

**FILED**

**JAN 14 2016**

**BUREAU OF REAL ESTATE**

By 

1 Bureau of Real Estate  
2 320 West 4<sup>th</sup> Street, Suite 350  
3 Los Angeles, California 90013  
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BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of )	No. H-39810 LA
LETICIA ALICIA MARTINEZ, )	L-2015050211
doing business as Superior )	
Realty, and Wealth )	
Financial Services, )	
Respondent. )	<u>STIPULATION AND AGREEMENT</u>

It is hereby stipulated by and between LETICIA ALICIA MARTINEZ (sometimes referred to as Respondent), and her attorney, Frank M. Buda, and the Complainant, acting by and through James R. Peel, Counsel for the Bureau of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on April 16, 2015, in this matter.

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.

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 Bureau of Real Estate in this  
6 proceeding.

7 3. On May 5, 2015, Respondent filed a Notice of  
8 Defense pursuant to Section 11506 of the Government Code for the  
9 purpose of requesting a hearing on the allegations in the  
10 Accusation. Respondent hereby freely and voluntarily withdraws  
11 said Notice of Defense. Respondent acknowledges that she  
12 understands that by withdrawing said Notice of Defense she will  
13 thereby waive her right to require the Commissioner to prove the  
14 allegations in the Accusation at a contested hearing held in  
15 accordance with the provisions of the APA and that she will  
16 waive other rights afforded to her in connection with the  
17 hearing such as the right to present evidence in defense of the  
18 allegations in the Accusation and the right to cross-examine  
19 witnesses.

20 4. This Stipulation is based on the factual  
21 allegations contained in the Accusation filed in this  
22 proceeding. In the interest of expedience and economy,  
23 Respondent chooses not to contest these factual allegations, but  
24 to remain silent and understands that, as a result thereof,  
25 these factual statements, will serve as a prima facie basis for  
26 the disciplinary action stipulated to herein. The Real Estate  
27 Commissioner shall not be required to provide further evidence

1 to prove such allegations.

2 5. The Stipulation herein and Respondent's decision  
3 not to contest the Accusation, are made solely for the purpose  
4 of reaching an agreed disposition of this proceeding and are  
5 expressly limited to this proceeding and any other proceeding or  
6 case in which the Bureau of Real Estate ("Bureau") or another  
7 licensing agency of this state, another state or if the federal  
8 government is involved, and otherwise shall not be admissible in  
9 any other criminal or civil proceedings.

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

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

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DETERMINATION OF ISSUES

By reason of the foregoing stipulations and waivers and considering that Respondent was mainly involved in reversing mortgage foreclosures and solely for the purpose of settlement of the pending Accusation without a hearing, it is stipulated and agreed that the following determination of issues shall be made:

The conduct of Respondent, LETICIA ALICIA MARTINEZ as described in Paragraph 4, above, is grounds for the suspension or revocation of all of the real estate licenses and license rights of Respondent under the provisions of Sections 10177(d) and 10177(g) of the Business and Professions Code for violation of Section 10145 of the Code.

ORDER

All licenses and licensing rights of Respondent LETICIA ALICIA MARTINEZ under the Real Estate Law are revoked, provided, however, a restricted real estate salesperson license shall be issued to Respondent pursuant to Section 10156.5 of the Business and Professions Code if Respondent makes application therefor and pays to the Bureau of Real Estate the appropriate fee for the restricted license within 90 days from the effective date of this Decision and Order. The restricted license issued to Respondent shall be subject to all of the provisions of Section 10156.7 of the Business and Professions Code and to the following limitations, conditions, and restrictions imposed under authority of Section 10156.6 of that Code:

1           1. The restricted license issued to Respondent may be  
2 suspended prior to hearing by Order of the Real Estate  
3 Commissioner in the event of Respondent's conviction or plea of  
4 nolo contendere to a crime which is substantially related to  
5 Respondent's fitness or capacity as a real estate licensee.

