

FILED

SEP 30 2010

1 Department of Real Estate
2 320 West 4th Street, Ste. 350
3 Los Angeles, California 90013-1105
4
5 Telephone: (213) 576-6982
6
7

DEPARTMENT OF REAL ESTATE
BY: James B. Chen

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of	)	No. H-36327 LA
	)	L-2010040094
12	)	
13 IRIS FAY WARREN,	)	<u>STIPULATION</u>
	)	<u>AND</u>
14 Respondent.	)	<u>AGREEMENT</u>

15 It is hereby stipulated by and between Respondent
16 IRIS FAY WARREN and the Complainant, acting by and through James
17 A. Demus, Counsel for the Department of Real Estate, as follows
18 for the purpose of settling and disposing of the Accusation
19 ("Accusation") filed on October 27, 2009, in this matter:

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

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

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

17 4. This Stipulation is based on the factual
18 allegations contained Paragraphs I through IX in the Accusation.
19 In the interest of expedience and economy, Respondent chooses not
20 to contest these allegations, but to remain silent and
21 understands that, as a result thereof, these factual allegations,
22 without being admitted or denied, will serve as a prima facie
23 basis for the disciplinary action stipulated to herein. The Real
24 Estate Commissioner shall not be required to provide further
25 evidence to prove said factual allegations.
26
27

1 5. This Stipulation is made for the purpose of
2 reaching an agreed disposition of this proceeding and is
3 expressly limited to this proceeding and any other proceeding or
4 case in which the Department of Real Estate ("Department"), the
5 state or federal government, or any agency of this state, another
6 state or federal government is a party.

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

17 7. The Order or any subsequent Order of the Real
18 Estate Commissioner made pursuant to this Stipulation shall not
19 constitute an estoppel, merger or bar to any further
20 administrative or civil proceedings by the Department of Real
21 Estate with respect to any matters which were not specifically
22 alleged to be causes for Accusation in this proceeding but do
23 constitute a bar, estoppel and merger as to any allegations
24 actually contained in the Accusations against Respondent herein.

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DETERMINATION OF ISSUES

By reason of the foregoing, it is stipulated and agreed that the following determination of issues shall be made:

The conduct of IRIS FAY WARREN as described in Paragraph 4, hereinabove, is a basis for discipline of Respondent's license and license rights as violations of the Real Estate law pursuant to Business and Professions Code ("Code") Sections 10130, 10137 and 10177(d).

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

I.

All licenses and licensing rights of Respondent IRIS FAY WARREN, under the Real Estate Law are suspended for a period of sixty (60) days from the effective date of this Decision; provided, however, that thirty (30) days of said suspension, shall be stayed for two (2) years upon the followings terms and condition:

A.

1. No further cause for disciplinary action against the real estate licenses of Respondent occurs within two (2) years from the effective date of the Decision in this matter.
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 the Decision. Should such a determination be made, the Commissioner

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

5 B.

6 If Respondent petitions, an additional 30 days shall be
7 stayed upon condition that:

8 1. Respondent pays a monetary penalty pursuant to
9 Section 10175.2 of the Code at the rate of \$50 for each day of
10 the suspension for a total monetary penalty of \$1,500.

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

16 3. No further cause for disciplinary action against
17 the real estate license of Respondent occurs within two years
18 from the effective date of the Decision in this matter.

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

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

6 II.

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

14
15 DATED: 8/31/10

James A. Demus
JAMES A. DEMUS, Counsel for
the Department of Real Estate

17 * * *

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19 EXECUTION OF THE STIPULATION

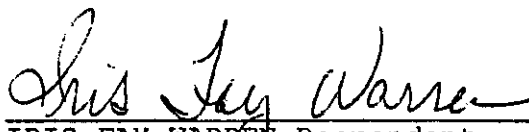
20 I have read the Stipulation. Its terms are understood
21 by me and are agreeable and acceptable to me. I understand that
22 I am waiving rights given to me by the California Administrative
23 Procedure Act (including but not limited to Sections 11506,
24 11508, 11509 and 11513 of the Government Code), and I willingly,
25 intelligently and voluntarily waive those rights, including the
26 right of requiring the Commissioner to prove the allegations in
27

1 the Accusation at a hearing at which I would have the right to
2 cross-examine witnesses against me and to present evidence in
3 defense and mitigation of the charges.

