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FILED
JUN 12 2000
DEPARTMENT OF REAL ESTATE

By K. Medushek

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DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of)	NO. H-28281 LA
TERESA M. REY)	
)	<u>STIPULATION AND AGREEMENT</u>
)	
Respondent.)	
_____)	

It is hereby stipulated by and between TERESA M. REY, (sometimes referred to as Respondent), and her attorney, Herman Thordsen, and the Complainant, acting by and through James R. Peel, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on October 20, 1999, in this matter.

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondent at a formal hearing on the Accusation, which hearing was to be held in accordance with the provisions of the Administrative Procedure Act (APA), shall instead and in place thereof be submitted solely on the basis of the provisions of this Stipulation and Agreement.

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1 2. Respondent has received, read and understands the
2 Statement to Respondent, the Discovery Provisions of the APA
3 and the Accusation filed by the Department of Real Estate in
4 this proceeding.

5 3. On November 2, 1999, Respondent filed a Notice of
6 Defense, pursuant to Section 11506 of the Government Code for
7 the purpose of requesting a hearing on the allegations in the
8 Accusation. Respondent hereby freely and voluntarily withdraws
9 said Notice of Defense. Respondent acknowledges that she
10 understands that by withdrawing said Notice of Defense she will
11 thereby waive her right to require the Commissioner to prove the
12 allegations in the Accusation at a contested hearing held in
13 accordance with the provisions of the APA and that she will
14 waive other rights afforded to her in connection with the
15 hearing, such as the right to present evidence in defense of the
16 allegations in the Accusation and the right to cross-examine
17 witnesses.

18 4. Respondent, pursuant to the limitations set forth
19 below, although not admitting or denying the truth of the
20 allegations, will not contest the factual allegations contained
21 in the Accusation filed in this proceeding and the Real Estate
22 Commissioner shall not be required to provide further evidence
23 of such allegations.

24 5. It is understood by the parties that the Real
25 Estate Commissioner may adopt the Stipulation and Agreement as
26 her decision in this matter thereby imposing the penalty and
27 sanctions on Respondent's real estate license and license rights

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as set forth below in the "Order". In the event that the Commissioner in her discretion does not adopt the Stipulation and Agreement in Settlement, it shall be void and of no effect, and Respondent shall retain the right to a hearing and proceeding on the Accusation under all the provisions of the APA and shall not be bound by any stipulation or waiver made herein.

6. The Order or any subsequent Order of the Real Estate Commissioner made pursuant to this Stipulation and Agreement shall not constitute an estoppel, merger or bar to any further administrative or civil proceedings by the Department of Real Estate with respect to any matters which were not specifically alleged to be causes for accusation in this proceeding.

7. This Stipulation is entered into by each party with the express understanding and agreement that it is to be used for the purposes of settling these proceedings only and that this Stipulation shall not be deemed, used, or accepted as an acknowledgment or stipulation in any other civil or administrative proceeding to which this Department is not a party.

DETERMINATION OF ISSUES

By reason of the foregoing stipulations and waivers and solely for the purpose of settlement of the pending Accusation without a hearing, it is stipulated and agreed that the following determination of issues shall be made:

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2 The conduct of Respondent, TERESA M. REY, as alleged in
3 the Accusation, is grounds for the suspension or revocation of
4 all of the real estate licenses and license rights of Respondent
5 under the provisions of Section 10176(a) of the Business and
6 Professions Code.

7 ORDER

8 All licenses and licensing rights of Respondent TERESA
9 M. REY under the Real Estate Law are suspended for a period of
10 thirty (30) days from the effective date of this Order; provided,
11 however, that thirty (30) days of said suspension shall be stayed
12 for one (1) year upon the following terms and conditions:

13 1. Respondent shall obey all laws, rules and
14 regulations governing the rights, duties and responsibilities of
15 a real estate licensee in the State of California; and

16 2. That no final subsequent determination be made,
17 after hearing or upon stipulation that cause for disciplinary
18 action occurred within one (1) year of the effective date of this
19 Order. Should such a determination be made, the Commissioner
20 may, in her discretion, vacate and set aside the stay order and
21 reimpose all or a portion of the stayed suspension. Should no
22 such determination be made, the stay imposed herein shall become
23 permanent.

24 3. In the event respondent fails to provide proof
25 satisfactory to the Real Estate Commissioner that she has paid
26 restitution in the amount of \$1,000 to Randall C. Moyer prior to
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the effective date of the Order no part of the 30 day suspension shall be stayed.

