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FILED

FEB 28 2012

DEPARTMENT OF REAL ESTATE
BY: Hunter Valencia

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) NO. H-37068 LA
SANDRA MEZA,) L-2011041064
Respondent.)

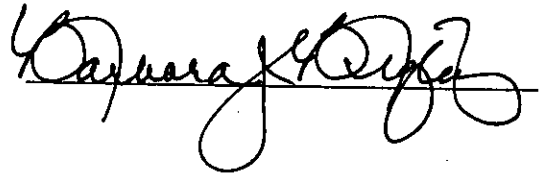
ORDER DENYING RECONSIDERATION

On January 9, 2012, a Decision was rendered in the above-entitled matter. Said Decision was to become effective on February 6, 2012. The Decision was stayed by separate Order to March 7, 2012.

I find no good cause to reconsider the Decision of January 9, 2012, and reconsideration is hereby denied.

IT IS SO ORDERED 2/23/12

Barbara J. Bigby
Acting Real Estate Commissioner



JAN 23 2012

BY: Laura B. Olson

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of) NO. H-37068 LA
) L-2011041064
SANDRA MEZA,)
)
Respondent(s).)

ORDER STAYING EFFECTIVE DATE

On January 9, 2012, a Decision was rendered in the above-entitled matter to become effective February 6, 2012.

IT IS HEREBY ORDERED that the effective date of the Decision of January 9, 2012, is stayed for a period of 30 days to allow Respondent SANDRA MEZA to file a petition for reconsideration.

The Decision of January 9, 2012, shall become effective at 12 o' clock noon on March 7, 2012.

DATED: JANUARY 23, 2012

JEFF DAVI
Real Estate Commissioner

By:

PHILLIP IHDE
Regional Manager

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JAN 17 2012

DEPARTMENT OF REAL ESTATE
BY: Laura B. Dion

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) NO. H-37068 LA
SANDRA MEZA,) 2011041064
Respondent.)

DECISION

The Proposed Decision dated November 29, 2011, of the Administrative Law Judge of the Office of Administrative Hearings, is hereby adopted as the Decision of the Real Estate Commissioner in the above-entitled matter.

Pursuant to Section 11517(c)(2) of the Government Code, the following corrections are made:

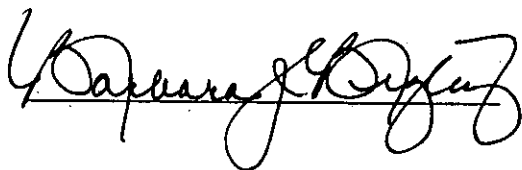
Findings, Page 2, Paragraph 3, Line 3:
"subdivision (a)(2), receipt of bribes by bank official"
shall be changed to read: "subdivision (a)(1), bribing a
bank official".

This Decision shall become effective at 12 o'clock
noon on FEB 06 2012.

IT IS SO ORDERED

1/9/12

BARBARA J. BIGBY
Acting Real Estate Commissioner



BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of:

SANDRA MEZA,

Respondent.

Case No. H-37068-LA

OAH No. 2011041064

PROPOSED DECISION

Administrative Law Judge N. Gregory Taylor, Office of Administrative Hearings, State of California, heard this matter in Los Angeles, California on November 10, 2011.

James A Demus, Staff Counsel represented Robin Trujillo, (Complainant), a Deputy Real Estate Commissioner in the Department of Real Estate (Department), State of California.

Frank M. Buda, Attorney at Law, represented Sandra Meza (Respondent).

Oral and documentary evidence was received, and the matter argued.

The case was submitted for decision on November 10, 2011.

FACTUAL FINDINGS

1. Complainant filed the Accusation in this proceeding in her official capacity.
2. Respondent is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code as a real estate salesperson. She was originally licensed in November 2008. Her salesperson license expires on November 17, 2012, unless renewed.

