

FILED

AUG 18 2011

DEPARTMENT OF REAL ESTATE
BY: [Signature]

Department of Real Estate
320 W. 4TH Street, Suite 350
Los Angeles, CA 90013-1105
Telephone: (213) 576-6982

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)

No. H-37334 LA

MARIA ERLINDA VIRAMONTES,)

STIPULATION

Respondent,)

AND

AGREEMENT

It is hereby stipulated by and between Respondent MARIA ERLINDA VIRAMONTES, (sometimes referred to as "Respondent"), who is representing herself in this matter, and the Complainant, acting by and through Amelia V. Vetrone, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on June 15, 2011, in this matter:

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondent at a formal hearing on the Accusation, which hearing was to be

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

5 2. Respondent has received, read and understands the
6 Statement to Respondent, the Discovery Provisions of the APA and
7 the Accusation filed by the Department of Real Estate in this
8 proceeding.

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

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

1 not be required to provide further evidence to prove said factual
2 allegations.

3 5. This Stipulation is made for the purpose of
4 reaching an agreed disposition of this proceeding and is
5 expressly limited to this proceeding and any other proceeding or
6 case in which the Department of Real Estate ("Department"), or
7 another licensing agency of this state, another state, or the
8 federal government is involved, and otherwise shall not be
9 admissible in any other criminal or civil proceeding.

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

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

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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.

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6 DATED:

7/19/11


Amelia V. Vetrone, Counsel for
the Department of Real Estate

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9 * * *

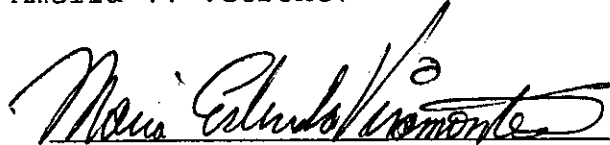
10 EXECUTION OF THE STIPULATION

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

21 Respondent shall (1) mail the original signed signature
22 page of the stipulation herein to Amelia V. Vetrone: Attention:
23 Legal Section, Department of Real Estate, 320 W. Fourth St.,
24 Suite 350, Los Angeles, California 90013-1105. Additionally,
25 Respondent shall also (2) facsimile a copy of the signed
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signature page, to the Department at the following fax number:
(213) 576-6917, Attention: Amelia V. Vetrone.

DATED: 7-16-2011

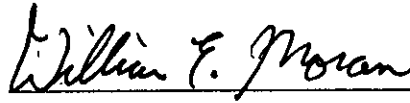

MARIA ERLINDA VIRAMONTES,
Respondent

* * *

The foregoing Stipulation and Agreement is hereby
adopted as my Decision as to Respondent MARIA ERLINDA VIRAMONTES
and shall become effective at 12 o'clock noon on
September 7, 2011.

IT IS SO ORDERED August 11, 2011.

BARBARA J. BIGBY
Acting Real Estate Commissioner



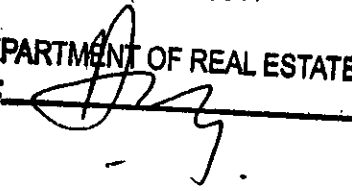
By WILLIAM E. MORAN
Assistant Commissioner, Enforcement

1 AMELIA V. VETRONE, Counsel (SBN 134612)
2 Department of Real Estate
3 320 West Fourth St. #350
4 Los Angeles, CA 90013

5 Telephone: (213) 576-6982
6 (Direct) (213) 576-6940
7

FILED

JUN 15 2011

DEPARTMENT OF REAL ESTATE
BY: 

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) No. H- 37334 LA
12 MARIA ERLINDA VIRAMONTES,) A C C U S A T I O N
13 Respondent.)
14

15 The Complainant, Joseph D. Aiu, a Deputy Real
16 Estate Commissioner of the State of California, acting in his
17 official capacity, for cause of Accusation against MARIA ERLINDA
18 VIRAMONTES ("Respondent") alleges as follows:

19 1.

20 Respondent is presently licensed and/or has license
21 rights under the Real Estate Law, Part 1 of Division 4 of the
22 California Business and Professions Code ("Code"), as a real
23 estate salesperson. Respondent was originally licensed as a real
24 estate salesperson on July 3, 1997.

25 2.

26 At all times herein mentioned, Respondent engaged in
27 the business of, acted in the capacity of, advertised, or assumed

1 to act as a real estate salesperson in the State of California
2 within the meaning of Code Section 10132. Her activities
3 included acting for another or others in the purchase, sale, or
4 exchange of real property.

5 3.

6 In or about February, 2009, Respondent was hired by
7 Carmelo Villicana aka Carmelo Villicana Madrigal ("Villicana") to
8 represent him as a real estate salesperson in the purchase of
9 residential real property. As part of her real estate
10 activities, Respondent physically went to the real property
11 located at 7443 Guthrie Street, San Bernardino, CA 92410, with
12 Villicana, obtained entry to the house through the lockbox, and
13 conducted a visual inspection. Subsequent to the visual
14 inspection of 7443 Guthrie Street, San Bernardino, CA 92410,
15 Villicana requested that Respondent submit an offer on his behalf
16 to purchase the property.

17 4.

18 On or about February 12, 2009, Respondent completed and
19 submitted on Villicana's behalf, a California Residential
20 Purchase Agreement and Joint Escrow Instructions bearing the
21 wrong property address, to wit, 7465 Guthrie Street, San
22 Bernardino, CA 92410.

23 5.

24 Between February 12, 2009, and March 30, 2009,
25 Respondent represented Villicana in all aspects of the purchase
26 transaction, including but not limited to, submission of the
27 written offer, submission of a counteroffer, completion of all

1 disclosures, and completion of the Agent Visual Inspection
2 Disclosure. During the course of the transaction and escrow, all
3 documents contained the address 7465 Guthrie Street, San
4 Bernardino, CA 92410, and not 7443 Guthrie Street.

5 6.

6 On or about March 30, 2009, escrow on the above-
7 described real estate sales transaction closed and Villicana
8 became the owner of residential real property located at 7465
9 Guthrie Street, San Bernardino, CA 92410, instead of the house
10 he hired Respondent to assist him in purchasing at 7443 Guthrie
11 Street, San Bernardino, CA 92410.

12 7.

13 The conduct, acts and/or omissions of Respondent as
14 described herein, constitute grounds for the suspension or
15 revocation of the license and license rights of Respondent
16 pursuant to Code Section 10177(g).

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WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against all licenses and/or license rights of Respondent MARIA ERLINDA VIRAMONTES under the Real Estate Law and for such other and further relief as may be proper under other applicable provisions of law.

Dated at San Diego, California, 1/11/2011, 2011.

Joseph D. Aiu
Deputy Real Estate Commissioner

cc: MARIA ERLINDA VIRAMONTES
Sharon Ann Lonon
Joseph D. Aiu
Sacto.