

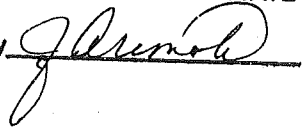
1 Bureau of Real Estate
320 West 4th Street, Suite 350
2 Los Angeles, California 90013-1105

FILED

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4 (213) 576-6910

JAN 02 2014

BUREAU OF REAL ESTATE

By 

8 BUREAU OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * * *

11
12 In the Matter of the Accusation of)

DRE No: H-38685 LA
OAH No: 2013030745

13 ORETRA USA INC and ISABELLE MARY)
14 MC BETH, individually, and as)
15 designated officer of Oretra USA)
Inc,)

STIPULATION AND
AGREEMENT

16 Respondents.)

17 It is hereby stipulated by and between Respondents
18 ORETRA USA INC and ISABELLE MARY MC BETH, represented by Frank M.
19 Buda, Esq., and the Complainant, acting by and through James A.
20 Demus, Counsel for the Bureau of Real Estate, as follows for the
21 purpose of settling and disposing of the Accusation filed on
22 February 4, 2013, in this matter:

23 1. All issues which were to be contested and all
24 evidence which was to be presented by Complainant and Respondents
25 at a formal hearing on the Accusation, which hearing was to be
26 held in accordance with the provisions of the Administrative
27

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 ("Stipulation").

4 2. Respondents have received, read and understand the
5 Statement to Respondent, the Discovery Provisions of the APA and
6 the Accusation filed by the Bureau of Real Estate in this
7 proceeding.

8 3. Respondents timely filed a Notice of Defense
9 pursuant to Section 11506 of the Government Code for the purpose
10 of requesting a hearing on the allegations in the Accusation.
11 Respondents hereby freely and voluntarily withdraw said Notice of
12 Defense. Respondents acknowledge that they understand that by
13 withdrawing said Notice of Defense they thereby waive the right
14 to require the Commissioner to prove the allegations in the
15 Accusation at a contested hearing held in accordance with the
16 provisions of the APA and that they will waive other rights
17 afforded to them in connection with the hearing such as the right
18 to present evidence in their defense of the allegations in the
19 Accusation and the right to cross-examine witnesses.

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

1 not be required to provide further evidence to prove said factual
2 allegations.

3 5. This Stipulation is made for the purpose of
4 reaching an agreed disposition of this proceeding and is
5 expressly limited to this proceeding and any other proceeding or
6 case in which the Bureau of Real Estate ("Bureau"), the state or
7 federal government, or any agency of this state, another state or
8 federal government is a party.

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

19 7. The Order or any subsequent Order of the Real
20 Estate Commissioner made pursuant to this Stipulation shall not
21 constitute an estoppel, merger or bar to any further
22 administrative or civil proceedings by the Bureau of Real Estate
23 with respect to any matters which were not specifically alleged
24 to be causes for Accusation in this proceeding but do constitute
25 a bar, estoppel and merger as to any allegations actually
26 contained in the Accusation against Respondents herein.
27

1 8. Respondents understand that by agreeing to this
2 Stipulation, Respondents agree to pay, pursuant to Business and
3 Professions Code Section 10148, the cost of the audit which led
4 to this disciplinary action. The amount of said cost is \$3,634.

5 9. Respondents have received, read, and understand the
6 "Notice Concerning Costs of Subsequent Audit." Respondents
7 further understand that by agreeing to this Stipulation, the
8 findings set forth below in the Determination of Issues become
9 final, and the Commissioner may charge Respondents for the cost
10 of any subsequent audit conducted to determine if the violations
11 have been corrected. The maximum cost of the subsequent audit
12 will not exceed \$3,634.

13 DETERMINATION OF ISSUES

14 By reason of the foregoing, it is stipulated and agreed
15 that the following determination of issues shall be made:

16 I.

17 The conduct of ORETRA USA INC and ISABELLE MARY MC
18 BETH, as described in Paragraph 4, hereinabove, is in violation
19 of Business and Professions Code Section 10145, pursuant to Title
20 10, California Code of Regulations, Section 2831 and provides a
21 basis for discipline of its licenses and license rights pursuant
22 to Business and Professions Code Section 10177(g).

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1 In calculating the amount of the Commissioner's reasonable cost,
2 the Commissioner may use the estimated average hourly salary for
3 all persons performing audits of real estate brokers, and shall
4 include an allocation for travel costs, including mileage, time
5 to and from the auditor's place of work and per diem.
6 Respondent shall pay such costs within 60 days of receiving an
7 invoice from the Commissioner detailing the activities performed
8 during the audit and the amount of time spent performing those
9 activities, unless Respondent provides proof that such costs
10 have already been paid. The Commissioner may, in his
11 discretion, vacate and set aside the stay order, if payment is
12 not timely made as provided for herein, or as provided for in a
13 subsequent agreement between the Respondent and the
14 Commissioner. The vacation and the set aside of the stay shall
15 remain in effect until payment is made in full, or until
16 Respondent enters into an agreement satisfactory to the
17 Commissioner to provide for payment.

