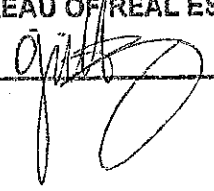


FILED

NOV - 2 2015

BUREAU OF REAL ESTATE
320 West 4th Street, Suite 350
Los Angeles, California 90013-1105
Telephone: (213) 576-6982

BUREAU OF REAL ESTATE

By 

BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of	)	CalBRE No. H-39999 LA
	)	OAH No. 2015120366
SUPERIOR MANAGEMENT AND REALTY	)	
SERVICES, INC. and YVONNE MARIE	)	
SIMON, individually and as designated officer	)	<u>STIPULATION AND AGREEMENT</u>
of Superior Management and Realty Services,	)	<u>IN SETTLEMENT AND ORDER</u>
Inc.,	)	
	)	
Respondents.	)	

It is hereby stipulated by and between Respondents SUPERIOR MANAGEMENT AND REALTY SERVICES, INC. ("SMRSI") and YVONNE MARIE SIMON ("SIMON"), individually and as designated officer of Superior Management and Realty Services, Inc., (collectively "Respondents") and Complainant, acting by and through Lissete Garcia, Counsel for the Bureau of Real Estate ("Bureau"), as follows for the purpose of settling and disposing the Accusation filed on October 22, 2015, with Bureau Case No. H-39999 LA ("Accusation") in this matter:

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1 1. All issues which were to be contested and all evidence which was to be presented by
2 Complainant and Respondents at a formal hearing on the Accusation, which hearing was to be
3 held in accordance with the provisions of the Administrative Procedure Act (herein "APA"),
4 shall instead and in place thereof be submitted on the basis of the provisions of this Stipulation
5 and Agreement in Settlement and Order (herein "Stipulation").

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

8 3. Notices of Defense were filed by Respondents pursuant to Section 11506 of the
9 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.
10 Respondent SIMON is representing herself and Respondent SMRSI in this matter. Respondents
11 hereby freely and voluntarily withdraw said Notices of Defense. Respondents acknowledge and
12 understand that by withdrawing said Notices of Defense they will thereby waive their rights to
13 require the Real Estate Commissioner ("Commissioner") to prove the allegations in the
14 Accusation at a contested hearing held in accordance with the provisions of the APA and that
15 they will waive other rights afforded to them in connection with the hearing such as the right to
16 present evidence in defense of the allegations in the Accusation and the right to cross-examine
17 witnesses.

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

1 5. This Stipulation and Respondents' decision not to contest the Accusation are made for
2 the purpose of reaching an agreed disposition of this proceeding and are expressly limited to this
3 proceeding and any other proceeding or case in which the Bureau of Real Estate, or another
4 licensing agency of this state, another state or if the federal government is involved and
5 otherwise shall not be admissible in any other criminal or civil proceedings.

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

13 7. The Order or any subsequent Order of the Real Estate Commissioner made pursuant to
14 this Stipulation shall not constitute an estoppel, merger or bar to any further administrative or
15 civil proceedings by the Bureau of Real Estate with respect to any conduct which was not
16 specifically alleged to be causes for accusation in this proceeding.

17 8. Respondents understand that by agreeing to this Stipulation, Respondents agree to
18 pay, pursuant to Section 10148 of the California Business and Professions Code ("Code"), the
19 cost of the audit which resulted in the determination that Respondent committed the violations
20 found in the "Determination of Issues" below. The amount of said cost is \$6,125.47.

21 9. Respondents further understand that by agreeing to this Stipulation, Respondents
22 agree to pay, pursuant to Section 10106(a) of the Code, investigative and enforcement costs of
23 \$1,744.30, which led to this disciplinary action.

