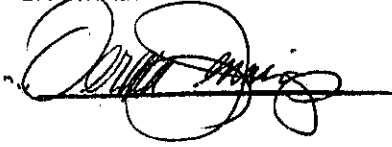


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FILED
APR 18 2011
DEPARTMENT OF REAL ESTATE


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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of) No. H-32653 LA
)
MARTHA AYALA,)
)
Respondent.)

ORDER GRANTING REINSTATEMENT OF LICENSE

On June 8, 2007, a Decision was rendered herein, revoking the real estate broker license of Respondent, but granting Respondent the right to the issuance of a restricted real estate broker license. A restricted real estate broker license was issued to Respondent on August 2, 2007, and Respondent has operated as a restricted licensee since that time.

On or about May 23, 2010, Respondent petitioned for reinstatement of said real estate broker license. The Attorney General of the State of California has been given notice of the filing of Respondent's petition.

I have considered Respondent's petition and the evidence and arguments submitted 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 broker license and that it would not be against the public interest to issue said license to Respondent.

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NOW, THEREFORE, IT IS ORDERED that Respondent's petition for removal

of restrictions is granted and that a real estate broker license be issued to Respondent, if

Respondent satisfies the following requirements:

1. Submits a completed application and pays the fee for a real estate broker

license within the 12 month period following the date of this Order; and

2. Submits proof that Respondent has completed the continuing education

requirements for renewal of the license sought. The continuing education courses must be

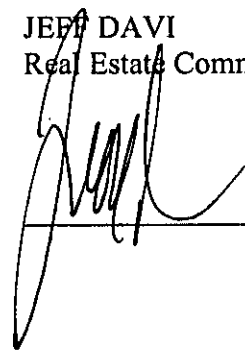
completed either (i) within the 12 month period preceding the filing of the completed

application, or (ii) within the 12 month period following the date of this Order.

This Order shall be effective immediately.

Dated: 2/16/2024

JEFF DAVI
Real Estate Commissioner



Handwritten signature

FILED
JUL 20 2007
DEPARTMENT OF REAL ESTATE

R. Thederholt

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	H-32653 LA
)	
SOUTHLAND HOME REALTY INC.;)	
PHALA J. MOYA, individually)	
and as former designated officer)	
of Southland Home Realty Inc.,)	
and MARTHA AYALA, individually)	
and as designated officer of)	
Southland Home Realty Inc.,)	
)	
Respondents)	

ORDER NUNC PRO TUNC MODIFYING
DECISION

It having been called to the attention of the Real Estate Commissioner that there are errors in the Decision by Stipulation and Agreement dated June 8, 2007, effective July 5, 2007, and good cause appearing therefor, the Stipulation and Agreement is amended as follows:

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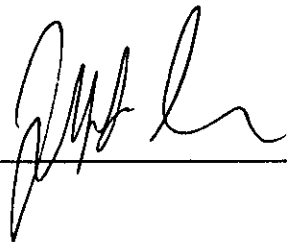
Page 7, Paragraph II, line 6 is amended to change
"thirty" to "sixty".

Page 12, Paragraph VI, line 6 is amended to change
"thirty" to "sixty".

This Order, nunc pro tunc to July 5, 2007, shall become
effective immediately.

IT IS SO ORDERED 7-18-07

JEFF DAVI
Real Estate Commissioner



FILED
JUN 15 2007
DEPARTMENT OF REAL ESTATE

A. M. DeLoboy

1 ELLIOTT MAC LENNAN, SBN 66674
2 Department of Real Estate
3 320 West 4th Street, Ste. 350
4 Los Angeles, California 90013-1105

5 Telephone: (213) 576-6911 (direct)
6 -or- (213) 576-6982 (office)

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

10 * * *

11	In the Matter of the Accusation of)	No. H-32653 LA
12	SOUTHLAND HOME REALTY INC.;)	
13	PHALA J. MOYA, individually)	<u>STIPULATION</u>
14	and as former designated officer)	<u>AND</u>
15	of Southland Home Realty Inc.,)	<u>AGREEMENT</u>
16	and MARTHA AYALA, individually)	
17	and as designated officer of)	
18	Southland Home Realty Inc.,)	
19	Respondents.)	

