

1 Department of Real Estate
2 320 W. 4th Street, Suite 350
3 Los Angeles, CA 90013-1105
4 Telephone: (213) 576-6982

FILED
MAY - 2 2008
DEPARTMENT OF REAL ESTATE

By James B. Demus

7 **DEPARTMENT OF REAL ESTATE**
8 **STATE OF CALIFORNIA**

9
10 *In the Matter of the Application of*

11 MARUSKA ESMERALDA BELTRAN,

12
13 Respondent)
14)

) No. H- 34549 LA
) L-2008010882

) **STIPULATION AND**
) **WAIVER**

15 It is hereby stipulated by and between MARUSKA ESMERALDA BELTRAN (hereinafter
16 "Respondent") and Respondent's attorney, Aimee E. Dominguez, and the Complainant, acting by and
17 through James A. Demus, Counsel for the Department of Real Estate, as follows for the purpose of settling
18 and disposing of the Statement of Issues filed on November 30, 2007 in this matter:

19 Respondent acknowledges that Respondent has received and read the Statement of Issues and the
20 Statement to Respondent filed by the Department of Real Estate in connection with Respondent's
21 application for a real estate broker license. Respondent understands that the Real Estate Commissioner may
22 hold a hearing on this Statement of Issues for the purpose of requiring further proof of Respondent's
23 honesty and truthfulness and to prove other allegations therein, or that he may in his discretion waive the
24 hearing and grant Respondent a restricted real estate broker license based upon this Stipulation and Waiver.
25 Respondent also understands that by filing the Statement of Issues in this matter the Real Estate
26 Commissioner is shifting the burden to Respondent to make a satisfactory showing that Respondent meets
27 all the requirements for issuance of a real estate broker license. Respondent further understands that by

1 entering into this stipulation and waiver, Respondent will be stipulating that the Real Estate Commissioner
2 has found that Respondent has failed to make such a showing, thereby justifying the denial of the issuance
3 to Respondent of an unrestricted real estate broker license.

4 Respondent hereby admits that the allegations of the Statement of Issues filed against Respondent are
5 true and correct and requests that the Real Estate Commissioner in his discretion issue a restricted real
6 estate broker license to Respondent under the authority of Section 10156.5 of the Business and Professions
7 Code.

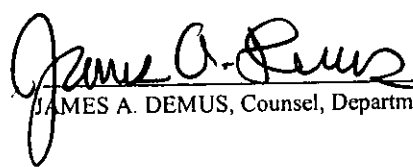
8 Respondent is aware that by signing this Stipulation and Waiver, Respondent is waiving Respondent's
9 right to a hearing and the opportunity to present evidence at the hearing to establish Respondent's
10 rehabilitation in order to obtain an unrestricted real estate broker license if this Stipulation and Waiver is
11 accepted by the Real Estate Commissioner. However, Respondent is not waiving Respondent's right to a
12 hearing and to further proceedings to obtain a restricted or unrestricted license if this Stipulation and
13 Waiver is not accepted by the Commissioner.

14 Respondent further understands that the following conditions, limitations, and restrictions will attach
15 to a restricted license issued by the Department of Real Estate pursuant hereto:

- 16 1. The license shall not confer any property right in the privileges to be exercised including the
17 right of renewal, and the Real Estate Commissioner may by appropriate order suspend the right
18 to exercise any privileges granted under this restricted license in the event of:
 - 19 a. The conviction of Respondent (including a plea of nolo contendere) to a crime which bears
20 a substantial relationship to Respondent's fitness or capacity as a real estate licensee; or
 - 21 b. The receipt of evidence that Respondent has violated provisions of the California Real
22 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner, or
23 conditions attaching to this restricted license.
- 24 2. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license
25 nor the removal of any of the conditions, limitations, or restrictions attaching to the restricted
26 license until two years have elapsed from the date of issuance of the restricted license to
27 Respondent.

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3/18/08
Dated


JAMES A. DEMUS, Counsel, Department of Real Estate

I have read the Stipulation and Waiver, have discussed it with my counsel, 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 a hearing on the Statement of Issues at which I would have the right to cross-examine witnesses against me and to present evidence in defense and mitigation of the charges.

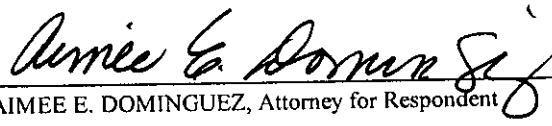
Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and Waiver by faxing a copy of the signature page, as actually signed by respondent, to the Department at fax number (213) 576-6917. Respondent agrees, acknowledges and understands that by electronically sending to the Department a fax copy of her actual signature as it appears on the Stipulation and Waiver, 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 Waiver.

3/10/08
Dated


MARUSKA ESMERALDA BELTRAN, Respondent

I have reviewed the Stipulation and Waiver as to form and content and have advised my client accordingly.