DATED: MAY 8, 2000

James R. Peel
JAMES R. PEEL
Counsel for Complainant

* * * *

I have read the Stipulation and Agreement in Settlement, and its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509 and 11513 of the Government Code), and I willingly, intelligently and voluntarily waive those rights, including the right of requiring the Commissioner to prove the allegations in the Accusation at a hearing at which I would have the right to cross-examine witnesses against me and to present evidence in defense and mitigation of the charges.

DATED: 4-28-00

Teresa M. Rey
TERESA M. REY
Respondent

DATED: 5-2-00

Herman Thorsen
HERMAN THORSEN
Counsel for Respondent

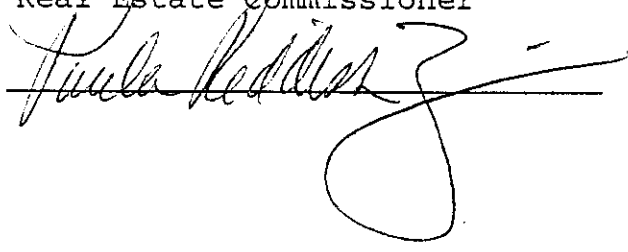
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The foregoing Stipulation and Agreement is hereby adopted as
my Decision in this matter and shall become effective at 12
o'clock noon on July 5, 2000.

IT IS SO ORDERED June 6, 2000.

PAULA REDDISH ZINNEMANN
Real Estate Commissioner



Sacto JRP

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILE
JAN 13 2000
DEPARTMENT OF REAL ESTATE

* * * *

In the Matter of the Accusation of)
TERESA M. REY,)
Respondent.)

Case No. H-28281 LA
OAH No. L-1999120275

By *James R. Peel*

AMENDED NOTICE OF HEARING ON ACCUSATION

To the above-named Respondent(s):

You are hereby notified that a hearing will be held before the Department of Real Estate at Office of Administrative Hearings, 320 West Fourth Street, 6th Floor, Suite 630, Los Angeles, California, on MARCH 22, 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 upon you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of 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: JAN 13 2000

DEPARTMENT OF REAL ESTATE

By: *James R. Peel*
JAMES R. PEEL, Counsel

cc: Teresa M. Rey
Vanessa Gonzalez
Bill Mota
Sacto
OAH

James R. Peel

FILED
OCT 20 1999
DEPARTMENT OF REAL ESTATE

By *June B. Chan*

JAMES R. PEEL, Counsel
State Bar #47055
Department of Real Estate
320 West 4th Street, Suite 350
Los Angeles, California 90013-1105

(213) 576-6913

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DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of) No. H-28281 LA
)
TERESA M. REY,) A C C U S A T I O N
)
Respondent.)
_____)

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against TERESA M. REY, alleges as follows:

I

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against TERESA M. REY, alleges as follows.

II.

TERESA M. REY (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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III

At all times herein mentioned, respondent was licensed by the Department of Real Estate as a real estate salesperson.

IV

On or about May 22, 1999, respondent, acting on behalf of others in expectation of compensation, negotiated the sale of real property located at 1852 S. Summerplace, West Covina, California ("property") from Randall C. Moyer ("seller") to Roxanne Alcay ("buyer")

V

In connection with the above sale, respondent, represented to the seller that respondent had received a \$1,000 earnest money deposit on behalf of the buyer towards the purchase of the property. Such representation was false in that respondent had not received any funds from the buyer.

VI

Respondent's conduct in this matter caused the property to be off the market for over 1 month. In addition, respondent moved his belongings to Utah at considerable expense believing the property was sold.

VII

The conduct of respondent, as alleged above, subjects her real estate licenses and license rights to suspension or revocation pursuant to Section 10176(a) of the Code.

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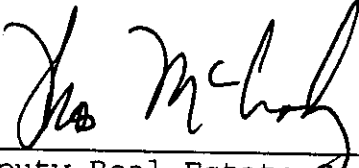
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WHEREFORE, Complainant prays that a hearing be conducted on the allegations made by this Accusation and, that upon proof thereof, a decision be rendered imposing disciplinary action against all licenses and licensing rights of TERESA M. REY under the 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 OCT 20 1999


Deputy Real Estate Commissioner

cc: Teresa M. Rey
Bill Mota
Sacto.
EC
TM

JRP:lbo