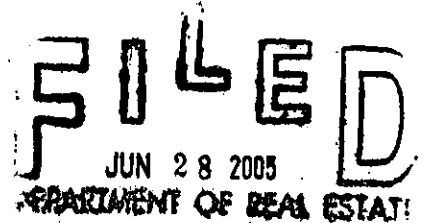


1 Department of Real Estate
2 320 West Fourth Street, #350
3 Los Angeles, California 90013

4 (213) 576-6982
5 (213) 576-6907



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8
9 BEFORE THE DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of)
13) DRE No. H-31786 LA
14 EDITH AGUIRRE,) OAH No. L-2005040438
15) STIPULATION AND AGREEMENT
16)
17 Respondent.)

18 It is hereby stipulated by and between EDITH AGUIRRE,
19 Respondent, represented by Fredrick M. Ray, Esq., and the
20 Complainant, acting by and through Martha J. Rosett, Counsel
21 for the Department of Real Estate, as follows for the purpose
22 of settling and disposing of the Accusation filed on March 24,
23 2005, in this matter:

24 1. All issues which were to be contested and all
25 evidence which was to be presented by Complainant and
26 Respondent at a formal hearing on the Accusation, which hearing
27 was to be held in accordance with the provisions of the
Administrative Procedure Act (APA), shall instead and in place

1 thereof be submitted solely on the basis of the provisions of
2 this Stipulation and Agreement.

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

7 3. On April 4, 2005, Respondent filed a Notice of
8 Defense pursuant to Section 11506 of the Government Code for
9 the purpose of requesting a hearing on the allegations in the
10 Accusation. In order to effectuate this settlement, Respondent
11 hereby freely and voluntarily withdraws said Notice of Defense.
12 Respondent acknowledges that she understands that by
13 withdrawing said Notice of Defense, she will thereby waive her
14 right to require the Commissioner to prove the allegations in
15 the Accusation at a contested hearing held in accordance with
16 the provisions of the APA and that he will waive other rights
17 afforded to her in connection with the hearing such as the
18 right to present evidence in defense of the allegations in the
19 Accusation and the right to cross-examine witnesses.

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

26 5. It is understood by the parties that the Real
27 Estate Commissioner may adopt the Stipulation and Agreement as

1 his Decision in this matter, thereby imposing the penalty and
2 sanctions on Respondent's real estate license and license
3 rights as set forth in the below "Order." In the event that
4 the Commissioner in his discretion does not adopt the
5 Stipulation and Agreement, it shall be void and of no effect,
6 and Respondent shall retain the right to a hearing and
7 proceeding on the Accusation under all the provisions of the
8 APA and shall not be bound by any stipulation or waiver made
9 herein.

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

17 7. The admissions herein, and Respondent's decision
18 not to contest the Accusation, are made solely for the purpose
19 of reaching an agreed disposition of this proceeding and are
20 expressly limited to this proceeding, and any other proceeding
21 or case in which the Department of Real Estate or another
22 licensing agency of this state, another state, or if the
23 federal government is involved, and otherwise shall not be
24 admissible in any other criminal or civil proceedings.

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1 nolo contendere to a crime which is substantially related to
2 Respondent's fitness or capacity as a real estate licensee.

3 2. The restricted license issued to Respondent may
4 be suspended prior to hearing by Order of the Commissioner on
5 evidence satisfactory to the Commissioner that Respondent has
6 violated provisions of the California Real Estate Law, the
7 Subdivided Lands Law, Regulations of the Real Estate
8 Commissioner or conditions attaching to the restricted license.

9 3. Respondent shall not be eligible to apply for the
10 issuance of an unrestricted real estate license nor for the
11 removal of any of the conditions, limitations or restrictions
12 of a restricted license until two (2) years have elapsed from
13 the effective date of this Decision.

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

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

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

26 5. Respondent shall, within nine months from the
27 effective date of this Decision, present evidence satisfactory

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

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12
13 DATED:

6/21/05



MARTHA J. ROSETT
Counsel for Complainant

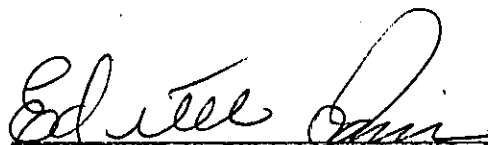
14
15 * * *

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

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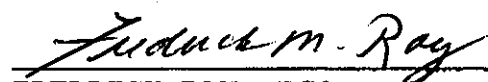
Respondent may signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by faxing a copy of its signature page, as actually signed by Respondent, to the Department at the following fax number (213) 576-6917. Respondent agrees, acknowledges and understands that by electronically sending to the Department a fax copy of her actual signature as it appears on the Stipulation, that receipt of the faxed copy by the Department shall be as binding on Respondent as if the Department had received the original signed Stipulation and Agreement.