17
18 It is hereby stipulated by and between Respondents
19 SOUTHLAND HOME REALTY INC.; PHALA J. MOYA, individually and as
20 former designated officer of Southland Home Realty Inc.; and
21 MARTHA AYALA, individually and as designated officer of Southland
22 Home Realty Inc., sometimes collectively referred to as
23 "Respondents"), represented by Alexis Galindo, Esq. and the
24 Complainant, acting by and through Elliott Mac Lennan, Counsel
25 for the Department of Real Estate, as follows for the purpose of
26 settling and disposing of the Accusation filed on April 4, 2006,
27 in this matter:

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

8 2. Respondents have received, read and understand the
9 Statement to Respondent, the Discovery Provisions of the APA and
10 the Accusation filed by the Department of Real Estate in this
11 proceeding.

12 3. Respondents filed a Notice of Defense pursuant to
13 Section 11506 of the Government Code for the purpose of
14 requesting a hearing on the allegations in the Accusation.
15 Respondents hereby freely and voluntarily withdraw said Notice of
16 Defense. Respondents acknowledge that they understand that by
17 withdrawing said Notice of Defense they thereby waive their right
18 to require the Commissioner to prove the allegations in the
19 Accusation at a contested hearing held in accordance with the
20 provisions of the APA and that they will waive other rights
21 afforded to them in connection with the hearing such as the right
22 to present evidence in their defense the right to cross-examine
23 witnesses.
24 witnesses.

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1 4. This Stipulation is based on the factual
2 allegations contained in the Accusation. In the interest of
3 expedience and economy, Respondents choose not to contest these
4 allegations, but to remain silent and understand that, as a
5 result thereof, these factual allegations, without being admitted
6 or denied, will serve as a prima facie basis for the disciplinary
7 action stipulated to herein. The Real Estate Commissioner shall
8 not be required to provide further evidence to prove said factual
9 allegations.

10 5. This Stipulation and Respondent's decision not to
11 contest the Accusation is made for the purpose of reaching an
12 agreed disposition of this proceeding and is expressly limited to
13 this proceeding and any other proceeding or case in which the
14 Department of Real Estate ("Department"), the state or federal
15 government, or any agency of this state, another state or federal
16 government is involved, and otherwise shall not be admissible in
17 any other criminal or civil proceedings.

18 6. It is understood by the parties that the Real
19 Estate Commissioner may adopt this Stipulation as his Decision in
20 this matter thereby imposing the penalty and sanctions on
21 Respondents' real estate licenses and license rights as set forth
22 in the below "Order". In the event that the Commissioner in his
23 discretion does not adopt the Stipulation, the Stipulation shall
24 be void and of no effect and Respondents shall retain the right
25 to a hearing and proceeding on the Accusation under the
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1 provisions of the APA and shall not be bound by any stipulation
2 or waiver made herein.

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

9 DETERMINATION OF ISSUES

10 By reason of the foregoing, it is stipulated and agreed
11 that the following determination of issues shall be made:

12 SOUTHLAND HOME REALTY INC.

13 I.

14 The conduct of SOUTHLAND HOME REALTY INC., as described
15 in Paragraph 4, above, is in violation of Business and
16 Professions Code ("Code") Section 10137 and is a basis for the
17 suspension or revocation of Respondent's license and license
18 rights as a violation of the Real Estate Law pursuant to Code
19 Sections 10137.

20 MARTHA AYALA

21 II.

22 The conduct of MARTHA AYALA, as described in Paragraph
23 4, above, constitutes a failure to keep Southland Home Realty
24 Inc. in compliance with the Real Estate Law during the time that
25 she was the officer designated by a corporate broker licensee in
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1 violation of Section 10159.2 of the Code. This conduct is a
2 basis for the suspension or revocation of Respondent's license
3 pursuant to Code Sections 10177(d), 10177(g) and 10177(h).

4 PHALA J. MOYA

5 III.

6 The conduct of PHALA J. MOYA, as described in Paragraph
7 4, above, is in violation of Business and Professions Code
8 ("Code") Section 10137 and is a basis for the suspension or
9 revocation of Respondent's license and license rights as a
10 violation of the Real Estate Law pursuant to Code Sections 10137.

