

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

4 (213) 576-6982  
5 (213) 576-6914

**FILED**  
JULY 24, 2008  
DEPARTMENT OF REAL ESTATE

By C. Bay

6  
7  
8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Application of) NO. H-34696 LA  
12 ) L-2008030232  
13 ALFREDO PEREZ ROYBAL, )  
14 )  
15 Respondent. )

16 In the Matter of the Accusation of ) NO. H-34697 LA  
17 ) L-2008030233  
18 ALFREDO PEREZ ROYBAL, )  
19 )  
20 Respondent. . )

21 STIPULATION AND AGREEMENT

22 It is hereby stipulated by and between ALFREDO PEREZ  
23 ROYBAL (hereinafter "Respondent") and his attorney, Frank M.  
24 Buda, and the Complainant, acting by and through Lissete Garcia,  
25 Counsel for the Department of Real Estate, as follows for the  
26 purpose of settling and disposing of the Statement of Issues and  
27 the Accusation filed respectively on February 5, 2008, and

February 6, 2008, in this matter:

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

9           2. Respondent has received, read and understands the  
10 Statement to Respondent, the Discovery Provisions of the APA and  
11 the Statement of Issues and the Accusation filed by the  
12 Department of Real Estate in this proceeding.

13           3. On February 11, 2008, and on February 14, 2008,  
14 Respondent filed separate Notices of Defense pursuant to Section  
15 11506 of the Government Code for the purpose of requesting a  
16 hearing on the allegations in the Statement of Issues and the  
17 Accusation. Respondent hereby freely and voluntarily withdraws  
18 said Notices of Defense. Respondent acknowledges that he  
19 understands that by withdrawing said Notices of Defense he will  
20 thereby waive his right to require the Commissioner to prove the  
21 allegations in the Statement of Issues and the Accusation at a  
22 contested hearing held in accordance with the provisions of the  
23 APA and that he will waive other rights afforded to him in  
24 connection with the hearing such as the right to present  
25 evidence in defense of the allegations in the Statement of  
26 Issues and the Accusation and the right to cross-examine  
27 witnesses.

1           4. This Stipulation and Agreement is based on the  
2 factual allegations contained in the Statement of Issues and  
3 Accusation filed in this proceeding. In the interest of  
4 expedience and economy, Respondent chooses not to contest these  
5 factual allegations, but to remain silent and understands that,  
6 as a result thereof, these factual statements, without being  
7 admitted or denied, will serve as prima facie basis for the  
8 disciplinary action stipulated to herein. In addition,  
9 Respondent agrees and stipulates that his conduct is cause for  
10 discipline and/or denial pursuant to Business and Professions  
11 Code Sections 475, 480 and 10177(f).

12           5. This Stipulation and Agreement and Respondent's  
13 decision not to contest the Statement of Issues and Accusation  
14 are hereby expressly limited to this proceeding and made for the  
15 sole purpose of reaching an agreed disposition of this  
16 proceeding. Respondent's decision not to contest the factual  
17 allegations is made solely for the purpose of effectuating this  
18 Stipulation and Agreement and is intended by Respondent to be  
19 non-binding upon him in any actions against Respondent by third  
20 parties. The Real Estate Commissioner shall not be required to  
21 provide further evidence to prove such allegations.

22           6. It is understood by the parties that the Real  
23 Estate Commissioner may adopt the Stipulation and Agreement as  
24 his Decision in this matter, thereby imposing the penalty and  
25 sanctions on Respondent's real estate license and license rights  
26 as set forth in the below "Order". In the event that the  
27 Commissioner in his discretion does not adopt the Stipulation

1 and Agreement, it shall be void and of no effect, and Respondent  
2 shall retain the right to a hearing and proceeding on the  
3 Statement of Issues and the Accusation under all the provisions  
4 of the APA and shall not be bound by any admission or waiver  
5 made herein.

