

AUG -6 2009

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

DEPARTMENT OF REAL ESTATE
BY: James A. Demus

3 (213) 576-6982
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8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) NO. H-35550 LA
12)
12 MARIA C. NUNEZ-ESPINOZA,)
13) STIPULATION AND AGREEMENT
13 Respondent.)
14)
14)

15 It is hereby stipulated by and between MARIA C. NUNEZ-
16 ESPINOZA (hereinafter "Respondent") and Respondent's attorney,
17 Frank M. Buda and the Complainant, acting by and through
18 James A. Demus, Counsel for the Department of Real Estate, as
19 follows for the purpose of settling and disposing of the
20 Accusation filed on December 18, 2008 in this matter:

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

1 Stipulation and Agreement.

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

6 3. On January 14, 2009, Respondent filed a Notice of
7 Defense pursuant to Section 11506 of the Government Code for the
8 purpose of requesting a hearing on the allegations in the
9 Accusation. Respondent hereby freely and voluntarily withdraws
10 said Notice of Defense. Respondent acknowledges that she
11 understands that by withdrawing said Notice of Defense she will
12 thereby waive her right to require the Commissioner to prove the
13 allegations in the Accusation at a contested hearing held in
14 accordance with the provisions of the APA and that she will
15 waive other rights afforded to her in connection with the
16 hearing, such as the right to present evidence in defense of the
17 allegations in the Accusation and the right to cross-examine
18 witnesses.

19 4. Respondent, pursuant to the limitations set forth
20 below, hereby admits that the factual allegations of the
21 Accusation filed in this proceeding are true and correct and the
22 Real Estate Commissioner shall not be required to provide
23 further evidence of such allegations.

24 5. It is understood by the parties that the Real
25 Estate Commissioner may adopt the Stipulation and Agreement as
26 his Decision in this matter, thereby imposing the penalty and
27 sanctions on Respondent's real estate license and license rights

1 as set forth in the below "Order". In the event that the
2 Commissioner in his discretion does not adopt the Stipulation
3 and Agreement, it shall be void and of no effect, and Respondent
4 shall retain the right to a hearing and proceeding on the
5 Accusation under all the provisions of the APA and shall not be
6 bound by any admission or waiver made herein.

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

14 DETERMINATION OF ISSUES

15 By reason of the foregoing stipulations, admissions
16 and waivers and solely for the purpose of settlement of the
17 pending Accusation without a hearing, it is stipulated and
18 agreed that the following determination of issues shall be made:

19 The conduct of Respondent, as set forth in the
20 Accusation constitutes grounds for suspension or revocation of
21 Respondent's real estate salesperson license under the
22 provisions of Sections 490 and 10177(b) of the Business and
23 Professions Code.

24 ORDER

25 WHEREFORE, THE FOLLOWING ORDER is hereby made:

26 All licenses and licensing rights of Respondent MARIA
27 C. NUNEZ-ESPINOZA, under the Real Estate Law are revoked;

1 provided, however, a restricted real estate salesperson license
2 shall be issued to Respondent pursuant to Section 10156.5 of the
3 Business and Professions Code, if Respondent makes application
4 therefor and pays to the Department the appropriate fee within
5 90 days from the effective date of this Decision. The
6 restricted license issued to Respondent shall be subject to all
7 of the provisions of Section 10156.7 of the Business and
8 Professions Code and to the following limitations, conditions
9 and restrictions imposed under authority of Section 10156.6 of
10 that code:

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

16 2. The restricted license issued to Respondent may be
17 suspended prior to hearing by Order of the Real Estate
18 Commissioner on evidence satisfactory to the Commissioner that
19 Respondent has violated provisions of the California Real Estate
20 Law, the Subdivided Lands Law, Regulations of the Real Estate
21 Commissioner, or conditions attaching to this restricted
22 license.

23 3. Respondent shall not be eligible to apply for the
24 issuance of an unrestricted real estate license nor for the
25 removal of any of the conditions, limitations or restrictions
26 of a restricted license until two (2) years have elapsed from
27 the date of issuance of the restricted license to Respondent.

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

6 (a) That the employing broker has read the
7 Decision of the Commissioner which granted
8 the right to a restricted license; and

9 (b) That the employing broker will exercise
10 close supervision over the performance by
11 the restricted licensee relating to activities
12 for which a real estate license is required.