11 ORDER

12 WHEREFORE, THE FOLLOWING ORDER is hereby made:

13
14 SOUTHLAND HOME REALTY INC.

15 I.

16 The real estate broker license of Respondent SOUTHLAND
17 HOME REALTY INC., under the Real Estate Law is revoked; provided,
18 however, a restricted real estate broker license shall be issued
19 to SOUTHLAND HOME REALTY INC., pursuant to Section 10156.5 of the
20 Business and Professions Code if Respondent:

21 (A) Make application thereof and pays to the Department
22 of Real Estate the appropriate fee for the restricted license
23 within ninety (90) days from the effective date of this Decision.
24

25 The restricted license issued to Respondent shall be
26 subject to all of the provisions of Section 10156.7 of the
27 Business and Professions Code and to the followings limitations,

1 conditions and restrictions imposed under authority of Section
2 10156.6 of that Code:

3 1. The restricted license issued to Respondent may be
4 suspended prior to hearing by Order of the Real Estate
5 Commissioner in the event of Respondent's conviction or plea of
6 nolo contendere to a crime which is substantially related to a
7 Respondent's fitness or capacity as a real estate licensee.

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

14 3. Respondent SOUTHLAND HOME REALTY INC., shall not be
15 eligible to apply for the issuance of an unrestricted real estate
16 license nor for the removal of any of the conditions, limitations
17 or restrictions of a restricted license until two (2) years have
18 elapsed from the effective date of this Decision.
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SOUTHLAND HOME REALTY INC.

II.

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3 All licenses and licensing rights of Respondent
4 SOUTHLAND HOME REALTY INC., are suspended for a period of sixty
5 days from the effective date of this Decision; provided, however,
6 that said ~~thirty~~^{sixty} day suspension shall be stayed upon the
7 following terms and conditions:

8 1. Respondent pays a monetary penalty pursuant to
9 Section 10175.2 of the Business and Professions Code at the rate
10 of \$100.00 per day for each day of the suspension for a total
11 monetary penalty of \$6,000.

12 2. Said payment shall be in the form of a cashier's
13 check or certified check made payable to the Recovery Account of
14 the Real Estate Fund. Said check must be received by the
15 Department prior to the effective date of the Decision in this
16 matter.

17 3. No further cause for disciplinary action against
18 the real estate license of Respondent occurs within two (2) years
19 from the effective date of the Decision in this matter.
20

21 4. If Respondent fails to pay the monetary penalty in
22 accordance with the terms of the Decision, the Commissioner may,
23 without a hearing, order the immediate execution of all or any
24 part of the stayed suspension, in which event Respondent shall
25 not be entitled to any repayment nor credit, prorated or
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1 otherwise, for money paid to the Department under the terms of
2 this Decision.

3 5. If Respondent pays the monetary penalty and if no
4 further cause for disciplinary action against the real estate
5 license of Respondent occurs within two (2) years from the
6 effective date of the Decision, the stay hereby granted shall
7 become permanent.

8 PHALA J. MOYA

9 III.

10 The real estate broker license of Respondent PHALA J.
11 MOYA, under the Real Estate Law is revoked; provided, however, a
12 restricted real estate broker license shall be issued to PHALA J.
13 MOYA, pursuant to Section 10156.5 of the Business and Professions
14 Code if Respondent:

15 (A) Make application thereof and pays to the Department
16 of Real Estate the appropriate fee for the restricted license
17 within ninety (90) days from the effective date of this Decision.

18 The restricted license issued to Respondent shall be
19 subject to all of the provisions of Section 10156.7 of the
20 Business and Professions Code and to the followings limitations,
21 conditions and restrictions imposed under authority of Section
22 10156.6 of that Code:

23 1. The restricted license issued to Respondent may be
24 suspended prior to hearing by Order of the Real Estate
25 Commissioner in the event of Respondent's conviction or plea of
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1 nolo contendere to a crime which is substantially related to a
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 Real Estate
5 Commissioner on evidence satisfactory to the Commissioner that
6 Respondent has violated provisions of the California Real Estate
7 Law, the Subdivided Lands Law, Regulations of the Real Estate
8 Commissioner or conditions attaching to the restricted license.