3. On November 8, 2010, in the United States District Court, Central District of California, Respondent on her plea of guilty, was convicted of violating 18 United States Code (U.S.C.), section 215, subdivision (a) (2), receipt of bribes by bank official, a misdemeanor. The Court placed Respondent on probation for a term of one year upon certain terms and conditions including paying a fine of \$500.00 and a special assessment of \$25.00. Respondent complied with all the terms and conditions imposed by the court. She completed making the monetary payments to the court on August 29, 2011. Her probation expired on November 7, 2011.

4. The facts and circumstances surrounding Respondent's criminal conviction are as follows: From 2008 through November 2009, Respondent was a licensed real estate agent. She specialized in assisting homeowners and other real estate agents with "short sale" transactions. A "short sale" is a sale of real property where the proceeds from the sale are less than the remaining balance of the loan on the property. A bank holding the loan will sometimes approve a short sale, even though it will receive less from the sale than the remaining balance on the loan, in order to avoid the fees associated with foreclosing on the property. In November 2006, a friend introduced Respondent to Ricardo Cubillas. Mr. Cubillas worked as a Short Sale Negotiator at the Bank of America in the bank's Loss Mitigation Department. Because of the large number of pending short sale transactions, Bank of America frequently took several months before approving or denying proposed short sales. As a Short Sale Negotiator, Cubillas had authority at the Bank of America to expedite the final approval for certain short sale transactions. Respondent stated that she did not know that Cubillas worked for the Bank of America, although she knew he was a realtor. In 2009, Respondent had a short sale transaction pending at the Bank of America. While this matter was pending, Respondent received a telephone call from Cubillas. He asked Respondent for \$1700.00 to expedite the pending matter. Respondent, after some negotiation, agreed to pay Cubillas \$850.00 which was to come out of a portion of her commission. Respondent paid the money to Cubillas. She was unaware at the time of payment that the short sale had already been approved by the bank. During this time, Respondent and her husband had returned to Peru to visit with family and friends. The FBI contacted Respondent about the payment of the money. Respondent admitted what she had done and immediately returned to the United States and cooperated with the federal authorities. Ultimately the short sale transaction was cancelled. Respondent has seen Cubillas only once since her conviction. She does not want to have anything to do with him.

5. Respondent does not have a prior criminal record.

6. Respondent came to the United States with her husband from Peru in 2001. They have known each other for more than 20 years. In the United States, she learned to speak English while attending school and earned an Associate of Arts degree. As noted, she obtained her real estate license in 2008.

7. Respondent has been successful in handling short sales transactions. She has handled 48 and completed 29.

8. Respondent stated that her payment of the money to Cubillas was the biggest mistake of here life. She was shocked when Cubillas telephoned her and asked for money. She did not know what to do but wanted to close the pending short sale transaction. She is embarrassed and remorseful over what she did. She has learned a lesson and promised that she will not make such a mistake again.

9. Respondent submitted five letters of reference from people with whom she worked in real estate. Three of them personally testified in these proceedings. All of them praised Respondent's work in real estate and her abilities. They are of the opinion that she is honest and trustworthy. They are aware of her criminal conviction. One of them said that Respondent made a bad mistake in getting involved with Cubillas but that she should be given a second chance. One broker said that he would closely monitor her work if she continues to be licensed by the Board.

10. Respondent and her husband have two children ages 3 ½ and 4 months. She has a good relationship with her family.

11. Respondent is active in the church she attends working on clothing drives, holiday programs and other activities at the church.

LEGAL CONCLUSIONS

1. These proceedings are brought under the provisions of Business and Professions Code section 10100 et seq. and Government Code sections 11500 through 11528.

2. Pursuant to the provisions of California Code of Regulations, title 10, section 2910, subdivision (a) (8), Respondent's criminal conviction is substantially related to the qualifications, functions and duties of a licensee of the Department, in that it involved doing an unlawful act with the intent of conferring a financial or economic benefit upon Respondent. Factual Findings 3 and 4.

