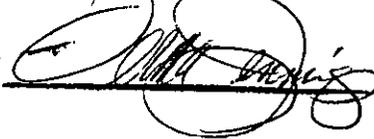


1 Department of Real Estate
2 320 W. 4th St., Room 350
3 Los Angeles, California 90013

4 Telephone: (213) 576-6982

FILED
AUG 30 2010
DEPARTMENT OF REAL ESTATE

By 

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11	In the Matter of the Accusation of)	No. H-36049 LA
)	L-2009 120 275
12	RAM PROPERTIES AND ASSOCIATES, INC.;)	
	and JOSEPH BUSTAMANTE GONZALES)	<u>STIPULATION AND AGREEMENT</u>
13	individually and as)	
	designated officer of)	
14	the corporation,)	
)	
15)	
)	
16	Respondents.)	
17)	

18 It is hereby stipulated by and between RAM PROPERTIES
19 AND ASSOCIATES, INC. and JOSEPH BUSTAMANTE GONZALES (sometimes
20 referred to as Respondents), and the Complainant, acting by and
21 through James R. Peel, Counsel for the Department of Real
22 Estate, as follows for the purpose of settling and disposing of
23 the Accusation filed on June 12, 2009, in this matter.

24 1. All issues which were to be contested and all
25 evidence which was to be presented by Complainant and
26 Respondents at a formal hearing on the Accusation, which hearing
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1 was to be held in accordance with the provisions of the
2 Administrative Procedure Act ("APA"), shall instead and in place
3 thereof be submitted solely on the basis of the provisions of
4 this Stipulation and Agreement ("Stipulation").

5 2. Respondents have received, read and understand the
6 Statement to Respondent, the Discovery Provisions of the
7 Administrative Procedure Act ("APA") and the Accusation filed by
8 the Department of Real Estate in this proceeding.

9 3. On June 26, 2009, Respondents filed a Notice of
10 Defense pursuant to Section 11506 of the Government Code for the
11 purpose of requesting a hearing on the allegations in the
12 Accusation. Respondents hereby freely and voluntarily withdraw
13 said Notice of Defense. Respondents acknowledge that they
14 understand that by withdrawing said Notice of Defense they will
15 thereby waive their right to require the Commissioner to prove
16 the allegations in the Accusation at a contested hearing held in
17 accordance with the provisions of the APA and that they will
18 waive other rights afforded to them in connection with the
19 hearing, such as the right to present evidence in defense of the
20 allegations in the Accusation and the right to cross-examine
21 witnesses.

22 4. This Stipulation is based on the factual
23 allegations contained in the Accusation filed in this
24 proceeding. In the interest of expedience and economy,
25 Respondents choose not to contest these factual allegations, but
26 to remain silent and understand that, as a result thereof, these
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1 factual statements, will serve as a prima facie basis for the
2 disciplinary action stipulated to herein. The Real Estate
3 Commissioner shall not be required to provide further evidence
4 to prove such allegations.

5 5. This Stipulation and Respondents' decision not to
6 contest the Accusation is made for the purpose of reaching an
7 agreed disposition of this proceeding and is expressly limited
8 to this proceeding and any other proceeding or case in which the
9 Department of Real Estate ("Department"), the state or federal
10 government, or an agency of this state, another state or the
11 federal government is involved.

12 6. It is understood by the parties that the Real
13 Estate Commissioner may adopt the Stipulation as his decision
14 in this matter thereby imposing the penalty and sanctions on
15 Respondents' real estate licenses and license rights as set
16 forth in the below "Order". In the event that the Commissioner
17 in his discretion does not adopt the Stipulation, the
18 Stipulation shall be void and of no effect, and Respondents
19 shall retain the right to a hearing on the Accusation under all
20 the provisions of the APA and shall not be bound by any
21 stipulation or waiver made herein.
22

23 7. The Order or any subsequent Order of the Real
24 Estate Commissioner made pursuant to this Stipulation shall not
25 constitute an estoppel, merger or bar to any further
26 administrative or civil proceedings by the Department of Real
27 Estate with respect to any conduct which was not specifically

alleged to be causes for accusation in this proceeding.

DETERMINATION OF ISSUES

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

The conduct, acts and/or omissions of Respondents RAM PROPERTIES AND ASSOCIATES, INC. and JOSEPH BUSTAMANTE GONZALES, as set forth in the Accusation, constitute cause for the suspension or revocation of all of the real estate licenses and license rights of Respondents under the provisions of Section 10177(g) of the Business and Professions Code ("Code").

