

*Sacto files*

1 Department of Real Estate  
2 320 West 4<sup>th</sup> Street, Suite 350  
3 Los Angeles, California 90013  
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**FILED**

JAN 04 2012

DEPARTMENT OF REAL ESTATE

BY: *[Signature]*

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of )	<u>STIPULATION AND AGREEMENT</u>
FAST LOANS, INC.; )	H-36126 LA
<u>DAVID MARIO RAMIREZ</u> )	L-201131625
and RUBEN A. DIAZ, )	
individually and as )	
designated officers )	
of the corporation, )	
<hr/>	
REMAX EMPIRE INC.; <u>DAVID MARIO</u> )	
<u>RAMIREZ</u> individually and as )	
former designated officer of )	H-37335 LA
Remax Empire Inc.; and RUBEN A. )	L-2011080790
DIAZ individually and as )	
designated officer of Remax )	
Empire Inc., )	
Respondents, )	

21  
22 It is hereby stipulated by and between DAVID MARIO  
23 RAMIREZ (sometimes referred to as Respondent), and the  
24 Complainant, acting by and through James R. Peel, Counsel for the  
25 Department of Real Estate, as follows for the purpose of settling  
26 and disposing of the Accusation filed on July 20, 2009, for Fast  
27

1 Loans, Inc., and on June 15, 2011, for Remax Expire, Inc. in this  
2 matter.

3 1. All issues which were to be contested and all  
4 evidence which was to be presented by Complainant and Respondent  
5 at a formal hearing on the Accusation, which hearing was to be  
6 held in accordance with the provisions of the Administrative  
7 Procedure Act (APA), shall instead and in place thereof be  
8 submitted solely on the basis of the provisions of this  
9 Stipulation and Agreement.

10 2. Respondent has received, read and understands the  
11 Statement to Respondent, the Discovery Provisions of the APA and  
12 the Accusation filed by the Department of Real Estate in this  
13 proceeding.

14 3. On July 28, 2009, Respondent DAVID MARIO RAMIREZ  
15 filed a Notice of Defense for Case No. H-36126 LA, and on August  
16 13, 2011, Respondent filed a Notice of Defense for Case No. H-  
17 37335 LA pursuant to Section 11506 of the Government Code for  
18 the purpose of requesting a hearing on the allegations in the  
19 Accusation. Respondent hereby freely and voluntarily withdraws  
20 said Notice of Defense. Respondent acknowledges that he  
21 understands that by withdrawing said Notice of Defense he will  
22 thereby waive his right to require the Commissioner to prove the  
23 allegations in the Accusation at a contested hearing held in  
24 accordance with the provisions of the APA and that he will waive  
25 other rights afforded to him in connection with the hearing such  
26 as the right to present evidence in defense of the allegations  
27 in the Accusation and the right to cross-examine witnesses.

1           4. This Stipulation is based on the factual  
2 allegations contained in the Accusation filed in this  
3 proceeding. In the interest of expedience and economy,  
4 Respondent chooses not to contest these factual allegations, but  
5 to remain silent and understands that, as a result thereof,  
6 these factual statements, will serve as a prima facie basis for  
7 the disciplinary action stipulated to herein. The Real Estate  
8 Commissioner shall not be required to provide further evidence  
9 to prove such allegations.

10           5. This Stipulation and Respondent's decision not to  
11 contest the Accusation is made for the purpose of reaching an  
12 agreed disposition of this proceeding and is expressly limited  
13 to this proceeding and any other proceeding or case in which the  
14 Department of Real Estate ("Department"), the state or federal  
15 government, or an agency of this state, another state or the  
16 federal government is involved.

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

27

1                   7. The Order or any subsequent Order of the Real  
2 Estate Commissioner made pursuant to this Stipulation and  
3 Agreement shall not constitute an estoppel, merger or bar to any  
4 further administrative or civil proceedings by the Department of  
5 Real Estate with respect to any matters which were not  
6 specifically alleged to be causes for accusation in this  
7 proceeding.

8  
9                                   DETERMINATION OF ISSUES

10                   By reason of the foregoing stipulations and waivers  
11 and solely for the purpose of settlement of the pending  
12 Accusation without a hearing, it is stipulated and agreed that  
13 the following determination of issues shall be made:

14                   The conduct, acts and/or omissions of Respondent DAVID  
15 MARIO RAMIREZ, as described in Paragraph 4 above, are grounds  
16 for the suspension or revocation of all of the real estate  
17 licenses and license rights of Respondent under the provisions  
18 of Section 10177(g) of the Business and Professions Code  
19 ("Code").

