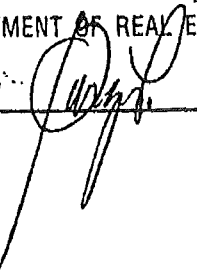
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SACTO

198-0501-013
BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
JUN 22 1999

In the Matter of the Accusation of)
MARUSKA E. BELTRAN,)
Respondent.)

No. H-281⁵¹~~33~~ LA
NOTICE OF HEARING
L-1999 060 139
By 

DEPARTMENT OF REAL ESTATE

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, 320 West 4th Street, Suite 630, Los Angeles, California 90013 on September 29, 1999 at 9:00 a.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 days will deprive you of a change in the place of the hearing.

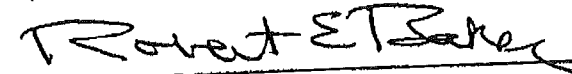
You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented 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.

Dated: June 21, 1999

DEPARTMENT OF REAL ESTATE

By: 
ROBERT E. BAKER
Attorney-in-Charge

cc: Maruska E. Beltran
LK, CAH & SACTO

SACTO

Robert E. Baker, Counsel
State Bar No. 53100
Department of Real Estate
320 W. 4th, Suite 350
Los Angeles, CA 90013-1105
Phone: (213) 576-6905

FILED
MAY 14 1999
DEPARTMENT OF REAL ESTATE

By C.B.

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DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of) No. H-281⁵¹₂₃ LA
)
) ACCUSATION
MARUSKA ESMERALDA BELTRAN)
)
Respondent.)
_____)

I

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, for cause of accusation against MARUSKA ESMERALDA BELTRAN, is informed and alleges in his official capacity as follows:

II

MARUSKA ESMERALDA BELTRAN (hereinafter referred to as Respondent) is presently licensed by the Department of Real Estate of the State of California ("Department") as real estate salesperson under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code, hereinafter Code). She was first licensed on July 16, 1996.

III

1 During the first part of 1996, Wladimir John Klimenko
2 and Respondent represented the sellers and buyers of real property
3 known as 9268 Gainford Street, Downey, California. The buyer's
4 offer of \$258,000 was accepted and escrow was opened at Mid Cities
5 Escrow. Among the documents submitted to the lender, American
6 Savings Bank, by Respondent was a copy of a passbook establishing
7 that the buyers had some \$30,000 in an account at American Savings
8 in the names of two of the buyers. In truth and in fact Respondent
9 and two of the buyers had opened this account using funds obtained
10 by Respondent from her father, Manuel Beltran. The money deposited
11 into this account was then used by the buyers as the funds needed
12 by them to complete the purchase over and above the \$231,942.00
13 supplied by American secured by a note and a deed of trust. Mid
14 Cities closed escrow on this transaction May 17, 1996.

IV

16 American relied on the representations of Respondent
17 that the buyers had sufficient funds in their account to make the
18 required down payment. Had American known that the money was
19 provided to the buyers by Respondent and her father the loan would
20 not have been funded.

V

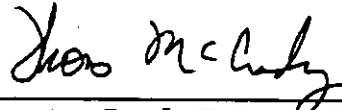
22 The acts and omissions of Respondent, as set forth
23 above, constitute fraud and/or dishonest dealing and are cause to
24 suspend or revoke her present license pursuant to Section 10177(j)
25 of the Business and Professions Code. Further, these same acts
26 would have been cause for denial of her license pursuant to
27 Section 480(a)(2)(3) of the Code and is grounds for the suspension.

1 or revocation of her license pursuant to Section 10177(f) of the
2 Code.

3 WHEREFORE, Complainant prays that a hearing be conducted
4 on the allegations of this Accusation and that upon proof thereof,
5 a decision be rendered imposing disciplinary action against the
6 license and/or license rights of MARUSKA ESMERALDA BELTRAN under
7 the Real Estate Law and for such other and further relief as may
8 be proper under applicable provisions of law.

9 Dated at Los Angeles, California

10 this 14th day of MAY 1999.

11 

12 Deputy Real Estate Commissioner

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