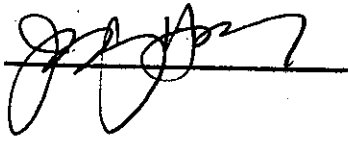


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FILED
SEP 26 2002

DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
ELISA LUGO,	NO. H-28799 LA
Respondent.	

AMENDED ORDER SUSPENDING RESTRICTED REAL ESTATE LICENSE

TO: ELISA LUGO:

On October 25, 2001, a restricted real estate salesperson license was issued by the Department of Real Estate to Respondent on the terms, conditions and restrictions set forth in the Real Estate Commissioner's Order of September 25, 2001, in case No. H-28799 LA. This Order, which was effective October 25, 2001, granted Respondent the right to the issuance of a restricted real estate salesperson license subject to the provisions of Section 10156.7 of the Business and Professions Code and to enumerated additional terms, conditions and restrictions imposed under authority of Section 10156.6 of said Code.

1 Among those terms, conditions and restrictions,
2 Respondent was required, within six (6) months of the effective
3 date of the Decision, to take and pass the Professional
4 Responsibilities Examination. The Commissioner has determined
5 that as of May 23, 2002, Respondent has failed to satisfy this
6 condition, and as such, is in violation of Section 10177(k) of
7 the Business and Professions Code.

8 Additionally, Respondent was required to submit, within
9 nine (9) months from the effective date the Decision, evidence of
10 having completed 45 hours of approved continuing education
11 offerings as set forth in Section 10170, et seq. of the Real
12 Estate Law. The Commissioner has determined that as of July 25,
13 2002, Respondent has failed to satisfy this condition, and as
14 such, is in violation of Section 10177(k) of the Business and
15 Professions Code.

16 NOW, THEREFORE, IT IS ORDERED under authority of
17 Section 10156.7 of the Business and Professions Code of the State
18 of California that the restricted real estate salesperson license
19 heretofore issued to respondent and the exercise of any
20 privileges thereunder is hereby suspended until such time as
21 Respondent provides satisfactory proof to the Department of
22 compliance with the "condition(s)" referred to above, or pending
23 final determination made after hearing (see "Hearing Rights" set
24 forth below)

25 IT IS FURTHER ORDERED that all license certificates and
26 identification cards issued by Department which are in the
27 possession of respondent be immediately surrendered by personal

1 delivery or by mailing in the enclosed, self-addressed envelope
2 to:

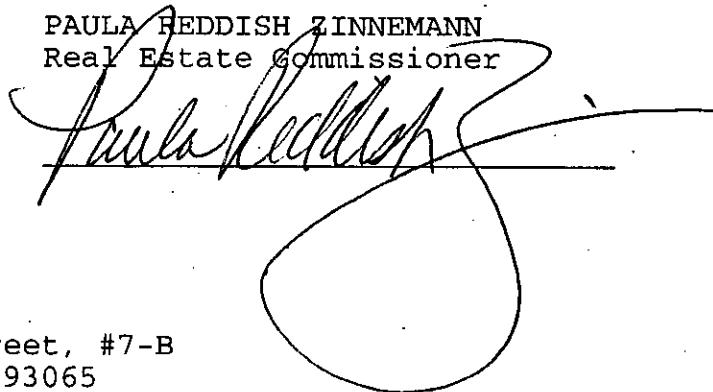
3 Department of Real Estate
4 Attn: Flag Section
5 P. O. Box 187000
6 Sacramento, CA 95818-7000

7 HEARING RIGHTS: Pursuant to the provisions of Section
8 10156.7 of the Business and Professions Code, you have the right
9 to a hearing to contest the Commissioner's determination that you
10 are in violation of Section 10177(k). If you desire a hearing,
11 you must submit a written request. The request may be in any
12 form, as long as it is in writing and indicates that you want a
13 hearing. Unless a written request for a hearing, signed by or on
14 behalf of you, is delivered or mailed to the Department at 320
15 West 4th Street, Suite 350, Los Angeles, California, 90013-1105
16 within 20 days after the date that this Order was mailed to or
17 served on you, the Department will not be obligated or required
18 to provide you with a hearing.

