

**FILED**

**OCT 11 2022**

**DEPT. OF REAL ESTATE**

By \_\_\_\_\_

1 Department of Real Estate  
2 320 West 4th Street, Suite 350  
3 Los Angeles, California 90013  
4  
5 Telephone: (213) 576-6982  
6  
7

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11	In the Matter of the Accusation of	)	No. H-42308 LA
12		)	
13	XITLALI E. DEL REAL;	)	STIPULATION
14		)	AND
15	Respondent.	)	AGREEMENT

16 It is hereby stipulated by and between Respondent XITLALI E. DEL REAL  
17 (“DEL REAL”), representing herself, and the Complainant, acting by and through Diane Lee,  
18 Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing  
19 of the Accusation (“Accusation”) filed on April 27, 2022, in this matter:

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

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1                   2. Respondent DEL REAL has received and read, and understands the Statement  
2 to Respondent, the Discovery Provisions of the APA, and the Accusation filed by the  
3 Department of Real Estate in this proceeding.

4                   3. Respondent DEL REAL filed a Notice of Defense pursuant to California  
5 Government Code section 11506 for the purpose of requesting a hearing on the allegations in the  
6 Accusation. Respondent DEL REAL hereby freely and voluntarily withdraws said Notice of  
7 Defense. Respondent DEL REAL acknowledges that she understands that by withdrawing said  
8 Notice of Defense she thereby waives her right to require the Commissioner to prove the  
9 allegations in the Accusation at a contested hearing held in accordance with the provisions of the  
10 APA and that Respondent DEL REAL will waive other rights afforded to her in connection with  
11 the hearing such as the right to present evidence in her defense and the right to cross-examine  
12 witnesses.

13                   4. This Stipulation is based on the factual allegations contained in the  
14 Accusation. Respondent DEL REAL chooses not to contest these allegations, and understands  
15 that as a result thereof, these factual allegations will serve as a prima facie basis for the  
16 disciplinary action stipulated to herein. The Real Estate Commissioner shall not be required to  
17 provide further evidence to prove said factual allegations.

18                   5. It is understood by the parties that the Real Estate Commissioner may adopt  
19 this Stipulation as his Decision in this matter thereby imposing the penalties and sanctions on  
20 the real estate license and license rights of Respondent DEL REAL as set forth in the  
21 below "Order." In the event that the Commissioner in his discretion does not adopt this  
22 Stipulation, it shall be void and of no effect, and Respondent DEL REAL shall retain the right to  
23 a hearing and proceeding on the Accusation under the provisions of the APA and shall not be  
24 bound by this Stipulation herein.

25                   6. The Order or any subsequent Order of the Real Estate Commissioner made  
26 pursuant to this Stipulation herein shall not constitute an estoppel, merger, or bar to any further  
27 administrative or civil proceedings by the Department of Real Estate with respect to any matters

1 which were not specifically alleged to be causes for Accusation in this proceeding, but do  
2 constitute a bar, estoppel, and merger as to any allegations specifically and actually contained in  
3 the Accusation against Respondent DEL REAL herein.

4 7. Respondent DEL REAL understands that by agreeing to this Stipulation,  
5 Respondent DEL REAL agrees to pay, pursuant to California Business and Professions Code  
6 section 10106, the cost of the investigation and enforcement. The amount of investigation and  
7 enforcement cost is \$4,189.23.

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9 DETERMINATION OF ISSUES

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

12 The conduct, acts, or omissions of Respondent DEL REAL, as described in the  
13 Accusation and Paragraph 4, above, are a basis for discipline of Respondent DEL REAL's  
14 license and license rights pursuant to California Business and Professions Code sections  
15 10177(d) (willful disregard or violation of real estate law) and 10177(g) (negligence or  
16 incompetence) and Title 10, Chapter 6, California Code of Regulations section 2773 (failure to  
17 disclose license number on solicitation materials).