20                                   ORDER

21                   A. The license and licensing rights of Respondent  
22 DAVID MARIO RAMIREZ under the Real Estate Law are suspended for  
23 a period of sixty (60) days from the effective date of this  
24 Decision; provided, however, that sixty (60) days of said  
25 suspension shall be stayed for two (2) years upon the following  
26 terms and conditions:

27                   1. Respondent shall obey all laws, rules and

1 regulations governing the rights, duties and responsibilities of  
2 a real estate licensee in the State of California; and

3 2. That no final subsequent determination be made,  
4 after hearing or upon stipulation that cause for disciplinary  
5 action occurred within two (2) years of the effective date of  
6 this Decision. Should such a determination be made, the  
7 Commissioner may, in his discretion, vacate and set aside the  
8 stay order and reimpose all or a portion of the stayed  
9 suspension. Should no such determination be made, the stay  
10 imposed herein shall become permanent.

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

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19  
20 DATED: Oct. 19, 2011

21  
22 James R. Peel  
23 JAMES R. PEEL  
24 Counsel for Complainant  
25  
26  
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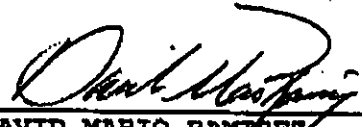
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\* \* \*

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

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 the following telephone/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: October 18, 2011

  
\_\_\_\_\_  
DAVID MARIO RAMIREZ  
Respondent

1 \* \* \*

2  
3 I have read the Stipulation and Agreement and its  
4 terms are understood by me and are agreeable and acceptable to  
5 me. I understand that I am waiving rights given to me by the  
6 California Administrative Procedure Act (including but not  
7 limited to Sections 11506, 11508, 11509 and 11513 of the  
8 Government Code), and I willingly, intelligently and voluntarily  
9 waive those rights, including the right of requiring the  
10 Commissioner to prove the allegations in the Accusation at a  
11 hearing at which I would have the right to cross-examine  
12 witnesses against me and to present evidence in defense and  
13 mitigation of the charges.

14 Respondent can signify acceptance and approval of the  
15 terms and conditions of this Stipulation and Agreement by faxing  
16 a copy of the signature page, as actually signed by Respondent,  
17 to the Department at the following telephone/fax number: (213)  
18 576-6917. Respondent agrees, acknowledges and understands that  
19 by electronically sending to the Department a fax copy of his  
20 actual signature as it appears on the Stipulation and Agreement  
21 that receipt of the faxed copy by the Department shall be as  
22 binding on Respondent as if the Department had received the  
23 original signed Stipulation and Agreement.

24  
25 DATED: \_\_\_\_\_

26 \_\_\_\_\_  
27 DAVID MARIO RAMIREZ  
Respondent

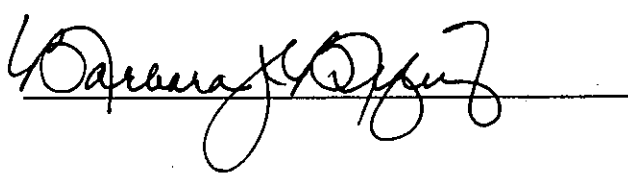
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\* \* \*

The foregoing Stipulation and Agreement is hereby  
adopted as my Decision in this matter and shall become effective  
at 12 o'clock noon on JAN 24 2012

IT IS SO ORDERED 11-17-11

BARBARA J. BIGBY  
Acting Real Estate Commissioner





1 Amelia V. Vetrone, SBN 134612  
Department of Real Estate  
2 320 West 4th Street, Ste. 350  
Los Angeles, California 90013-1105  
3  
4 Telephone: (213) 576-6982  
Direct (213) 576-6940  
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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- 37335 LA  
12 REMAX EMPIRE INC.; DAVID MARIO ) A C C U S A T I O N  
RAMIREZ individually and as )  
13 former designated officer of )  
Remax Empire Inc.; and RUBEN A. )  
14 DIAZ individually and as )  
designated officer of Remax )  
15 Empire Inc., )  
16 Respondents. )  
17

18  
19 The Complainant, Robin Trujillo, a Deputy Real Estate  
20 Commissioner of the State of California, for cause of Accusation  
21 against REMAX EMPIRE INC., DAVID MARIO RAMIREZ individually and  
22 as former designated officer of Remax Empire Inc., and RUBEN A.  
23 DIAZ individually and as designated officer of Remax Empire Inc.,  
24 is informed and alleges as follows:

25 1.

26 The Complainant, Robin Trujillo, a Deputy Real Estate  
27

1 Commissioner of the State of California, makes this Accusation in  
2 her official capacity.

3 2.

4 All references to the "Code" are to the California  
5 Business and Professions Code and all references to "Regulations"  
6 are to Title 10, Chapter 6, California Code of Regulations or to  
7 the California Financial Code.