ORDER

All licenses and licensing rights of Respondents RAM PROPERTIES AND ASSOCIATES, INC. and JOSEPH BUSTAMANTE GONZALES under the Real Estate Law are suspended for a period of ninety (90) days from the effective date of this Decision; provided, however, that sixty (60) days of said suspension shall be stayed for two (2) years upon the following terms and conditions:

1. Respondent shall obey all laws, rules and regulations governing the rights, duties and responsibilities of a real estate licensee in the State of California; and
2. That no final subsequent determination be made, after hearing or upon stipulation that cause for disciplinary action occurred within two (2) years of the effective date of

1 this Decision. Should such a determination be made, the
2 Commissioner may, in his discretion, vacate and set aside the
3 stay order and reimpose all or a portion of the stayed
4 suspension. Should no such determination be made, the stay
5 imposed herein shall become permanent.

6 3. Provided, however, that if Respondent petitions,
7 the remaining thirty (30) days of said ninety (90) day
8 suspension shall be stayed upon condition that:

9 a. Respondent pays a monetary penalty pursuant to
10 Section 10175.2 of the Business and Professions Code at the rate
11 of \$66.66 for each day of the suspension for a total monetary
12 penalty of \$2,000 or \$4,000 for both Respondents.

13 b. Said payment shall be in the form of a
14 cashier's check or certified check made payable to the Recovery
15 Account of the Real Estate Fund. Said check must be received by
16 the Department prior to the effective date of the Decision in
17 this matter.

18 c. No further cause for disciplinary action
19 against the real estate licenses of Respondent occurs within two
20 (2) years from the effective date of the Decision in this
21 matter.

22 d. If Respondent fails to pay the monetary
23 penalty in accordance with the terms and conditions of the
24 Decision, the Commissioner may, without a hearing, order the
25 immediate execution of all or any part of the stayed suspension
26 in which event the Respondent shall not be entitled to any
27

1 repayment nor credit, prorated or otherwise, for money paid to
2 the Department under the terms of this Decision.

3 e. If Respondent pays the monetary penalty and if
4 no further cause for disciplinary action against the real estate
5 license of Respondent occurs within two (2) years from the
6 effective date of the Decision, the stay hereby granted shall
7 become permanent.

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10
11 DATED: May 18, 2010

James R. Peel
JAMES R. PEEL, Counsel for the
Department of Real Estate

12
13 * * *

14 We have read the Stipulation and Agreement, and its
15 terms are understood by us and are agreeable and acceptable to
16 us. We understand that we are waiving rights given to us by the
17 California Administrative Procedure Act (including but not
18 limited to Sections 11506, 11508, 11509 and 11513 of the
19 Government Code), and we willingly, intelligently and
20 voluntarily waive those rights, including the right of requiring
21 the Commissioner to prove the allegations in the Accusation at a
22 hearing at which we would have the right to cross-examine
23 witnesses against us and to present evidence in defense and
24 mitigation of the charges.

25 Respondent can signify acceptance and approval of the
26 terms and conditions of this Stipulation and Agreement by faxing
27 a copy of the signature page, as actually signed by Respondent,

1 to the Department at the following telephone/fax number:

2 (213) 576-6917. Respondent agrees, acknowledges and understands
3 that by electronically sending to the Department a fax copy of
4 his or her actual signature as it appears on the Stipulation and
5 Agreement, that receipt of the faxed copy by the Department
6 shall be as binding on Respondent as if the Department had
7 received the original signed Stipulation and Agreement.

8 Further, if the Respondent is represented, the
9 Respondent's counsel can signify his or her agreement to the
10 terms and conditions of the Stipulation and Agreement by
11 submitting that signature via fax.

12
13
14 DATED: _____

RAM PROPERTIES AND ASSOCIATES, INC.
Respondent

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18 DATED: _____

JOSEPH BUSTAMANTE GONZALES
Respondent

MAY-11-10 TUE 12:01 PM

FAX NO.

P. 07/08

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to the Department at the following telephone/fax number:
(213) 576-6917. Respondent agrees, acknowledges and understands that by electronically sending to the Department a fax copy of his or her actual signature as it appears on the Stipulation and Agreement, that receipt of the faxed copy by the Department shall be as binding on Respondent as if the Department has received the original signed Stipulation and Agreement.

Further, if the Respondent is represented, the Respondent's counsel can signify his or her agreement to the terms and conditions of the Stipulation and Agreement by submitting that signature via fax.

