

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

4 (213) 576-6982

FILED
AUG - 6 2009
DEPARTMENT OF REAL ESTATE

By C. R.

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 STEPHEN JOSEPH LARRALDE,)
13 Respondent.)

NO. H-35585 LA
L-2009010558

14 STIPULATION AND AGREEMENT

15
16 It is hereby stipulated by and between
17 STEPHEN JOSEPH LARRALDE (hereinafter "Respondent") and his
18 attorney, Mary E. Work, and the Complainant, acting by and
19 through Lissete Garcia, Counsel for the Department of Real
20 Estate, as follows for the purpose of settling and disposing of
21 the Accusation filed on January 6, 2009, in this matter:

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

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

7 3. On January 13, 2009, Respondent filed a Notice of
8 Defense pursuant to Section 11506 of the Government Code for the
9 purpose of requesting a hearing on the allegations in the
10 Accusation. Respondent hereby freely and voluntarily withdraws
11 said Notice of Defense. Respondent acknowledges that he
12 understands that by withdrawing said Notice of Defense he will
13 thereby waive his right to require the Commissioner to prove the
14 allegations in the Accusation at a contested hearing held in
15 accordance with the provisions of the APA and that he will waive
16 other rights afforded to him in connection with the hearing such
17 as the right to present evidence in defense of the allegations
18 in the Accusation and the right to cross-examine 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
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1 sanctions on Respondent's real estate license and license rights
2 as set forth in the below "Order". In the event that the
3 Commissioner in his discretion does not adopt the Stipulation
4 and Agreement, it shall be void and of no effect, and Respondent
5 shall retain the right to a hearing and proceeding on the
6 Accusation under all the provisions of the APA and shall not be
7 bound by any admission or waiver made herein.

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

15 DETERMINATION OF ISSUES

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

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

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ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

All licenses and licensing rights of Respondent

STEPHEN JOSEPH LARRALDE, under the Real Estate Law are suspended
for a period of sixty (60) days from the effective date of this
Decision; provided, however, that said sixty (60) day suspension
shall be stayed for two (2) years upon the following terms and
conditions:

1. Respondent shall obey all laws, rules and
regulations governing the rights, duties and responsibilities of
a real estate licensee in the State of California; and

2. That no final subsequent determination be made,
after hearing or upon stipulation, that cause for disciplinary
action occurred within two (2) years of the effective date of
this Decision. Should such a determination be made, the
Commissioner may, in his discretion vacate and set aside the stay
order and reimpose all or a portion of the stayed suspension.
Should no such determination be made, the stay imposed herein
shall become permanent.

DATED:

July 9, 2008

Lissette Garcia

LISSETTE GARCIA
Counsel for Complainant

* * *

I have read the Stipulation and Agreement, 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

1 waiving rights given to me by the California Administrative
 2 Procedure Act (including but not limited to Sections 11506,
 3 11508, 11509 and 11513 of the Government Code), and I willingly,
 4 intolligently and voluntarily waive those rights, including the
 5 right of requiring the Commissioner to prove the allegations in
 6 the Accusation at a hearing at which I would have the right to
 7 cross-examine witnesses against me and to present evidence in
 8 defense and mitigation of the charges.

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

19 DATED:

4/21/04



STEPHEN JOSEPH LARRALDE, Respondent

21 I have reviewed the Stipulation and Agreement as to
 22 form and content and have advised my client accordingly.

23 DATED: _____

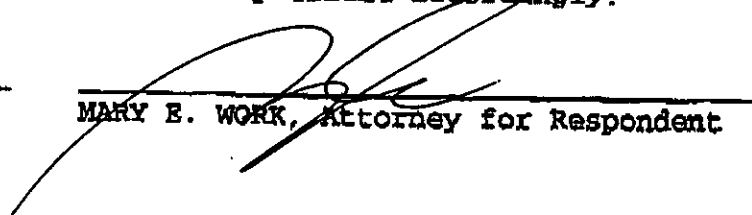
24 MARY E. WORK, Attorney for Respondent

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 2 Procedure Act (including but not limited to Sections 11506,
 3 11508, 11509 and 11513 of the Government Code), and I willingly,
 4 intelligently and voluntarily waive those rights, including the
 5 right of requiring the Commissioner to prove the allegations in
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 15 it appears on the Stipulation and Agreement, that receipt of the
 16 faxed copy by the Department shall be as binding on Respondent
 17 as if the Department had received the original signed
 18 Stipulation and Agreement.

19 DATED: 6/21/09 
 20 STEPHEN JOSEPH LARRALDE, Respondent

21 I have reviewed the Stipulation and Agreement as to
 22 form and content and have advised my client accordingly.

23 DATED: 6/27/09 
 24 MARY E. WORK, Attorney for Respondent

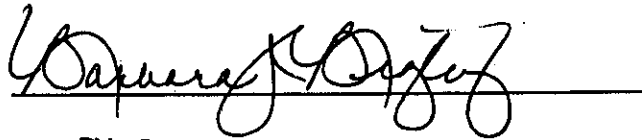
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2 The foregoing Stipulation and Agreement is hereby
3 adopted as my Decision in this matter and shall become effective
4 at 12 o'clock noon on AUGUST 26, 2009.

5 IT IS SO ORDERED 7-31-09.

6
7 JEFF DAVI
8 Real Estate Commissioner

9 

10 BY: Barbara J. Bigby
11 Chief Deputy Commissioner

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
JAN. 6, 2009
DEPARTMENT OF REAL ESTATE

By 

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11	In the Matter of the Accusation of)	NO. H-35585 LA
12	STEPHEN JOSEPH LARRALDE,)	<u>A C C U S A T I O N</u>
13	Respondent.)	
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15 The Complainant, Joseph Aiu, a Deputy Real Estate
16 Commissioner of the State of California, for cause of Accusation
17 against STEPHEN JOSEPH LARRALDE, aka Steve Lerralde
18 ("Respondent"), is informed and alleges in his official capacity
19 as follows:

20 I

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

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II

Pursuant to the provisions of Code Section 10153.3, the Department originally issued a real estate salesperson license to the Respondent on October 25, 2005.

III

On or about May 29, 2007, in the Superior Court of California, County of Riverside, in Case No. RIM497639, as part of a plea agreement, Respondent pled guilty to and was convicted of violating Penal Code Section 273.5(a) (inflict corporal injury on spouse/co-habitant), a misdemeanor. The underlying facts of said crime involve moral turpitude and bear a substantial relationship to the qualifications, functions or duties of a real estate licensee under Section 2910, Title 10, Chapter 6, California Code of Regulations.

IV

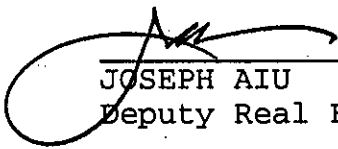
The crime of which Respondent was convicted, as alleged in Paragraph III above, constitutes cause under Code Sections 490 and 10177(b) for the suspension or revocation of all licenses and license rights of Respondent under the Real Estate Law.

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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 licenses and/or license rights of Respondent, STEPHEN JOSEPH LARRALDE, 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 San Diego, California
this 16 day of December, 2008.



JOSEPH AIU
Deputy Real Estate Commissioner

cc: Stephen Joseph Larralde
D&D Loan Processing, Inc.
Joseph Aiu
Sacto.