

FILED

DEC 14 2010

1 Department of Real Estate
2 320 West 4th Street, Ste. 350
3 Los Angeles, California 90013-1105
4 Telephone: (213) 576-6982

DEPARTMENT OF REAL ESTATE
BY: James B. Demus

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

In the Matter of the Accusation of)	No. H-36865 LA
)	
MARIA ESTEVIS, d.b.a. Pacwest)	<u>STIPULATION</u>
Investments & Realty,)	<u>AND</u>
)	<u>AGREEMENT</u>
Respondent.)	

15 It is hereby stipulated by and between Respondent
16 MARIA ESTEVIS and the Complainant, acting by and through James A.
17 Demus, Counsel for the Department of Real Estate, as follows for
18 the purpose of settling and disposing of the Accusation
19 ("Accusation") filed on October 14, 2010, in this matter:

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

1 Stipulation and Agreement ("Stipulation").

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

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

19 4. This Stipulation is based on the factual
20 allegations contained Paragraphs I through VI in the Accusation.
21 In the interest of expedience and economy, Respondent chooses not
22 to contest these allegations, but to remain silent and
23 understands that, as a result thereof, these factual allegations,
24 without being admitted or denied, will serve as a prima facie
25 basis for the disciplinary action stipulated to herein. The Real
26 Estate Commissioner shall not be required to provide further
27

evidence to prove said factual allegations.

1
2 5. This Stipulation is made for the purpose of
3 reaching an agreed disposition of this proceeding and is
4 expressly limited to this proceeding and any other proceeding or
5 case in which the Department of Real Estate ("Department"), the
6 state or federal government, or any agency of this state, another
7 state or federal government is a party.

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

19 7. The Order or any subsequent Order of the Real
20 Estate Commissioner made pursuant to this Stipulation shall not
21 constitute an estoppel, merger or bar to any further
22 administrative or civil proceedings by the Department of Real
23 Estate with respect to any matters which were not specifically
24 alleged to be causes for Accusation in this proceeding but do
25 constitute a bar, estoppel and merger as to any allegations
26 actually contained in the Accusations against Respondent herein.
27

DETERMINATION OF ISSUES

1 By reason of the foregoing, it is stipulated and agreed
2 that the following determination of issues shall be made:
3

4 The conduct of MARIA ESTEVIS as described in Paragraph
5 4, hereinabove, is a basis for discipline of Respondent's license
6 and license rights as violations of the Real Estate law pursuant
7 to Business and Professions Code ("Code") Sections 10137,
8 10177(d), 10177(g) and 10177(h).

ORDER

9 WHEREFORE, THE FOLLOWING ORDER is hereby made:
10

I.

11 All licenses and licensing rights of Respondent MARIA
12 ESTEVIS, under the Real Estate Law are suspended for a period of
13 ninety(90) days from the effective date of this Decision;
14 provided, however, that sixty(60) days of said suspension, shall
15 be stayed for two (2) years upon the followings terms and
16 condition:
17

A.

18 1. No further cause for disciplinary action against
19 the real estate licenses of Respondent occurs within two (2)
20 years from the effective date of the Decision in this matter.
21 2. That no final subsequent determination be made,
22 after hearing or upon stipulation, that cause for disciplinary
23 action occurred within two (2) years of the effective date of the
24 Decision. Should such a determination be made, the Commissioner
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The foregoing Stipulation and Agreement is hereby

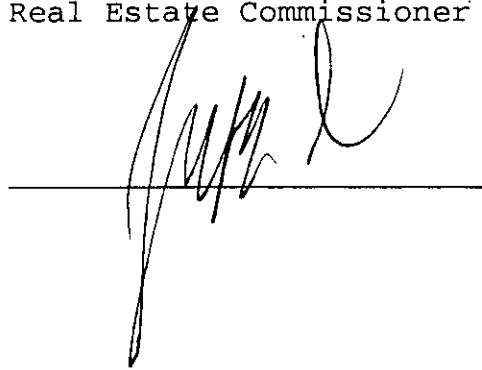
adopted as my Decision as to Respondent MARIA ESTEVIS and shall

become effective at 12 o'clock noon on JAN 3 2011

2010.

IT IS SO ORDERED 12-1-1, 2010.

JEFF DAVI
Real Estate Commissioner



A handwritten signature in black ink, appearing to read 'Jeff Davi', is written over a horizontal line.

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FILED

OCT 14 2010

1 JAMES DEMUS, Counsel (SBN 225005)
2 Department of Real Estate
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4 Los Angeles, CA 90013
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DEPARTMENT OF REAL ESTATE
BY: James B. Demus

(213) 576-6982
(213) 576-6910 (direct)

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) No. H-36865-LA
MARIA ESTEVIS, d.b.a. Pacwest) A C C U S A T I O N
Investments & Realty,)
Respondent.

The Complainant, Robin L. Trujillo, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against MARIA ESTEVIS, d.b.a. Pacwest Investments & Realty, alleges as follows:

I

The Complainant, Robin L. Trujillo, acting in her official capacity as a Deputy Real Estate Commissioner of the State of California, makes this Accusation against MARIA ESTEVIS, d.b.a. Pacwest Investments & Realty.

II

MARIA ESTEVIS ("ESTEVIS") is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code, hereinafter "Code") as a

1 broker. ESTEVIS was first licensed by the Department of Real
2 Estate for the State of California ("Department") as a broker on
3 or about September 06, 2000.

4 III

5 From March 12, 2007 through July 30, 2008, ESTEVIS was
6 registered with the Department as doing business as Pacwest
7 Investments & Realty ("Pacwest").

8 IV

9 In or about April 2008, Maria Alvarez ("Alvarez") was
10 solicited by Godofredo Osegura ("Osegura") regarding the
11 possibility of Pacwest assisting Alvarez in the purchase of a
12 home. Osegura is not, nor has he ever been, licensed by the
13 Department in any capacity.

14 V

15 On or about April 28, 2008, Angela Valenzuela
16 ("Valenzuela") drafted a Residential Purchase Agreement and Joint
17 Escrow Instructions for Pacwest, on behalf of Alvarez, regarding
18 property located at 22322 Violeta Avenue, Hawaiian Gardens, CA,
19 90716. Valenzuela also presented a business card to Alvarez
20 which identified Valenzuela as "broker associate" for Pacwest.
21 Valenzuela is not, nor has she ever been, licensed by the
22 Department in any capacity. On April 28, 2008, ESTEVIS signed
23 this Purchase Agreement, listing herself as the real estate
24 broker for Pacwest.

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VI

The conduct, acts, or omissions of Respondent ESTEVIS, as alleged above, constitutes a violation of Code Section 10137 and Section 2725, Title 10, Chapter 6, in the California Code of Regulations and subjects her real estate licenses and license rights to suspension or revocation pursuant to Sections 10137, 10177(d), 10177(h) and/or 10177(g) of the Code.

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against all licenses and license rights of Respondent MARIA ESTEVIS, d.b.a. Pacwest Investments & Realty, under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) and for such other and further relief as may be proper under other applicable provisions of law.

Dated at Los Angeles, California

this 22 day of June, 2010.


ROBIN L. TRUJILLO
Deputy Real Estate Commissioner

cc: Maria Estevis
Robin L. Trujillo
Sacto.