DATED: May 11/10 
RRM PROPERTIES AND ASSOCIATES, INC.
Respondent

DATED: May 11/10 
JOSEPH BUSTAMANTE GONZALES
Respondent

* * *

1 The foregoing Stipulation and Agreement is hereby
2
3 adopted as my Decision and Order in this matter, and shall
4 become effective at 12 o'clock noon on SEP 20 2010

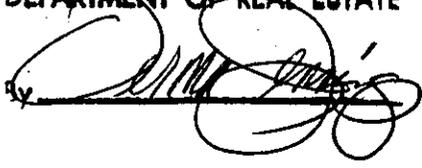
5 IT IS SO ORDERED 6/1/10

6 JEFF DAVI
7 Real Estate Commissioner

8
9 
10 BY: Barbara J. Bigby
11 Chief Deputy Commissioner

SACTO.
Play

1 JAMES R. PEEL, Counsel (SBN 47055)
2 Department of Real Estate
3 320 West Fourth Street, Suite 350
4 Los Angeles, CA 90013-1105
5 Telephone: (213) 576-6982
6 -or- (213) 576-6913 (Direct)

FILED
JUN 12 2009
DEPARTMENT OF REAL ESTATE


8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) No. H-36049 LA
12)
13 RAM PROPERTIES AND ASSOCIATES, INC.,)
14 and JOSEPH BUSTAMANTE GONZALES,)
15 individually and as)
16 designated officer of)
17 the corporation,)
18 Respondents.)

18 The Complainant, Joseph Aiu, a Deputy Real Estate
19 Commissioner of the State of California, for cause of accusation
20 against RAM PROPERTIES AND ASSOCIATES, INC. and JOSEPH BUSTAMANTE
21 GONZALES individually and as designated officer of Ram Properties
22 and Associates, Inc., alleges as follows:

23 I

24 The Complainant, Joseph Aiu, acting in her official
25 capacity as a Deputy Real Estate Commissioner of the State of
26 California, makes this Accusation against RAM PROPERTIES AND
27 ASSOCIATES, INC. and JOSEPH BUSTAMANTE GONZALES.

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II

RAM PROPERTIES AND ASSOCIATES, INC. and JOSEPH BUSTAMANTE GONZALES individually and as designated officer of the corporation (hereinafter referred to as "Respondents") are presently licensed and/or have license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code, hereinafter Code).

III

Respondent RAM PROPERTIES AND ASSOCIATES, INC. was originally licensed as a real estate broker on July 22, 2005. Pursuant to Code Section 10159.2, Respondent JOSEPH BUSTAMANTE GONZALES is responsible for the supervision and control of the activities conducted on behalf of the corporation by its officers and employees as necessary to secure full compliance with the provisions of the real estate law including the supervision of salespersons licensed to the corporation in the performance of acts for which a real estate license is required.

IV

At all times material herein, Respondents engaged in the business of, acted in the capacity of, advertised or assumed to act as a real estate broker in the State of California, within the meaning of Section 10131(d) of the Code including soliciting borrowers and lenders and negotiating loans on real property.

V

In connection with Respondents' activities as a real estate broker, as described above, Respondents violated Section 10137 of the Code in that during the three year period preceding

1 the filing of the Accusation Respondents employed Crystal Monique
2 Kelley aka Rebecca Ann Lee, who was not licensed as a real estate
3 broker or salesperson, to solicit and negotiate loans on real
4 property.

5 VI

6 The conduct, acts and/or omissions of Respondents RAM
7 PROPERTIES AND ASSOCIATES, INC. and JOSEPH BUSTAMANTE GONZALES,
8 as alleged above, subjects their real estate licenses and license
9 rights to suspension or revocation pursuant to Sections 10137,
10 10177(d) and/or 10177(g) of the Code.

11 VII

12 The conduct, acts and/or omissions of Respondent JOSEPH
13 BUSTAMANTE GONZALES in failing to ensure full compliance with the
14 Real Estate Law is in violation of Section 10159.2 of the Code
15 and subjects his real estate licenses and license rights to
16 suspension or revocation pursuant to Sections 10177(d), 10177(g)
17 and/or 10177(h) of the Code.

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1 WHEREFORE, 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 license rights of Respondents RAM
5 PROPERTIES AND ASSOCIATES, INC. and JOSEPH BUSTAMANTE GONZALES
6 individually and as designated officer of the corporation under
7 the Real Estate Law (Part 1 of Division 4 of the Business and
8 Professions Code) and for such other and further relief as may be
9 proper under other applicable provisions of law.

10 Dated at Los Angeles, California

11 this 10 day of June, 2009.

12
13
14 
JOSEPH AIU
Deputy Real Estate Commissioner

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23
24 cc: Ram Properties and Associates, Inc.
25 Joseph Bustamante Gonzales
26 Joseph Aiu
27 Sacto.