

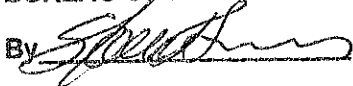
1 Bureau of Real Estate
2 320 W. 4TH Street, Suite 350
3 Los Angeles, CA 90013-1105

4 Telephone: (213) 576-6982

FILED

MAR 30 2016

BUREAU OF REAL ESTATE

By 

8 BEFORE THE BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of

12 COLONIAL REAL ESTATE AND
13 INVESTMENTS INC.; and
14 ANA MORENA MORALES,
15 individually and as Designated Officer
16 of Colonial Real Estate and
Investments Inc.,

Respondents.

No. H-39686 LA

STIPULATION

AND

AGREEMENT

17
18 It is hereby stipulated by and between Respondents COLONIAL REAL ESTATE
19 AND INVESTMENTS INC. and ANA MORENA MORALES ("Respondents"), acting by and
20 through Gilbert Saucedo, Attorney at Law, and the Complainant, acting by and through Amelia
21 V. Vetrone, Counsel for the Bureau of Real Estate, as follows for the purpose of settling and
22 disposing of the Accusation ("Accusation") filed on December 18, 2014, in this matter:

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

1 2. Respondents have received, read and understand the Statement to
2 Respondents, the Discovery Provisions of the APA and the Accusation filed by the Bureau of
3 Real Estate in this proceeding.

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

12 4. This Stipulation is based on the factual allegations contained in the
13 Accusation. In the interest of expedience and economy, Respondents choose not to contest these
14 allegations, but to remain silent and understand that, as a result thereof, these factual allegations,
15 without being admitted or denied, will serve as a prima facie basis for the disciplinary action
16 stipulated to herein. The Real Estate Commissioner shall not be required to provide further
17 evidence to prove said factual allegations.

18 5. This Stipulation is made for the purpose of reaching an agreed disposition of
19 this proceeding and is expressly limited to this proceeding and not any other proceeding or case
20 in which the Bureau of Real Estate ("Bureau"), or another licensing agency of this state, another
21 state or the federal government is involved, and otherwise shall not be admissible in any other
22 criminal or civil proceeding.

23 6. It is understood by the parties that the Real Estate Commissioner may adopt
24 this Stipulation as his Decision in this matter thereby imposing the penalty and sanctions on
25 Respondents' real estate licenses and license rights as set forth in the below "Order". In the
26 event that the Commissioner in his discretion does not adopt the Stipulation, the Stipulation shall
27 be void and of no effect and Respondents shall retain the right to a hearing and proceeding on the

1 Accusation under the provisions of the APA and shall not be bound by any stipulation or waiver
2 made herein.

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

7 8. Respondents understand that by agreeing to this Stipulation, Respondents
8 agree to pay, pursuant to Business and Professions Code ("Code") Section 10148, the cost of the
9 audit which led to this disciplinary action. The amount of said cost is \$7,782.36.

10 9. Respondents have received, read, and understand the "Notice Concerning
11 Costs of Subsequent Audit". Respondents further understand that by agreeing to this Stipulation,
12 the findings set forth below in the Determination of Issues become final, and the Commissioner
13 may charge Respondents for the cost of any subsequent audit conducted pursuant to Code
14 Section 10148 to determine if the violations have been corrected. The maximum cost of the
15 subsequent audit will not exceed \$9,727.95.

16 10. Respondents understand that by agreeing to this Stipulation, Respondents
17 agree to pay, pursuant to Business and Professions Code Section 10106, the cost of the
18 investigation of this matter. The amount of said cost is \$1,007.60.

19 DETERMINATION OF ISSUES

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

22 The conduct of Respondents COLONIAL REAL ESTATE AND
23 INVESTMENTS INC. and ANA MORENA MORALES, as described in Paragraph 4 herein
24 above, is in violation of Sections 10145, 10177(d), and 10177(g) of the Business and Professions
25 Code ("Code") and is a basis for discipline of Respondents' licenses and license rights as a
26 violation of the Real Estate Law pursuant to Code Sections 10177(d), and 10177(g).

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I.

The restricted licenses issued to Respondents shall be subject to all of the
provisions of Section 10156.7 of the Code and the following limitations, conditions and
restrictions imposed under authority of Section 10156.6 of the Code:

2. The restricted licenses issued to Respondents CREI and MORALES may be
suspended prior to hearing by Order of the Real Estate Commissioner on evidence satisfactory to
the Commissioner that Respondents have violated provisions of the California Real Estate Law,
the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching
to the restricted licenses.

- 4 -

1 4. Respondent MORALES shall, within nine (9) months from the effective
2 **date of this Decision and Order**, present evidence satisfactory to the Real Estate Commissioner
3 that she has, since the most recent issuance of an original or renewal real estate license, taken
4 and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of
5 the Real Estate Law for renewal of a real estate license. If Respondent MORALES fails to
6 satisfy this condition, Respondent's real estate license shall be automatically suspended until she
7 presents evidence satisfactory to the Commissioner of having taken and successfully completed
8 the continuing education requirements. **Proof of completion of the continuing education**
9 **courses must be delivered to the Bureau of Real Estate, Flag Section, P.O. Box 137013,**
10 **Sacramento, CA 95813-7013.**

11 5. Respondent MORALES shall, within six (6) months from the effective date
12 **of this Decision and Order**, take and pass the Professional Responsibility Examination
13 administered by the Bureau including the payment of the appropriate examination fee. If
14 Respondent fails to satisfy this condition, Respondent's real estate license shall be automatically
15 suspended until Respondent passes the examination.

