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1 Department of Real Estate
2 320 West 4th Street, Suite 350
3 Los Angeles, California 90013-1105
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DEPARTMENT OF REAL ESTATE
BY: James B. Demus

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of)	No. H-36524 LA
AVS FINANCIAL SERVICES INC. and)	<u>STIPULATION AND</u>
MICHAEL JOSEPH WOODS,)	<u>AGREEMENT</u>
individually and as designated)	
officer of AVS Financial Services)	
Inc.,)	
Respondents.)	

It is hereby stipulated by and between AVS FINANCIAL SERVICES INC. and MICHAEL JOSEPH WOODS, individually and as designated officer of AVS Financial Services Inc., and the Complainant, acting by and through James A. Demus, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation in this matter:

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 Administrative

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

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

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

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

3 5. This Stipulation is based on Respondents' decision
4 not to contest the allegations set forth in the Accusation as a
5 result of the agreement negotiated between the parties. This
6 Stipulation is expressly limited to this proceeding and any
7 further proceeding initiated by or brought before the Department
8 of Real Estate based upon the factual allegations in the
9 Accusation and is made for the sole purpose of reaching an agreed
10 disposition of this proceeding. The decision of Respondents not
11 to contest the allegations contained in the "Order" herein below,
12 is made solely for the purpose of effectuating this Stipulation.
13 It is the intent and understanding of the parties that this
14 Stipulation shall not be binding or admissible against Respondent
15 in any actions against Respondent by third parties.

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

26 7. The Order or any subsequent Order of the Real
27 Estate Commissioner made pursuant to this Stipulation shall not

1 constitute an estoppel, merger or bar to any further
2 administrative or civil proceedings by the Department of Real
3 Estate with respect to any matters which were not specifically
4 alleged to be causes for accusation in this proceeding.

5 DETERMINATION OF ISSUES

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

10 I

11 The conduct of AVS FINANCIAL SERVICES INC. and MICHAEL
12 JOSEPH WOODS, as described in Paragraph 4, above, is in violation
13 of California Business and Profession Code ("Code") Section 10162
14 and Section 2715 of Title 10, Chapter 6, California Code of
15 Regulations and is a basis for discipline of Respondents'
16 licenses and license rights pursuant to Sections 10165, 10177(d)
17 and 10177(g) of the Code.

18 ORDER

19 WHEREFORE THE FOLLOWING ORDER IS MADE PURSUANT TO THE
20 WRITTEN STIPULATION OF THE PARTIES:

21 I

22 Respondent AVS FINANCIAL SERVICES INC. is publicly
23 reproved.

24 II

25 Respondent MICHAEL JOSEPH WOODS is publicly reproved.

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* * * *

EXECUTION OF THE STIPULATION

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3 I have read the Stipulation and Agreement and its terms are
4 understood and are agreeable and acceptable to me. I understand
5 that I am waiving rights given to me by the California
6 Administrative Procedure Act (including but not limited to
7 Sections 11506, 11508, 11509 and 11513 of the Government Code),
8 and I willingly, intelligently and voluntarily waive those
9 rights, including the right of requiring the Commissioner to
10 prove the allegations in the Accusation at a hearing at which I
11 would have the right to cross-examine witnesses against me and to
12 present evidence in defense and mitigation of the charges.

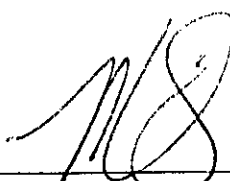
13 FACSIMILE TRANSMISSION

14 Respondents can signify acceptance and approval of the
15 terms and conditions of this Stipulation and Agreement by faxing
16 a copy of its signature page, as actually signed by Respondents,
17 to the Department at the following telephone/fax number:
18 Attention: James A. Demus at (213) 576-6917. Respondents agree,
19 acknowledge and understand that by electronically sending to the
20 Department a fax copy of Respondents' actual signatures as they
21 appear on the Stipulation and Agreement, that receipt of the
22 faxed copy by the Department shall be as binding on Respondents
23 as if the Department had received the original signed Stipulation
24 and Agreement.
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DATED: 10-^{or}29-10


MICHAEL JOSEPH WOODS, individually
and as designated officer of AVS
FINANCIAL SERVICES INC.

