

1 Procedure Act (APA), shall instead and in place thereof be
2 submitted solely on the basis of the provisions of this
3 Stipulation and Agreement.

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

8 3. On April 11, 2005, Respondent filed a Notice of
9 Defense pursuant to Section 11506 of the Government Code for the
10 purpose of requesting a hearing on the allegations in the
11 Accusation. In order to effectuate this settlement, Respondent
12 hereby freely and voluntarily withdraws said Notice of Defense.
13 Respondent acknowledges that she understands that by withdrawing
14 said Notice of Defense, she will thereby waive her right to
15 require the Commissioner to prove the allegations in the
16 Accusation at a contested hearing held in accordance with the
17 provisions of the APA and that she will waive other rights
18 afforded to her in connection with the hearing such as the right
19 to present evidence in defense of the allegations in the
20 Accusation and the right to cross-examine witnesses.

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

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

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

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

3 DETERMINATION OF ISSUES

4 By reason of the foregoing stipulations and waivers and
5 solely for the purpose of settlement of the pending Accusation
6 without a hearing, it is stipulated and agreed that the following
7 Determination of Issues shall be made:

8 The conduct, acts or omissions of Respondent CRISTINA
9 MAGANA as set forth in the Accusation constitute cause to suspend
10 or revoke the real estate license and license rights of
11 Respondent pursuant to the provisions of Business and Professions
12 Code Sections 490 and 10177(b).

13 ORDER

14 WHEREFORE, THE FOLLOWING ORDER is hereby made:

15 All licenses and licensing rights of Respondent
16 CRISTINA MAGANA under the Real Estate Law are revoked; provided,
17 however, a restricted real estate broker license shall be issued
18 to Respondent pursuant to Section 10156.5 of the Business and
19 Professions Code if Respondent makes application therefor and
20 pays to the Department of Real Estate the appropriate fee for the
21 restricted license within 90 days from the effective date of this
22 Decision. The restricted license issued to Respondent shall be
23 subject to all of the provisions of Section 10156.7 of the
24 Business and Professions Code and to the following limitations,
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1 conditions and restrictions imposed under authority of Section
2 10156.6 of that Code:

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


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

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

19 4. Respondent shall, within nine months from the
20 effective date of this Decision, present evidence satisfactory to
21 the Real Estate Commissioner that Respondent has, since the most
22 recent issuance of an original or renewal real estate license,
23 taken and successfully completed the continuing education
24 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
25 for renewal of a real estate license. If Respondent fails to
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1 satisfy this condition, the Commissioner may order the suspension
2 of the restricted license until the Respondent presents such
3 evidence. The Commissioner shall afford Respondent the
4 opportunity for a hearing pursuant to the Administrative
5 Procedure Act to present such evidence.

6 DATED: 9/21/05


7 MARTHA J. ROSETT
8 Counsel for Complainant

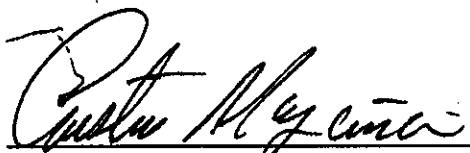
9 * * *

10 I have read the Stipulation and Agreement, have
11 reviewed it with my counsel, and its terms are understood by me
12 and are agreeable and acceptable to me. I understand that I am
13 waiving rights given to me by the California Administrative
14 Procedure Act (including but not limited to Sections 11506,
15 11508, 11509 and 11513 of the Government Code), and I
16 willingly, intelligently and voluntarily waive those rights,
17 including the right of requiring the Commissioner to prove the
18 allegations in the Accusation at a hearing at which I would
19 have the right to cross-examine witnesses against me and to
20 present evidence in defense and mitigation of the charges.

