

FILED

NOV 29 2012

DEPARTMENT OF REAL ESTATE
BY: James B. Demus

1 Department of Real Estate
320 West Fourth Street, #350
2 Los Angeles, California 90013

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12)
13 PARK ESTATES INTERNATIONAL CORP,)
SUSANNE B. MENDOZA, and ARTHUR)
14 JOSEPH SAVEDRA,)
15 Respondents.)

DRE No: H-37779 LA
OAH No: 2012010913

STIPULATION AND
AGREEMENT

16
17 It is hereby stipulated by and between SUSANNE B.
18 MENDOZA, and the Complainant, acting by and through James A.
19 Demus, Counsel for the Department of Real Estate, as follows for
20 the purpose of settling and disposing of the Accusation in this
21 matter, filed on January 10, 2012:

22 1. All issues which were to be contested and all
23 evidence which was to be presented by Complainant and Respondent
24 at a formal hearing on the Accusation, which hearing was to be
25 held in accordance with the provisions of the Administrative
26 Procedure Act (APA), shall instead and in place thereof be
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1 submitted solely on the basis of the provisions of this
2 Stipulation and Agreement (Stipulation).

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

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

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

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

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

24 7. The Order or any subsequent Order of the Real
25 Estate Commissioner made pursuant to this Stipulation shall not
26 constitute an estoppel, merger or bar to any further
27 administrative or civil proceedings by the Department of Real

1 Estate with respect to any matters which were not specifically
2 alleged to be causes for accusation in this proceeding.

3 DETERMINATION OF ISSUES

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

8 I

9 The conduct of SUSANNE B. MENDOZA, as described in
10 Paragraph 4, above, provides a basis for discipline of SUSANNE B.
11 MENDOZA's license and license rights pursuant to Sections 10137,
12 10177(d) and 10177(g) of the Code.

13 ORDER

14 WHEREFORE THE FOLLOWING ORDER IS MADE PURSUANT TO THE
15 WRITTEN STIPULATION OF THE PARTIES:

16 I.

17 All licenses and licensing rights of Respondent
18 SUSANNE B. MENDOZA under the Real Estate Law are suspended for
19 a period of ninety (90) days from the effective date of this
20 Decision; provided, however, that sixty (60) days of said
21 suspension, shall be stayed for two (2) years upon the
22 following terms and conditions:

23 1. Respondent shall obey all laws, rules and
24 regulations governing the rights, duties and responsibilities of
25 a real estate licensee in the State of California; and

26 2. That no final subsequent determination be made,
27 after hearing or upon stipulation that cause for disciplinary

1 action occurred within two (2) years of the effective date of
2 this Decision. Should such a determination be made, the
3 Commissioner may, in his discretion, vacate and set aside the
4 stay order and reimpose all or a portion of the stayed
5 suspension. Should no such determination be made, the stay
6 imposed herein shall become permanent.

7 II.

8 If Respondent SUSANNE B. MENDOZA petitions, an
9 additional 30 days shall be stayed upon condition that:

10 1. Respondent pays a monetary penalty pursuant to
11 Section 10175.2 of the Code at the rate of \$50 for each day of
12 the suspension for a total monetary penalty of \$1,500.

13 2. Said payment shall be in the form of a cashier's
14 check or certified check made payable to the Recovery Account of
15 the Real Estate Fund. Said check must be received by the
16 Department prior to the effective date of the Decision in this
17 matter.

18 3. No further cause for disciplinary action against
19 the real estate license of Respondent occurs within two years
20 from the effective date of the Decision in this matter.

21 4. If Respondent fails to pay the monetary penalty in
22 accordance with the terms and conditions of the Decision, the
23 Commissioner may, without a hearing, order the immediate
24 execution of all or any part of the stayed suspension in which
25 event the Respondent shall not be entitled to any repayment nor
26 credit, prorated or otherwise, for money paid to the Department
27 under the terms of this Decision.

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5. If Respondent pays the monetary penalty and if no further cause for disciplinary action against the real estate license of Respondent occurs within two years from the effective date of the Decision, the stay hereby granted shall become permanent.

III.

Respondent SUSANNE B. MENDOZA shall within six (6) months from the effective date of the Decision herein, take and pass the Professional Responsibility Examination administered by the Department including the payment of the appropriate examination fee. If Respondent fails to satisfy this condition, the Commissioner may order suspension of Respondent SUSANNE B. MENDOZA's license until Respondent passes the examination.

IV.

The payment and proof of completed coursework shall be submitted to Department Counsel James A. Demus, Attention: Legal Section, Department of Real Estate, 320 W. Fourth St., Suite 350, Los Angeles, California 90013-1105, on or before the dates set forth above.

DATED: 9/7/12

James A. Demus

JAMES A. DEMUS, Counsel for
the Department of Real Estate

EXECUTION OF THE STIPULATION

I have read the Stipulation. Its terms are understood by me and are agreeable and acceptable to me. I understand that

1 I am waiving rights given to me by the California Administrative
2 Procedure Act (including but not limited to Sections 11506,
3 11508, 11509 and 11513 of the Government Code), and I willingly,
4 intelligently and voluntarily waive those rights, including the
5 right of requiring the Commissioner to prove the allegations in
6 the Accusation at a hearing at which I would have the right to
7 cross-examine witnesses against me and to present evidence in
8 defense and mitigation of the charges.

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

19
20 DATED: 9/7/12


21 _____
22 SUSANNE B. MENDOZA,
23 Respondent

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2 Procedure Act (including but not limited to Sections 11506,
3 11508, 11509 and 11513 of the Government Code), and I willingly,
4 intelligently and voluntarily waive those rights, including the
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17 shall be as binding on Respondent as if the Department had
18 received the original signed Stipulation.

19
20 DATED: _____

SUSANNE B. MENDOZA,
Respondent

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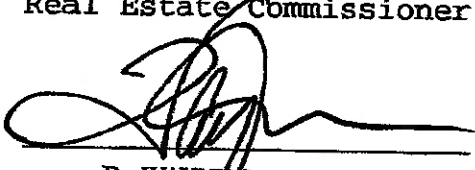
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The foregoing Stipulation and Agreement is hereby adopted as my Decision as to Respondent SUSANNE B. MENDOZA and shall become effective at 12 o'clock noon on DEC 19 2012, 2012.

IT IS SO ORDERED Oct. 28, 2012

Real Estate Commissioner



By WAYNE S. BELL
Chief Counsel