

FILED

JUN - 4 2013

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

DEPARTMENT OF REAL ESTATE
BY: Jane B. Brown

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

DRE No. H-38454 LA
OAH No. 2012110420

DELIA PARTIDA,

Respondent .

STIPULATION AND
AGREEMENT

It is hereby stipulated by and between DELIA PARTIDA and the Complainant, acting by and through James A. Demus, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation in this matter, filed on October 3, 2012:

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondent at a formal hearing on the Accusation, which hearing was to be held in accordance with the provisions of the Administrative Procedure Act (APA), shall instead and in place thereof be

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 she understands that by
12 withdrawing said Notice of Defense, she thereby waives her 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 she will waive other rights
16 afforded to her in connection with the hearing such as the right
17 to present evidence in her 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 The conduct of DELIA PARTIDA, as described in Paragraph
9 4, above, is a basis for discipline of DELIA PARTIDA's license
10 and license rights pursuant to Sections 10137 and 10177(d) of the
11 Business and Professions Code ("Code").

12 ORDER

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

15 I.

16 All licenses and licensing rights of Respondent
17 DELIA PARTIDA under the Real Estate Law are suspended for a
18 period of sixty (60) days from the effective date of this
19 Decision; provided, however, that thirty (30) days of said
20 suspension, shall be stayed for two (2) years upon the
21 following terms and conditions:

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

25 2. That no final subsequent determination be made,
26 after hearing or upon stipulation that cause for disciplinary
27 action occurred within two (2) years of the effective date of

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

6 II.

7 If Respondent DELIA PARTIDA petitions, an additional 30
8 days shall be stayed upon condition that:

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

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

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

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

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 DELIA PARTIDA 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's license
until Respondent passes the examination.

IV.

All proof of payment and 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 :

5/6/13

James C. Lewis

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

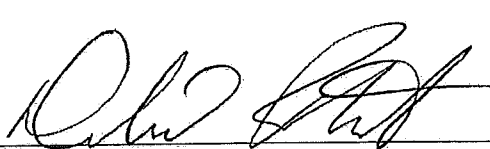
EXECUTION OF THE STIPULATION

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.

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20
21 DATED: 5/6/13


22
23 DELIA PARTIDA

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adopted as my Decision as to Respondent DELIA PARTIDA and shall
become effective at 12 o'clock noon on JUN 24 2013,
2013.

IT IS SO ORDERED

Real Estate Commissioner

By: Jeffrey Mason
Chief Deputy Commissioner