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

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1 DATED:

6/30/09

James A. Demus
JAMES A. DEMUS, Counsel for Complainant

* * *

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3 I have read the Stipulation and Agreement and its
4 terms are understood by me and are agreeable and acceptable to
5 me. I understand that I am waiving rights given to me by the
6 California Administrative Procedure Act (including but not
7 limited to Sections 11506, 11508, 11509 and 11513 of the
8 Government Code), and I willingly, intelligently and voluntarily
9 waive those rights, including the right of requiring the
10 Commissioner to prove the allegations in the Accusation at a
11 hearing at which I would have the right to cross-examine
12 witnesses against me and to present evidence in defense and
13 mitigation of the charges.

14 Respondent can signify acceptance and approval of the
15 terms and conditions of this Stipulation and Agreement by faxing
16 a copy of the signature page, as actually signed by Respondent,
17 to the Department at fax number (213) 576-6917. Respondent
18 agrees, acknowledges and understands that by electronically
19 sending to the Department a fax copy of his actual signature as
20 it appears on the Stipulation and Agreement, that receipt of the
21 faxed copy by the Department shall be as binding on Respondent
22 as if the Department had received the original signed
23 Stipulation and Agreement.
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25 DATED: _____

26 _____
MARIA C. NUNEZ-ESPINOZA, Respondent

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DATED: _____
JAMES A. DEMUS, Counsel for Complainant

* * *

I have read the Stipulation and Agreement 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 requiring the Commissioner to prove the allegations in the Accusation at a hearing 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 Agreement 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 his actual signature as it appears on the Stipulation and Agreement, 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 Agreement.

DATED: 6/16/2009 
MARIA C. NUNEZ ESPINOZA, Respondent

1 I have read the Stipulation and Agreement as to form
2 and content and have advised my client accordingly.

3
4
5 DATED: _____ FRANK M. BUDA, Attorney for Respondent

6 ***

7 The foregoing Stipulation and Agreement is hereby
8 adopted as my Decision in this matter and shall become effective
9 at 12 o'clock noon on _____.

10 IT IS SO ORDERED _____.

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12 JEFF DAVI
13 REAL ESTATE COMMISSIONER
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I have read the Stipulation and Agreement as to form and content and have advised my client accordingly.

DATED: 6-16-09 Frank M Buda
FRANK M. BUDA, Attorney for Respondent

The foregoing Stipulation and Agreement is hereby adopted as my Decision in this matter and shall become effective at 12 o'clock noon on August 26, 2009.

IT IS SO ORDERED 7-31-09

JEFF DAVI
REAL ESTATE COMMISSIONER

Barbara J. Bigby
BY: Barbara J. Bigby
Chief Deputy Commissioner

*Photo
File*

JAMES DEMUS, Counsel (SBN 225005)
Department of Real Estate
320 West 4th Street, Suite 350
Los Angeles, California 90013-1105

FILED
DEC 18 2008
DEPARTMENT OF REAL ESTATE

Telephone: (213) 576-6982
(Direct) (213) 576-6910

Laura B. Olson

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-35550 LA
MARIA C. NUNEZ-ESPINOZA,)	<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 MARIA C. NUNEZ-ESPINOZA, ("Respondent") alleges as follows:

1.

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

2.

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.

3.

On or about January 14, 2008, in the Superior Court of California, County of Los Angeles, in case no. BA331231, Respondent was convicted of violating California Penal Code Section 273.5(a) (infliction of corporal injury on spouse), a misdemeanor. Said crime 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.

4.

The crime of which Respondent was convicted, as described in Paragraph 3 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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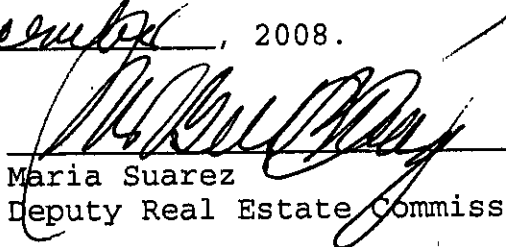
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WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against all the licenses and license rights of Respondent, MARIA C. NUNEZ-ESPINOZA, under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) and for such other and further relief as may be proper under other applicable provisions of law.

Dated at Los Angeles, California
this 17~~th~~ day of December, 2008.



Maria Suarez
Deputy Real Estate Commissioner

cc: MARIA C. NUNEZ-ESPINOZA
Infinity Funding Corporation
Maria Suarez
Sacto.