8 3.

9 Respondent REMAX EMPIRE INC. ("REMAX") is licensed by  
10 the Department of Real Estate ("Department") as a corporate real  
11 estate broker. Respondent REMAX was originally licensed as a  
12 corporate real estate broker on or about February 5, 2007, with  
13 licensed real estate broker Maria Teresa Isaza as its designated  
14 officer until April 2, 2007. Thereafter, Respondent DAVID MARIO  
15 RAMIREZ ("RAMIREZ") became the designated officer of REMAX  
16 beginning April 2, 2007, and ending February 11, 2008. Then,  
17 Respondent RUBEN A. DIAZ ("DIAZ") became the designated officer  
18 of REMAX beginning February 28, 2008, and continuing to the  
19 present. To date the designated officer of REMAX is DIAZ.

20 4.

21 Respondent RAMIREZ is licensed by the Department as a  
22 real estate broker. Respondent RAMIREZ was originally licensed  
23 as a real estate salesperson on February 20, 1996, and as a real  
24 estate broker on November 28, 2000.

25 5.

26 Respondent DIAZ is licensed by the Department as a real  
27 estate broker. Respondent DIAZ was originally licensed as a real

1 estate salesperson on September 8, 1995, and as a real estate  
2 broker on April 7, 1997.

3 6.

4 At all times mentioned, in the City of Montebello,  
5 County of Los Angeles, Respondents engaged in the business of,  
6 acted in the capacity of, advertised, or assumed to act as a real  
7 estate broker within the meaning of Code Section 10131, including  
8 the solicitation for listings of and the negotiation of the  
9 purchase and sale of real property as the agent of others.

10 7.

11 On July 29, 2009, the Department completed an audit  
12 examination of the books and records of REMAX pertaining to the  
13 real estate sales activities described in paragraph 6, above.  
14 The audit examination covered the period of time from July 1,  
15 2007 to March 31, 2009. The primary purpose of the examination  
16 was to determine Respondents' compliance with the Real Estate  
17 Law. The audit examination revealed numerous violations of the  
18 Code and the Regulations as set forth in the following  
19 paragraphs, and more fully discussed in Audit Report LA 080253  
20 and the exhibits and work papers attached to said audit report.

21 8.

22 At all times herein relevant, in connection with the  
23 activities described in Paragraph 6, above, REMAX accepted or  
24 received funds including funds in trust (hereinafter "trust  
25 funds") through its broker operated escrow trust account.  
26 Thereafter REMAX made deposits and or disbursements of such trust  
27 funds. From time to time herein mentioned during the audit

1 period, said trust funds were deposited and/or maintained by  
2 REMAX in the following escrow trust account:

3  
4 Remax Empire Inc. Escrow Division  
5 Account No. XXXXX543 (Redacted for security)  
6 East West Bank  
7 Los Angeles, California

8  
9 (B/A #1 - REMAX's escrow trust account)

10  
11 9.

12 With respect to the licensed activities referred to in  
13 Paragraph 6, and the audit examination including the exhibits and  
14 work papers referenced in Paragraph 7, it is alleged that

15 Respondents:

16 (a)

17 (1) As to Respondents REMAX and RAMIREZ, permitted,  
18 allowed or caused the disbursement of trust funds from REMAX bank  
19 account B/A #1 to an amount which, on February 10, 2008, was  
20 \$12,508.02, less than the existing aggregate trust fund  
21 liability, without first obtaining the prior written consent of  
22 the owners of said funds, in violation of Code Sections 10145,  
23 and Regulations 2832.1 and 2951.

24 (2) As to Respondents REMAX and DIAZ, permitted,  
25 allowed or caused the disbursement of trust funds from REMAX bank  
26 account B/A #1 to an amount which, on March 31, 2009, was  
27 \$13,882.00, less than the existing aggregate trust fund  
liability, without first obtaining the prior written consent of  
the owners of said funds, in violation of Code Sections 10145,  
and Regulations 2832.1 and 2951.

1 (b) As to Respondents REMAX and RAMIREZ, allowed or  
2 caused the disbursement of trust funds from REMAX bank account  
3 B/A #1 in the amount of \$6,500 without the written instruction of  
4 the parties who had paid the money into escrow, in violation of  
5 Code Section 10145, and Regulation 2950(g).

6 (c) As to Respondents REMAX and RAMIREZ, failed to  
7 maintain a columnar record of the receipt and disbursement of  
8 trust funds handled through B/A #1, in violation of Code Section  
9 10145 and Regulations 2831 and 2951.

10 (d) As to Respondents REMAX and RAMIREZ, failed to  
11 maintain a separate record for each beneficiary of trust funds  
12 collected, in violation of Code Section 10145 and Regulations  
13 2831.1 and 2951.

