

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

4 Telephone: (213) 576-6982

FILED

APR 26 2019

DEPT. OF REAL ESTATE

By John Gutierrez

5
6
7
8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)

12 ALMA LETICIA GUTIERREZ,)

13 Respondent.)

No. H-41160 LA

STIPULATION

AND

AGREEMENT

14
15 It is hereby stipulated by and between Respondent ALMA LETICIA
16 GUTIERREZ (“Respondent”), Complainant, acting by and through Andrea Bentler, Counsel for
17 the Department of Real Estate, as follows for the purpose of settling and disposing of the
18 Accusation (“Accusation”) filed on October 8, 2018, in this matter:

19 1. All issues which were to be contested and all evidence which was to be
20 presented by Complainant and Respondent at a formal hearing on the Accusation, which hearing
21 was to be held in accordance with the provisions of the Administrative Procedure Act (“APA”),
22 shall instead and in place thereof be submitted solely on the basis of the provisions of this
23 Stipulation and Agreement (“Stipulation”).

24 2. Respondent has received, read and understands the Statement to Respondent,
25 the Discovery Provisions of the APA and the Accusation filed by the Department of Real Estate
26 in this proceeding.

27 3. Respondent filed a Notice of Defense pursuant to Section 11506 of the

1 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.
2 Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent
3 acknowledges that he understands that by withdrawing said Notice of Defense he thereby waives
4 his right to require the Commissioner to prove the allegations in the Accusation at a contested
5 hearing held in accordance with the provisions of the APA and that he will waive other rights
6 afforded to him in connection with the hearing such as the right to present evidence in his
7 defense, and the right to cross-examine witnesses.

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

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

19 6. It is understood by the parties that the Real Estate Commissioner may adopt
20 this Stipulation as his Decision in this matter thereby imposing the penalty and sanctions on
21 Respondent's real estate licenses and license rights as set forth in the below "Order." In the
22 event that the Commissioner in his discretion does not adopt the Stipulation, the Stipulation shall
23 be void and of no effect and Respondent shall retain the right to a hearing and proceed on the
24 Accusation under the provisions of the APA and shall not be bound by any stipulation or waiver
25 made herein.

26 7. The Order or any subsequent Order of the Real Estate Commissioner made
27 pursuant to this Stipulation shall not constitute an estoppel, merger or bar to any further

1 administrative or civil proceedings by the Department of Real Estate with respect to any matters
2 which were not specifically alleged to be causes for accusation in this proceeding.

3 8. Respondent understands that by agreeing to this Stipulation, Respondent
4 agrees to pay, pursuant to Business and Professions Code Section 10106, the cost of the
5 investigation of this matter. The amount of said cost is \$1,326.00.

6 DETERMINATION OF ISSUES

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

9 The conduct, acts or omissions of ALMA LETICIA GUTIERREZ, as described
10 in Paragraph 4, above, are a basis for discipline of Respondent's license and license rights as a
11 violation of the Real Estate Law, Part 1 of Division 4 of the Business and Professions Code
12 ("Code"), pursuant to Code Section 10177(b).

13 ORDER

14 WHEREFORE, THE FOLLOWING ORDER is hereby made:

15 All licenses and licensed rights of Respondent ALMA LETICIA GUTIERREZ
16 under the Real Estate Law are revoked; provided, however, a restricted real estate salesperson
17 license shall be issued to Respondent pursuant to Section 10156.5 of the Business and
18 Professions Code if Respondent makes application therefor and pays to the Department of Real
19 Estate the appropriate fee for the restricted license within 90 days from the effective date of this
20 Decision. The restricted license issued to Respondent shall be subject to all of the provisions of
21 Section 10156.7 of the Business and Professions Code and to the following limitations,
22 conditions and restrictions imposed under authority of Section 10156.6 of that Code:

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

1 2. The restricted license issued to Respondent may be suspended prior to hearing
2 by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that
3 Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands
4 Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted
5 license.

6 3. Respondent shall not be eligible to petition for the issuance of any unrestricted
7 real estate licenses nor for removal of any of the conditions, limitations or restrictions of a
8 restricted license until two (2) years have elapsed from the effective date of this Decision and
9 Order. Respondent shall not be eligible to apply for any unrestricted licenses until all restrictions
10 attaching to the license have been removed.

11 4. Respondent shall submit with any application for license under an employing
12 broker, or any application for transfer to a new employing broker, a statement signed by the
13 prospective employing real estate broker on a form approved by the Department of Real Estate
14 which shall certify:

15 (a) That the employing broker has read the Decision of the Commissioner
16 which granted the right to a restricted license; and

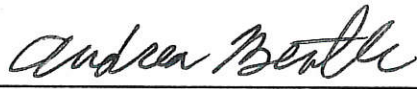
17 (b) That the employing broker will exercise close supervision over the
18 performance by the restricted licensee relating to activities for which a real estate license is
19 required.

20 5. Respondent shall notify the Commissioner in writing within 72 hours of any
21 arrest by sending a certified letter to the Commissioner at Department of Real Estate, Post Office
22 Box 137013, Sacramento, CA 95813-7013. The letter shall set forth the date of Respondent's
23 arrest, the crime for which Respondent was arrested, and the name and address of the arresting
24 law enforcement agency. Respondent's failure to timely file written notice shall constitute an
25 independent violation of the terms of the restricted license and shall be grounds for the
26 suspension or revocation of that license.

27 ///

1 6. Prior to the effective date of this Decision, and pursuant to Section 10106 of
2 the Business and Professions Code, Respondent shall pay the Commissioner's reasonable cost
3 for the investigation which led to this disciplinary action in the amount of \$1,326.00. Said
4 payment shall be in the form of a cashier's check made payable to the Department of Real Estate.
5 **Said check must be delivered to the Department of Real Estate, Flag Section, P.O. Box**
6 **137013, Sacramento, CA 95813-7013, prior to the effective date of this Decision and Order.**
7 If Respondent fails to satisfy this condition in a timely manner as provided for herein,
8 Respondent's real estate license 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
12
13 DATED: 03/18/2019



Andrea Bentler, Counsel for the
Department of Real Estate

14
15
16 * * *

17 EXECUTION OF THE STIPULATION

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

25 MAILING

26 Respondent shall mail the original signed signature page of the stipulation herein
27 to Andrea Bentler: Attention: Legal Section, Department of Real Estate, 320 W. Fourth St.,

1 Suite 350, Los Angeles, California 90013-1105.

2 Respondent's signature below constitutes acceptance and approval of the terms
3 and conditions of this Stipulation. Respondent agrees, acknowledges and understands that by
4 signing this Stipulation Respondent is bound by its terms as of the date of such signature and that
5 this agreement is not subject to rescission or amendment at a later date except by a separate
6 Decision and Order of the Real Estate Commissioner.

7
8 DATED: 3-15-2019


ALMA LETICIA GUTIERREZ
Respondent

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

* * *

The foregoing Stipulation and Agreement is hereby adopted as my Decision as to
Respondent ALMA LETICIA GUTIERREZ and shall become effective at 12 o'clock noon on
MAY 17 2019.

IT IS SO ORDERED April 10, 2019.

DANIEL SANDRI
ACTING REAL ESTATE COMMISSIONER