* * * *

The foregoing Stipulation and Agreement is hereby
adopted as my Decision and shall become effective at 12 o' clock
noon on _____, 2010.

IT IS SO ORDERED _____, 2010.

JEFF DAVI
Real Estate Commissioner

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DATED: _____

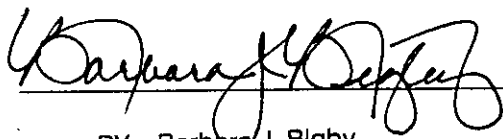
MICHAEL JOSEPH WOODS, individually
and as designated officer of AVS
FINANCIAL SERVICES INC.

* * * *

The foregoing Stipulation and Agreement is hereby
adopted as my Decision and shall become effective at 12 o' clock
noon on DEC - 6 2010

IT IS SO ORDERED 11/1, 2010.

JEFF DAVI
Real Estate Commissioner



BY: Barbara J. Bigby
Chief Deputy Commissioner

1 JAMES DEMUS, Counsel (SBN 225005)
2 Department of Real Estate
3 320 West Fourth St., #350
4 Los Angeles, CA 90013

5 (213) 576-6982
6 (213) 576-6910 (direct)

FILED

MAR 21 2010

DEPARTMENT OF REAL ESTATE

By K. Contreras

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8
9 BEFORE THE DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of)
13 AVS FINANCIAL SERVICES INC. and)
14 MICHAEL JOSEPH WOODS,)
15 individually and as designated)
16 officer of AVS Financial Services)
Inc.,)
Respondents.)

No. H-36524 LA

A C C U S A T I O N

17
18 The Complainant, Maria Suarez, a Deputy Real Estate
19 Commissioner of the State of California, for cause of
20 Accusation against AVS FINANCIAL SERVICES INC. and MICHAEL
21 JOSEPH WOODS, is informed and alleges as follows:

22 1.

23 The Complainant, Maria Suarez, a Deputy Real Estate
24 Commissioner of the State of California, makes this Accusation
25 in her official capacity.

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2.

AVS Financial Services INC. (hereinafter "AVS") is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code, hereinafter "Code"), as a corporate real estate broker.

3.

MICHAEL JOSEPH WOODS (hereinafter "Woods") is presently licensed and/or has license rights under the Real Estate Law, as a real estate broker. He is also the designated officer of AVS.

4.

At all times material herein, Respondents were engaged in the business of, acted in the capacity of, advertised or assumed to act as real estate brokers in the State of California, within the meaning of Code Section 10131.

5.

The current business address maintained by AVS with the Department is 461 N. Grand Avenue, Covina, California 91724. AVS is no longer located at this address nor has AVS informed the Real Estate Commissioner of any new address.

6.

At a time known to Respondents, but unknown to the Department, Respondents left and/or abandoned their business address, as set forth in Paragraph 5, above; and thereafter, Respondents failed to maintain on file with the Commissioner of the Department a new address for the principal place of

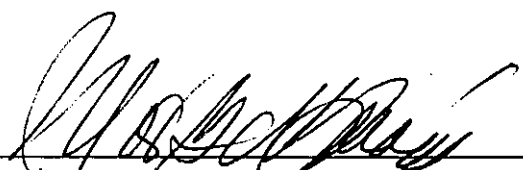
1 business for their real estate brokerage activities, in
2 violation of Code Section 10162 and Section 2715 of Title 10,
3 Chapter 6, California Code of Regulations.

4 7.

5 The conduct, acts and/or omissions of Respondents, as
6 set forth above, are cause for the suspension or revocation of
7 the licenses and license rights of Respondents pursuant to Code
8 Sections 10165, 10177(d), and/or 10177(g).

9 WHEREFORE, Complainant prays that a hearing be
10 conducted on the allegations of this Accusation and that upon
11 proof thereof, a decision be rendered imposing disciplinary
12 action against all the licenses and license rights of
13 Respondents AVS FINANCIAL SERVICES INC. and MICHAEL JOSEPH
14 WOODS under the Real Estate Law, and for such other and further
15 relief as may be proper under other applicable provisions of
16 law.

17 Dated at Los Angeles, California
18 this 1st day of March, 2010

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21 
22 Maria Suarez
23 Deputy Real Estate Commissioner

24
25 cc: AVS FINANCIAL SERVICES INC.
26 Michael Joseph Woods
27 Maria Suarez
Sacto.