3. Pursuant to the provisions of Business and Profession Code sections 490 and 10177, subdivision (b) cause exists to suspend or revoke Respondent's real estate salesperson license in that she has been convicted of a crime that is substantially related to the qualifications, function, and duties of a real estate licensee.

4. Pursuant to the provisions of California Code of Regulations, title 10, section 2912, the Department has adopted criteria for the purpose of evaluating the rehabilitation of a licensee against whom an administrative disciplinary proceeding for revocation or suspension of the license has been initiated on account of a crime committed by the licensee. The passage of not less than two years from the most recent criminal conviction is required. In this case, it has been only a only year since Respondent's conviction although Respondent has complied with all the terms and conditions imposed by the

court and her probation was completed three days before the hearing in this matter. Further, Respondent's conviction has not been expunged.

5. Although ultimately recommending the settlement of Respondent's criminal case, the United States Attorney made the following statement to the court regarding Respondent's conviction:.

Defendant paid a bribe to a bank officer – Ricardo Cubillas – to expedite the processing of a short sale that was pending at the Bank of America. This was a blatantly corrupt act – defendant paid Cubillas in cash to avoid detection, and well knew that what she was doing was wrong. Further, bribing a bank official regarding a pending real estate transaction is just one of the many corrupt actions that, taken together, undermined the real estate market and contributed to its collapse. The damage from paying such a bribe is not limited to just that particular transaction – instead, it gives the impression to others that the legal process cannot or should not be followed, and that they too should pay a bribe to have their transactions approved.

The US Attorney went on to note reasons in mitigation why as to the criminal proceedings Respondent's sentence should be limited as it was. Those reasons were Respondent paid the bribe to have the short sale transaction processed more quickly, rather than to have it approved. There is no indication that Respondent sought to have a transaction approved which otherwise would not have qualified at the bank. Further, Respondent fully cooperated with the investigating federal authorities and was contrite.

6. Although Respondent meets the Department's other requirements for rehabilitation, the seriousness of the offense and short time since Respondent's criminal conviction weigh heavily to a revocation of Respondent's real estate license.

ORDER

All licenses and licensing rights of Respondent Sandra Meza under the Real Estate Law are revoked.

Dated: November 29, 2011.



N. GREGORY TAYLOR
Administrative Law Judge
Office of Administrative Hearings

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FEB 11 2011

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DEPARTMENT OF REAL ESTATE
BY: James B. Demus

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-37068-LA
SANDRA MEZA,)	<u>A C C U S A T I O N</u>
Respondent.)	

The Complainant, Robin Trujillo, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against SANDRA MEZA, ("Respondent") alleges as follows:

1.

The Complainant, Robin Trujillo, a Deputy Real Estate Commissioner of the State of California, makes this Accusation in her official capacity.

2.

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

///

1 3.

2 On or about November 8, 2010, in the United States
3 District Court, Central District of California, in case no.
4 CR 10 00638, Respondent was convicted of 18 U.S.C. Section
5 215(a)(1)(bribing a bank official), a misdemeanor. Said crime
6 bears a substantial relationship under Section 2910, Title 10,
7 Chapter 6, California Code of Regulations to the qualifications,
8 functions or duties of a real estate licensee.

9 4.

10 The crime of which Respondent was convicted, as
11 described in Paragraph 3 above, constitutes cause under Sections
12 490 and 10177(b) of the Code for the suspension or revocation of
13 the license and license rights of Respondent under the Real
14 Estate Law.

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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 the licenses and license rights of
5 Respondent, SANDRA MEZA, under the Real Estate Law (Part 1 of
6 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 28 day of January.

11 
12 Robin Trujillo
13 Deputy Real Estate Commissioner
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25 cc: SANDRA MEZA
26 Real Estate Plaza Inc
27 Robin Trujillo
Sacto.