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

14 4. Respondent PHALA J. MOYA shall, within nine (9)
15 months from the effective date of this Decision, present evidence
16 satisfactory to the Real Estate Commissioner that Respondent has,
17 since the most recent issuance of an original or renewal real
18 estate license, taken and successfully completed the continuing
19 education requirements of Article 2.5 of Chapter 3 of the Real
20 Estate Law for renewal of a real estate license. If Respondent
21 fails to satisfy this condition, the Commissioner may order the
22 suspension of the restricted license until Respondent presents
23 such evidence. The Commissioner shall afford Respondent the
24 opportunity for a hearing pursuant to the Administrative
25 Procedure Act to present such evidence.
26
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PHALA J. MOYA

IV.

All licenses and licensing rights of Respondent PHALA J. MOYA, are suspended for a period of one-hundred twenty days from the effective date of this Decision.

MARTHA AYALA

V.

The real estate broker license of Respondent MARTHA AYALA, under the Real Estate Law is revoked; provided, however, a restricted real estate broker license shall be issued to MARTHA AYALA, pursuant to Section 10156.5 of the Business and Professions Code if Respondent:

(A) Make application thereof and pays to the Department of Real Estate the appropriate fee for the restricted license within ninety (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 Business and Professions Code and to the followings limitations, conditions and restrictions imposed under authority of Section 10156.6 of that Code:

1. The restricted license issued to Respondent may be suspended prior to hearing by Order of the Real Estate Commissioner in the event of Respondent's conviction or plea of nolo contendere to a crime which is substantially related to a Respondent's fitness or capacity as a real estate licensee.

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

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

12 4. Respondent MARTHA AYALA shall, within nine (9)
13 months from the effective date of this Decision, present evidence
14 satisfactory to the Real Estate Commissioner that Respondent has,
15 since the most recent issuance of an original or renewal real
16 estate license, taken and successfully completed the continuing
17 education requirements of Article 2.5 of Chapter 3 of the Real
18 Estate Law for renewal of a real estate license. If Respondent
19 fails to satisfy this condition, the Commissioner may order the
20 suspension of the restricted license until Respondent presents
21 such evidence. The Commissioner shall afford Respondent the
22 opportunity for a hearing pursuant to the Administrative
23 Procedure Act to present such evidence.
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MARTHA AYALA

VI.

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3 All licenses and licensing rights of Respondent MARTHA
4 AYALA, are suspended for a period of sixty days from the
5 effective date of this Decision; provided, however, that said
6 ~~thirty~~ ^{sixty} day suspension shall be stayed upon the following terms
7 and conditions:

8 1. Respondent pays a monetary penalty pursuant to
9 Section 10175.2 of the Business and Professions Code at the rate
10 of \$100.00 per day for each day of the suspension for a total
11 monetary penalty of \$6,000.

12 2. Said payment shall be in the form of a cashier's
13 check or certified check made payable to the Recovery Account of
14 the Real Estate Fund. Said check must be received by the
15 Department prior to the effective date of the Decision in this
16 matter.

17 3. No further cause for disciplinary action against
18 the real estate license of Respondent occurs within two (2) years
19 from the effective date of the Decision in this matter.

20 4. If Respondent fails to pay the monetary penalty in
21 accordance with the terms of the Decision, the Commissioner may,
22 without a hearing, order the immediate execution of all or any
23 part of the stayed suspension, in which event Respondent shall
24 not be entitled to any repayment nor credit, prorated or
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1 otherwise, for money paid to the Department under the terms of
2 this Decision.

3 5. If Respondent pays the monetary penalty and if no
4 further cause for disciplinary action against the real estate
5 license of Respondent occurs within two (2) years from the
6 effective date of the Decision, the stay hereby granted shall
7 become permanent.

