



1           On July 6, 2007, Respondent petitioned for  
2 reinstatement of said real estate salesperson license and  
3 the Attorney General of the State of California has been  
4 given notice of the filing of said petition.  
5

6           I have considered the petition of Respondent and  
7 the evidence and arguments in support thereof including  
8 Respondent's record as a restricted licensee. Respondent  
9 has demonstrated to my satisfaction that Respondent meets  
10 the requirements of law for the issuance to Respondent of  
11 an unrestricted real estate salesperson license and that  
12 it would not be against the public interest to issue said  
13 license to Respondent.  
14

15           NOW, THEREFORE, IT IS ORDERED that Respondent's  
16 petition for reinstatement is granted and that a real estate  
17 salesperson license be issued to Respondent, if Respondent  
18 satisfies the following condition within nine (9) months from  
19 the date of this Order:  
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21           1. Submittal of a completed application and payment  
22 of the fee for a real estate salesperson license.

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1 Department of Real Estate  
2 320 West Fourth Street, #350  
3 Los Angeles, California 90013

4 (213) 576-6982  
5 (213) 576-6914

**FILED**  
JUN 21 2004  
DEPARTMENT OF REAL ESTATE

6  
7  
8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )  
12 ) DRE No. H-30651 LA  
13 LILIA GARCIA, ) OAH No. L-2004020202  
14 ) STIPULATION AND AGREEMENT  
15 )  
16 Respondent. )

17 It is hereby stipulated by and between LILIA GARCIA,  
18 Respondent, represented in this matter by Frank M. Buda, Esq.,  
19 and the Complainant, acting by and through Martha J. Rosett,  
20 Counsel for the Department of Real Estate, as follows for the  
21 purpose of settling and disposing of the Accusation filed on  
22 January 22, 2004 in this matter:

23 1. All issues which were to be contested and all  
24 evidence which was to be presented by Complainant and  
25 Respondent at a formal hearing on the Accusation, which hearing  
26 was to be held in accordance with the provisions of the  
27 Administrative Procedure Act (APA), shall instead and in place

1 thereof be submitted solely on the basis of the provisions of  
2 this Stipulation and Agreement.

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

7           3. On February 4, 2004, Respondent filed a Notice of  
8 Defense pursuant to Section 11506 of the Government Code for  
9 the purpose of requesting a hearing on the allegations in the  
10 Accusation. In order to effectuate this settlement, Respondent  
11 hereby freely and voluntarily withdraws said Notice of Defense.  
12 Respondent acknowledges that she understands that by  
13 withdrawing said Notice of Defense, she will thereby waive her  
14 right to require the Commissioner to prove the allegations in  
15 the Accusation at a contested hearing held in accordance with  
16 the provisions of the APA and that she will waive other rights  
17 afforded to her in connection with the hearing such as the  
18 right to present evidence in defense of the allegations in the  
19 Accusation and the right to cross-examine witnesses.

20           4. Respondent, pursuant to the limitations set forth  
21 below, although not admitting or denying the truth of the  
22 allegations, will not contest the factual allegations contained  
23 in the Accusation filed in this proceeding and the Real Estate  
24 Commissioner shall not be required to provide further evidence  
25 of such allegations.

26           5. It is understood by the parties that the Real  
27 Estate Commissioner may adopt the Stipulation and Agreement as

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

10           6. The Order or any subsequent Order of the Real  
11 Estate Commissioner made pursuant to this Stipulation and  
12 Agreement shall not constitute an estoppel, merger or bar to  
13 any further administrative proceedings by the Department of  
14 Real Estate with respect to any matters which were not  
15 specifically alleged to be causes for accusation in this  
16 proceeding.

17           7. The admissions herein, and Respondent's decision  
18 not to contest the Accusation, are made solely for the purpose  
19 of reaching an agreed disposition of this proceeding and are  
20 expressly limited to this proceeding, and any other proceeding  
21 or case in which the Department of Real Estate or another  
22 licensing agency of this state, another state, or if the  
23 federal government is involved, and otherwise shall not be  
24 admissible in any other criminal or civil proceedings.

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1 nolo contendere to a crime which is substantially related to  
2 Respondent's fitness or capacity as a real estate licensee.

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

9           3. Respondent shall not be eligible to apply for the  
10 issuance of an unrestricted real estate license nor for the  
11 removal of any of the conditions, limitations or restrictions  
12 of a restricted license until two (2) years have elapsed from  
13 the effective date of this Decision.

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

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

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

26           5. Respondent shall, within nine months from the  
27 effective date of this Decision, present evidence satisfactory

1 to the Real Estate Commissioner that Respondent has, since the  
2 most recent issuance of an original or renewal real estate  
3 license, taken and successfully completed the continuing  
4 education requirements of Article 2.5 of Chapter 3 of the Real  
5 Estate Law for renewal of a real estate license. If Respondent  
6 fails to satisfy this condition, the Commissioner may order the  
7 suspension of the restricted license until the Respondent  
8 presents such evidence. The Commissioner shall afford  
9 Respondent the opportunity for a hearing pursuant to the  
10 Administrative Procedure Act to present such evidence.

