

By

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1 was required to submit, within nine (9) months from the
2 aforementioned effective date, evidence of having completed 45
3 hours of approved continuing education offerings as set forth in
4 Article 2.5, Chapter 3 of the Real Estate Law for renewal of a
5 real estate license. The Commissioner has determined that as of
6 September 14, 2006, Respondent has failed to satisfy this
7 condition and, as such, is in violation of Section 10177(k) of
8 the Business and Professions Code. Respondent has no right to
9 renew the restricted license if this condition is not satisfied
10 by the date of its expiration (Section 10156.7 of the Business
11 and Professions Code).

12
13 NOW, THEREFORE, IT IS ORDERED under authority of
14 Section 10156.7 of the Business and Professions Code of the State
15 of California that the restricted real estate salesperson license
16 heretofore issued to Respondent and the exercise of any
17 privileges thereunder is hereby suspended until such time as
18 Respondent provides proof satisfactory to the Department of
19 having taken the continuing education offerings referred to above
20 or pending final determination made after hearing (see "Hearing
21 Rights" set forth below).

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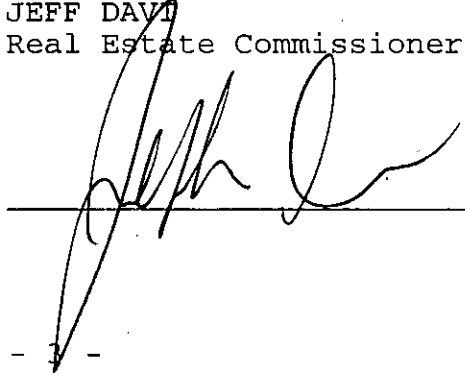
1 IT IS FURTHER ORDERED that all license certificates and
2 identification cards issued by the Department of Real Estate
3 which are in the possession of Respondent be immediately
4 surrendered by personal delivery or by mailing in the enclosed
5 self-addressed envelope to:

6 DEPARTMENT OF REAL ESTATE
7 Attention: Flag Section
8 Post Office Box 187000
9 Sacramento, CA 95818-7000

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

22 This Order shall be effective immediately.

23 DATED: _____

24 JEFF DAVIS
25 Real Estate Commissioner
26 
27 _____

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

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

FILED
OCT 25 2005
DEPARTMENT OF REAL ESTATE

By

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9 BEFORE THE DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of)
13) DRE No. H-32121 LA
14) OAH No. L-2005080461
15 BRANDI ELIZABETH WELLS-DELEON,)
16) STIPULATION AND AGREEMENT
17)
18)
19 Respondent.)
20)
21)
22)

23 It is hereby stipulated by and between BRANDI
24 ELIZABETH WELLS-DELEON, Respondent, representing herself, and
25 the Complainant, acting by and through Martha J. Rosett,
26 Counsel for the Department of Real Estate, as follows for the
27 purpose of settling and disposing of the Accusation filed on
July 29, 2005 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

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 September 7, 2005, Respondent filed a Notice
8 of 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 she 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 Commissioner in the event of Respondent's conviction or plea of
2 nolo contendere to a crime which is substantially related to
3 Respondent's fitness or capacity as a real estate licensee.

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

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

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

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

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

27

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

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14 DATED:

10/10/05


MARTHA J. ROSETT
Counsel for Complainant

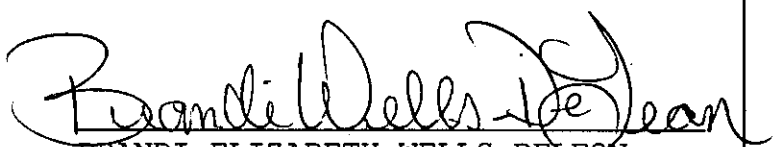
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16 * * *

17 I have read the Stipulation and Agreement, and its
18 terms are understood by me and are agreeable and acceptable to
19 me. I understand that I am waiving rights given to me by the
20 California Administrative Procedure Act (including but not
21 limited to Sections 11506, 11508, 11509 and 11513 of the
22 Government Code), and I willingly, intelligently and
23 voluntarily waive those rights, including the right of
24 requiring the Commissioner to prove the allegations in the
25 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 may signify acceptance and approval of the
4 terms and conditions of this Stipulation and Agreement by faxing
5 a copy of its signature page, as actually signed by Respondent,
6 to the 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 her actual
9 signature as it appears on the Stipulation, that receipt of the
10 faxed copy by the Department shall be as binding on Respondent as
11 if the Department had received the original signed Stipulation
12 and Agreement.

13 DATED: 10/5/05


14 BRANDI ELIZABETH WELLS-DELEON
15 Respondent
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17 * * *

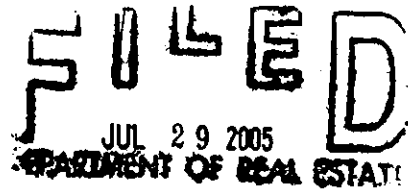
18 The foregoing Stipulation and Agreement is hereby
19 adopted as my Decision in this matter and shall become
20 effective at 12 o'clock noon on November 14, 2005.

21 IT IS SO ORDERED 10-19-05

22 JEFF DAVI
23 Real Estate Commissioner
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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-32121 LA
12)
13 BRANDI ELIZABETH WELLS-DELEON,) A C C U S A T I O N
14)
15 Respondent.)

16 The Complainant, Maria Suarez, a Deputy Real Estate
17 Commissioner of the State of California, for cause of Accusation
18 against BRANDI ELIZABETH WELLS-DELEON (hereinafter "Respondent"),
19 is informed and alleges as follows:

20 1.

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

24 2.

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

1 real estate salesperson. Respondent was first licensed by the
2 Department on or about December 10, 2001.

3 3.

4 On or about March 25, 2004, in the Superior Court of
5 California, County of Riverside, in Case No. SWM025036,
6 Respondent was convicted of violating Penal Code Section 490.5
7 (petty theft), a crime of moral turpitude which is substantially
8 related to the qualifications, functions and duties of a real
9 estate licensee pursuant to Title 10, Chapter 6 of the California
10 Code of Regulations, Regulation 2910. Respondent was placed on
11 summary probation for 24 months, the terms and conditions of
12 which included payment of fines.

13 4.

14 Respondent's conviction, as set forth in Paragraph 3,
15 above, constitutes cause for the revocation or suspension of
16 Respondent's license and/or license rights pursuant to Business
17 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 BRANDI ELIZABETH WELLS-DELEON, under the Real Estate Law and for
6 such other and further relief as may be proper under applicable
7 provisions of law.

8 Dated at Los Angeles, California
9 this 27th day of July, 2005.

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12 
13 Deputy Real Estate Commissioner
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20 cc: Brandi Elizabeth Wells-Deleon
21 Regus & McCoy Inc.
22 Sacto.
23 Maria Suarez
24 CW
25
26
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