8
9
10 DATED: 11-07-06

ELIOTT MAC LENNAN
11 ELLIOTT MAC LENNAN, Counsel for
12 the Department of Real Estate

13 * * *

14 EXECUTION OF THE STIPULATION


15 We have read the Stipulation and have discussed it with
16 our counsel. Its terms are understood by us and are agreeable
17 and acceptable to us. We understand that we are waiving rights
18 given to us by the California Administrative Procedure Act
19 (including but not limited to Sections 11506, 11508, 11509 and
20 11513 of the Government Code), and we willingly, intelligently
21 and voluntarily waive those rights, including the right of
22 requiring the Commissioner to prove the allegations in the
23 Accusation at a hearing at which we would have the right to
24 cross-examine witnesses against us and to present evidence in
25 defense and mitigation of the charges.
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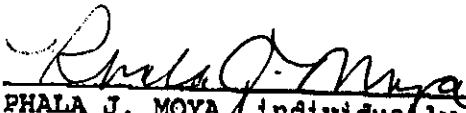
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1
 2 Respondents can signify acceptance and approval of the
 3 terms and conditions of this Stipulation by faxing a copy of its
 4 signature page, as actually signed by Respondents, to the
 5 Department at the following facsimile number: Elliott Mac Lennan
 6 at (213) 576-6917. Respondents agree, acknowledge and understand
 7 that by electronically sending to the Department a fax copy of
 8 Respondents' actual signature as they appear on the Stipulation,
 9 that receipt of the faxed copy by the Department shall be as
 10 binding on Respondents as if the Department had received the
 11 original signed Stipulation. Respondents shall mail the original
 12 signed signature page of the stipulation to Elliott Mac Lennan
 13


14 DATED: 4-20-07


 SOUTHLAND HOME REALTY INC.
 BY: PHALA J. MOYA, D.O.
 Respondent

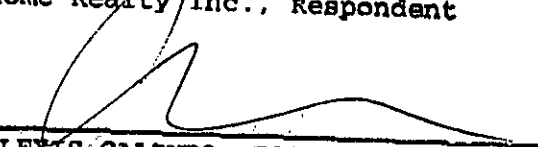
17 DATED: 4-20-07


 PHALA J. MOYA, individually and as
 former designated officer of
 Southland Home Realty Inc.,
 Respondent

21 DATED: 4-26-07


 MARTHA AYALA, individually and as
 designated officer of Southland
 Home Realty Inc., Respondent

25 DATED: _____


 ALEXIS GALINDO, ESQ.
 Attorney for Respondents
 Approved as to form

* * *

1
2 The foregoing Stipulation and Agreement is hereby
3 adopted as my Decision as to Respondents SOUTHLAND HOME REALTY
4 INC., PHALA J. MOYA, individually and as former designated
5 officer of Southland Home Realty Inc. and MARTHA AYALA,
6 individually and as former designated officer of Southland Home
7 Realty Inc., and shall become effective at 12 o'clock noon on
8 JUL - 5, 2007

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10 IT IS SO ORDERED 6-9-07, 2007

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12 JEFF DAVIS
13 Real Estate Commissioner
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1 KELVIN K. LEE, Counsel (SBN 152867)
2 Department of Real Estate
3 320 West Fourth St., #350
4 Los Angeles, CA 90013
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FILED
APR 4 2006
DEPARTMENT OF REAL ESTATE

By *Janice B. Waddell*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of) No. H-32653 LA
)
SOUTHLAND HOME REALTY INC.;)
PHALA J. MOYA, individually and as) A C C U S A T I O N
Designated broker-officer of)
Southland Home Realty, Inc. and)
MARTHA AYALA, individually and as)
Designated broker-officer of)
Southland Home Realty, Inc.,)
)
Respondents.)
)

The Complainant, Janice Waddell, a Deputy Real Estate
Commissioner, for cause of Accusation against SOUTHLAND HOME
REALTY INC., PHALA J. MOYA, individually and as designated
broker-officer of Southland Home Realty Inc., and MARTHA AYALA,
individually and as designated broker-officer of Southland Home
Realty Inc., is informed and alleges as follows:

1.

The Complainant, Janice Waddell, a Deputy Real Estate
Commissioner of the State of California, makes this Accusation in

her official capacity.

2.

(a) Respondent SOUTHLAND HOME REALTY INC. (hereinafter "SOUTHLAND"), is presently licensed and at all times relevant herein was licensed under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code (hereinafter "Code") as a corporate real estate broker. Respondent SOUTHLAND has been licensed by the Department of Real Estate of the State of California (hereinafter "Department") as a corporate real estate broker since on or before July 9, 2002, license number 01342068.

