

DEC 10 2010

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

DEPARTMENT OF REAL ESTATE
BY: Jaime B. Olom

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-36477 LA
12 ALEJANDRO ALANIZ,)
13 Respondent.) STIPULATION AND AGREEMENT
14)
15)

16 It is hereby stipulated by and between ALEJANDRO
17 ALANIZ (hereinafter "Respondent") and Respondent's attorney,
18 Eric Von Luedtke and the Complainant, acting by and through
19 James A. Demus, Counsel for the Department of Real Estate, as
20 follows for the purpose of settling and disposing of the
21 Accusation filed on February 27, 2010 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
27 submitted solely on the basis of the provisions of this

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. Respondent, pursuant to the limitations set forth
7 below, hereby admits that the factual allegations of the
8 Accusation filed in this proceeding are true and correct and the
9 Real Estate Commissioner shall not be required to provide
10 further evidence of such allegations.

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

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

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DETERMINATION OF ISSUES

By reason of the foregoing stipulations, admissions 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 of Respondent, as set forth in the Accusation constitutes grounds for suspension or revocation of Respondent's real estate salesperson license under the provisions of Sections 10177(f), 10177(g) and 480(a)(3)(A) of the Business and Professions Code.

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

All licenses and licensing rights of Respondent ALEJANDRO ALANIZ, under the Real Estate Law are revoked; provided, however, a restricted real estate salesperson license shall be issued to Respondent pursuant to Section 10156.5 of the Business and Professions Code, if Respondent makes application therefor and pays to the Department the appropriate fee within 90 days from the effective date of this Decision. The restricted license issued to Respondent shall be subject to all of the provisions of Section 10156.7 of the Business and Professions Code and to the following limitations, conditions and restrictions imposed under authority of Section 10156.6 of that code:

1. The restricted license issued to Respondent may be suspended prior to hearing by Order of the Real Estate Commissioner in the event of Respondent's conviction or plea of

1 nolo contendere to a crime which is substantially related to
2 Respondent's fitness or capacity as a real estate licensee.

3 2. The restricted license issued to Respondent may be
4 suspended prior to hearing by Order of the Real Estate
5 Commissioner on evidence satisfactory to the Commissioner that
6 Respondent has violated provisions of the California Real Estate
7 Law, the Subdivided Lands Law, Regulations of the Real Estate
8 Commissioner, or conditions attaching to this restricted
9 license.

10 3. Respondent shall not be eligible to apply for the
11 issuance of an unrestricted real estate license nor for the
12 removal of any of the conditions, limitations or restrictions
13 of a restricted license until two (2) years have elapsed from
14 the date of issuance of the restricted license to Respondent.

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

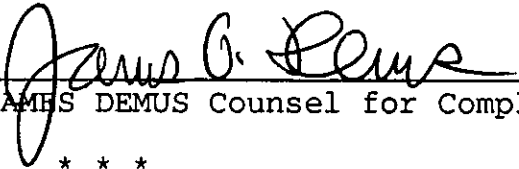
20 (a) That the employing broker has read the
21 Decision of the Commissioner which granted
22 the right to a restricted license; and

23 (b) That the employing broker will exercise
24 close supervision over the performance by
25 the restricted licensee relating to activities
26 for which a real estate license is required.
27

1 5. Respondent shall, within nine months from the
2 effective date of this Decision, present evidence satisfactory
3 to the Real Estate Commissioner that Respondent has, since the
4 most recent issuance of an original or renewal real estate
5 license, taken and successfully completed the continuing
6 education requirements of Article 2.5 of Chapter 3 of the Real
7 Estate Law for renewal of a real estate license. If Respondent
8 fails to satisfy this condition, the Commissioner may order the
9 suspension of the restricted license until the Respondent
10 presents such evidence. The Commissioner shall afford
11 Respondent the opportunity for a hearing pursuant to the
12 Administrative Procedure Act to present such evidence.

13
14 DATED:

11/1/10


JAMES DEMUS Counsel for Complainant
* * *

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17 I have read the Stipulation and Agreement and its
18 terms are understood by me and are agreeable and acceptable to
19 me. I understand that I am waiving rights given to me by the
20 California Administrative Procedure Act (including but not
21 limited to Sections 11506, 11508, 11509 and 11513 of the
22 Government Code), and I willingly, intelligently and voluntarily
23 waive those rights, including the right of requiring the
24 Commissioner to prove the allegations in the Accusation at a
25 hearing at which I would have the right to cross-examine
26 witnesses against me and to present evidence in defense and
27 mitigation of the charges.

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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: _____
ALEJANDRO ALANIZ, Respondent


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

DATED: _____
ERIC VON LUEDTKE, Attorney for Respondent

I have read the Accusation filed herein and the foregoing Stipulation and Agreement signed by Respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and truthfulness of Respondent need not be called and that it will not be inimical to the public interest to issue a restricted real estate salesperson license to Respondent.