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

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16 DATED:

8/23/2010


IRIS FAY WARREN Respondent

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12 binding on Respondent as if the Department had received the
13 original signed Stipulation.
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16

17 DATED: _____

IRIS FAY WARREN Respondent

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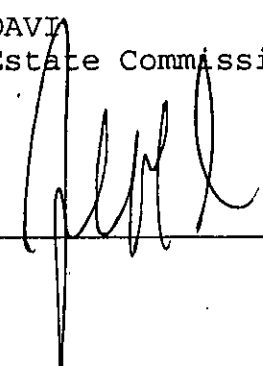
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1 The foregoing Stipulation and Agreement is hereby
2 adopted as my Decision as to Respondent IRIS FAY WARREN and shall
3 become effective at 12 o'clock noon on **OCT 20 2010** ,
4 2010.

5 IT IS SO ORDERED 9-7, 2010.

7 JEFF DAVIS
8 Real Estate Commissioner

9 
10 _____

FILED

OCT 27 2009

DEPARTMENT OF REAL ESTATE
BY: Jane B. Chen

JAMES DEMUS, Counsel (SBN 225005)
Department of Real Estate
320 West Fourth St., #350
Los Angeles, CA 90013

(213) 576-6982
(213) 576-6910 (direct)

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

IRIS FAY WARREN,

Respondent.

No. H-36327 LA

A C C U S A T I O N

The Complainant, Robin L. Trujillo, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against IRIS FAY WARREN, alleges as follows:

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 IRIS FAY WARREN.

II

IRIS FAY WARREN (hereinafter referred to as "Respondent") is presently licensed and/or has license rights

1 under the Real Estate Law (Part 1 of Division 4 of the Business
2 and Professions Code, hereinafter "Code").

3 III

4 At all times herein mentioned, Respondent was licensed
5 by the Department of Real Estate of the State of California
6 (hereinafter "Department") as a real estate salesperson.

7 Respondent was employed by real estate broker Maximum Realty from
8 April 8, 2004 to March 15, 2006 and from October 5, 2006 to
9 October 15, 2006. Respondent has not been employed by any
10 licensed real estate broker since October 15, 2006.

11 IV

12 At all times herein mentioned, Maximum Realty has been
13 licensed by the Department as a real estate broker.

14 V

15 Warren & Associates Investment Corp. is not currently,
16 and has never been, licensed by the Department as a real estate
17 broker.

18 VI

19 On or about September 12, 2006, for or in expectation
20 of compensation, Respondent signed as the selling agent on a
21 Residential Purchase Agreement and Joint Escrow Instructions for
22 real property located at 1612-1614 West 84th Street, Los Angeles,
23 California, (hereinafter "property") for purchaser Juventino
24 Suarez. Respondent listed the Real Estate Broker as Maximum
25 Realty/ Warren and Associates.

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VII

On or about October 24, 2006 a Commission Authorization was signed by Respondent which instructed the seller of the property to pay a commission of \$14,550 to Warren & Associates Investment Corp. Respondent's former employing broker, Maximum Realty, was crossed out as the recipient of the commission in this document. Maximum Realty was never notified of this transaction.

VIII

Escrow closed on October 31, 2006 at Escrow Matters, Inc. File No. 31738.

IX

Under Code Sections 10132 and 10137, Respondent's activities may only be performed under a real estate broker whom she is licensed at the time of the transaction.

X

The conduct of Respondent, as alleged above, was a substantial misrepresentation and constitutes fraud and dishonest dealing, subjecting her real estate license and license rights to suspension or revocation pursuant to Sections 10130, 10137, 10177(d) and/or 10177(j) of the Code.

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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 license rights of respondent IRIS
5 FAY WARREN under the Real Estate Law (Part 1 of Division 4 of the
6 Business and Professions Code) and for such other and further
7 relief as may be proper under other applicable provisions of law.

8 Dated at Los Angeles, California

9 this 27 day of October, 2009.

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11 
12 ROBIN L. TRUJILLO
13 Deputy Real Estate Commissioner
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24

25 cc: Iris Fay Warren
26 Robin L. Trujillo
27 Sacto.