19 This Order shall be effective immediately.

20 DATED: September 19, 2002

21 PAULA HEDDISH ZINNEBANN
22 Real Estate Commissioner

23 
24

25 cc: Elisa Lugo
26 2720 Cochran Street, #7-B
27 Simi Valley, CA 93065

Thomas Stephen Mackel
2720 Cochran Street, #7-B
Simi Valley, CA 93065

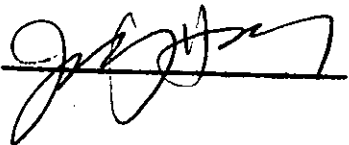
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FILED
JUN 27 2002

DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
)	NO. H-28799 LA
)	
ELISA LUGO,)
)	
Respondent.)
)	

ORDER SUSPENDING RESTRICTED REAL ESTATE LICENSE

TO: ELISA LUGO:

On October 25, 2001, a restricted real estate salesperson license was issued by the Department of Real Estate to Respondent on the terms, conditions and restrictions set forth in the Real Estate Commissioner's Order of September 25, 2001, in case No. H-28799 LA. This Order, which was effective October 25, 2001, granted Respondent the right to the issuance of a restricted real estate salesperson license subject to the provisions of Section 10156.7 of the Business and Professions Code and to enumerated additional terms, conditions and restrictions imposed under authority of Section 10156.6 of said Code.

1 Among those terms, conditions and restrictions,
2 Respondent was required, within six (6) months of the effective
3 date of the Decision, to take and pass the Professional
4 Responsibilities Examination. The Commissioner has determined
5 that as of May 23, 2002, Respondent has failed to satisfy this
6 condition, and as such, is in violation of Section 10177(k) of
7 the Business and Professions Code.

8 NOW, THEREFORE, IT IS ORDERED under authority of
9 Section 10156.7 of the Business and Professions Code of the State
10 of California that the restricted real estate salesperson license
11 heretofore issued to respondent and the exercise of any
12 privileges thereunder is hereby suspended until such time as
13 Respondent provides satisfactory proof to the Department of
14 compliance with the "condition(s)" referred to above, or pending
15 final determination made after hearing (see "Hearing Rights" set
16 forth below)

17 IT IS FURTHER ORDERED that all license certificates and
18 identification cards issued by Department which are in the
19 possession of respondent be immediately surrendered by personal
20 delivery or by mailing in the enclosed, self-addressed envelope
21 to:

22 Department of Real Estate
23 Attn: Flag Section
24 P. O. Box 187000
25 Sacramento, CA 95818-7000

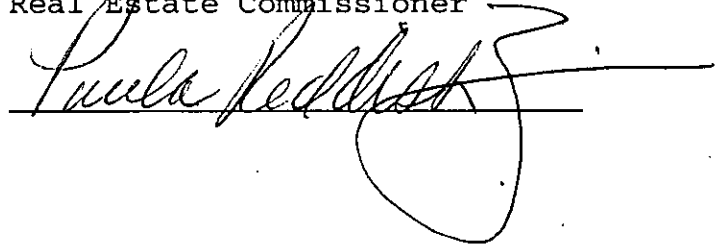
26 HEARING RIGHTS: Pursuant to the provisions of Section
27 10156.7 of the Business and Professions Code, you have the right

1 to a hearing to contest the Commissioner's determination that you
2 are in violation of Section 10177(k). If you desire a hearing,
3 you must submit a written request. The request may be in any
4 form, as long as it is in writing and indicates that you want a
5 hearing. Unless a written request for a hearing, signed by or on
6 behalf of you, is delivered or mailed to the Department at 320
7 West 4th Street, Suite 350, Los Angeles, California, 90013-1105
8 within 20 days after the date that this Order was mailed to or
9 served on you, the Department will not be obligated or required
10 to provide you with a hearing.

11 This Order shall be effective immediately.

12 DATED: June 24, 2002

13
14 PAULA REDDISH ZINNEMANN
Real Estate Commissioner

15 
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19

20
21 cc: Elisa Lugo
2720 Cochran Street, #7-B
22 Simi Valley, CA 93065

23 Thomas Stephen Mackel
2720 Cochran Street, #7-B
24 Simi Valley, CA 93065

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FILED

OCT - 5 2001

DEPARTMENT OF REAL ESTATE

By 

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DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-28799 LA
)	
ELISA LUGO and KEN THOMAS,)	L-2000100244
)	<u>STIPULATION AND AGREEMENT</u>
Respondents.)	

It is hereby stipulated by and between ELISA LUGO (referred to as Respondent), acting by and through her attorney Frank M. Buda, Esq., and the Complainant, acting by and through Sean Crahan, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on September 29, 2000, 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

1 submitted solely on the basis of the provisions of this
2 Stipulation And Agreement (hereafter Stipulation).

