

1 Bureau of Real Estate  
320 W. 4th Street, Suite 350  
2 Los Angeles, CA 90013-1105  
3 Telephone: (213) 576-6982  
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6

**FILED**

JUN 16 2014

BUREAU OF REAL ESTATE

By Chdima

7 **BUREAU OF REAL ESTATE**  
8 **STATE OF CALIFORNIA**  
9

10 *In the Matter of the Application of*

11 ARIELLE ELIZABETH YORI,  
12

13 Respondent  
14

) No. H- 39262 LA  
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**STIPULATION AND  
WAIVER**

15 It is hereby stipulated by and between ARIELLE ELIZABETH YORI (hereinafter "Respondent") and  
16 Respondent's attorney, Mary Work, and the Complainant, acting by and through James R. Peel, Counsel for  
17 the Bureau of Real Estate, as follows for the purpose of settling and disposing of the Statement of Issues  
18 filed on January 13, 2014 in this matter:

19 Respondent acknowledges that Respondent has received and read the Statement of Issues and the  
20 Statement to Respondent filed by the Bureau of Real Estate in connection with Respondent's application for  
21 a real estate salesperson license. Respondent understands that the Real Estate Commissioner may hold a  
22 hearing on this Statement of Issues for the purpose of requiring further proof of Respondent's honesty and  
23 truthfulness and to prove other allegations therein, or that he may in his discretion waive the hearing and  
24 grant Respondent a restricted real estate salesperson license based upon this Stipulation and Waiver.  
25 Respondent also understands that by filing the Statement of Issues in this matter the Real Estate  
26 Commissioner is shifting the burden to Respondent to make a satisfactory showing that Respondent meets  
27 all the requirements for issuance of a real estate salesperson license. Respondent further understands that by

1 entering into this stipulation and waiver, Respondent will be stipulating that the Real Estate Commissioner  
2 has found that Respondent has failed to make such a showing, thereby justifying the denial of the issuance  
3 to Respondent of an unrestricted real estate salesperson license.

4 Respondent hereby admits that the allegations of the Statement of Issues filed against Respondent are  
5 true and correct and requests that the Real Estate Commissioner in his discretion issue a restricted real  
6 estate salesperson license to Respondent under the authority of Section 10156.5 of the Business and  
7 Professions Code.

8 Respondent is aware that by signing this Stipulation and Waiver, Respondent is waiving Respondent's  
9 right to a hearing and the opportunity to present evidence at the hearing to establish Respondent's  
10 rehabilitation in order to obtain an unrestricted real estate salesperson license if this Stipulation and Waiver  
11 is accepted by the Real Estate Commissioner. However, Respondent is not waiving Respondent's right to a  
12 hearing and to further proceedings to obtain a restricted or unrestricted license if this Stipulation and  
13 Waiver is not accepted by the Commissioner.

14 Respondent further understands that the following conditions, limitations, and restrictions will attach  
15 to a restricted license issued by the Bureau of Real Estate pursuant hereto:

- 16 1. The license shall not confer any property right in the privileges to be exercised including the  
17 right of renewal, and the Real Estate Commissioner may by appropriate order suspend the right  
18 to exercise any privileges granted under this restricted license in the event of:
  - 19 a. Respondent's conviction (including a plea of nolo contendere) of a crime which bears a  
20 substantial relationship to Respondent's fitness or capacity as a real estate licensee; or
  - 21 b. The receipt of evidence that Respondent has violated provisions of the California Real  
22 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or  
23 conditions attaching to this restricted license.
- 24 2. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license  
25 nor the removal of any of the conditions, limitations, or restrictions attaching to the restricted  
26 license until two years have elapsed from the date of issuance of the restricted license to  
27 Respondent.

- 1       3. With the application for license, or with the application for transfer to a new employing broker,  
2       Respondent shall submit a statement signed by the prospective employing broker on a form  
3       approved by the Bureau of Real Estate wherein the employing broker shall certify as follows:
- 4       a. That broker has read the Statement of Issues which is the basis for the issuance of the  
5       restricted license; and
- 6       b. That broker will carefully review all transaction documents prepared by the restricted  
7       licensee and otherwise exercise close supervision over the licensee's performance of acts  
8       for which a license is required.
- 9       4. Respondent shall notify the Commissioner in writing within 72 hours of any arrest by sending a  
10      certified letter to the Commissioner at the Bureau of Real Estate, Post Office Box 137007,  
11      Sacramento, CA 95813-7007. The letter shall set forth the date of Respondent's arrest, the crime  
12      for which Respondent was arrested and the name and address of the arresting law enforcement  
13      agency. Respondent's failure to timely file written notice shall constitute an independent  
14      violation of the terms of the restricted license and shall be grounds for the suspension or  
15      revocation of that license.

16      5-29-14

17      Dated

16      James R. Peel  
17      James R. Peel, Counsel, Bureau of Real Estate  
18      \*\*\*

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

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

05/28/2014 WED 6:58 FAX --- Mary Work

0004/004

number (213) 576-6917. Respondent agrees, acknowledges and understands that by electronically sending to the Bureau a fax copy of her actual signature as it appears on the Stipulation and Waiver, 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 and Waiver.

5-28-14

Dated

  
ARIELLE ELIZABETH YORI, Respondent

*I have reviewed the Stipulation and Waiver as to form and content and have advised my client accordingly.*

5/28/2014

Dated

  
Mary Work, Attorney for Respondent

\*\*\*

I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by Respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and truthfulness of Respondent need not be called and that it will not be inimical to the public interest to issue a restricted real estate salesperson license to Respondent.