18 II.

19 A.

20 All licenses and licensing rights of Respondent

21 ISABELLE MARY MC BETH under the Real Estate Law are suspended
22 for a period of thirty (30) days from the effective date of this
23 Decision; provided, however, that thirty (30) days of said
24 suspension, shall be stayed for two (2) years upon the following
25 terms and conditions:
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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

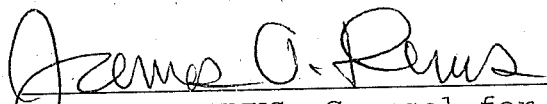
2. That no final subsequent determination be made,
after hearing or upon stipulation that cause for disciplinary
action occurred within two (2) years of the effective date of
this Decision. Should such a determination be made, the
Commissioner may, in his discretion, vacate and set aside the
stay order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

B.

Respondent shall pay the Commissioner's reasonable
cost for: a) the audit which led to this disciplinary action and
b) a subsequent audit to determine if Respondent has corrected
the trust fund violations found in the Determination of Issues.
In calculating the amount of the Commissioner's reasonable cost,
the Commissioner may use the estimated average hourly salary for
all persons performing audits of real estate brokers, and shall
include an allocation for travel costs, including mileage, time
to and from the auditor's place of work and per diem.
Respondent shall pay such costs within 60 days of receiving an
invoice from the Commissioner detailing the activities performed
during the audit and the amount of time spent performing those
activities, unless Respondent provides proof that such costs
have already been paid. The Commissioner may, in his

1 discretion, vacate and set aside the stay order, if payment is
2 not timely made as provided for herein, or as provided for in a
3 subsequent agreement between the Respondent and the
4 Commissioner. The vacation and the set aside of the stay shall
5 remain in effect until payment is made in full, or until
6 Respondent enters into an agreement satisfactory to the
7 Commissioner to provide for payment.

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10 DATED: 12/13/13

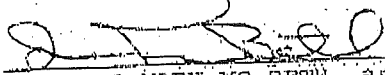
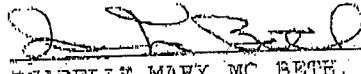
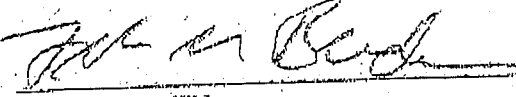

11 JAMES A. DEMUS, Counsel for
12 the Bureau of Real Estate

13 **EXECUTION OF THE STIPULATION**

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

25 Respondents can signify acceptance and approval of the
26 terms and conditions of this Stipulation by faxing a copy of its
27 signature page, as actually signed by Respondents, to the Bureau

at the following telephone/fax number: James A. Demus at (213) 576-6917. Respondents agree, acknowledge and understand that by electronically sending to the Bureau a fax copy of Respondent's actual signature as it appears on the Stipulation, that receipt of the faxed copy by the Bureau shall be as binding on Respondent as if the Bureau had received the original signed stipulation.

DATED: 11 Dec '13
ISABELLE MARY MC BETH, as
Designated Officer of ORETRA USA
INCDATED: 11 Dec '13
ISABELLE MARY MC BETH, RespondentDATED: 12-11-13
FRANK M. BUDA
Attorney for Respondents

The foregoing Stipulation and Agreement is hereby adopted as my Decision as to Respondents ORETRA USA INC and ISABELLE MARY MC BETH and shall become effective at 12 o'clock noon on _____

IT IS SO ORDERED _____

Real Estate Commissioner

By: _____

WAYNE S. BELL

1 at the following telephone/fax number: James A. Demus at (213)
2 576-6917. Respondents agree, acknowledge and understand that by
3 electronically sending to the Bureau a fax copy of Respondent's
4 actual signature as it appears on the Stipulation, that receipt
5 of the faxed copy by the Bureau shall be as binding on Respondent
6 as if the Bureau had received the original signed Stipulation.
7
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9 DATED: _____

ISABELLE MARY MC BETH, as
Designated Officer of ORETRA USA
INC

11
12 DATED: _____

ISABELLE MARY MC BETH, Respondent

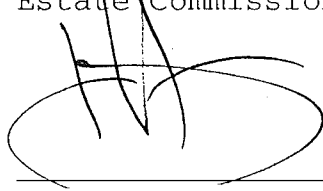
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14 DATED: _____

FRANK M. BUDA
Attorney for Respondents

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16
17 The foregoing Stipulation and Agreement is hereby
18 adopted as my Decision as to Respondents ORETRA USA INC and
19 ISABELLE MARY MC BETH and shall become effective at 12 o'clock
20 noon on JAN 23 2014,

21 IT IS SO ORDERED DEC 23 2013,

22
23 Real Estate Commissioner

24
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26 By: 

27 By: JEFFREY MASON
Chief Deputy Commissioner