

FILED

SEP 29 2016

BUREAU OF REAL ESTATE

By

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

BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of)	CalBRE No. H-04745 SD
)	OAH No. 2015110117
ALLISON JAMES OF CALIFORNIA, INC.;)	<u>REVISED STIPULATION AND</u>
KENNETH L. MOON, individually and as)	<u>AGREEMENT IN</u>
designated officer of Allison James of)	<u>SETTLEMENT AND ORDER</u>
California, Inc.;)	
ARTURO SOLER ORTIZ DE ZARATE, aka)	
Arturo Soler;)	
PAULA M. NARANJO, and)	
<u>APRIL A. ALVA,</u>)	
)	
Respondents.)	

It is hereby stipulated by and between Respondent APRIL A. ALVA ("Respondent ALVA") and her attorney, Frank M. Buda, 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 September 16, 2015, with Bureau Case No. H-04745 SD ("Accusation") in this matter as to Respondent ALVA only:

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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 Respondent ALVA at a formal hearing on the Accusation, which hearing was
3 to be held in accordance with the provisions of the Administrative Procedure Act (herein
4 "APA"), shall instead and in place thereof be submitted on the basis of the provisions of this
5 Stipulation and Agreement in Settlement and Order (herein "Stipulation").

6 2. Respondent ALVA has received, read, and understands the Statement to Respondent,
7 the Discovery Provisions of the APA, and Accusation filed by the Bureau in this proceeding.

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

17 4. Respondent ALVA, pursuant to the limitations set forth below, hereby admits that the
18 factual allegations (or findings of fact as set forth below) in Paragraphs 3, 9, 10 (as to Joseph
19 Arellano, Edgar Gilbert, and April Alva & Associates only), 22, 23, and 24 of the Accusation
20 filed in this proceeding are true and correct and the Real Estate Commissioner shall not be
21 required to provide further evidence of such allegations.

22 5. It is understood by the parties that the Real Estate Commissioner may adopt the
23 Stipulation and Agreement as his Decision in this matter, thereby imposing the penalty and
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1 sanctions on Respondent ALVA's real estate license and license rights as set forth in the below
2 "Order". In the event that the Commissioner in his discretion does not adopt the Stipulation and
3 Agreement, it shall be void and of no effect, and Respondent ALVA shall retain the right to a
4 hearing and proceeding on the Accusation under all the provisions of the APA and shall not be
5 bound by any admission or waiver made herein.

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

10 7. Respondent ALVA further understands that by agreeing to this Stipulation,
11 Respondent ALVA agrees to pay, pursuant to Section 10106(a) of the Business and Professions
12 Code ("Code"), investigative and enforcement costs of \$3,601.08 which led to this disciplinary
13 action.

14 DETERMINATION OF ISSUES

15 By reason of the foregoing stipulations, admissions and waivers and solely for the
16 purpose of settlement of the pending Accusation without a hearing, it is stipulated and agreed
17 that the following determination of issues shall be made:

18 The conduct of Respondent APRIL A. ALVA, as described in Paragraphs 22 through 24
19 of the Accusation, is grounds for the suspension or revocation of all of the real estate licenses
20 and license rights of Respondent APRIL A. ALVA under the provisions of Section 10177(d) for
21 violation of Code Sections 10137, 10140.6, 10159.6, and Regulation 2773, Regulations of the
22 Real Estate Commissioner, Title 10, Chapter 6, California Code of Regulations ("Regulations").

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1 Respondent ALVA can signify acceptance and approval of the terms and conditions of
2 this Stipulation and Agreement by electronically emailing a copy of the signature page, as
3 actually signed by Respondent ALVA, to the Bureau's counsel. Respondent ALVA agrees,
4 acknowledges, and understands that by electronically sending to the Bureau an electronic copy of
5 Respondent ALVA's actual signature, as it appears on the Stipulation, that receipt of the emailed
6 copy by the Bureau shall be as binding on Respondent ALVA as if the Bureau had received the
7 original signed Stipulation. By signing this Stipulation, Respondent ALVA understands and
8 agrees that Respondent ALVA may not withdraw her agreement or seek to rescind the
9 Stipulation prior to the time the Commissioner considers and acts upon it or prior to the effective
10 date of the Stipulation and Order.

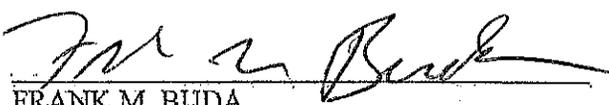
11 DATED: 8-15-16



Respondent APRIL A. ALVA

13 *I have reviewed the Revised Stipulation and Agreement in Settlement and Order as to*
14 *form and content and have advised my client accordingly.*

16 DATED: 8-22-16



FRANK M. BUDA
Attorney for Respondent APRIL A. ALVA

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The foregoing Revised Stipulation and Agreement in Settlement and Order is hereby adopted by me as my Decision in this matter and shall become effective at 12 o'clock noon on OCT 19 2016, 2016.

IT IS SO ORDERED 9/20/16, 2016.

WAYNE S. BELL
REAL ESTATE COMMISSIONER



By: DANIEL SANDRI
Assistant Commissioner