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**FILED**

JAN 19 2010

DEPARTMENT OF REAL ESTATE

By *L. Frost*

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of  
ANDRA KARYN PUGLIESE,  
Respondent.

No. H-31893 LA

ORDER GRANTING REINSTATEMENT OF LICENSE

On January 12, 2006, in Case No. H-31893 LA, a Decision was rendered revoking the real estate salesperson license of Respondent effective February 14, 2006, but granting Respondent the right to the issuance of a restricted real estate salesperson license. A restricted real estate salesperson license was issued to Respondent on February 14, 2006, and Respondent has operated as a restricted licensee since that time.

On June 2, 2008, Respondent petitioned for the removal of restrictions attaching to Respondent's real estate salesperson license, and the Attorney General of the State of California has been given notice of the filing of the petition.

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

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

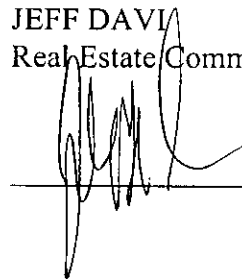
- 5                    1.    Submittal of a completed application and payment of the fee for a real  
6 estate salesperson license.
- 7                    2.    Submittal of evidence of having, since the most recent issuance of an  
8 original or renewal real estate license, taken and successfully completed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

11                    This Order shall become effective immediately.

12                    DATED: 12-2-09

13                    JEFF DAVIS  
14                    Real Estate Commissioner

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1 Department of Real Estate  
2 320 West Fourth Street, Suite 350  
3 Los Angeles, California 90013-1105  
4 Telephone: (213) 576-6982

FILED  
JAN 25 2008  
DEPARTMENT OF REAL ESTATE

By Laura B. Dim

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of ) H-31893 LA  
12 AUDRA KARYN PUGLIESE, ) L-2005060683  
13 Respondent. ) STIPULATION AND AGREEMENT  
14 )

15 It is hereby stipulated by and between AUDRA KARYN  
16 PUGLIESE (Respondent) and her attorney of record, Bruce G.  
17 Schwartz, Esq., and the Complainant, acting by and through  
18 KELVIN K. LEE, Counsel for the Department of Real Estate of the  
19 State of California (Department), as follows for the purpose of  
20 settling and disposing of the Accusation filed on May 6, 2005,  
21 in this matter:

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

submitted solely on the basis of the provisions of this  
Stipulation and Agreement (Stipulation).

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

3. On June 1, 2005, Respondent filed a Notice of  
Defense on Accusation pursuant to Section 11506 of the  
California Government Code for the purpose of requesting a  
hearing on the allegations in the Accusation. Respondent hereby  
freely and voluntarily withdraws said Notice of Defense on  
Accusation. Respondent acknowledges that she understands that  
by withdrawing said Notice of Defense on Accusation she will  
thereby waive her right to require the Real Estate Commissioner  
of the State of California (Commissioner) to prove the  
allegations in the Accusation at a contested hearing held in  
accordance with the provisions of the APA and that she will  
waive other rights afforded to her in connection with the  
hearing such as the right to present evidence in defense of the  
allegations in the Accusation and the right to cross-examine  
witnesses.

4. This Stipulation is based on the factual  
allegations contained in the Accusation filed in this  
proceeding. In the interest of expedience and economy,  
Respondent chooses not to contest these factual allegations  
but to remain silent and understands that, as a result thereof,  
these factual statements, without being admitted or denied,

1 will serve as a prima facie basis for the disciplinary action  
2 stipulated to herein. The Real Estate Commissioner shall not be  
3 required to provide further evidence to prove such allegations.

4 5. This Stipulation and Respondent's decision not to  
5 contest the Accusation are made for the purpose of reaching an  
6 agreed disposition of this proceeding and are expressly limited  
7 to this proceeding and any other proceeding or case in which the  
8 Department of Real Estate ("Department"), or another licensing  
9 agency of this state, another state, or if the federal  
10 government is involved and otherwise shall not be admissible in  
11 any other criminal or civil proceedings.

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

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

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 (Determination) shall be made:

The conduct, acts, and/or omissions of Respondent, AUDRA KARYN PUGLIESE, as set forth in the Accusation, constitute cause for the suspension or revocation of all the real estate licenses and license rights of Respondent AUDRA KARYN PUGLIESE under the provisions of Sections 490 and 10177(b) of the California Business and Professions Code (Code).

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

All licenses and licensing rights of Respondent AUDRA KARYN PUGLIESE, 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 Code if she makes application therefore and pays to the Department 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 Code and to the following conditions, limitations and restrictions imposed under the authority of Section 10156.6 of the Code:

1. The restricted license issued to Respondent may be

1 suspended prior to hearing by Order of the Commissioner in the  
2 event of his conviction or plea of nolo contendere to a crime  
3 which is substantially related to her fitness or capacity as a  
4 real estate salesperson licensee.