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

7 3. On October 5, 2000, Respondent filed a Notice of
8 Defense pursuant to Section 11506 of the Government Code for the
9 purpose of requesting a hearing on the allegations in the
10 Accusation. Respondent hereby freely and voluntarily withdraws
11 said Notice of Defense. Respondent acknowledges that she
12 understands that by withdrawing said Notice of Defense, she will
13 thereby waive her right to require the Commissioner to prove the
14 allegations in the Accusation at a contested hearing held in
15 accordance with the provisions of the APA and that she will waive
16 other rights afforded to her in connection with the hearing such
17 as the right to present evidence in defense of the allegations in
18 the Accusation and the right to cross-examine witnesses.

19 4. This Stipulation and Agreement relates to the
20 factual allegations contained in paragraphs one (1) through
21 twenty five (25) and thirty (30) through thirty three (33) in the
22 Accusation filed in this proceeding. Respondent chooses not to
23 contest these factual allegations and to remain silent and
24 understands that, as a result thereof, these factual allegations,
25 without being admitted or denied, will serve as a basis for the
26 discipline stipulated to herein. This Stipulation and Agreement
27 and the findings based on Respondent's decision not to contest

1 the Accusation is hereby expressly limited to this proceeding and
2 made for the sole purpose of reaching an agreed disposition of
3 this proceeding, only. Respondent's decision not to contest the
4 factual allegations is made solely for the purpose of
5 effectuating this Stipulation and is intended by Complainant and
6 Respondent to be non-binding upon her in any actions against
7 Respondent by third parties and shall not be deemed, used, or
8 accepted as an acknowledgement or admission. The Real Estate
9 Commissioner shall not be required to provide further evidence to
10 prove such allegations.

11 5. It is understood by the parties that the Real
12 Estate Commissioner may adopt the Stipulation And Agreement as
13 her Decision in this matter, thereby imposing the penalty and
14 sanctions on Respondent's real estate licenses and/or license
15 rights as set forth in the below Order. In the event that the
16 Commissioner in her discretion does not adopt the Stipulation And
17 Agreement, it shall be void and of no effect, and Respondent
18 shall retain the right to a hearing and proceeding on the
19 Accusation under all the provisions of the APA and shall not be
20 bound by any admission or waiver made herein.

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

1 DETERMINATION OF ISSUES

2 By reason of the foregoing stipulations and waivers,
3 made solely for the purpose of settlement of the pending
4 Accusation without a hearing, it is stipulated and agreed that
5 the following Determination of Issues shall be made:

6 The conduct or omissions of Respondent ELISA LUGO, as
7 set forth in paragraphs one (1) through twenty five (25) and
8 thirty (30) through thirty three (33) in the Accusation
9 constitute cause to suspend or revoke her real estate salesperson
10 license and/or license rights under the provisions of Code
11 Sections 10177(f), 10177(g) and 10177(d) for violating Code
12 Section 10130.

13 ORDER

14 WHEREFORE, THE FOLLOWING ORDER is hereby made:

15 All licenses and license rights of Respondent ELISA
16 LUGO under Part 1 of Division 4 of the Business and Professions
17 Code are revoked; provided, however, a restricted real estate
18 salesperson license shall be issued to Respondent ELISA LUGO
19 pursuant to Section 10156.5 of the Code if Respondent makes
20 application therefor and pays to the Department of Real Estate
21 the appropriate fee for said license within ninety (90) days from
22 the effective date of the Decision. The restricted license
23 issued to Respondent ELISA LUGO shall be subject to all of the
24 provisions of Section 10156.7 of the Business and Professions
25 Code and to the following limitations, conditions and
26 restrictions imposed under authority of Section 10156.6 of said
27 Code:

1 A. Any restricted license issued to Respondent ELISA
2 LUGO shall be suspended for ninety (90) days from the date of
3 issuance of said restricted license.

4 B. The restricted license issued to Respondent ELISA
5 LUGO shall be subject to all of the provisions of Section 10156.7
6 of the Business and Professions Code and to the following
7 limitations, conditions and restrictions imposed under authority
8 of Section 10156.6 of said Code:

9 (1) The restricted license may be suspended prior
10 to hearing by order of the Real Estate Commissioner in the event
11 of Respondent ELISA LUGO's conviction or plea of nolo contendere
12 to a crime which bears a significant relation to Respondent's
13 fitness or capacity as a real estate licensee.

14 (2) The restricted license may be suspended prior
15 to hearing by Order of the Real Estate Commissioner on evidence
16 satisfactory to the Commissioner that Respondent ELISA LUGO has,
17 during the time she holds a restricted license, violated
18 provisions of the California Real Estate Law, the Subdivided
19 Lands Law, Regulations of the Real Estate Commissioner, or the
20 conditions attaching to the restricted license.

21 (3) Respondent ELISA LUGO, during the time she
22 holds a restricted license, shall not own an interest in, control
23 or manage any business which performs acts requiring a real
24 estate license.

