

1 BUREAU OF REAL ESTATE
2 320 West 4th Street, Suite 350
3 Los Angeles, California 90013-1105
4 Telephone: (213) 576-6982

FILED

FEB 24 2015

BUREAU OF REAL ESTATE

By *[Signature]*

8 BEFORE THE BUREAU OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the First Amended Order to Desist)
12 and Refrain to)

13 PAULA M. NARANJO.)

CalBre No. H-04744 SD
OAH No. 2015110106

14 STIPULATION AND
15 AGREEMENT IN
16 SETTLEMENT AND ORDER

17 In the Matter of the First Amended Accusation against)

18 ALLISON JAMES OF CALIFORNIA, INC.;)
19 KENNETH L. MOON, individually and as)
20 designated officer of Allison James of)
21 California, Inc.; and)
22 PAULA M. NARANJO.)

23 Respondents.)

CalBRE No. H-04745 SD
OAH No. 2015110117

24 STIPULATION AND
AGREEMENT IN
SETTLEMENT AND ORDER

22 It is hereby stipulated by and between Respondent PAULA M. NARANJO (“Respondent
23 NARANJO”) and her attorney, Frank D. Fernandez, and Complainant, acting by and through
24 Lissete Garcia, Counsel for the Bureau of Real Estate (“Bureau”), as follows for the purpose of

1 settling and disposing the First Amended Order to Desist and Refrain to PAULA M. NARANJO
2 (“D&R”), filed on October 27, 2016 with Bureau Case No. H-04744 SD, and the First Amended
3 Accusation, filed on October 13, 2016 with Bureau Case No. H-04745 SD (“Accusation”) in this
4 matter:

5 1. All issues which were to be contested and all evidence which was to be presented by
6 Complainant and Respondent NARANJO at a formal hearing on the D&R and the Accusation,
7 which hearing was to be held in accordance with the provisions of the Administrative Procedure
8 Act (herein “APA”), shall instead and in place thereof be submitted on the basis of the provisions
9 of this Stipulation and Agreement in Settlement and Order (herein “Stipulation”).

10 2. Respondent NARANJO has received, read, and understands the Statement to
11 Respondent, the Discovery Provisions of the APA, and Accusation filed by the Bureau in this
12 proceeding.

13 3. A Notice of Defense was filed by Respondent NARANJO pursuant to Section 11506
14 of the Government Code for the purpose of requesting a hearing on the allegations in the D&R
15 and Accusation. Respondent NARANJO hereby freely and voluntarily withdraws said Notice of
16 Defense. Respondent NARANJO acknowledges and understands that by withdrawing said
17 Notice of Defense she will thereby waive her rights to require the Real Estate Commissioner
18 (“Commissioner”) to prove the allegations in the D&R and Accusation at a contested,
19 consolidated hearing held in accordance with the provisions of the APA and that she will waive
20 other rights afforded to her in connection with the hearing such as the right to present evidence in
21 defense of the allegations in the D&R and Accusation and the right to cross-examine witnesses.

22 4. This Stipulation is based on the factual allegations contained in the D&R and
23 Accusation filed in this proceeding. In the interest of expedience and economy, Respondent
24

1 NARANJO chooses not to contest these factual allegations, but to remain silent and understands
2 that, as a result thereof, these factual statements, will serve as a prima facie basis for the
3 disciplinary action stipulated to herein. The Real Estate Commissioner shall not be required to
4 provide further evidence to prove such allegations.

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

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

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

21 8. Respondent NARANJO further understands that by agreeing to this Stipulation,
22 Respondent agrees to pay, pursuant to Section 10106(a) of the Code, investigative and
23 enforcement costs of \$1,200 which led to this disciplinary action.

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1 DETERMINATION OF ISSUES

2 I.

3 The conduct, acts and/or omissions of Respondent NARANJO, as set forth in
4 Findings of Fact Nos. 1 through 9 of the D&R, constitute a violation of Code Sections 10130
5 and 10137.

6 II.

7 The conduct, acts and/or omissions of Respondent NARANJO, as set forth in
8 Paragraphs 14, 15, 18, and 21 of the Accusation, constitute cause for the suspension or
9 revocation of all real estate licenses and license rights of Respondent NARANJO pursuant to
10 Business and Professions Code ("Code") Section 10177(d) for violation of Code Sections
11 10130 and 10137.

12 ORDER

13 I.

14 The Commissioner's Desist and Refrain Order in Bureau Case No. H-04744 SD against
15 Respondent PAULA M. NARANJO is sustained.

