


1 Department of Real Estate
2 320 W. 4th St., Room 350
3 Los Angeles, California 90013
4 Telephone: (213) 576-6982
5
6
7

FILED
DEC 28 2009
DEPARTMENT OF REAL ESTATE


8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) No. H-35697 LA
12 TERESA MEJIA,) L-2009 060 171
13) STIPULATION AND
14 Respondent.) AGREEMENT
15)
16)

17 It is hereby stipulated by and between TERESA MEJIA
18 (sometimes referred to as Respondent), and the Complainant,
19 acting by and through James R. Peel, Counsel for the Department
20 of Real Estate, as follows for the purpose of settling and
21 disposing of the Accusation filed on February 13, 2009, in this
22 matter.

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

1 thereof be submitted solely on the basis of the provisions of
2 this Stipulation and Agreement ("Stipulation").

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

7 3. On April 29, 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 she
12 understands that by withdrawing said Notice of Defense she will
13 thereby waive her 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 she will
16 waive other rights afforded to her in connection with the
17 hearing, such as the right to present evidence in defense of the
18 allegations in the Accusation and the right to cross-examine
19 witnesses.

20 4. This Stipulation is based on the factual
21 allegations contained in the Accusation filed in this
22 proceeding. In the interest of expedience and economy,
23 Respondent chooses not to contest these factual allegations, but
24 to remain silent and understands that, as a result thereof,
25 these factual statements, will serve as a prima facie basis for
26 the disciplinary action stipulated to herein. The Real Estate
27

1 Commissioner shall not be required to provide further evidence
2 to prove such allegations.

3 5. This Stipulation and Respondent's decision not to
4 contest the Accusation is made for the purpose of reaching an
5 agreed disposition of this proceeding and is expressly limited
6 to this proceeding and any other proceeding or case in which the
7 Department of Real Estate ("Department"), the state or federal
8 government, or an agency of this state, another state or the
9 federal government is involved.

10 6. It is understood by the parties that the Real
11 Estate Commissioner may adopt the Stipulation as his decision
12 in this matter thereby imposing the penalty and sanctions on
13 Respondent's real estate license and license rights as set forth
14 in the below "Order". In the event that the Commissioner in his
15 discretion does not adopt the Stipulation, the Stipulation shall
16 be void and of no effect, and Respondent shall retain the right
17 to a hearing on the Accusation under all the provisions of the
18 APA and shall not be bound by any stipulation or waiver made
19 herein.
20

21 7. The Order or any subsequent Order of the Real
22 Estate Commissioner made pursuant to this Stipulation shall not
23 constitute an estoppel, merger or bar to any further
24 administrative or civil proceedings by the Department of Real
25 Estate with respect to any conduct which was not specifically
26 alleged to be causes for accusation in this proceeding.
27

DETERMINATION OF ISSUES

1 By reason of the foregoing stipulations and waivers
2 and solely for the purpose of settlement of the pending
3 Accusation without a hearing, it is stipulated and agreed that
4 the following determination of issues shall be made:
5

6 The conduct, acts and/or omissions of Respondent
7 TERESA MEJIA, as set forth in the Accusation, constitute cause
8 for the suspension or revocation of all of the real estate
9 licenses and license rights of Respondent under the provisions
10 of Section 10177(d) of the Business and Professions Code
11 ("Code") for violation of Code Section 10130.

ORDER

I

12 The license and licensing rights of Respondent TERESA
13 MEJIA under the Real Estate Law are suspended for a period of
14 one hundred twenty (120) days from the effective date of this
15 Decision; provided, however, that ninety (90) days of said
16 suspension shall be stayed for two (2) years upon the following
17 terms and conditions:
18

19 1. Respondent shall obey all laws, rules and
20 regulations governing the rights, duties and responsibilities of
21 a real estate licensee in the State of California; and
22

23 2. That no final subsequent determination be made,
24 after hearing or upon stipulation that cause for disciplinary
25 action occurred within two (2) years of the effective date of
26 this Decision. Should such a determination be made, the
27

1 Commissioner may, in his discretion, vacate and set aside the
2 stay order and reimpose all or a portion of the stayed
3 suspension. Should no such determination be made, the stay
4 imposed herein shall become permanent.

5 3. Provided, however, that if Respondent petitions,
6 the remaining thirty (30) days of said one hundred twenty (120)
7 day suspension, or any portion thereof, shall be stayed upon
8 condition that:

9 a. Respondent pays a monetary penalty pursuant to
10 Section 10175.2 of the Business and Professions Code at the rate
11 of \$25 for each day of the suspension for a maximum monetary
12 penalty of \$750.