6           2. The restricted license issued to Respondent may be  
7 suspended prior to hearing by Order of the Real Estate  
8 Commissioner on evidence satisfactory to the Commissioner that  
9 Respondent has violated provisions of the California Real Estate  
10 Law, the Subdivided Lands Law, Regulations of the Real Estate  
11 Commissioner or conditions attaching to the restricted license.

12           3. Respondent shall not be eligible to apply for the  
13 issuance of an unrestricted real estate broker license nor for  
14 the removal of any of the conditions, limitations or  
15 restrictions of a restricted license until two years have  
16 elapsed from the effective date of this Decision.

17           4. Respondent shall submit with any application for  
18 license under an employing broker, or any application for  
19 transfer to a new employing real estate broker, a statement  
20 signed by the prospective employing broker on a form approved by  
21 the Bureau which shall certify:

22           (a) That the employing broker has read the  
23 Decision and Order of the Commissioner which granted the right  
24 to a restricted license; and

25           (b) That the employing broker will exercise close  
26 supervision over the performance by the restricted licensee  
27 relating to activities for which a real estate license is



1 required.

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

16 6. Pursuant to Section 10148 of the Code, Respondent  
17 shall pay the sum of \$5,095 for the Commissioner's cost of the  
18 audit which led to this disciplinary action. Respondent shall  
19 pay such cost within sixty (60) days of receiving an invoice  
20 therefore from the Commissioner in six monthly installments.  
21 Payment of audit costs should not be made until Respondent  
22 receives the invoice. If Respondent fails to satisfy this  
23 condition in a timely manner as provided for herein,  
24 Respondent's real estate license shall automatically be  
25 suspended until payment is made in full or until a decision  
26 providing otherwise is adopted following a hearing held pursuant  
27 to this condition.



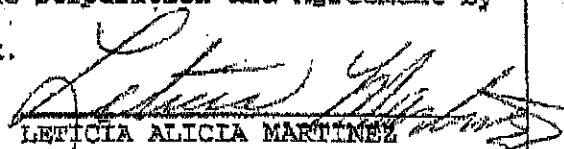
12/15/2015 TUE 14:01 FAX --- Frank Buda

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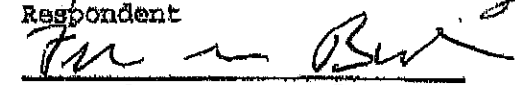
1 Respondent can signify acceptance and approval of the  
 2 terms and conditions of this Stipulation and Agreement by faxing  
 3 a copy of the signature page, as actually signed by Respondent,  
 4 to the Bureau at the following telephone/fax number: (213) 576-  
 5 6917. Respondent agrees, acknowledges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

11 Further, if the Respondent is represented in these  
 12 proceedings, the Respondent's attorney can signify his agreement  
 13 to the terms and conditions of the Stipulation and Agreement by  
 14 submitting that signature via fax.

15 DATED: 12/16/15

  
 LETICIA ALICIA MARTINEZ  
 Respondent

17 DATED: 12-16-15

  
 Respondent's Counsel  
 Frank M. Buda

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19 The foregoing Stipulation and Agreement is hereby  
 20 adopted as my Decision in this matter and shall become effective  
 21 at 12 o'clock noon on \_\_\_\_\_  
 22

23 IT IS SO ORDERED \_\_\_\_\_

24 REAL ESTATE COMMISSIONER



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

11 Further, if the Respondent is represented in these  
12 proceedings, the Respondent's attorney can signify his agreement  
13 to the terms and conditions of the Stipulation and Agreement by  
14 submitting that signature via fax.

15 DATED: \_\_\_\_\_  
16 LETICIA ALICIA MARTINEZ  
17 Respondent

18 DATED: \_\_\_\_\_  
19 Respondent's Counsel  
20 Frank M. Buda

21 \* \* \*

22 The foregoing Stipulation and Agreement is hereby  
23 adopted as my Decision in this matter and shall become effective  
24 at 12 o'clock noon on February 12, 2016.

25 IT IS SO ORDERED January 11, 2016

26 WAYNE S. BELL  
27 REAL ESTATE COMMISSIONER



By: JEFFREY MASON  
Chief Deputy Commissioner