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FILED

AUG 14 2013

BUREAU OF REAL ESTATE

By Norma Simmons

1 Department of Real Estate
2 320 West Fourth Street, #350
3 Los Angeles, California 90013
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8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)

DRE No. H-38322 LA

OAH No. 2012101001

12 PAUL MICHAEL BALLESTEROS)

13 and ANA MARIA ALVAREZ,)

STIPULATION AND

14 Respondents.)

AGREEMENT

15
16 It is hereby stipulated by and between ANA MARIA
17 ALVAREZ and the Complainant, acting by and through James A.
18 Demus, Counsel for the Department of Real Estate, as follows for
19 the purpose of settling and disposing of the Accusation in this
20 matter, filed on August 7, 2012:

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

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

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

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

26 5. This Stipulation is based on Respondent's decision
27 not to contest the allegations set forth in the Accusation as a

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

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

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

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DETERMINATION OF ISSUES

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

The conduct of ANA MARIA ALVAREZ, as described in Paragraph 4, above, is a basis for discipline of ANA MARIA ALVAREZ's license and license rights pursuant to Sections 10137, 10165 and 10177(d) of the Business and Professions Code ("Code").

ORDER

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

I.

All licenses and licensing rights of Respondent ANA MARIA ALVAREZ under the Real Estate Law are suspended for a period of sixty (60) days from the effective date of this Decision; provided, however, that sixty (60) days of said suspension, shall be stayed for two (2) years upon the following terms and conditions:

1. Respondent shall obey all laws, rules and regulations governing the rights, duties and responsibilities of a real estate licensee in the State of California; and
2. That no final subsequent determination be made, after hearing or upon stipulation that cause for disciplinary action occurred within two (2) years of the effective date of this Decision. Should such a determination be made, the Commissioner may, in his discretion, vacate and set aside the

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.

4 II.

5 Respondent ANA MARIA ALVAREZ shall within six (6)
6 months from the effective date of the Decision herein, take and
7 pass the Professional Responsibility Examination administered by
8 the Department including the payment of the appropriate
9 examination fee. If Respondent fails to satisfy this condition,
10 the Commissioner may order suspension of Respondent's license
11 until Respondent passes the examination.

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14 DATED: 6/24/13

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

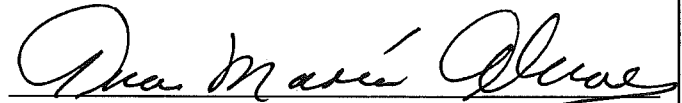
16 EXECUTION OF THE STIPULATION

17 I have read the Stipulation. Its terms are understood
18 by me and are agreeable and acceptable to me. I understand that
19 I am waiving rights given to me by the California Administrative
20 Procedure Act (including but not limited to Sections 11506,
21 11508, 11509 and 11513 of the Government Code), and I willingly,
22 intelligently and voluntarily waive those rights, including the
23 right of requiring the Commissioner to prove the allegations in
24 the Accusation at a hearing at which I would have the right to
25 cross-examine witnesses against me and to present evidence in
26 defense and mitigation of the charges.

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

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13 DATED:

06/24/2013


ANA MARIA ALVAREZ

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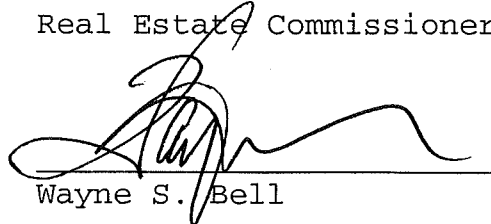
16 The foregoing Stipulation and Agreement is hereby
17 adopted as my Decision as to Respondent ANA MARIA ALVAREZ and
18 shall become effective at 12 o'clock noon on
19 SEP 03 2013, 2013.

20 IT IS SO ORDERED

7/13

, 2013

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22 Real Estate Commissioner

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25 Wayne S. Bell
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AUG 14 2013

By Horna Simms

* * *

STIPULATION AND
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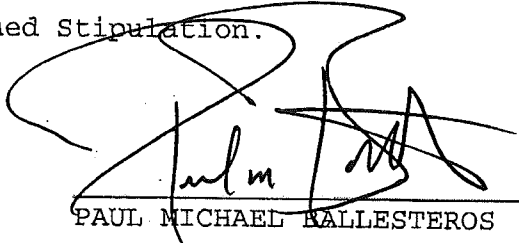
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PAUL MICHAEL BALLESTEROS

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