18  
19 ORDER

20 WHEREFORE, THE FOLLOWING ORDER is hereby made:

21  
22 (SUSPENSION)

23 I.

24 All licenses and licensing rights of Respondent DEL REAL under the Real Estate  
25 Law are suspended for a period of thirty (30) days from the effective date of this Decision;  
26 provided, however, that all thirty (30) days of said suspension shall be stayed for two (2) years  
27 upon the following terms and conditions:

1           A. Respondent DEL REAL shall obey all laws, rules, and regulations governing  
2 the rights, duties, and responsibilities of a real estate licensee in the State of California; and

3           B. That no final subsequent determination be made after hearing or upon  
4 stipulation, that cause for disciplinary action occurred within two (2) years from the effective  
5 date of this Decision. Should such a determination be made, the Commissioner may, in his  
6 discretion, vacate, and set aside the stay order and re-impose all or a portion of the stayed  
7 suspension. Should no such determination be made, the stay imposed herein shall become  
8 permanent.

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10   (INVESTIGATION AND ENFORCEMENT COSTS)

11   II.

12           Respondent DEL REAL shall, within six (6) months from the effective date of  
13 this Decision and Order, pay the sum of \$4,189.23 for the Commissioner's reasonable cost for  
14 investigation and enforcement which led to this disciplinary action. Said payment shall be in the  
15 form of a cashier's check made payable to the Department of Real Estate. The investigative and  
16 enforcement costs must be delivered to the Department of Real Estate, Flag Section at P.O. Box  
17 137013, Sacramento, CA 95813-7013, within six (6) months from the effective date of this  
18 Decision and Order. If the costs of investigation and enforcement are not paid within six (6)  
19 months from the effective date of this Decision and Order, the license and license rights of  
20 Respondent DEL REAL shall automatically be suspended until full payment is made.


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22   (PROFESSIONAL RESPONSIBILITY EXAMINATION)

23   III.

24           Respondent DEL REAL shall, within six (6) months from the effective date of  
25 this Decision, take and pass the Professional Responsibility Examination administered by the  
26 Department of Real Estate including the payment of the appropriate examination fee. If  
27 Respondent fails to satisfy this condition, the Commissioner may order suspension of

1 Respondent's license until Respondent passes the examination.

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3 DATED: 09/19/2022

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DIANE LEE,  
Counsel for Department of Real Estate

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6 \* \* \*

7 EXECUTION OF THE STIPULATION

8 I, XITLALI E. DEL REAL, have read the Stipulation. Its terms are understood  
9 by me, and are agreeable and acceptable to me. I understand that I am waiving rights  
10 given to me by the California APA (including, but not limited to, California Government  
11 Code sections 11506, 11508, 11509, and 11513), and I willingly, intelligently, and voluntarily  
12 waive those rights, including, but not limited to, the right of requiring the Commissioner to prove  
13 the allegations in the Accusation at a hearing at which I would have the right to cross-examine  
14 witnesses against me and to present evidence in defense and mitigation of the charges.

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16 MAILING AND E-MAIL

17 Respondent DEL REAL shall mail the original signed signature page of  
18 this Stipulation herein to Department of Real Estate, Attention: Legal Section – Diane Lee, 320  
19 West Fourth Street, Suite 350, Los Angeles, California 90013-1105.

20 In the event of time constraints before an administrative hearing, Respondent  
21 DEL REAL can signify acceptance and approval of the terms and conditions of this Stipulation  
22 and Agreement by emailing a scanned copy of the signature page, as actually signed by  
23 Respondent DEL REAL, to the Department counsel assigned to this case. Respondent DEL  
24 REAL agrees, acknowledges, and understands that by electronically sending the Department a  
25 scan of Respondent DEL REAL's actual signature as it appears on the Stipulation and  
26 Agreement that receipt of the scan by the Department shall be binding on Respondent DEL  
27 REAL as if the Department had received the original signed Stipulation.

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

DATED: 9.19.22 XITLALI E. DEL REAL

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The foregoing Stipulation and Agreement is hereby adopted as my Decision as to Respondents XITLALI E. DEL REAL, and shall become effective at 12 o'clock noon on October 31, 2022.

IT IS SO ORDERED 10.4.22.

DOUGLAS R. McCAULEY  
REAL ESTATE COMMISSIONER

Douglas R. McCauley