

*Exempt*

**FILED**

SEP 03 2013

BUREAU OF REAL ESTATE

By James B. Clon

1 Department of Real Estate  
2 320 W. 4<sup>th</sup> St., Room 350  
3 Los Angeles, California 90013  
4  
5  
6  
7  
8 Telephone: (213) 576-6982

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

11 In the Matter of the Accusation of ) No. H-37894 LA  
12 ) L-2012 050 331

13 ) STIPULATION AND AGREEMENT  
14 EDUARDO M. RUIZ; )  
15 HECTOR GERADO BAUTISTA; )  
16 MARIA ISABEL IBARRA, )  
17 )  
18 )  
19 Respondents. )

20 It is hereby stipulated by and between MARIA ISABEL  
21 IBARRA (sometimes referred to as Respondent), and her attorney,  
22 Frank M. Buda, and the Complainant, acting by and through James  
23 R. Peel, Counsel for the Department of Real Estate, as follows  
24 for the purpose of settling and disposing of the Accusation  
25 filed on February 17, 2012, in this matter.  
26

27 ///

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

8           2. Respondent has received, read and understands the  
9 Statement to Respondent, the Discovery Provisions of the  
10 Administrative Procedure Act ("APA") and the Accusation filed by  
11 the Department of Real Estate in this proceeding.

12           3. On March 6, 2012, Respondent filed a Notice of  
13 Defense pursuant to Section 11506 of the Government Code for the  
14 purpose of requesting a hearing on the allegations in the  
15 Accusation. Respondent hereby freely and voluntarily withdraws  
16 said Notice of Defense. Respondent acknowledges that she  
17 understands that by withdrawing said Notice of Defense she will  
18 thereby waive her right to require the Commissioner to prove the  
19 allegations in the Accusation at a contested hearing held in  
20 accordance with the provisions of the APA and that she will  
21 waive other rights afforded to her in connection with the  
22 hearing such as the right to present evidence in defense of the  
23 allegations in the Accusation and the right to cross-examine  
24 witnesses.  
25

26 ///

27 ///

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 is made for the purpose of  
11 reaching an agreed disposition of this proceeding and is  
12 expressly limited to this proceeding and any other proceeding or  
13 case in which the Department of Real Estate ("Department"), the  
14 state or federal government, or an agency of this state, another  
15 state or the federal government is involved.

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

27 ///

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

7                           DETERMINATION OF ISSUES

8           By reason of the foregoing stipulations and waivers  
9 and solely for the purpose of settlement of the pending  
10 Accusation, it is stipulated and agreed that the following  
11 determination of issues shall be made:

12   I

13           The conduct, acts and/or omissions of Respondent  
14 MARIA ISABEL IBARRA as set forth in the Accusation, constitute  
15 cause for the suspension or revocation of all of the real estate  
16 licenses and license rights of Respondent under the provisions  
17 of Section 10177(g) of the Business and Professions Code  
18 ("Code").  
19

20   ORDER

21           The license and licensing rights of Respondent MARIA  
22 ISABEL IBARRA under the Real Estate Law are suspended for a  
23 period of ninety (90) days from the effective date of this  
24 Decision.

25                           1. Provided, however, that said ninety (90) day  
26 suspension shall be stayed for two (2) years, upon the following  
27 terms and conditions:

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

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

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

19           3. The license and licensing rights of Respondent are  
20 indefinitely suspended unless and until Respondent provides  
21 proof of paying \$5,000 to Luis and Rosario Armas, and submits  
22 satisfactory proof to the Department of Real Estate. Any such  
23 proof shall be submitted to Real Estate Counsel James Peel,  
24 Department of Real Estate Room 350, Los Angeles, Cal. 90013.

25  
26 ///

27 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

DATED: Nov. 15, 2012

James R. Peel  
JAMES R. PEEL, Counsel for the  
Department of Real Estate

\* \* \*

I have read the Stipulation and Agreement, discussed it with counsel, 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 or her 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.

11/16/2012 WED 12:37 FAX Frank Buda

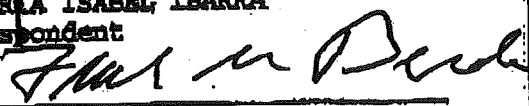
2097/007

1 Further, if the Respondent is represented, the  
 2 Respondent's counsel can signify his or her agreement to the  
 3 terms and conditions of the Stipulation and Agreement by  
 4 submitting that signature via fax.

5 DATED: 11/14/12

  
 \_\_\_\_\_  
 MARIA ISABEL IBARRA  
 Respondent

6  
7 DATED: 11-14-12

  
 \_\_\_\_\_  
 Respondent's Counsel  
 Frank M. Buda

8  
9 \* \* \*

10 The foregoing Stipulation and Agreement is hereby  
 11 adopted as my Decision and Order in this matter, and shall  
 12 become effective at 12 o'clock noon on \_\_\_\_\_  
 13

14 IT IS SO ORDERED \_\_\_\_\_

15  
16 Real Estate Commissioner  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

1 Further, if the Respondent is represented, the  
2 Respondent's counsel can signify his or her agreement to the  
3 terms and conditions of the Stipulation and Agreement by  
4 submitting that signature via fax.

5 DATED: \_\_\_\_\_

MARIA ISABEL IBARRA  
Respondent

7 DATED: \_\_\_\_\_

Respondent's Counsel  
Frank M. Buda

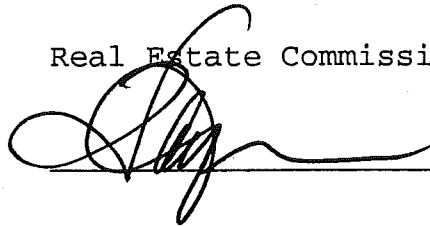
9 \* \* \*

10  
11 The foregoing Stipulation and Agreement is hereby  
12 adopted as my Decision and Order in this matter, and shall  
13 become effective at 12 o'clock noon on SEP 23 2013.

14 IT IS SO ORDERED

7/12/2013

16 Real Estate Commissioner

17  
18   
19  
20  
21  
22  
23  
24  
25  
26  
27