25 (4) Respondent ELISA LUGO, during the time she
26 holds a restricted license, shall not have access to trust funds
27 nor shall she be a signatory on any account used for the receipt

1 and disposition of trust funds received in transactions for which
2 a real estate license is required. All trust funds received by
3 Respondent in transactions for which a license is required shall
4 be placed into the hands of Respondent's real estate broker.

5 (5) Respondent ELISA LUGO shall not be eligible
6 to apply for the issuance of an unrestricted real estate license
7 nor the removal of any of the conditions, limitations or
8 restrictions of a restricted license until three (3) years have
9 elapsed from the date of issuance of the restricted license to
10 Respondent.

11 (6) Respondent ELISA LUGO shall submit with any
12 application for license under an employing broker, or any
13 application for transfer to a new employing broker, a statement
14 signed by the prospective employing real estate broker on a form
15 approved by the Department of Real Estate which shall certify:

16 (a) That the employing broker has read the
17 Accusation filed herein and the Decision of
18 the Commissioner which granted the right to a
19 restricted license; and

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

24 (7) Respondent ELISA LUGO shall, within nine
25 months from the effective date of this Decision, present evidence
26 satisfactory to the Real Estate Commissioner that Respondent has,
27 since the most recent issuance of an original or renewal real

1 estate license, taken and successfully completed the continuing
2 education requirements of Article 2.5 of Chapter 3 of the Real
3 Estate Law for renewal of a real estate license. If Respondent
4 fails to satisfy this condition, the Commissioner may order the
5 suspension of the restricted license until the Respondent
6 presents such evidence. The Commissioner shall afford Respondent
7 the opportunity for a hearing pursuant to the Administrative
8 Procedure Act to present such evidence.

9 (8) Respondent LUGO shall, within six months from
10 the effective date of this Decision, take and pass the
11 Professional Responsibility Examination administered by the
12 Department including the payment of the appropriate examination
13 fee. If Respondent fails to satisfy this condition, the
14 Commissioner may order suspension of Respondent's license until
15 Respondent passes the examination.

16
17 DATED: 8-30-01


SEAN CRAHAN, Counsel for
Complainant.

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I have read the Stipulation And Agreement, 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: 8-21-01


ELISA LUGO, Respondent.

DATED: 8-27-01


FRANK M. BUDA, Esq. Counsel for Respondent Elisa Lugo, approved as to form.

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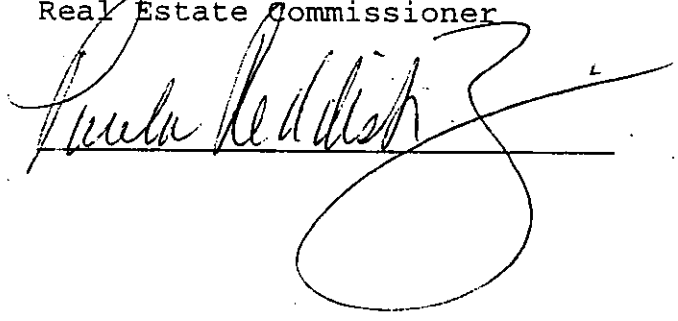
* * * * *

The foregoing Stipulation And Agreement is hereby
adopted as my Decision and shall become effective at 12 o'clock
noon on October 25, 2001

IT IS SO ORDERED

September 15, 2001

PAULA REDDISH ZINNEMANN
Real Estate Commissioner



Hand
File

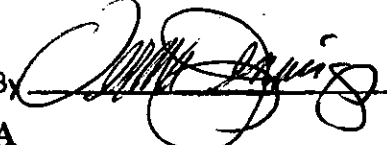
BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
AUG 16 2001
DEPARTMENT OF REAL ESTATE

* * * *

In the Matter of the Accusation of)
)
ELISA LUGO, et al.,)
)
Respondents.)

Case No. H-28799 LA
OAH No. L-2000100244

By: 

NOTICE OF CONTINUED 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 West Fourth Street, Suite 630, Los Angeles, California, on December 5, 6 and 7, 2001, 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.

Dated: August 16, 2001.

cc: Elisa Lugo
Frank M. Buda, Esq.
Sacto.
OAH

DEPARTMENT OF REAL ESTATE

By: 
SEAN CRAHAN, Counsel

FILED
JUL 13 2001
DEPARTMENT OF REAL ESTATE

By 

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DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-28799 LA
)	
ELISA LUGO and KEN THOMAS,)	L-2000100244
)	<u>STIPULATION AND AGREEMENT</u>
Respondents.)	