14 (e) As to Respondents REMAX and RAMIREZ, failed to  
15 deposit escrow trust funds received into B/A #1 before the close  
16 of the next business day after receipt of the funds, in violation  
17 of Code Section 10145 and Regulations 2832, 2951, and 2950(f).

18 (f) As to Respondents REMAX and RAMIREZ, deposited and  
19 disbursed trust funds into REMAX's trust account B/A #1, for  
20 which unlicensed, unbonded employee Jenny Alvaraz was a  
21 signatory, in violation of Code Section 10145 and Regulations  
22 2834 and 2951.

23 (g) As to Respondents REMAX and RAMIREZ, failed to  
24 perform a monthly reconciliation of the balance of all separate  
25 records with the control record of all trust funds received and  
26 disbursed by B/A #1, in violation of Code Section 10145 and  
27 Regulations 2831.2, and 2951.

1 (h) As to Respondents REMAX and RAMIREZ, failed to  
2 disclose to all parties to a transaction in writing of REMAX's  
3 interest in the escrow operation, in violation Regulation  
4 2950(h).

5 (i)

6 (1) As to Respondents REMAX and RAMIREZ, used the  
7 fictitious business name "Team Empire Escrow Inc.," to conduct  
8 real estate activities including a broker-controlled escrow  
9 operation without obtaining a license from the Department to  
10 conduct real estate activities under that fictitious business  
11 name, in violation of Code Section 10159.5 and Regulation 2731.

12 (2) As to Respondents REMAX and DIAZ, used the  
13 fictitious business name "Remax Empire," to conduct real estate  
14 activities without obtaining a license from the Department to  
15 conduct real estate activities under that fictitious business  
16 name, in violation of Code Section 10159.5 and Regulation 2731.

17 (j) As to Respondents REMAX and DIAZ, failed to retain  
18 the salesperson license certificates for two (2) employed  
19 salespeople, in violation of Code Section 10160 and Regulation  
20 2753.

21 (k) Failed to retain records received in connection  
22 with completed real estate transactions, in violation of Code  
23 Section 10148.

24 (l) As to Respondent REMAX, conducted real estate  
25 activities, and collected compensation for such activities, when  
26 REMAX had no designated officer, in violation of Code Sections  
27 10130 and 10137.

1 (m) As to Respondents REMAX and RAMIREZ, maintained an  
2 earnings credit relationship with its bank, East West Bank,  
3 without notifying the beneficiaries of its trust account B/A #1,  
4 in violation of Code Section 10176(g).

5 (n) As to Respondents RAMIREZ and DIAZ, failed to  
6 exercise adequate supervision over the activities of REMAX to  
7 ensure compliance with the Real Estate Laws, in violation of Code  
8 Sections 10159.2 and 10177(h), and Regulation 2725.

9 10.

10 The conduct of Respondents described in Paragraph 9,  
11 above, violated the Code and the Regulations as set forth below:

12 PARAGRAPH

PROVISIONS VIOLATED

13  
14 9(a)

Code Section 10145 and  
15 Regulations 2832.1 and 2951

16  
17  
18 9(b)

Code Sections 10145 and  
19 Regulation 2950(g)

20  
21  
22 9(c)

Code Section 10145 and  
23 Regulations 2831 and 2951

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25  
26 9(d)

Code Section 10145 and  
27 Regulations 2831.1 and 2951

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9(e) Code Section 10145 and  
Regulations 2832, 2951, and 2950(f)

9(f) Code Section 10145 and  
Regulations 2834 and 2951

9(g) Code Section 10145 and  
Regulations 2831.2, and 2951

9(h) Regulation 2950(h)

9(i) Code Section 10159.5 and  
Regulation 2731

9(j) Code Section 10160 and  
Regulations 2753

9(k) Code Section 10148





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 the license and license rights of Respondents  
5 REMAX EMPIRE INC., DAVID MARIO RAMIREZ individually and as former  
6 designated officer of Remax Empire Inc., and RUBEN A. DIAZ  
7 individually and as designated officer of Remax Empire Inc.,  
8 under the Real Estate Law (Part 1 of Division 4 of the Business  
9 and Professions Code) and for such other and further relief as  
10 may be proper under other applicable provisions of law.

11  
12 Dated at Los Angeles, California: June 13, 2011.

13  
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15 \_\_\_\_\_  
16 Robin Trujillo  
17 Deputy Real Estate Commissioner  
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23

24 cc: Remax Empire Inc.  
25 David Mario Ramirez  
26 Ruben A. Diaz  
27 Robin Trujillo  
Sacto  
Audits - Chona Soriano