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

13 8. In lieu of proceeding in the matter of the  
14 Accusation, in accordance with the provisions of the  
15 Administrative Procedure Act (Sections 11400 et seq., of the  
16 Business and Professions Code), ALFREDO PEREZ ROYBAL wishes to  
17 voluntarily surrender his real estate salesperson license issued  
18 by the Department of Real Estate, pursuant to Business and  
19 Professions Code Section 10100.2.

20 9. Respondent ALFREDO PEREZ ROYBAL understands that  
21 by so voluntarily surrendering his real estate salesperson  
22 license, he may be relicensed as a salesperson only by  
23 petitioning for reinstatement pursuant to Section 11522 of the  
24 Government Code. Respondent ALFREDO PEREZ ROYBAL also  
25 understands that by so voluntarily surrendering his real estate  
26 salesperson license, Respondent agrees to the following:

27 A. The filing of this Stipulation and Agreement shall

1 be deemed as Respondent ALFREDO PEREZ ROYBAL's declaration and  
2 petition for voluntary surrender of his real estate salesperson  
3 license.

4 B. It shall also be deemed to be an understanding and  
5 agreement by Respondent ALFREDO PEREZ ROYBAL that he waives all  
6 rights he has to require the Commissioner to prove the  
7 allegations contained in the Accusation filed in this matter at  
8 a hearing held in accordance with the provisions of the  
9 Administrative Procedure Act (Government Code Sections 11400 et  
10 seq.), and that Respondent ALFREDO PEREZ ROYBAL also waives  
11 other rights afforded to him in connection with the hearing such  
12 as the right to discovery, the right to present evidence in  
13 defense of the allegations in the Accusation and the right to  
14 cross-examine witnesses.

15 10. Respondent ALFREDO PEREZ ROYBAL further agrees  
16 that upon acceptance by the Commissioner, as evidenced by an  
17 appropriate order, all affidavits and all relevant evidence  
18 obtained by the Department in this matter prior to the  
19 Commissioner's acceptance, and all allegations contained in the  
20 Accusation filed in the Department Case No. H-34697 LA, may be  
21 considered by the Department to be true and correct for the  
22 purpose of deciding whether to grant relicensure or  
23 reinstatement of any real estate salesperson or broker license  
24 pursuant to Government Code Section 11522.

25 11. Respondent ALFREDO PEREZ ROYBAL freely and  
26 voluntarily surrenders his real estate salesperson license and  
27

1 license rights under the Real Estate Law conditioned upon being  
2 issued a restricted real estate broker license.

3 DETERMINATION OF ISSUES

4 By reason of the foregoing stipulations, admissions  
5 and waivers and solely for the purpose of settlement of the  
6 pending Statement of Issues and Accusation without a hearing, it  
7 is stipulated and agreed that the following determination of  
8 issues shall be made:

9 The conduct of Respondent, as set forth in the  
10 Statement of Issues and the Accusation constitutes grounds for  
11 the denial of Respondent's application for a real estate broker  
12 license and suspension or revocation of Respondent's real estate  
13 salesperson license under the provisions of Sections 475, 480  
14 and 10177(f) of the Business and Professions Code.

15 ORDER

16 WHEREFORE, THE FOLLOWING ORDER is hereby made:

17 I

18 IT IS HEREBY ORDERED that:

19 Respondent ALFREDO PEREZ ROYBAL's petition for  
20 voluntary surrender of his real estate salesperson license is  
21 accepted as of the date of the issuance of a restricted broker  
22 license as set forth below, based upon the understanding and  
23 agreement expressed in Respondent's Declaration incorporated  
24 herein as part of this Stipulation and Agreement. Respondent's  
25 real estate salesperson license certificate(s), pocket card(s)  
26 and any branch office license certificate(s) shall be sent to the  
27

1 below listed address so that they reach the Department on or  
2 before the effective date of this Order:

3 DEPARTMENT OF REAL ESTATE  
4 Attn: Licensing Flag Section  
5 P. O. Box 187000  
6 Sacramento, CA 95818-7000

7 II

8 Respondent ALFREDO PEREZ ROYBAL's application for a  
9 real estate broker license is denied; provided, however, a  
10 restricted real estate broker license shall be issued to  
11 Respondent ALFREDO PEREZ ROYBAL pursuant to Section 10156.5 of  
12 the Business and Professions Code. The restricted license  
13 issued to the Respondent shall be subject to all of the  
14 provisions of Section 10156.7 of the Business and Professions  
15 Code and to the following limitations, conditions and  
16 restrictions imposed under authority of Section 10156.6 of said  
17 Code.

