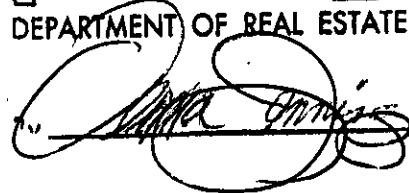


1 Department of Real Estate  
2 320 W. 4<sup>th</sup> St., Room 350  
3 Los Angeles, California 90013

4 Telephone: (213) 576-6982

FILED  
DEC 27 2010  
DEPARTMENT OF REAL ESTATE



7 BEFORE THE DEPARTMENT OF REAL ESTATE

8 STATE OF CALIFORNIA

9 \* \* \*

10 In the Matter of the Accusation of ) No. H-36286 LA  
11 ) L 2010 050 562  
12 )  
13 A L E ASSOCIATES, INC., )  
14 dba Castle Realty Homes ) STIPULATION AND AGREEMENT  
15 and Castle Mortgage; )  
16 and ANA MICHELLE ESPINOZA )  
17 individually and as )  
18 designated officer of )  
19 the corporation, )  
20 Respondents. )

21 It is hereby stipulated by and between A L E  
22 ASSOCIATES, INC., and ANA MICHELLE ESPINOZA (sometimes referred  
23 to as Respondents), and the Complainant, acting by and through  
24 James R. Peel, Counsel for the Department of Real Estate, as  
25 follows for the purpose of settling and disposing of the  
26 Accusation filed on September 29, 2009, in this matter.

27 1. All issues which were to be contested and all  
evidence which was to be presented by Complainant and  
Respondents at a formal hearing on the Accusation, which hearing  
was to be held in accordance with the provisions of the

1 Administrative Procedure Act ("APA"), shall instead and in place  
2 thereof be submitted solely on the basis of the provisions of  
3 this Stipulation and Agreement ("Stipulation").

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

8 3. On October 15, 2009, Respondents filed a Notice of  
9 Defense pursuant to Section 11506 of the Government Code for the  
10 purpose of requesting a hearing on the allegations in the  
11 Accusation. Respondents hereby freely and voluntarily withdraw  
12 said Notice of Defense. Respondents acknowledge that they  
13 understand that by withdrawing said Notices of Defense they will  
14 thereby waive their right to require the Commissioner to prove  
15 the allegations in the Accusation at a contested hearing held in  
16 accordance with the provisions of the APA and that they will  
17 waive other rights afforded to them in connection with the  
18 hearing, such as the right to present evidence in defense of the  
19 allegations in the Accusation and the right to cross-examine  
20 witnesses.

21 4. This Stipulation is based on the factual  
22 allegations contained in the Accusation filed in this  
23 proceeding. In the interest of expedience and economy,  
24 Respondents choose not to contest these factual allegations, but  
25 to remain silent and understand that, as a result thereof, these  
26 factual statements, will serve as a prima facie basis for the  
27

1 disciplinary action stipulated to herein. The Real Estate  
2 Commissioner shall not be required to provide further evidence  
3 to prove such allegations.

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

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

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

DETERMINATION OF ISSUES

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

The conduct, acts and/or omissions of Respondents A L E ASSOCIATES, INC., and ANA MICHELLE ESPINOZA, as set forth in the Accusation, constitute cause for the suspension or revocation of all of the real estate licenses and license rights of Respondents under the provisions of Section 10177(g) of the Business and Professions Code ("Code").

ORDER

All licenses and licensing rights of Respondents A L E ASSOCIATES, INC., and ANA MICHELLE ESPINOZA, under the Real Estate Law are suspended for a period of ninety (90) days from the effective date of this Decision; provided, however, that sixty (60) days of said suspension shall be stayed for two (2) years upon the following terms and conditions:

1. Respondents 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

1 stay order and reimpose all or a portion of the stayed  
2 suspension. Should no such determination be made, the stay  
3 imposed herein shall become permanent.