16 II.

17 All licenses and licensing rights of Respondent PAULA M. NARANJO under the Real
18 Estate Law are hereby revoked; provided, however, a restricted real estate salesperson license
19 shall be issued to Respondent pursuant to Section 10156.5 of the Business and Professions Code
20 if Respondent makes application therefor and pays to the Bureau of Real Estate the appropriate
21 fee for said license within ninety (90) days from the effective date of this Decision. The
22 restricted license issued to Respondent shall be subject to all of the provisions of Section 10156.7

1 of the Business and Professions Code and to the following limitations, conditions and restrictions
2 imposed under authority of Section 10156.6 of that Code:

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

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

11 3. Respondent shall not be eligible for the issuance of any unrestricted real estate
12 license nor for the removal of any of the conditions, limitations or restrictions of the restricted
13 license until at least two (2) years have elapsed from the effective date of this Decision.
14 Respondent shall not be eligible to apply for any unrestricted licenses until all restrictions
15 attaching to the license have been removed.

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

20 (a) That the employing broker has read the Decision of the Commissioner which
21 granted the right to a restricted license; and
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23
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1 **(b) That the employing broker will exercise close supervision over the**
2 performance by the restricted licensee relating to activities for which a real estate license is
3 required.

4 **5. All licenses and licensing rights of Respondent are indefinitely suspended**
5 unless or until Respondent pays the sum of \$1,200 for her apportioned share of the
6 Commissioner's reasonable cost of the investigation and enforcement which led to this
7 disciplinary action. Said payment shall be in the form of a cashier's check made payable to the
8 Bureau of Real Estate. **The investigative and enforcement costs must be delivered to the**
9 **Bureau of Real Estate, Flag Section at P.O. Box 137007, Sacramento, CA 95813-7007,**
10 **prior to the effective date of this Order.**

11 **6. Respondent shall, within six (6) months from the effective date of this**
12 **Order,** take and pass the Professional Responsibility Examination administered by the Bureau
13 including the payment of the appropriate examination fee. If Respondent fails to satisfy this
14 condition, Respondent real estate license shall automatically be suspended until Respondent
15 passes the examination.

16 **7. Respondent shall, within nine (9) months from the effective date of this**
17 **Order,** present evidence satisfactory to the Commissioner that Respondent has, since the most
18 recent issuance of an original or renewal real estate license, taken and successfully completed the
19 continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal
20 of a real estate license. If Respondent fails to satisfy this condition, Respondent's real estate
21 license shall automatically be suspended until Respondent presents evidence satisfactory to the
22 Commissioner of having taken and successfully completed the continuing education
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1 requirements. **Proof of completion of the continuing education courses must be delivered to**
2 **the Bureau of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013.**

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4
5 Dec. 6, 2016

DATED


Lissete Garcia, Counsel
Bureau of Real Estate

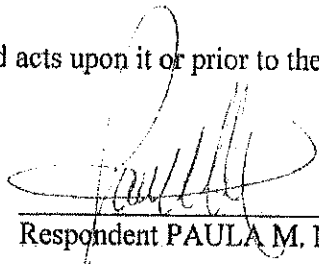
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8 * * *

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

16 Respondent NARANJO can signify acceptance and approval of the terms and conditions
17 of this Stipulation and Agreement by electronically emailing a copy of the signature page, as
18 actually signed by Respondent, to the Bureau's counsel. Respondent agrees, acknowledges, and
19 understands that by electronically sending to the Bureau an electronic copy of Respondent
20 NARANJO's actual signature, as it appears on the Stipulation, that receipt of the emailed copy
21 by the Bureau shall be as binding on Respondent NARANJO as if the Bureau had received the
22 original signed Stipulation. By signing this Stipulation, Respondent NARANJO understands and
23 agrees that Respondent may not withdraw her agreement or seek to rescind the Stipulation prior
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1 to the time the Commissioner considers and acts upon it or prior to the effective date of the
2 Stipulation and Order.

3 DATED: 12/6/16


Respondent PAULA M. NARANJO

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

7 DATED: 12/6/16

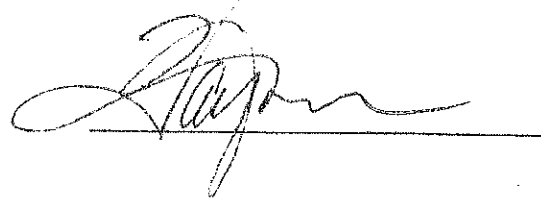

FRANK M. FERNANDEZ
Attorney for Respondent PAULA M. NARANJO

10 * * *

11 The foregoing Stipulation and Agreement in Settlement and Order is hereby
12 adopted by me as my Decision in this matter and shall become effective at 12 o'clock noon on
13 MAR 16 2017

15 IT IS SO ORDERED 2/17/2017, ^{WSB}~~2016~~

17 WAYNE S. BELL
18 REAL ESTATE COMMISSIONER



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