3/10/08
Dated


AIMEE E. DOMINGUEZ, Attorney for Respondent

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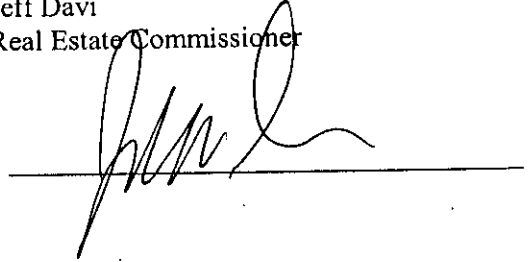
I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by Respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and truthfulness of Respondent need not be called and that it will not be inimical to the public interest to issue a restricted real estate broker license to Respondent.

Therefore, IT IS HEREBY ORDERED that a restricted real estate broker license be issued to Respondent, if Respondent has otherwise fulfilled all of the statutory requirements for licensure. The restricted license shall be limited, conditioned, and restricted as specified in the foregoing Stipulation and Waiver.

This Order is effective immediately.

IT IS SO ORDERED 4-30-08

Jeff Davi
Real Estate Commissioner

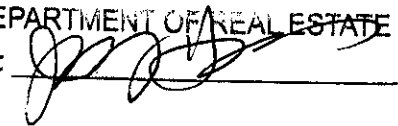


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FILED

NOV 30 2007

DEPARTMENT OF REAL ESTATE
BY: 

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11	In the Matter of the Application of)	NO. H-34549 LA
12	MARUSKA ESMERALDA BELTRAN,)	
13)	<u>STATEMENT OF ISSUES</u>
14	Respondent.)	

15
16 The Complainant, Maria Suarez, a Deputy Real Estate
17 Commissioner of the State of California, for cause of Statement
18 of Issues against MARUSKA ESMERALDA BELTRAN, aka Maruska E.
19 Klimenko, ("Respondent"), 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 Statement of
23 Issues against Respondent in her official capacity.

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2.

1 Respondent made application to the Department of Real
2 Estate of the State of California for a real estate broker
3 license on or about January 10, 2006.
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6 (LICENSE DISCIPLINE)

7 On or about November 30, 1999, a First-Amended
8 Accusation, case no. H-28151 LA, was filed against Respondent.
9 The First-Amended Accusation in the above-mentioned case alleged
10 that Respondent's acts and omissions constituted fraud and/or
11 dishonest dealing and were cause to suspend or revoke her
12 license pursuant to Section 10177(j) and/or 10176(i) of the
13 Business and Professions Code. Further, it was alleged that
14 these same acts would have been cause for denial of her license
15 pursuant to Section 480(c)(2)(3) of the Code and constituted
16 grounds for the suspension or revocation of her license pursuant
17 to Section 10177(f) of the Code.
18

19 A hearing was held in the above-referenced matter on
20 January 13, 2000 and again on March 23, 2000, before the Office
21 of Administrative Hearing at Los Angeles, California. On June
22 30, 2000, the Administrative Law Judge issued a Proposed
23 Decision, which the Commissioner declined to adopt. On or about
24 October 18, 2000, a Decision After Rejection was rendered
25 adopting the Proposed Decision. Respondent's real estate
26 salesperson license was revoked, but Respondent was granted the
27 right to the issuance of a restricted real estate salesperson

1 license. A Writ of Administrative Mandamus was filed by
2 Respondent. On January 23, 2002, an Order Modifying
3 Disciplinary Action Pursuant to Stipulated Settlement was
4 rendered. Respondent agreed to dismiss the Writ and was given
5 the right to apply for and be issued a restricted real estate
6 salesperson license. Respondent failed to apply for a
7 restricted license within the time period required.

8 On or about July 15, 2002, Respondent petitioned for
9 reinstatement of her real estate salesperson license. On May
10 12, 2003, an Order Denying Reinstatement of License was rendered
11 denying Respondent's petition, pursuant to Section 2911(a),
12 Title 10, Chapter 6, California Code of Regulations. However,
13 Respondent was given the right to apply for and be issued a
14 restricted real estate salesperson license on certain terms and
15 conditions. The Order Denying Reinstatement of License became
16 effective June 9, 2003. On January 21, 2004, a restricted real
17 estate salesperson license was issued by the Department of Real
18 Estate to respondent on the terms, conditions and restrictions
19 set forth in said Order.
20

21 4.

22 The allegations contained in Paragraph 3, above,
23 constitute cause for denial of Respondent's application for a
24 real estate license under Business and Professions Code Sections
25 475(a)(4); 480(a)(3); and/or 10177(f).

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27 ///

1 The Statement of Issues is brought under the
2 provisions of Section 10100, Division 4 of the Business and
3 Professions Code of the State of California and Sections 11500
4 and 11529 of the Government Code.

5 WHEREFORE, Complainant prays that the above entitled
6 matter be set for hearing and, upon proof of the charges
7 contained herein, that the Commissioner refuse to authorize the
8 issuance of, and deny the issuance of, a real estate salesperson
9 license to Respondent, MARUSKA ESMERALDA BELTRAN, and for such
10 other and further relief as may be proper in the premises.

11 Dated at Los Angeles, California

12 this 27th day of December, 2007.

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15 _____
16 Maria Suarez
17 Deputy Real Estate Commissioner
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26 Cc: MARUSKA ESMERALDA BELTRAN
27 Maria Suarez
Sacto.