4 3. Provided, however, that if Respondents petition,  
5 the remaining thirty (30) days of said ninety (90) day  
6 suspension shall be stayed upon condition that:

7 a. Respondents pay a monetary penalty pursuant to  
8 Section 10175.2 of the Business and Professions Code at the rate  
9 of \$50 for each day of the suspension for a total monetary  
10 penalty of \$1,500 (\$3,000 for both Respondents).

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

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

21 d. If Respondents fail to pay the monetary  
22 penalty in accordance with the terms and conditions of the  
23 Decision, the Commissioner may, without a hearing, order the  
24 immediate execution of all or any part of the stayed suspension  
25 in which event the Respondents shall not be entitled to any  
26 repayment nor credit, prorated or otherwise, for money paid to  
27 the Department under the terms of this Decision.

1                    e. If Respondents pay the monetary penalty and if  
2 no further cause for disciplinary action against the real estate  
3 license of Respondent occurs within two (2) years from the  
4 effective date of the Decision, the stay hereby granted shall  
5 become permanent.

6  
7  
8 DATED: Oct. 29, 2010

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

9  
10 \* \* \*

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

22                    Respondents 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 Respondents,  
25 to the Department at the following telephone/fax number:  
26 (213) 576-6917. Respondents agree, acknowledge and understand  
27 that by electronically sending to the Department a fax copy of

1 his or her actual signature as it appears on the Stipulation and  
2 Agreement, that receipt of the faxed copy by the Department  
3 shall be as binding on Respondents as if the Department had  
4 received the original signed Stipulation and Agreement.

5 Further, if the Respondents are represented, the  
6 Respondents' counsel can signify his or her agreement to the  
7 terms and conditions of the Stipulation and Agreement by  
8 submitting that signature via fax.

9  
10 DATED: \_\_\_\_\_

\_\_\_\_\_  
A L E ASSOCIATES, INC.  
Respondent

11  
12  
13 DATED: \_\_\_\_\_

\_\_\_\_\_  
ANA MICHELLE ESPINOZA  
Respondent

14  
15  
16  
17 DATED: \_\_\_\_\_

\_\_\_\_\_  
ROBERT P. SIEVERS  
Counsel for Respondents

1 his or her actual signature as it appears on the Stipulation and  
2 Agreement, that receipt of the faxed copy by the Department  
3 shall be as binding on Respondents as if the Department had  
4 received the original signed Stipulation and Agreement.

5 Further, if the Respondents are represented, the  
6 Respondents' counsel can signify his or her agreement to the  
7 terms and conditions of the Stipulation and Agreement by  
8 submitting that signature via fax.

9  
10 DATED:

10/29/10

  
A L E ASSOCIATES, INC.  
Respondent

11  
12  
13 DATED:

10/29/10

  
ANA MICHELLE ESPINOZA  
Respondent

14  
15  
16  
17 DATED:

10/29/2010

  
ROBERT P. SIEVERS  
Counsel for Respondents

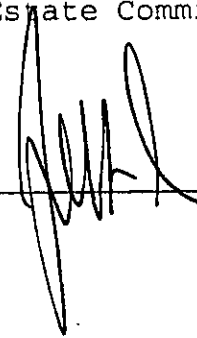


\* \* \*

1                    The foregoing Stipulation and Agreement is hereby  
2                    adopted as my Decision and Order in this matter, and shall  
3                    become effective at 12 o'clock noon on JAN 18 2011  
4

5                    IT IS SO ORDERED

6                    JEFF DAVI  
7                    Real Estate Commissioner  
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\_\_\_\_\_

1 JAMES R. PEEL, Counsel (SBN 47055)  
2 Department of Real Estate  
3 320 West Fourth Street, Suite 350  
4 Los Angeles, CA 90013-1105  
5  
6 Telephone: (213) 576-6982  
7 -or- (213) 576-6913 (Direct)  
8

FILED  
SEP 29 2009  
DEPARTMENT OF REAL ESTATE

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

11 In the Matter of the Accusation of )

No. H-36286 LA

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27 )  
A C C U S A T I O N

13 A L E ASSOCIATES, INC.,  
14 dba Castle Realty Homes  
15 and Castle Mortgage;  
16 and ANA MICHELLE ESPINOZA  
17 individually and as  
18 designated officer of  
19 the corporation,  
20  
21  
22  
23  
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27