(b) From July 9, 2002 through on or about September 22, 2003, Respondent SOUTHLAND was authorized to act by and through PHALA J. MOYA as the designated officer and broker responsible, pursuant to the provisions of Code Section 10159.2 for the supervision and control of the activities conducted on behalf of SOUTHLAND by SOUTHLAND's officers and employees.

(c) From on or about September 23, 2003 through the present time, Respondent SOUTHLAND was and is authorized to act by and through Respondent MARTHA AYALA as the designated officer and broker responsible, pursuant to the provisions of Code Section 10159.2 for the supervision and control of the activities conducted on behalf of SOUTHLAND by SOUTHLAND's officers and employees.

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2 (a) Respondent PHALA J. MOYA (hereinafter "P. MOYA"),
3 is currently licensed and at all times relevant herein was
4 licensed under the Code as a real estate broker, license number
5 01193309. Respondent P. MOYA has been licensed by the Department
6 as a real estate broker since on or about February 17, 1995.
7 Prior to that time, Respondent P. MOYA was licensed by the
8 Department as a salesperson.

9 (b) Between on or about July 9, 2002 and September 22,
10 2003, Respondent P. MOYA was licensed as the broker-officer of
11 SOUTHLAND designated pursuant to Code Section 10159.2 to be
12 responsible for the supervision and control of the activities
13 conducted on behalf of SOUTHLAND by its officers and employees as
14 necessary to secure compliance with the Real Estate Law.
15

16 4.

17 (a) Respondent MARTHA AYALA (hereinafter "AYALA") is
18 currently licensed and at all times relevant herein was licensed
19 under the Code as a real estate broker, license number 01016780.
20 Respondent AYALA has been licensed by the Department as a real
21 estate broker since on or about August 8, 1994.

22 (b) Between on or about September 23, 2003 and the
23 present time, Respondent AYALA was and is licensed as the broker-
24 officer of SOUTHLAND designated pursuant to Code Section 10159.2
25 to be responsible for the supervision and control of the
26 activities conducted on behalf of SOUTHLAND by its officers and
27

1 employees as necessary to secure compliance with the Real Estate
2 Law.

3 5.

4 (a) Between on or about June 17, 1993 and December 26,
5 2001, Renee J. Moya, Jr. (hereafter RJ Moya) was licensed by the
6 Department as a real estate broker. On or about January 8, 1998,
7 in Department Case No. H-26961 LA, RJ Moya's broker license was
8 suspended for 90 days, all but 30 days stayed for two years.

9 (b) On or about August 28, 2000, in the United States
10 District Court, Central District of California, in Case No. CR
11 99-1269, RJ Moya was convicted of one count of violating 18
12 U.S.C. Sections 1341,2 (mail fraud, aiding and abetting), a
13 felony and crime of moral turpitude. RJ Moya was sentenced to
14 five years probation, the terms of which included serving six
15 months home detention, payment of restitution in the amount of
16 \$34,293.08, payment of fines to the United States in the amount
17 of \$20,000.00 and a prohibition from working in any business
18 involving loan programs or telemarketing without the express
19 approval of his probation officer.
20

21 (c) On February 23, 2001, the Department filed an
22 Accusation against RJ Moya due to his conviction, in Case No. H-
23 28969 LA. On December 26, 2001, RJ Moya voluntarily surrendered
24 his real estate broker license.

25 (d) Between on or about December 26, 2001 and the
26 present time, RJ Moya has not been licensed by the Department in
27

1 any capacity.

2 6.

3 At all times material herein, Respondents and RJ Moya
4 engaged in the business of, acted in the capacity of, advertised
5 or assumed to act as a real estate broker in the State of
6 California within the meaning of Code Section 10131(a) for
7 another or others in expectation of compensation. Said activity
8 included soliciting and representing buyers and sellers of real
9 property.

10 7.

11 All further references to "Respondent SOUTHLAND"
12 include Respondent SOUTHLAND and Respondents P. MOYA and AYALA,
13 and also include the employees, agents and real estate licensees
14 employed by or associated with each Respondent, including but not
15 limited to RJ Moya, who at all times material herein were engaged
16 in the furtherance of the business or operations of said parties
17 and who were acting within the course and scope of their
18 authority, agency or employment.