It is hereby stipulated by and between KEN THOMAS (referred to as Respondent), acting in propria persona, and the Complainant, acting by and through Sean Crahan, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on September 29, 2000, 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

Stip Ken Thomas

1 submitted solely on the basis of the provisions of this
2 Stipulation And Agreement (hereafter Stipulation).

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

7 3. On October 5, 2000, Respondent filed a Notice of
8 Defense pursuant to Section 11506 of the Government Code for the
9 purpose of requesting a hearing on the allegations in the
10 Accusation. Respondent hereby freely and voluntarily withdraws
11 said Notice of Defense. Respondent acknowledges that he
12 understands that by withdrawing said Notice of Defense, he will
13 thereby waive his right to require the Commissioner to prove the
14 allegations in the Accusation at a contested hearing held in
15 accordance with the provisions of the APA and that he will waive
16 other rights afforded to him in connection with the hearing such
17 as the right to present evidence in defense of the allegations in
18 the Accusation and the right to cross-examine witnesses.

19 4. This Stipulation and Agreement relates to the
20 factual allegations contained in paragraphs one (1) through
21 twenty five (25) and thirty (30) through thirty three (33) in the
22 Accusation filed in this proceeding. Respondent chooses not to
23 contest these factual allegations and to remain silent and
24 understands that, as a result thereof, these factual allegations,
25 without being admitted or denied, will serve as a basis for the
26 discipline stipulated to herein. This Stipulation and Agreement
27 and the findings based on Respondent's decision not to contest

1 the Accusation is hereby expressly limited to this proceeding and
2 made for the sole purpose of reaching an agreed disposition of
3 this proceeding, only. Respondent's decision not to contest the
4 factual allegations is made solely for the purpose of
5 effectuating this Stipulation and is intended by Complainant and
6 Respondent to be non-binding upon him in any actions against
7 Respondent by third parties and shall not be deemed, used, or
8 accepted as an acknowledgement or admission. The Real Estate
9 Commissioner shall not be required to provide further evidence to
10 prove such allegations.

11 5. It is understood by the parties that the Real
12 Estate Commissioner may adopt the Stipulation And Agreement as
13 her Decision in this matter, thereby imposing the penalty and
14 sanctions on Respondent's real estate licenses and/or license
15 rights as set forth in the below Order. In the event that the
16 Commissioner in her discretion does not adopt the Stipulation And
17 Agreement, it shall be void and of no effect, and Respondent
18 shall retain the right to a hearing and proceeding on the
19 Accusation under all the provisions of the APA and shall not be
20 bound by any admission or waiver made herein.

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

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DETERMINATION OF ISSUES

By reason of the foregoing stipulations and waivers, made 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:

The conduct or omissions of Respondent KEN THOMAS, as set forth in paragraphs one (1) through twenty five (25) and thirty (30) through thirty three (33) in the Accusation constitute cause to suspend or revoke his real estate broker license and/or license rights under the provisions of Code Sections 10177(f) and 10177(g).

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

All licenses and license rights of Respondent KEN THOMAS under Part 1 of Division 4 of the Business and Professions Code are revoked; provided, however, a restricted real estate salesperson license shall be issued to Respondent KEN THOMAS pursuant to Section 10156.5 of the Code if Respondent makes application therefor and pays to the Department of Real Estate the appropriate fee for said license within ninety (90) days from the effective date of the Decision. The restricted license issued to Respondent KEN THOMAS 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 said Code:

A. The restricted license issued to Respondent KEN

1 THOMAS shall be subject to all of the provisions of Section
2 10156.7 of the Business and Professions Code and to the following
3 limitations, conditions and restrictions imposed under authority
4 of Section 10156.6 of said Code:

5 (1) The restricted license may be suspended prior
6 to hearing by order of the Real Estate Commissioner in the event
7 of Respondent KEN THOMAS's conviction or plea of nolo contendere
8 to a crime which bears a significant relation to Respondent's
9 fitness or capacity as a real estate licensee.

10 (2) The restricted license may be suspended prior
11 to hearing by Order of the Real Estate Commissioner on evidence
12 satisfactory to the Commissioner that Respondent KEN THOMAS has,
13 during the time he holds a restricted license, violated
14 provisions of the California Real Estate Law, the Subdivided
15 Lands Law, Regulations of the Real Estate Commissioner, or the
16 conditions attaching to the restricted license.

17 (3) Respondent KEN THOMAS, during the time he
18 holds a restricted license, shall not own an interest in, control
19 or manage any business which performs acts requiring a real
20 estate license.