Respondents

19 The Complainant, Robin L. Trujillo, a Deputy Real  
20 Estate Commissioner of the State of California, for cause of  
21 accusation against A L E ASSOCIATES, INC., dba Castle Realty  
22 Homes and Castle Mortgage, and ANA MICHELLE ESPINOZA individually  
23 and as designated officer of the corporation, alleges as follows:  
24

25 ///

26 ///

27 ///

I

The Complainant, Robin L. Trujillo, acting in her official capacity as a Deputy Real Estate Commissioner of the State of California, makes this Accusation against A L E ASSOCIATES, INC., dba Castle Realty Homes and Castle Mortgage, and ANA MICHELLE ESPINOZA.

II

A L E ASSOCIATES, INC. and ANA MICHELLE ESPINOZA individually and as designated officer of said corporation (hereinafter referred to as "Respondents") are presently licensed and/or have license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code, hereinafter Code).

III

Respondent A L E ASSOCIATES, INC. was originally licensed as a real estate broker on January 29, 2007. Pursuant to Code Section 10159.2, Respondent ANA MICHELLE ESPINOZA is responsible for the supervision and control of the activities conducted on behalf of the corporation by its officers and employees as necessary to secure full compliance with the provisions of the real estate law including the supervision of salespersons licensed to the corporation in the performance of acts for which a real estate license is required.

IV

At all times material herein, Respondents engaged in the business of, acted in the capacity of, advertised or assumed to act as a real estate broker in the State of California, within

1 the meaning of Section 10131(d) and (e) of the Code, including  
2 soliciting borrowers and lenders and negotiating loans and loan  
3 modifications on real property, and Section 10131.2 of the Code  
4 including collecting and receiving advance fees.

5 V

6 In connection with Respondents' activities as a real  
7 estate broker, as described above, Respondents acted in violation  
8 of the Real Estate Law as follows:

9 (1) Violated Section 10146 of the Code by  
10 collecting advance fees from the public and failing to deposit  
11 the fees into a real estate broker trust account.

12 (2) Violated Code Section 10085 and Regulation 2970 by  
13 failing to submit to the Commissioner not less than ten calendar  
14 days before publication or other use, all materials to be used in  
15 advertising, promoting, soliciting and negotiating an agreement  
16 calling for the payment of an advance fee including the form of  
17 advance fee agreement proposed for use.

18 VI

19 The conduct, acts and/or omissions of Respondents,  
20 A L E ASSOCIATES, INC., and ANA MICHELLE ESPINOZA, as alleged  
21 above, subjects their real estate licenses and license rights to  
22 suspension or revocation pursuant to Sections 10177(d) and/or  
23 10177(g) of the Code.

24 VII

25 The conduct, acts and/or omissions of Respondent ANA  
26 MICHELLE ESPINOZA, in failing to ensure full compliance with the  
27 Real Estate Law is in violation of Section 10159.2 of the Code

1 and subjects her real estate licenses and license rights to  
2 suspension or revocation pursuant to Sections 10177(d), 10177(g)  
3 and/or 10177(h) of the Code.

4 WHEREFORE, Complainant prays that a hearing be  
5 conducted on the allegations of this Accusation and that upon  
6 proof thereof, a decision be rendered imposing disciplinary  
7 action against all licenses and license rights of Respondents  
8 A L E ASSOCIATES, INC., dba Castle Realty Homes and Castle  
9 Mortgage, and ANA MICHELLE ESPINOZA, under the Real Estate Law  
10 (Part 1 of Division 4 of the Business and Professions Code) and  
11 for such other and further relief as may be proper under other  
12 applicable provisions of law.

13 Dated at Los Angeles, California

14 this 18 day of August, 2009.

15  
16 

17 ROBIN L. TRUJILLO  
18 Deputy Real Estate Commissioner  
19  
20  
21  
22  
23  
24

25 cc: A L E Associates, Inc.  
26 Ana Michelle Espinoza  
27 Robin L. Trujillo  
Phillip Ihde  
Sacto.