DATED: 6-15-05



EDITH AGUIRRE
Respondent

DATED: 6/15/05



FREDRICK RAY, ESQ.
Attorney for Respondent

* * *

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

IT IS SO ORDERED _____.

JEFF DAVI
Real Estate Commissioner

1 Respondent may signify acceptance and approval of the
2 terms and conditions of this Stipulation and Agreement by faxing
3 a copy of its signature page, as actually signed by Respondent,
4 to the Department at the following fax number (213) 576-6917.
5 Respondent agrees, acknowledges and understands that by
6 electronically sending to the Department a fax copy of her actual
7 signature as it appears on the Stipulation, that receipt of the
8 faxed copy by the Department shall be as binding on Respondent as
9 if the Department had received the original signed Stipulation
10 and Agreement.

11
12 DATED: _____

EDITH AGUIRRE
Respondent

13
14 DATED: _____

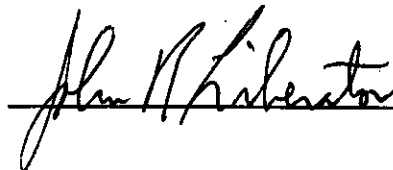
FREDRICK RAY, ESQ.
Attorney for Respondent

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17 * * *

18 The foregoing Stipulation and Agreement is hereby
19 adopted as my Decision in this matter and shall become
20 effective at 12 o'clock noon on July 18, 2005.

21 IT IS SO ORDERED June 27, 2005.

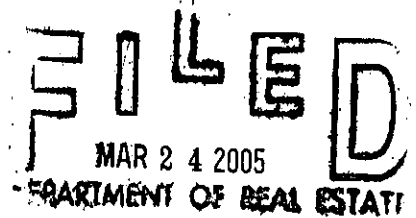
22 JEFF DAVI
23 Real Estate Commissioner

24 
25 _____

26 BY: John R. Liberator
27 Chief Deputy Commissioner

1 MARTHA J. ROSETT, Counsel (SBN 142072)
2 Department of Real Estate
3 320 West Fourth St., #350
4 Los Angeles, CA 90013-1105

5 (213) 576-6982
6 (213) 576-6907



7
8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * * *

11 In the Matter of the Accusation of)	No. H-31786 LA
12 EDITH AGUIRRE,)	<u>A C C U S A T I O N</u>
13 Respondent.)	
14 _____)	

15 The Complainant, Maria Suarez, a Deputy Real Estate
16 Commissioner of the State of California, for cause of Accusation
17 against EDITH AGUIRRE (hereinafter "Respondent"), is informed and
18 alleges as follows:

19 I

20 The Complainant, Maria Suarez, a Deputy Real Estate
21 Commissioner of the State of California, makes this Accusation in
22 her official capacity.

23 II

24 At all times herein mentioned, Respondent was and still
25 is licensed and/or has license rights under the Real Estate Law
26 (Part 1 of Division 4 of the Business and Professions Code) as a
27

1 real estate salesperson. Respondent was first licensed by the
2 Department on or about February 10, 2000.

3 III

4 On or about August 29, 2002, in the Superior Court of
5 the State of California, County of Orange, in Case No. 02HM03608,
6 Respondent was convicted of violating California Penal Code
7 Section 113 (Selling False Government Documents), a misdemeanor.
8 This crime involves moral turpitude and is substantially related
9 to the qualifications, functions and duties of a real estate
10 licensee pursuant to Title 10, Chapter 6 of the California Code
11 of Regulations, Regulation 2910. Respondent was placed on
12 informal probation for three years under terms including payment
13 of fines to the court totaling \$675.00 and completion of 80 hours
14 of community service.

15 IV

16 Respondent's conviction, as set forth in Paragraph III,
17 above, constitutes cause for the revocation or suspension of
18 Respondent's license and/or license rights pursuant to Business
19 and Professions Code Sections 490 and/or 10177(b).

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

8 Dated at Los Angeles, California
9 this 18th day of March, 2005.

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11 
12 Deputy Real Estate Commissioner
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25 cc: Edith Aguirre
26 Enrique Moran
27 Sacto.
Maria Suarez
GD