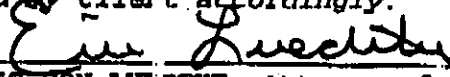
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2 terms and conditions of this Stipulation and Agreement by faxing
3 a copy of the signature page, as actually signed by Respondent,
4 to the Department at fax number (213 576-6917. Respondent
5 agrees, acknowledges and understands that by electronically
6 sending to the Department a fax copy of his actual signature as
7 it appears on the Stipulation and Agreement, that receipt of the
8 faxed copy by the Department shall be as binding on Respondent
9 as if the Department had received the original signed
10 Stipulation and Agreement.

11
12 DATED: 9/27/2010


ALEJANDRO ALANIZ, Respondent

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

17 DATED: 9/29/2010


ERIC VON LUEDTKE, Attorney for
Respondent

19 ***

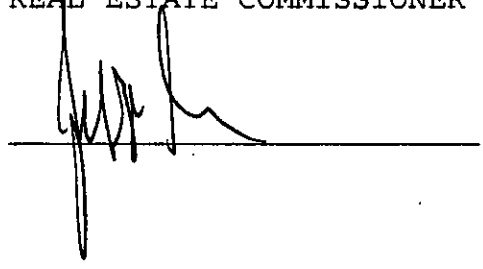
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22 foregoing Stipulation and Agreement signed by Respondent. I am
23 satisfied that the hearing for the purpose of requiring further
24 proof as to the honesty and truthfulness of Respondent need not
25 be called and that it will not be inimical to the public
26 interest to issue a restricted real estate salesperson license
27 to Respondent.

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Therefore, IT IS HEREBY ORDERED that a restricted real
estate salesperson license be issued to Respondent, if
Respondent has otherwise fulfilled all of the statutory
requirements for licensure. The restricted license shall be
limited, conditioned, and restricted as specified in the
foregoing Stipulation and Agreement.

The foregoing Stipulation and Agreement is hereby
adopted as my Decision in this matter and shall become effective
at 12 o'clock noon on DEC 30 2010

IT IS SO ORDERED 11 | 30 | 2010

JEFF DAVI
REAL ESTATE COMMISSIONER


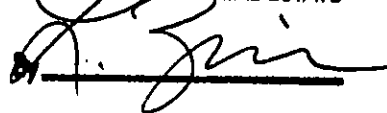
1 JAMES DEMUS, Counsel (SBN 225005)
2 Department of Real Estate
3 320 West 4th Street, Suite 350
4 Los Angeles, California 90013-1105

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

FILED

FEB 27 2010

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-36477 LA
12)
13 ALEJANDRO ALANIZ,) A C C U S A T I O N
14) Respondent.)

15 The Complainant, Maria Suarez, a Deputy Real Estate
16 Commissioner of the State of California, for cause of Accusation
17 against ALEJANDRO ALANIZ, ("Respondent") alleges as follows:

18 1.

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

22 2.

23 "Respondent presently has license rights under the Real
24 Estate Law, Part 1 of Division 4 of the California Business and
25 Professions Code ("Code"), as a real estate salesperson.

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3.

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2 On or about August 1, 2008, Respondent signed a
3 Stipulated Surrender of License and Order in Case No.
4 C 050223-01, before the Director of the Office of Real Estate
5 Appraisers for the State of California. This Stipulated
6 Surrender of License became effective on August 11, 2008. Among
7 the terms and conditions of the Stipulation were the following:

8
9 "Respondent admits the truth of each and every charge
10 and allegation in Accusation No. C 050223-01, agrees
11 that cause exists for discipline and hereby surrenders
his Real Estate Appraiser License No. ARO 01493 for the
Director's formal acceptance."

12 Accusation No. C 050223-01 charged Respondent with
13 preparing misleading and inaccurate appraisal reports on four
14 separate occasions. It also alleged that Respondent failed to
15 identify the scope of work necessary to complete assignments
16 properly, failed to complete the amount of work necessary to
17 produce credible review reports, did not adequately research
18 the sales he used in his analysis and failed to report and
19 analyze all of the salient property characteristics necessary
20 for proper analysis.
21

22 4.

23 The allegations set forth in Paragraph 3 above
24 constitute cause under Sections 10177(f), 10177(g) and
25 480(a)(3)(A) of the Code for the suspension or revocation of the
26 license and license rights of Respondent under the Real Estate
27 Law.

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 the licenses and license rights of
5 Respondent, ALEJANDRO ALANIZ, under the Real Estate Law (Part 1
6 of Division 4 of the Business and Professions Code) and for such
7 other and further relief as may be proper under other applicable
8 provisions of law.

9 Dated at Los Angeles, California

10 this 18th day of February, 2010.

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12 
13 Maria Suarez
14 Deputy Real Estate Commissioner
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25 cc: ALEJANDRO ALANIZ
26 TR Property Solutions Inc
27 Maria Suarez
Sacto.