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DATED: 6/7/04

  
MARTHA J. ROSETT  
Counsel for Complainant

\* \* \*

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

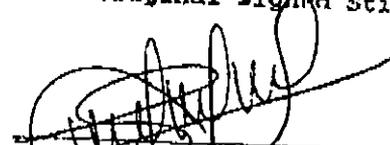
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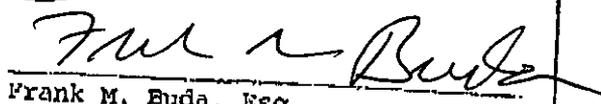
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1 Respondent may signify acceptance and approval of the  
 2 terms and conditions of this Stipulation and Agreement by faxing  
 3 a copy of its signature page, as actually signed by Respondent,  
 4 to the Department at the following fax number (213) 576-6917.  
 5 Respondent agrees, acknowledges and understands that by  
 6 electronically sending to the Department a fax copy of her actual  
 7 signature as it appears on the Stipulation, that receipt of the  
 8 faxed copy by the Department shall be as binding on Respondent as  
 9 if the Department had received the original signed Stipulation  
 10 and Agreement.

11 DATED: 5/27/04

  
 \_\_\_\_\_  
 LILIA GARCIA  
 Respondent

14 DATED: 5-27-04

  
 \_\_\_\_\_  
 Frank M. Buda, Esq.  
 Counsel for Respondent

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17  
 18 the foregoing Stipulation and Agreement is hereby  
 19 adopted as my Decision in this matter and shall become  
 20 effective at 12 o'clock noon on \_\_\_\_\_

21 IT IS SO ORDERED \_\_\_\_\_

22  
 23 JOHN R. LIBERATOR  
 Acting Real Estate Commissioner

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Respondent may signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by faxing a copy of its signature page, as actually signed by Respondent, to the Department at the following fax number (213) 576-6917. Respondent agrees, acknowledges and understands that by electronically sending to the Department a fax copy of her actual signature as it appears on the Stipulation, that receipt of the faxed copy by the Department shall be as binding on Respondent as if the Department had received the original signed Stipulation and Agreement.

DATED: \_\_\_\_\_

\_\_\_\_\_  
LILIA GARCIA  
Respondent

DATED: \_\_\_\_\_

\_\_\_\_\_  
Frank M. Buda, Esq.  
Counsel for Respondent

\* \* \*

The foregoing Stipulation and Agreement is hereby adopted as my Decision in this matter and shall become effective at 12 o'clock noon on July 12, 2004.

IT IS SO ORDERED June 16, 2004.

JOHN R. LIBERATOR  
Acting Real Estate Commissioner





1 MARTHA J. ROSETT, Counsel (SBN 142072)  
2 Department of Real Estate  
3 320 West Fourth St., #350  
4 Los Angeles, CA 90013-1105

4 (213) 576-6982  
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**FILED**  
JAN 22 2004  
DEPARTMENT OF REAL ESTATE

*12*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \* \*

11 In the Matter of the Accusation of )	No. H-30651 LA
12 )	
13 LILIA GARCIA, )	<u>A C C U S A T I O N</u>
14 )	
15 Respondent. )	
16 )	

16 The Complainant, Maria Suarez, a Deputy Real Estate  
17 Commissioner of the State of California, for cause of Accusation  
18 against LILIA GARCIA, aka Lilia Garcia Ramirez (hereinafter  
19 "Respondent"), is informed and alleges as follows:

20 1.

21 The Complainant, Maria Suarez, a Deputy Real Estate  
22 Commissioner of the State of California, makes this Accusation in  
23 her official capacity.

24 2.

25 At all times herein mentioned, Respondent was and still  
26 is licensed and/or has license rights under the Real Estate Law  
27

1 (Part 1 of Division 4 of the Business and Professions Code). At  
2 all times mentioned herein, Respondent was licensed as a real  
3 estate salesperson. Respondent was first licensed by the  
4 Department on or about March 6, 2002.

5 3.

6 On or about December 9, 2002, in the Superior Court of  
7 California, Rancho Cucamonga District, in Case No. MWV077967,  
8 Respondent was convicted of violating California Penal Code  
9 Section 488 (petty theft), a crime of moral turpitude which is  
10 substantially related to the qualifications, functions and duties  
11 of a real estate licensee. Respondent was sentenced to two years  
12 summary probation, which included payment of a fine and one day  
13 in jail.

14 4.

15 Respondent's conviction, as set forth in Paragraph 3  
16 above, constitutes grounds for the revocation or suspension of  
17 Respondent's license pursuant to Business and Professions Code  
18 Sections 490 and 10177(b).

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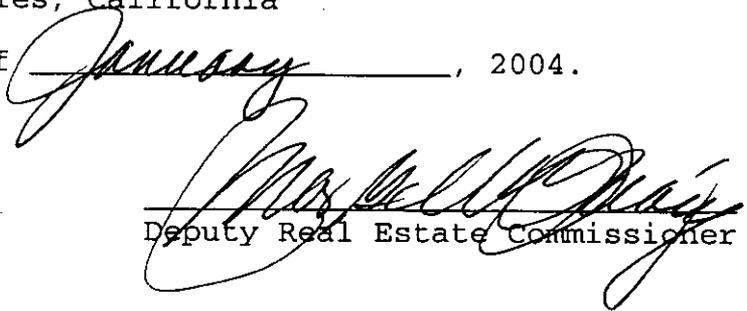
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1           WHEREFORE, the Complainant prays that a hearing be  
2 conducted on the allegations of this Accusation and that upon  
3 proof thereof, a decision be rendered imposing disciplinary  
4 action against all licenses and/or license rights of Respondent  
5 LILIA GARCIA under the Real Estate Law and for such other and  
6 further relief as may be proper under applicable provisions of  
7 law.

8 Dated at Los Angeles, California  
9 this 20th day of January, 2004.

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12 Deputy Real Estate Commissioner  
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22 cc: Lilia Garcia  
23 Primetime Management, Inc.  
24 Sacto.  
25 Maria Suarez  
26 RD  
27