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

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

22 d. If Respondent fails to pay the monetary
23 penalty in accordance with the terms and conditions of the
24 Decision, the Commissioner may, without a hearing, order the
25 immediate execution of all or any part of the stayed suspension
26 in which event the Respondent shall not be entitled to any
27

1 repayment nor credit, prorated or otherwise, for money paid to
2 the Department under the terms of this Decision.

3 e. If Respondent pays the monetary penalty and if
4 no 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 II

9 Respondent shall, within six months from the
10 effective date of this Decision, take and pass the Professional
11 Responsibility Examination administered by the Department
12 including the payment of the required examination fee. If
13 Respondent fails to satisfy this condition, the Commissioner may
14 order suspension of Respondent's license until Respondent passes
15 the examination.

16
17
18 DATED: Sept 24, 2009

James R. Peel
19 JAMES R. PEEL, Counsel for the
20 Department of Real Estate

21 * * *

22 I have read the Stipulation and Agreement and its
23 terms are understood by me and are agreeable and acceptable to
24 me. I understand that I am waiving rights given to me by the
25 California Administrative Procedure Act (including but not
26 limited to Sections 11506, 11508, 11509 and 11513 of the
27 Government Code), and I willingly, intelligently and voluntarily

1 waive those rights, including the right of requiring the
2 Commissioner to prove the allegations in the Accusation at a
3 hearing at which I would have the right to cross-examine
4 witnesses against me and to present evidence in defense and
5 mitigation of the charges.

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

16 Further, if the Respondent is represented, the
17 Respondent's counsel can signify his or her agreement to the
18 terms and conditions of the Stipulation and Agreement by
19 submitting that signature via fax.

20
21 DATED:

9/23/09



22 TERESA MEJIA
23 Respondent
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1 waive those rights, including the right of requiring the
2 Commissioner to prove the allegations in the Accusation at a
3 hearing at which I would have the right to cross-examine
4 witnesses against me and to present evidence in defense and
5 mitigation of the charges.

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17 Respondent's counsel can signify his or her agreement to the
18 terms and conditions of the Stipulation and Agreement by
19 submitting that signature via fax.

20
21 DATED: _____

22 _____
23 TERESA MEJIA
24 Respondent
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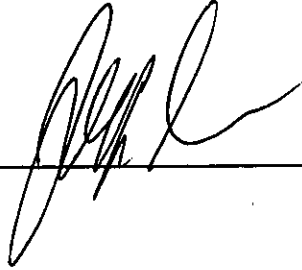
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The foregoing Stipulation and Agreement is hereby
adopted as my Decision and Order in this matter, and shall
become effective at 12 o'clock noon on January 19, 2010.

IT IS SO ORDERED 10-6-09

JEFF DAVI
Real Estate Commissioner



SACD
Flag

FILED
FEB 13 2009
DEPARTMENT OF REAL ESTATE
[Signature]

1 JAMES R. PEEL, Counsel (SBN 47055)
Department of Real Estate
2 320 West Fourth Street, Suite 350
Los Angeles, CA 90013-1105
3
4 Telephone: (213) 576-6982
-or- (213) 576-6913 (Direct)

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) No. H-35697 LA
12 TERESA MEJIA,) A C C U S A T I O N
13)
14 Respondent.)

15 The Complainant, Robin L. Trujillo, a Deputy Real
16 Estate Commissioner of the State of California, for cause of
17 Accusation against TERESA MEJIA, alleges as follows:
18

19 I

20 The Complainant, Robin L. Trujillo, acting in her
21 official capacity as a Deputy Real Estate Commissioner of the
22 State of California, makes this Accusation against TERESA MEJIA.

23 II

24 TERESA MEJIA (hereinafter referred to as "Respondent")
25 is presently licensed and/or has license rights under the Real
26 Estate Law (Part 1 of Division 4 of the Business and Professions
27 Code, hereinafter Code).

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III

At all times herein mentioned, Respondent was licensed by the Department of Real Estate of the State of California as a real estate salesperson employed by real estate broker Abacus Mortgage.

IV

On or about June 7, 2008, for or in expectation of compensation, Respondent solicited and negotiated a re-finance loan on real property located at 13423 Loumont St., Whittier, California, for borrower Carolina Rodriguez.

V

Respondent violated Code Section 10145(c) by collecting advance fees from the borrower and failing to turn the funds over to her employing broker.

VI

Respondent's activities are acts requiring a real estate broker license under the provisions of Code Section 10131(d) and (e).

VII


The conduct of Respondent, as alleged above, subjects her real estate license and license rights to suspension or revocation pursuant to Sections 10177(f) and 10177(j) of the Code, and Section 10177(d) for violation of Code Sections 10130 and 10145(c).

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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 license rights of respondent TERESA MEJIA 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 13 day of January, 2009.


ROBIN L. TRUJILLO
Deputy Real Estate Commissioner

cc: Teresa Mejia
Robin L. Trujillo
Sacto.
Ray Bruce Penfield