16 6. Respondent MORALES shall, within 120 days from the effective date of
17 **this Decision and Order**, submit proof satisfactory to the Commissioner of having taken and
18 successfully completed the continuing education course on trust fund accounting and handling
19 specified in paragraph (3) of subdivision (a) of Section 10170.5 of the Code. If Respondent
20 MORALES fails to satisfy this condition, Respondent's real estate license shall be automatically
21 suspended until Respondent presents evidence satisfactory to the Commissioner of having taken
22 and successfully completed the trust fund accounting and handling course. **Proof of completion**
23 **of the continuing education courses must be delivered to the Bureau of Real Estate, Flag**
24 **Section, P.O. Box 137013, Sacramento, CA 95813-7013.**

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1 II.

2 Pursuant to Section 10148 of the Code, Respondents CREI and MORALES shall
3 pay the sum of \$7,782.36, for the Commissioner's cost of the audit which led to this disciplinary
4 action. **Respondents shall pay such cost within sixty (60) days of receiving an invoice**
5 **therefore from the Commissioner.** Payment of the audit costs should not be made until
6 Respondents receive the invoice. Respondents are jointly and severally liable for the cost of the
7 audit. If Respondents fail to satisfy this condition in a timely manner as provided for herein,
8 Respondents' real estate licenses shall automatically be suspended until payment is made in full,
9 or until a decision providing otherwise is adopted following a hearing held pursuant to this
10 condition.

11 Pursuant to Section 10148 of the Code, Respondents CREI and MORALES shall
12 pay the Commissioner's reasonable cost, not to exceed \$9,727.95, for a subsequent audit to
13 determine if Respondents have corrected the violations found in the Determination of Issues. In
14 calculating the amount of the Commissioner's reasonable cost, the Commissioner may use the
15 estimated average hourly salary for all persons performing audits of real estate brokers, and shall
16 include an allocation for travel time to and from the auditor's place of work. **Respondents shall**
17 **pay such cost within sixty (60) days of receiving an invoice therefore from the**
18 **Commissioner.** Payment of the audit costs should not be made until Respondents receive the
19 invoice. Respondents are jointly and severally liable for the cost of the audit. If Respondents
20 fail to satisfy this condition in a timely manner as provided for herein, Respondents' real estate
21 licenses shall automatically be suspended until payment is made in full, or until a decision
22 providing otherwise is adopted following a hearing held pursuant to this condition.

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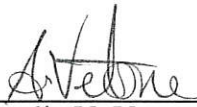
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1 III.

2 All licenses and licensing rights of Respondents CREI and MORALES are
3 indefinitely suspended unless or until Respondents pay the sum of \$1,007.60 for the
4 Commissioner's reasonable cost of the investigation which led to this disciplinary action.
5 Respondents are jointly and severally liable for the cost of the investigation. Said payment shall
6 be in the form of a cashier's check made payable to the Bureau of Real Estate. **Said check must**
7 **be delivered to the Bureau of Real Estate, Flag Section, P.O. Box 137013, Sacramento, CA**
8 **95813-7013, prior to the effective date of this Decision and Order.**

9
10
11 DATED: 2-12-16

12 
13 Amelia V. Vetrone, Counsel for
14 Bureau of Real Estate

15 * * *

16 EXECUTION OF THE STIPULATION

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

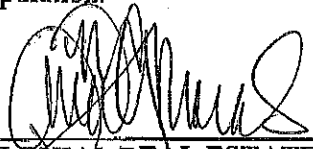
24 MAILING AND FACSIMILE

25 Respondents (1) shall mail the original signed signature page of the stipulation
26 herein to Amelia V. Vetrone: Attention: Legal Section, Bureau of Real Estate, 320 W. Fourth
27 St., Suite 350, Los Angeles, California 90013-1105. Respondents shall also (2) facsimile a copy
of signed signature page, to the Bureau at the following telephone/fax number: (213) 576-6917,

1 Attention: Amelia V. Vetrone.

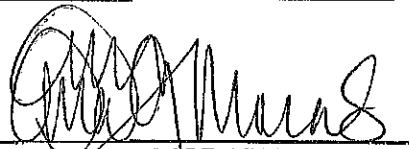
2 A facsimile constitutes acceptance and approval of the terms and conditions of
3 this stipulation. Respondents agree, acknowledge and understand that by electronically sending
4 to the Bureau a facsimile copy of Respondents' actual signatures as they appear on the
5 stipulation that receipt of the facsimile copy by the Bureau shall be as binding on Respondents as
6 if the Bureau had received the original signed stipulation.

7
8 DATED: 2/12/16

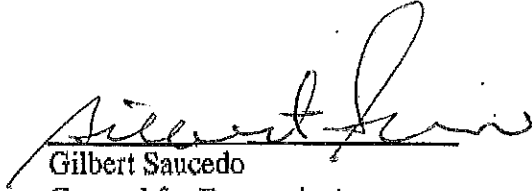

COLONIAL REAL ESTATE AND
INVESTMENTS INC.

By: _____

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12 DATED: 2/12/16


ANA MORENA MORALES
Respondent

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16 DATED: 2/19/16


Gilbert Saucedo
Counsel for Respondents
Approved as to Form

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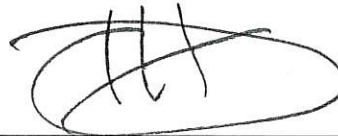
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1 * * *

2 The foregoing Stipulation and Agreement is hereby adopted as my Decision as to
3 Respondents COLONIAL REAL ESTATE AND INVESTMENTS INC. and ANA MORENA
4 MORALES, and shall become effective at 12 o'clock noon on **APR 20 2016**

5 IT IS SO ORDERED **MARCH 23, 2016**

6
7 WAYNE S. BELL
8 Real Estate Commissioner

9 

10 By: JEFFREY MASON
11 Chief Deputy Commissioner