21 (4) Respondent KEN THOMAS shall not be eligible
22 to apply for the issuance of an unrestricted real estate license
23 nor the removal of any of the conditions, limitations or
24 restrictions of a restricted license until two (2) years have
25 elapsed from the date of issuance of the restricted license to
26 Respondent.

27 (5) Respondent KEN THOMAS shall submit with any

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

5 (a) That the employing broker has read the
6 Accusation filed herein and the Decision of
7 the Commissioner which granted the right to a
8 restricted license; and


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

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

25 (7) Respondent KEN THOMAS shall, within six
26 months from the effective date of this Decision, take and pass
27 the Professional Responsibility Examination administered by the

1 Department including the payment of the appropriate examination
2 fee. If Respondent fails to satisfy this condition, the
3 Commissioner may order suspension of Respondent's license until
4 Respondent passes the examination.

5
6 DATED: 5-17-01


SEAN CRAHAN, Counsel for
Complainant.

8 * * * * *

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

20
21 DATED: 4-30-01


KEN THOMAS, Respondent.

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27
Stip Ken Thomas

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* * * * *

The foregoing Stipulation And Agreement is hereby
adopted as my Decision as to Respondent KEN THOMAS and shall
become effective at 12 o'clock noon on
August 2, 2001

IT IS SO ORDERED

June 26, 2001

PAULA REDDISH ZINNE MANN
Real Estate Commissioner

Paula Reddish

REC-1149

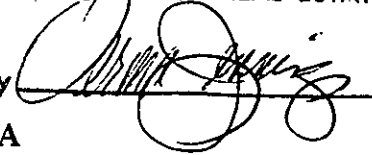
BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
MAR - 7 2001
DEPARTMENT OF REAL ESTATE

* * * *

In the Matter of the Accusation of)
)
ELISA LUGO and KEN THOMAS,)
)
Respondents.)

Case No. H-28799 LA
OAH No. L-2000100244

By 

NOTICE OF CONTINUED HEARING ON ACCUSATION

To the above-named Respondents:

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, Suite 630, Los Angeles, California, on April 3 and 4, 2001, 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.

Dated: March 7, 2001.

cc: Elisa Lugo
Ken Thomas
Frank M. Buda, Esq.
Sacto.
OAH

DEPARTMENT OF REAL ESTATE

By: 
SEAN CRAHAN, Counsel

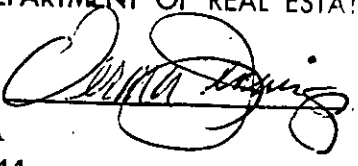
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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
JAN -9 2001
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of)
)
ELISA LUGO and KEN THOMAS,)
)
Respondents.)

Case No. H-28799 LA
OAH No. L-2000100244

By 

NOTICE OF CONTINUED HEARING ON ACCUSATION

To the above-named Respondents:

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, Suite 630, Los Angeles, California, on March 12 and 13, 2001; 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.

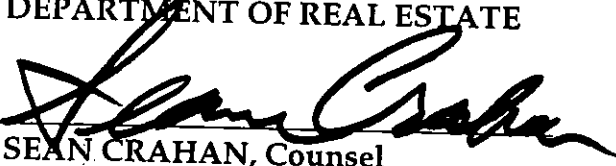
You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented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

Dated: January 9, 2001.

cc: Elisa Lugo
Ken Thomas
Frank M. Buda, Esq.
Sacto.
OAH

DEPARTMENT OF REAL ESTATE
By: 
SEAN CRAHAN, Counsel

SACTO
1/16/01

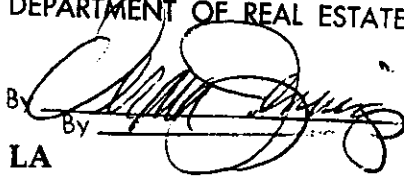
BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
OCT 30 2000
DEPARTMENT OF REAL ESTATE

* * * * *

In the Matter of the Accusation of)
)
ELISA LUGO and KEN THOMAS,)
)
Respondents.)

Case No. H-28799 LA
OAH No. L-2000100244

By 

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 West Fourth Street, Suite 630, Los Angeles, California, on **January 17 and 18, 2001**, 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.