18 1. The license shall not confer any property right in  
19 the privileges to be exercised, and the Real Estate Commissioner  
20 may by appropriate order suspend the right to exercise any  
21 privileges granted under this restricted license in the event  
22 of:

23 (a) The conviction of Respondent (including a plea of  
24 nolo contendere) of a crime which is substantially related to  
25 Respondent's fitness or capacity as a real estate licensee; or

26 (b) The receipt of evidence that Respondent has  
27 violated provisions of the California Real Estate Law, the

1 Subdivided Lands Law, Regulations of the Real Estate

2 Commissioner or conditions attaching to this restricted license.

3 2. Respondent shall not be eligible to apply for the  
4 issuance of an unrestricted real estate license nor the removal  
5 of any of the conditions, limitations or restrictions attaching  
6 to the restricted license until one (1) year has elapsed from  
7 the date of issuance of the restricted license to Respondent.

8 DATED:

6/11/08

Lisette Garcia  
LISSETE GARCIA Counsel for Complainant

9  
10 \* \* \*

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

22 Respondent can signify acceptance and approval of the  
23 terms and conditions of this Stipulation and Agreement by faxing  
24 a copy of the signature page, as actually signed by Respondent,  
25 to the Department at fax number (213) 576-6917. Respondent  
26 agrees, acknowledges and understands that by electronically  
27



1 sending to the Department a fax copy of his actual signature as  
2 it appears on the Stipulation and Agreement, that receipt of the  
3 faxed copy by the Department shall be as binding on Respondent  
4 as if the Department had received the original signed  
5 Stipulation and Agreement.

6 DATED: 06-04-08

  
ALFREDO PEREZ ROYBAL  
Respondent

9  
10 I have reviewed the Stipulation and Agreement as to  
11 form and content and have advised my client accordingly.

12  
13 DATED: 6-4-08

  
FRANK M. BUDA, Attorney for Respondent

14 \*\*\*

15  
16 The foregoing Stipulation and Agreement is hereby  
17 adopted as my Decision in this matter and shall become effective  
18 at 12 o'clock noon on \_\_\_\_\_, 2008.

19 IT IS SO ORDERED \_\_\_\_\_

20  
21  
22 JEFF DAVI  
23 Real Estate Commissioner  
24  
25  
26  
27

1 sending to the Department a fax copy of his actual signature as  
2 it appears on the Stipulation and Agreement, that receipt of the  
3 faxed copy by the Department shall be as binding on Respondent  
4 as if the Department had received the original signed  
5 Stipulation and Agreement.

6  
7 DATED: \_\_\_\_\_  
8 ALFREDO PEREZ ROYBAL  
9 Respondent

10 *I have reviewed the Stipulation and Agreement as to*  
11 *form and content and have advised my client accordingly.*

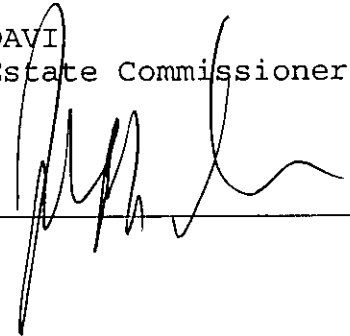
12  
13 DATED: \_\_\_\_\_  
14 FRANK M. BUDA, Attorney for Respondent

15  
16 \*\*\*

17  
18 The foregoing Stipulation and Agreement is hereby  
19 adopted as my Decision in this matter and shall become effective  
20 at 12 o'clock noon on August 13, 2008.