21 Respondent may signify acceptance and approval of the
22 terms and conditions of this Stipulation and Agreement by faxing
23 a copy of its signature page, as actually signed by Respondent,
24 to the Department at the following fax number (213) 576-6917.
25 Respondent agrees, acknowledges and understands that by
26 electronically sending to the Department a fax copy of her actual
27 signature as it appears on the Stipulation, that receipt of the

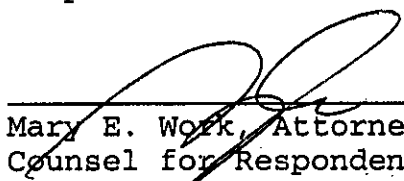
1 faxed copy by the Department shall be as binding on Respondent as
2 if the Department had received the original signed Stipulation
3 and Agreement.

4 DATED: Sept. 2005



CRISTINA MAGANA
Respondent

7 DATED: Sept 26, 2005



Mary E. Work, Attorney at Law,
Counsel for Respondent

10 * * *

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

14 IT IS SO ORDERED _____.

15 JEFF DAVI
16 Real Estate Commissioner

18 _____

1 faxed copy by the Department shall be as binding on Respondent as
2 if the Department had received the original signed Stipulation
3 and Agreement.

4
5 DATED: _____ CRISTINA MAGANA
6 Respondent

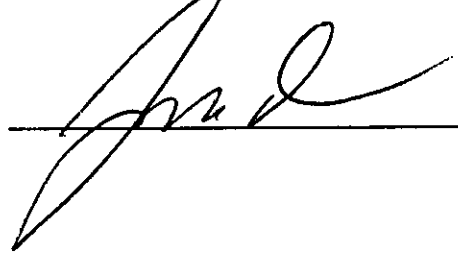
7
8 DATED: _____ Mary E. Work, Attorney at Law,
9 Counsel for Respondent

10 * * *

11 The foregoing Stipulation and Agreement is hereby
12 adopted as my Decision in this matter and shall become
13 effective at 12 o'clock noon on October 31, 2005.

14 IT IS SO ORDERED 10 305

15 JEFF DAVI
16 Real Estate Commissioner

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

4 (213) 576-6982
5 (213) 576-6907

FILED
MAR 24 2005
DEPARTMENT OF REAL ESTATE

[Handwritten signature]

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * *

11 In the Matter of the Accusation of) No. H-31783 LA
12 CRISTINA MAGANA,) ACCUSATION
13 Respondent.)
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15 The Complainant, Maria Suarez, a Deputy Real Estate
16 Commissioner of the State of California, for cause of Accusation
17 against CRISTINA MAGANA, dba New Horizon Realty and Finance,
18 (hereinafter "Respondent"), is informed and alleges as follows:

19 I

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

23 II

24 At all times herein mentioned, Respondent was and still
25 is licensed and/or has license rights under the Real Estate Law
26 (Part 1 of Division 4 of the Business and Professions Code) as a
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1 real estate broker. Respondent was first licensed by the
2 Department on or about October 16, 1992.

3 CRIMINAL CONVICTION

4 III

5 On or about May 6, 2003, in the Superior Court of
6 California, County of Los Angeles, in Case No. 2DW06100,
7 Respondent was convicted of violating California Penal Code
8 Section 484(a) (Petty Theft), a misdemeanor. This crime involves
9 moral turpitude and is substantially related to the
10 qualifications, functions and duties of a real estate licensee
11 pursuant to Title 10, Chapter 6 of the California Code of
12 Regulations, Regulation 2910. Respondent was placed on summary
13 probation for a period of 36 months under terms including that
14 she serve one day in the county jail and pay fines to the court
15 totaling \$571.00. In addition, Respondent was ordered to stay at
16 least 100 yards away from the Stonewood Mall.

17 IV

18 Respondent's conviction, as set forth in Paragraph III,
19 above, constitutes cause for the revocation or suspension of
20 Respondent's license and/or license rights pursuant to Business
21 and Professions Code Sections 490 and/or 10177(b).

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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 CRISTINA MAGANA, 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 27th day of March, 2005.

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12 Deputy Real Estate Commissioner
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25 cc: Cristina Magana
26 Sacto.
27 Maria Suarez
JL