Therefore, **IT IS HEREBY ORDERED** that a restricted real estate salesperson license be issued to Respondent, if Respondent has otherwise fulfilled all of the statutory requirements for licensure. The restricted license shall be limited, conditioned, and restricted as specified in the foregoing Stipulation and Waiver.

This Order is effective immediately.

**IT IS SO ORDERED** \_\_\_\_\_

REAL ESTATE COMMISSIONER

1 number (213) 576-6917. Respondent agrees, acknowledges and understands that by electronically sending  
2 to the Bureau a fax copy of her actual signature as it appears on the Stipulation and Waiver, that receipt of  
3 the faxed copy by the Bureau shall be as binding on Respondent as if the Bureau had received the original  
4 signed Stipulation and Waiver.

5 \_\_\_\_\_  
6 Dated

\_\_\_\_\_ ARIELLE ELIZABETH YORI, Respondent

7 *I have reviewed the Stipulation and Waiver as to form and content and have advised my client*  
8 *accordingly.*

9 \_\_\_\_\_  
10 Dated

\_\_\_\_\_ Mary Work, Attorney for Respondent

11 \* \* \*

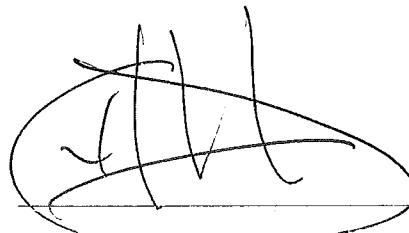
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14 truthfulness of Respondent need not be called and that it will not be inimical to the public interest to issue a  
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17 Respondent, if Respondent has otherwise fulfilled all of the statutory requirements for licensure. The  
18 restricted license shall be limited, conditioned, and restricted as specified in the foregoing Stipulation and  
19 Waiver.

20 This Order is effective immediately.

21 IT IS SO ORDERED JUN 10 2014

22 REAL ESTATE COMMISSIONER

23   
24  
25

26 By: JEFFREY MASON  
27 Chief Deputy Commissioner

**FILED**

**JAN 13 2014**

**BUREAU OF REAL ESTATE**

By Norm Smith

JAMES R. PEEL, Counsel (SBN 47055)  
Bureau of Real Estate  
320 West Fourth Street, Ste. 350  
Los Angeles, California 90013-1105

Telephone: (213) 576-6982  
-or- (213) 576-6913 (Direct)

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Application of )	No. H-39262 LA
ARIELLE ELIZABETH YORI, )	<u>STATEMENT OF ISSUES</u>
Respondent. )	

The Complainant, Robin Trujillo, a Deputy Real Estate Commissioner of the State of California, for Statement of Issues against ARIELLE ELIZABETH YORI (Respondent) is informed and alleges in her official capacity as follows:

1. On or about July 23, 2012, Respondent applied to the Bureau of Real Estate of the State of California for a real estate salesperson license.

2. In response to Question D1 of said application, to wit, "Have you ever been convicted of a misdemeanor or felony?", Respondent answered "Yes".

1           3. On or about December 22, 2011, in the Superior  
2 Court of California for the County of Riverside, Respondent was  
3 convicted of violating Revenue and Taxation Code Section 19706, a  
4 felony, in that on or about April 15, 2003, Respondent failed to  
5 file a return and supply information within the time required by  
6 the Revenue and Taxation Code with intent to evade a tax, and  
7 Respondent was convicted of two felony counts of violating  
8 Revenue and Taxation Code Section 19705, in that on or about  
9 April 15, 2003, Respondent did make and subscribe a tax return,  
10 statement, and document, which contained and was verified by a  
11 written declaration that it was made under the penalty of  
12 perjury, and which she did not believe to be true and correct as  
13 to every material matter.

14           4. Respondent failed to disclose in her application  
15 that on or about November 9, 2009, in the State of Arizona,  
16 Maricopa County, Respondent was convicted of driving under the  
17 influence in violation of 28-1381A1.

18           5. The matters alleged in Paragraphs 3 and 4 are  
19 substantially related to the duties, functions and qualifications  
20 of a real estate licensee.

21           6. The matters alleged in Paragraphs 3 and 4 are  
22 grounds to deny Respondent's application under Sections 480(a)(1)  
23 and 10177(b) of the California Business and Professions Code.

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27 ///


1           7. Respondent's failure to reveal the matter set forth  
2 in Paragraph 4 in said application constitutes the attempt to  
3 procure a real estate license by fraud, misrepresentation or  
4 deceit, or by making a material misstatement of fact or knowingly  
5 making a false statement of fact required to be revealed in said  
6 application, which failure is cause for denying Respondent's  
7 application for a real estate license under Sections 480(c) and  
8 10177(a) of the Code.

9           The Statement of Issues is brought under the provisions  
10 of Section 10100, Division 4 of the Business and Professions Code  
11 of the State of California and Sections 11500 through 11528 of  
12 the Government Code.

13           WHEREFORE, the Complainant prays that the above-  
14 entitled matter be set for hearing and, upon proof of the charges  
15 contained herein, that the Commissioner refuse to authorize the  
16 issuance of, and deny the issuance of, a real estate salesperson  
17 license to Respondent, ARIELLE ELIZABETH YORI, and for such other  
18 and further relief as may be proper in the premises.

19 Dated at Los Angeles, California,

20 this 10 day of January, 2014.

21   
22 ROBIN TRUJILLO  
23 Deputy Real Estate Commissioner  
24

25 cc: Arielle Elizabeth Yori  
26 Brymus Capital, Inc.  
27 Robin Trujillo  
Sacto.