21 IT IS SO ORDERED 7-3-08.

22  
23 JEFF DAVIS  
24 Real Estate Commissioner

25  
26  
27 

1 LISSETE GARCIA, Counsel (SBN 211552)  
2 Department of Real Estate  
3 320 West 4th Street, Suite 350  
4 Los Angeles, California 90013-1105

5 Telephone: (213) 576-6982  
6 (Direct) (213) 576-6914

**FILED**  
FEB 6, 2008  
DEPARTMENT OF REAL ESTATE

By C. J.

7  
8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of ) NO. H-34697 LA  
12 )  
13 ALFREDO PEREZ ROYBAL, ) A C C U S A T I O N  
14 ) Respondent. )

15 The Complainant, Maria Suarez, a Deputy Real Estate  
16 Commissioner of the State of California, for cause of Accusation  
17 against ALFREDO PEREZ ROYBAL ("Respondent"), is informed and  
18 alleges in her official capacity as follows:

19 I

20 At all times herein mentioned, Respondent was and is  
21 presently licensed by the Department of Real Estate of the State  
22 of California ("Department") as a real estate salesperson under  
23 the Real Estate Law, Part 1 of Division 4 of the California  
24 Business and Professions Code ("Code").

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26 ///

II

Pursuant to the provisions of Code Section 10153.3, Respondent was originally licensed as a salesperson with the Department on or about May 9, 1986.

III

On or about October 30, 2006, Respondent made application with the Department for the issuance of a real estate broker license.

PRIOR DISCIPLINE

IV

On or about January 11, 2000, the Contractors State License Board of California ("CSLB") issued Contractor's License No. 773499 to The Andrade Group, Inc., with Respondent listed as the Responsible Managing Officer. On or about September 20, 1990, the CSLB issued Contractor's License No. 602995 to Roybal & Son with Respondent listed as sole owner.

V

On or about February 18, 2004, in Case No. S2003-229, the CSLB brought an Accusation alleging cause for discipline of both Contractor's License No. 773499 and Contractor's License No. 602995 based on violations of the Business and Professions Code Section 7000, et seq. Respondent was given fair notice of the charges, an opportunity for a hearing and other due process protections under the Administrative Procedure Act.

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VI

1                   On or about October 6, 2006, the CSLB's Order to Adopt  
2 Stipulation and Waiver became effective. Said order revoked  
3 Contractor's License No. 773499 and revoked Contractor's License  
4 No. 602995; however, the revocation was stayed and Roybal & Son  
5 was placed on probation for two years on certain terms and  
6 conditions.  
7

VII

8                   The prior discipline against Respondent's Contractor's  
9 license, as alleged in Paragraphs IV, V, and VI above,  
10 constitutes cause for the suspension or revocation of the  
11 license and license rights of Respondent under Section 10177(f)  
12 of the Business and Professions Code.  
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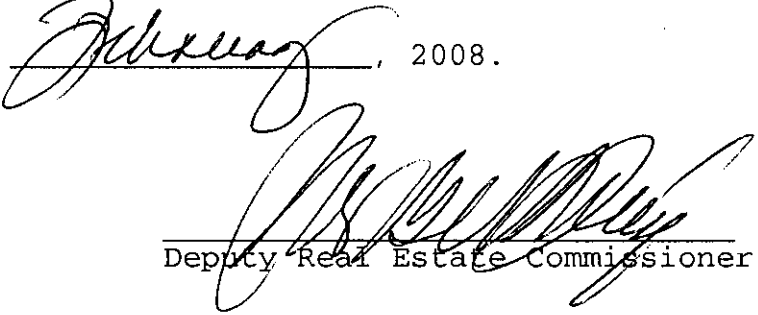
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27 ///

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 licenses and/or license rights of Respondent,  
5 ALFREDO PEREZ ROYBAL, under the Real Estate Law (Part 1 of  
6 Division 4 of the Business and Professions Code) and for such  
7 other and further relief as may be proper under other applicable  
8 provisions of law.

9 Dated at Los Angeles, California

10 this 1st day of February, 2008.

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14 Deputy Real Estate Commissioner  
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20  
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22  
23

24 cc: Alfredo Perez Roybal  
25 Underline, Inc./William Leonard Kuhn  
26 Sacto.  
27 Maria Suarez