

FILED

JUN - 4 2012

1 Department of Real Estate
2 320 West 4th Street, Suite 350
3 Los Angeles, California 90013

DEPARTMENT OF REAL ESTATE
BY: K. Hedrick

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8 (213) 576-6913

9 DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of)
13)
14 TERESA C. RASCON)
15 and SOFIA AGUAYO,)
16 Respondents.)

No. H-37742 LA
L-2012 010 910

STIPULATION AND AGREEMENT

17 It is hereby stipulated by and between TERESA C. RASCON
18 (sometimes referred to as Respondent), and the Complainant,
19 acting by and through James R. Peel, Counsel for the Department
20 of Real Estate, as follows for the purpose of settling and
21 disposing of the Accusation filed on December 15, 2011, in this
22 matter.

23 1. All issues which were to be contested and all
24 evidence which was to be presented by Complainant and Respondent
25 at a formal hearing on the Accusation, which hearing was to be
26 held in accordance with the provisions of the Administrative

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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.
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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. On January 26, 2012, Respondent filed a Notice of
10 Defense pursuant to Section 11506 of the Government Code for the
11 purpose of requesting a hearing on the allegations in the
12 Accusation. Respondent hereby freely and voluntarily withdraws
13 said Notice of Defense. Respondent acknowledges that she
14 understands that by withdrawing said Notice of Defense she will
15 thereby waive her right to require the Commissioner to prove the
16 allegations in the Accusation at a contested hearing held in
17 accordance with the provisions of the APA and that she will
18 waive other rights afforded to her in connection with the
19 hearing such as the right to present evidence in defense of the
20 allegations in the Accusation and the right to cross-examine
21 witnesses.

22 4. This Stipulation is based on the factual
23 allegations contained in the Accusation filed in this
24 proceeding. In the interest of expedience and economy,
25 Respondent chooses not to contest these factual allegations, but
26 to remain silent and understands that, as a result thereof,
27 these factual statements, will serve as a prima facie basis for

1 the disciplinary action stipulated to herein. The Real Estate
2 Commissioner shall not be required to provide further evidence
3 to prove such allegations.

4 5. The Stipulation herein and Respondent's decision
5 not to contest the Accusation, are made solely for the purpose
6 of reaching an agreed disposition of this proceeding and are
7 expressly limited to this proceeding and any other proceeding or
8 case in which the Department of Real Estate ("Department") or
9 another licensing agency of this state, another state or if the
10 federal government is involved, and otherwise shall not be
11 admissible in any other criminal or civil proceedings.

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

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

1 proceeding.

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3 DETERMINATION OF ISSUES

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

8 The conduct of Respondent, TERESA C. RASCON as
9 described in Paragraph 4, above, is grounds for the suspension
10 or revocation of all of the real estate licenses and license
11 rights of Respondent under the provisions of Section 10177(g) of
12 the Business and Professions Code.

13 ORDER

14 All licenses and licensing rights of Respondent TERESA
15 C. RASCON under the Real Estate Law are revoked, provided,
16 however, a restricted real estate salesperson license shall be
17 issued to Respondent pursuant to Section 10156.5 of the Business
18 and Professions Code if Respondent makes application therefor
19 and pays to the Department of Real Estate the appropriate fee
20 for the restricted license within 90 days from the effective
21 date of this Decision. The restricted license issued to
22 Respondent shall be subject to all of the provisions of Section
23 10156.7 of the Business and Professions Code and to the
24 following limitations, conditions, and restrictions imposed
25 under authority of Section 10156.6 of that Code:

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1 1. The restricted license issued to Respondent may be
2 suspended prior to hearing by Order of the Real Estate
3 Commissioner in the event of Respondent's conviction or plea of
4 nolo contendere to a crime which is substantially related to
5 Respondent's fitness or capacity as a real estate licensee.

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

12 3. Respondent shall not be eligible to apply for the
13 issuance of an unrestricted real estate license nor for the
14 removal of any of the conditions, limitations or restrictions of
15 a restricted license until two years have elapsed from the
16 effective date of this Decision.

17 4. Respondent shall submit with any application for
18 license under an employing broker, or any application for
19 transfer to a new employing real estate broker on a form RE 552
20 approved by the Department of Real Estate which shall certify:

21 (a) That the employing broker has read the
22 Stipulation and Agreement which is the basis for the issuance of
23 the restricted license; and

24 (b) That the employing broker will carefully
25 review all transaction documents prepared by the restricted
26 licensee and otherwise exercise close supervision over the
27 licensee's performance of acts for which a license is required.

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

20 DATED: April 3, 2012

21 James R. Peel
22 JAMES R. PEEL
23 Counsel for Complainant

24 * * *

25 I have read the Stipulation and Agreement, and its
26 terms are understood by me and are agreeable and acceptable to
27 me. I understand that I am waiving rights given to me by the
California Administrative Procedure Act (including but not

1 limited to Sections 11506, 11508, 11509 and 11513 of the
2 Government Code), and I willingly, intelligently and voluntarily
3 waive those rights, including the right of requiring the
4 Commissioner to prove the allegations in the Accusation at a
5 hearing at which I would have the right to cross-examine
6 witnesses against me and to present evidence in defense and
7 mitigation of the charges.

8 Respondent can signify acceptance and approval of the
9 terms and conditions of this Stipulation and Agreement by faxing
10 a copy of the signature page, as actually signed by Respondent,
11 to the Department at the following telephone/fax number: (213)
12 576-6917. Respondent agrees, acknowledges and understands that
13 by electronically sending to the Department a fax copy of her
14 actual signature as it appears on the Stipulation and Agreement
15 that receipt of the faxed copy by the Department shall be as
16 binding on Respondent as if the Department had received the
17 original signed Stipulation and Agreement.

18 Further, if the Respondent is represented in these
19 proceedings, the Respondent's attorney can signify her agreement
20 to the terms and conditions of the Stipulation and Agreement by
21 submitting that signature via fax.

22
23 DATED: _____

TERESA C. RASCON
Respondent

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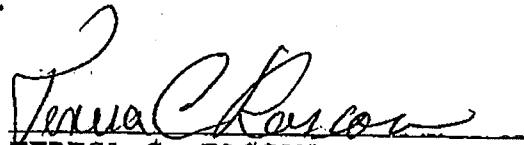
1 limited to Sections 11506, 11508, 11509 and 11513 of the
 2 Government Code), and I willingly, intelligently and voluntarily
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 19 proceedings, the Respondent's attorney can signify her agreement
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 21 submitting that signature via fax.

22 DATED:

4-3-12



TERESA C. RASCON
Respondent

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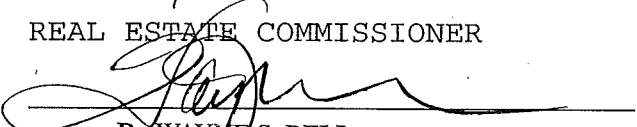
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The foregoing Stipulation and Agreement is hereby
adopted as my Decision in this matter and shall become effective
at 12 o'clock noon on JUN 25 2012

IT IS SO ORDERED 4/25/2012

REAL ESTATE COMMISSIONER


By WAYNE S. BELL
Chief Counsel