Dated: October 30, 2000.

cc: Elisa Lugo
Ken Thomas
Sacto.
OAH

DEPARTMENT OF REAL ESTATE

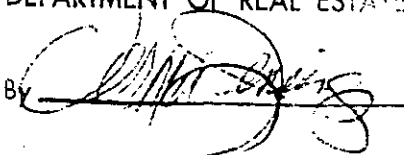
By: 
DARLENE AVERETTA, Counsel

5/20/00
Klag

1 DARLENE AVERETTA, Counsel
2 (SBN 159969)
3 Department of Real Estate
320 West 4th Street, Suite 350
Los Angeles, California 90013-1105

4 Telephone: (213) 576-6982
5 (Direct) (213) 576-6904

FILED
SEP 29 2000
DEPARTMENT OF REAL ESTATE

By 

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) NO. H-28799 LA
12 ELISA LUGO and KEN THOMAS,) ACCUSATION
13 Respondents.)
14 _____)

15 The Complainant, Thomas McCrady, a Deputy Real Estate
16 Commissioner of the State of California, for cause of Accusation
17 against ELISA LUGO and KEN THOMAS, is informed and alleges as
18 follows:

19 1.

20 The Complainant, Thomas McCrady, a Deputy Real Estate
21 Commissioner of the State of California, makes this Accusation
22 in his official capacity.

23 2.

24 ELISA LUGO also known as Elisa Orozco, doing business
25 as Golden Financial, Mission Plaza Realty and Pacific Coast
26 Service(s) ("LUGO") and KEN THOMAS ("THOMAS") are presently
27 licensed and/or have license rights under the Real Estate Law,

1 Part 1 of Division 4 of the Business and Professions Code
2 ("Code").

3 3.

4 Effective April 8, 1998, LUGO was originally licensed
5 by the Department of Real Estate of the State of California
6 ("Department") as a real estate salesperson, with no employing
7 broker. Effective September 20, 1985, THOMAS was originally
8 licensed by the Department as a real estate broker.

9 4.

10 PRIOR DISCIPLINE

11 On or about August 14, 1997, in Department Case No.
12 H-27273 LA, an Order to Desist and Refrain was filed against
13 LUGO for violation of Code Section 10130. LUGO was ordered to
14 desist and refrain from performing any and all acts for which a
15 real estate license is required until she obtained the required
16 license from the Department.

17 FIRST CAUSE OF ACCUSATION

18 5.

19 In or about December, 1997, while not licensed by
20 the Department, LUGO solicited Jose and Graciela Palomino
21 ("Palominos") to obtain a loan on their real property located
22 at 312 Rose, Farmersville, California. LUGO negotiated the terms
23 of a loan with the Palominos and prepared the loan application
24 and loan documentation for them.

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6.

From January through March, 1998, LUGO did not obtain a loan for the Palominos. On or about April 17, 1998, Respondent submitted the Palominos loan application through Golden Financial to California/Equicredit Corporation ("Equicredit).

7.

In or about May 1998, Equicredit approved a loan in the amount of Twenty-Five Thousand Dollars (\$25,000) for the Palominos. On or about May 21, 1998, Respondent submitted a Final Broker Demand to Equicredit requesting a fee in the amount of Two Thousand Two Hundred Fifty Dollars (\$2,250).

8.

The settlement date of said loan was May 23, 1998. Borrower fees totaled Three Thousand Three Hundred Forty-Eight Dollars (\$3,348), including \$2,250 that was paid from Borrower loan fund proceeds at settlement to Golden Financial.

9.

On or about May 27, 1998, Equicredit issued the Palominos loan proceeds check no. 14001722, in the amount of Twenty-One Thousand Six Hundred Forty-Two Dollars (\$21,642). Thereafter, Respondent attempted to deposit the Palominos proceeds check into her business checking account no. 0634049464, at Wells Fargo Bank. The Palominos had not authorized LUGO to deposit their proceeds check into her bank account, and Wells Fargo Bank did not release the funds.

///

10.

1
2 Thereafter, LUGO represented to the Palominos that
3 they would get the funds in two (2) days if they signed a letter
4 authorizing a release of the funds. On or about June 22, 1998,
5 in reliance on LUGO's representation, the Palominos signed a
6 release letter. Wells Fargo did not release the funds. On or
7 about August 11, 1998, Equicredit wired the funds to the
8 Palominos.

11.

9
10 The conduct, acts and/or omissions of LUGO, as
11 described in Paragraphs 5 through 8, above, are the acts of a
12 real estate broker within the meaning of Code Section 10131(d)
13 and are in violation of Code Section 10130. Said conduct, acts
14 and/or omissions, constitute cause for the suspension or
15 revocation of LUGO's real estate license and license rights
16 under the provisions of Code Section 10177(d).

12.

17
18 The conduct, acts and/or omissions of LUGO, as
19 described in Paragraphs 9 through 10, herein above, constitute
20 fraud and/or dishonest dealing, and is cause for the suspension
21 or revocation of LUGO's real estate license and license rights,
22 under the provisions of Code Section 10177(f) and/or 10177(j).

23 SECOND CAUSE OF ACCUSATION

13.