1 DETERMINATION OF ISSUES

2 I.

3 The conduct, acts and/or omissions of Respondent SMRSI, as set forth in the Accusation,
4 constitute cause for the suspension or revocation of all real estate licenses and license rights of
5 Respondent SMRSI under the following provisions of the Code and Regulations of the Real
6 Estate Commissioner, Title 10, Chapter 6, California Code of Regulations (herein
7 "Regulations"):

- 8 (a) as to Issue 1, Paragraphs 9(a), 9(b), and 9(c) of the Accusation pursuant
9 to Code Section 10177(d) for violation of Code Section 10145 and
10 Regulation 2832.1;
11 (b) as to Issue 2 of the Accusation pursuant to Code Sections 10177(d) and
12 10176(e) for violation of Code Section 10145 and Regulation 2835; and
13 (c) as to Issue 3 of the Accusation pursuant to Code Section 10177(d) for
14 violation of Code Section 10130.

15 II.

16 The conduct, acts and/or omissions of Respondent SIMON, as set forth in Paragraph 11
17 of the Accusation, constitute cause for the suspension or revocation of all real estate licenses and
18 license rights of Respondent SIMON pursuant to Code Section 10177(h).

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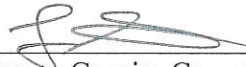
1 to the effective date of this Decision and Order.

2 III.

3 Pursuant to Section 10148 of the Code, Respondents SMRSI and SIMON shall pay,
4 jointly or severally, the sum of \$6,125.47 for the Commissioner's cost of the audit which led to
5 this disciplinary action. **Respondents shall pay such cost within sixty (60) days of receiving**
6 **an invoice therefore from the Commissioner.** Payment of audit costs should not be made until
7 Respondents receive the invoice. If Respondents fail to satisfy this condition in a timely manner
8 as provided for herein, Respondents' real estate licenses shall automatically be suspended until
9 payment is made in full, or until a decision providing otherwise is adopted following a hearing
10 held pursuant to this condition.

11 9/15/2014

12 DATED



12 Lissete Garcia, Counsel
Bureau of Real Estate

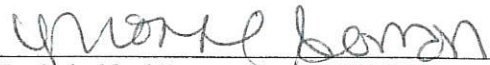
13 * * *

14 We have read this Stipulation and its terms are understood by us and are agreeable and
15 acceptable to us. We understand that we are waiving rights given to us by the California APA
16 (including, but not limited to, Sections 11506, 11508, 11509, and 11513 of the Government
17 Code), and we willingly, intelligently, and voluntarily waive those rights, including the right of
18 requiring the Commissioner to prove the allegations in the Accusation at a hearing at which we
19 would have the right to cross-examine witnesses against us and to present evidence in defense
20 and mitigation of the charges.

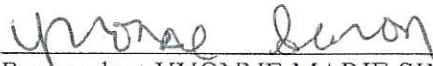
21 Respondents can signify acceptance and approval of the terms and conditions of this
22 Stipulation and Agreement by electronically emailing a copy of the signature pages, as actually
23 signed by Respondents, to the Bureau. Respondents agree, acknowledge, and understand that by
24 electronically sending to the Bureau an electronic copy of Respondents' actual signatures, as

1 they appear on the Stipulation, that receipt of the emailed copy by the Bureau shall be as binding
2 on Respondents as if the Bureau had received the original signed Stipulation. By signing this
3 Stipulation, Respondents understand and agree that Respondents may not withdraw their
4 agreement or seek to rescind the Stipulation prior to the time the Commissioner considers and
5 acts upon it or prior to the effective date of the Stipulation and Order.

6 DATED: 09/14/2016


On behalf of Respondent SUPERIOR
MANAGEMENT AND REALTY SERVICES,
INC.
Printed Name Yvonne Simon

10 DATED: 09/14/2016


Respondent YVONNE MARIE SIMON

13 The foregoing Stipulation and Agreement in Settlement and Order is hereby
14 adopted by me as my Decision in this matter and shall become effective at 12 o'clock noon on
15 NOV 22 2016, 2016.

17 IT IS SO ORDERED October 23, 2016.

20 WAYNE S. BELL
21 REAL ESTATE COMMISSIONER