19 8.

20 Respondents employed or compensated RJ Moya to perform
21 acts requiring a real estate license in the transaction described
22 below.

23 9.

24 (a) In early 2004, John R. Goodwin and Gregory Davis
25 listed for sale their real property, located at 801 Frankfort
26 Avenue, in Huntington Beach, CA. Their agent in the transaction
27

1 was Carole Hennessey of Century 21 Beachside Realtors.

2
3 (b) On or about March 5, 2004, RJ Moya, acting as
4 agent for Terri Bynum, met with Mr. Goodwin and Ms. Hennessey at
5 Mr. Goodwin's office. Mr. Davis participated by speaker phone.
6 Mr. Moya gave Mr. Goodwin a business card with his name on it,
7 indicating that he was a manager at Century 21 United Realty. At
8 this meeting, Mr. Moya, who had made the appointment by telephone
9 with Ms. Hennessey, presented Terri Bynum's offer to purchase the
10 property. Mr. Moya went over the terms of the offer in great
11 detail and indicated that he had represented the buyer in other
12 real estate transactions. The offer, subject to counter-offers,
13 was accepted and escrow was opened. At all times, the sellers
14 and their agent believed Mr. Moya to be a real estate agent. The
15 offer was in a written document entitled Residential Purchase
16 Agreement and Joint Escrow Instructions (hereinafter RPA). In
17 that RPA, Respondent P MOYA was identified as the selling agent.

18 (c) Escrow was opened on or about March 8, 2004 and
19 closed April 5, 2004 with a commission being disbursed to
20 Respondents SOUTHLAND and PJ MOYA.

21 10.

22 Throughout the course of the Frankfort Avenue
23 transaction described in Paragraph 11 above, the seller's agent,
24 Ms. Hennessey, dealt exclusively with Mr. Moya as the buyer's
25 agent. All communications about the transaction were with Mr.
26 Moya. Mr. Moya was given access to the property via lock box
27

1 key. All inspections, the buyer's walk-through, and any other
2 matters that came up during escrow were handled between Ms.
3 Hennessey and Mr. Moya. Ms. Hennessey never talked with anyone
4 else at Century 21 during the transaction. It was not until
5 after the transaction that Ms. Hennessey learned that Mr. Moya
6 had surrendered his real estate broker license in 2001 in
7 connection with a disciplinary proceeding pending against him.

8 11.

9 The foregoing violations constitute cause for the
10 suspension or revocation of Respondent SOUTHLAND and Respondents
11 PJ MOYA and AYALA's real estate licenses and license rights under
12 the provisions of Code Section 10137.

13
14 Failure to Supervise

15 12.

16 The violations set forth above constitute cause for the
17 suspension or revocation of Respondent MARTHA AYALA's real estate
18 license and/or license rights as the broker-officer of Respondent
19 SOUTHLAND designated pursuant to Code Section 10159.2, for
20 failing to supervise the activities of the corporation, in
21 violation of Code Sections 10177(h), 10177(d) and/or 10177(g).

22 WHEREFORE, Complainant prays that a hearing be
23 conducted on the allegations of this Accusation and that upon
24 proof thereof, a decision be rendered imposing disciplinary
25 action against all licenses and/or license rights of Respondent
26 SOUTHLAND REALTY, Respondent PHALA J. MOYA and Respondent MARTHA
27 AYALA under the Real Estate Law and for such other and further

1 relief as may be proper under applicable provisions of law.

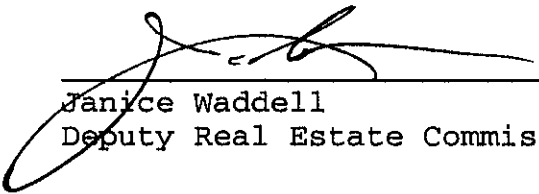
2 Dated at Los Angeles, California

3 this 30 day of March, 2006.

4

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6



Janice Waddell
Deputy Real Estate Commissioner

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23 cc: Southland Home Realty, Inc.
Phala J. Moya
Martha Ayala

24

25 Robin Jolly

26 Sacto

27 KL/lo