24
25 Complainant incorporates herein by reference the
26 Preamble and the allegations of Paragraphs 1 through 12,
27 inclusive, herein above.

14.

1
2 In or about December, 1997, while not licensed by
3 the Department, LUGO solicited Alberto and Guadalupe Arias
4 ("Arias") to obtain a loan on their real property located
5 at 10526 Telfair Street, Pacoima, California. LUGO represented
6 to the Arias that they could obtain a government/no-interest
7 loan in the amount of Ten Thousand Dollars (\$10,000) and that
8 all payments would be deferred unless they refinanced or sold
9 their home.

15.

10
11 LUGO negotiated the terms of a loan with the Arias and
12 prepared the loan documentation for them. The Arias only speak
13 and read Spanish. LUGO spoke to the Arias in Spanish, however,
14 the loan documents she provided to them were in English.

16.

15
16 In reliance on LUGO's representations, the Arias
17 signed the loan documents. LUGO did not provide copies of the
18 loan documents to the Arias.

17.

19
20 LUGO submitted the Arias loan application to Westpac
21 Financial Services, Inc., dba Citi Home Loan ("Westpac"), for a
22 loan in the amount of Twenty-Five Thousand Dollars (\$25,000).

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18.

In or about January 1998, Westpac approved a loan in the amount of \$25,000 for the Arias. On or about January 29, 1998, Westpac issued the Arias loan proceeds check no. 5318, in the amount of Twenty-Three Thousand Five Hundred Seventeen Dollars (\$23,517). Westpac sent said check to LUGO.

19.

LUGO deposited the Arias proceeds check into her business bank account. Thereafter, LUGO issued the Arias check no. 3193 in the amount of \$10,000. Said check was drawn on Pacific Coast Services account no. 063404946.

20.

The Arias believed the \$10,000 check was their loan proceeds and they used the funds to make home repairs.

21.

Thereafter the Arias were informed by a representative of a company by the name of Litton that they were behind in their loan payments. The Arias informed the representative that they were not aware of a loan on the terms the representative stated. The representative sent the Arias a copy of the loan documents.

22.

The Arias had not agreed to borrow \$25,000, with an interest rate of 13.9%, or to make monthly payments, and they had never seen the \$23,517 Westpac check. The Arias confronted Respondent about the loan amount and terms, and demanded that she give them the rest of the loan proceeds.

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23.

LUGO did not give the Arias the rest of the loan proceeds. However, on or about August 15, 1998, Respondent sent the Arias check no. 0699, in the amount of \$3,000. Said check was drawn on the account of Golden Financial.

24.

The conduct, acts and/or omissions of LUGO, as described in Paragraphs 14 through 17, above, are the acts of a real estate broker within the meaning of Code Section 10131(d) and are in violation of Code Section 10130. Said conduct, acts and/or omissions constitute cause for the suspension or revocation of LUGO's real estate license and license rights under the provisions of Code Section 10177(d).

25.

The conduct, acts and/or omissions of LUGO, as described in Paragraphs 18 through 23 herein above, constitute fraud and/or dishonest dealing and is cause for the suspension or revocation of LUGO's real estate license and license rights under the provisions of Code Section 10177(f) and/or 10177(j).

THIRD CAUSE OF ACCUSATION

26.

Complainant incorporates herein by reference the Preamble and the allegations of Paragraphs 1 through 25, inclusive, herein above.

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27.

LUGO made application to the Department for a real estate salesperson license on or about March 24, 1998.

28.

In response to Question 18 on LUGO's application, to wit: "Have you used any other names (i.e., maiden name, AKA's, etc.)?", LUGO marked the answer box denoting "No". LUGO failed to reveal that she had previously used the name, "Orozco" (the name under which Order to Desist and Refrain H-27273 LA was issued).

29.

LUGO's failure to reveal her prior name constitutes the procurement of a real estate license by fraud, misrepresentation, or deceit, or by making a material misrepresentation of fact, or by making a knowing misrepresentation of a material fact, or knowingly omitting to state a material fact, in her real estate license application. Said conduct, act(s) and/or omission(s) constitute cause under Code Section 498 and/or 10177(a) for suspension or revocation of LUGO's license and license rights under the Real Estate Law.

FOURTH CAUSE OF ACCUSATION

30.

Complainant incorporates herein by reference the Preamble and the allegations of Paragraphs 1 through 29, inclusive, herein above.

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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 Respondents, ELISA LUGO and KEN THOMAS, 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 29th day of September, 2000.



Deputy Real Estate Commissioner

cc: Elisa Lugo
Ken Thomas
Thomas McCrady
Sacto.
JP