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

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


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

21 (a) That the employer broker has read the Decision of the  
22 Commissioner which granted the right to a restricted license:  
23 and

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

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

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14  
15 DATED: 1/03/06

  
KELVIN K. LEE, Counsel  
for Complainant, the  
Department of Real  
Estate

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19 I have read the Stipulation and discussed it with my  
20 counsel and its terms are understood by me and are agreeable and  
21 acceptable to me. I understand that I am waiving rights given to  
22 me by the APA (including, but not limited to, Sections 11506,  
23 11508, 11509 and 11513 of the Government Code) and I willingly,  
24 intelligently and voluntarily waive those rights, including the  
25 right of requiring the Commissioner to prove the allegations in  
26 the Accusation at a hearing at which I would have the right to  
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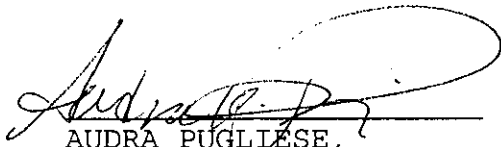


1 cross-examine witnesses against me and to present evidence in  
2 defense and mitigation of the charges.


3 Respondent can signify acceptance and approval of the  
4 terms and conditions of this Stipulation by faxing a copy of the  
5 signature page, as actually signed by Respondent, to the  
6 Department at the following fax number: (213) 576-6917.

7 Respondent agrees, acknowledges and understands that by  
8 electronically sending to the Department a fax copy of his  
9 actual signature as it appears on the Stipulation, that receipt  
10 of the fax copy by the Department shall be as binding on  
11 Respondent as if the Department had received the original signed  
12 Stipulation and Agreement.

13  
14 DATED: 11/10/05

  
AUDRA PUGLIESE,  
Respondent

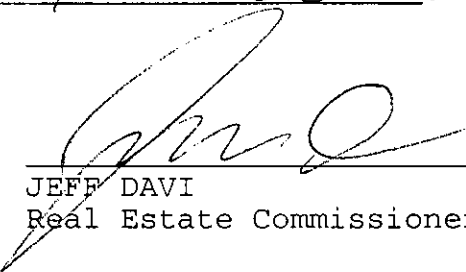
16  
17 DATED: 11/10/05

  
BRUCE G. SCHWARTZ  
Counsel for the Respondent

18  
19 \* \* \*

20 The foregoing Stipulation is adopted as my Decision in  
21 this matter and shall become effective at 12 o'clock noon on  
22 FEB 14 2006

23 IT IS SO ORDERED 1-12-06

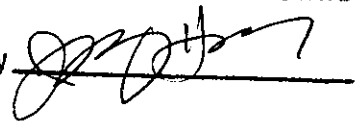
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26   
JEFF DAVI  
27 Real Estate Commissioner

KELVIN K. LEE, Counsel (SBN 152867)  
Department of Real Estate  
320 West 4th Street, Suite 350  
Los Angeles, California 90013-1105

Telephone: (213) 576-6982  
(Direct) (213) 576-6905

**FILED**  
MAY - 6 2005

DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of )	No. H- 31893 LA
AUDRA KARYN PUGLIESE, )	<u>A C C U S A T I O N</u>
Respondent. )	

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against AUDRA KARYN PUGLIESE ("Respondent") alleges as follows:

I

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

II

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

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III

On or about July 26, 2004, in the Superior Court of California, County of Orange, in case no. 04HM05186, Respondent AUDRA KARYN PUGLIESE, was convicted of one (1) count of violating Section 484, subdivision (a) and 488 of the California Penal Code (Theft of Personal Property). This crime involves moral turpitude, and bears a substantial relationship under Section 2910, Title 10, Chapter 6, California Code of Regulations to the qualifications, functions or duties of a real estate licensee.

IV

The crime of which Respondent was convicted, as described in paragraph III above, constitutes cause under Sections 490 and 10177(b) of the Code for the suspension or revocation of the license and license rights of Respondent under the Real Estate Law.

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1 WHEREFORE, 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 the licenses and license rights of  
5 Respondent, AUDRA KARYN PUGLIESE, under the Real Estate Law  
6 (Part 1 of Division 4 of the Business and Professions Code) and  
7 for such other and further relief as may be proper under other  
8 applicable provisions of law.  
9

10 Dated at Los Angeles, California

11 this 5<sup>th</sup> day of May, 2005.

12   
13 Maria Suarez  
Deputy Real Estate Commissioner

14 cc: AUDRA KARYN PUGLIESE  
15 Valentina Rector  
16 Maria Suarez  
Sacto.  
MJ  
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