

**FILED**

DEC 11 2012

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

DEPARTMENT OF REAL ESTATE  
BY: James A. Demus

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8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )  
12 )  
13 RAQUEL GUZMAN, )  
14 Respondent. )

DRE No: H-37898 LA  
OAH No: 2012031222

STIPULATION AND  
AGREEMENT

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16 It is hereby stipulated by and between RAQUEL GUZMAN (sometimes referred  
17 to herein as "Respondent"), and the Complainant, acting by and through James A. Demus,  
18 Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing  
19 of the Accusation filed on February 21, 2012 in this matter:

20 1. All issues which were to be contested and all evidence which was to be  
21 presented by Complainant and Respondent at a formal hearing on the Accusation, which  
22 hearing was to be held in accordance with the provisions of the Administrative Procedure Act  
23 (APA), shall instead and in place thereof be submitted solely on the basis of the provisions of  
24 this Stipulation and Agreement.  
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1                   2.       Respondent has received, read and understands the Statement to  
2 Respondent, the Discovery Provisions of the APA and the Accusation filed by the Department  
3 of Real Estate in this proceeding.

4                   3.       On March 7, 2012, Respondent filed a Notice of Defense pursuant to  
5 Section 11506 of the Government Code for the purpose of requesting a hearing on the  
6 allegations in the Accusation. In order to effectuate this settlement, Respondent hereby freely  
7 and voluntarily withdraws said Notice of Defense. Respondent acknowledges that she  
8 understands that by withdrawing said Notice of Defense, she will thereby waive her right to  
9 require the Commissioner to prove the allegations in the Accusation at a contested hearing held  
10 in accordance with the provisions of the APA and that she will waive other rights afforded to  
11 her in connection with the hearing such as the right to present evidence in defense of the  
12 allegations in the Accusation and the right to cross-examine witnesses.

13                   4.       Respondent, pursuant to the limitations set forth below, although not  
14 admitting or denying the truth of the allegations, will not contest the factual allegations  
15 contained in the Accusation filed in this proceeding and the Real Estate Commissioner shall  
16 not be required to provide further evidence of such allegations.

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

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



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

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

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

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

16 a. That the employing broker has read the Decision of the Commissioner  
17 which granted the right to a restricted license; and

18 b. That the employing broker will exercise close supervision over the  
19 performance by the restricted licensee relating to activities for which a real estate  
20 license is required.

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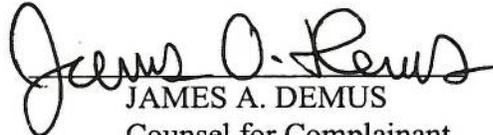
1 such evidence. The Commissioner shall afford Respondent the opportunity for a hearing  
2 pursuant to the Administrative Procedure Act to present such evidence.

3 II.

4 Respondent RAQUEL GUZMAN shall within six (6) months from the effective  
5 date of the Decision herein, take and pass the Professional Responsibility Examination  
6 administered by the Department including the payment of the appropriate examination fee. If  
7 Respondent fails to satisfy this condition, the Commissioner may order suspension of  
8 Respondent's license until Respondent passes the examination.

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

10/9/12

11   
12 JAMES A. DEMUS  
13 Counsel for Complainant

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

22  
23 Respondent can signify acceptance and approval of the terms and conditions of  
24 this Stipulation and Agreement by faxing a copy of the signature page, as actually signed by  
25 Respondent, to the Department at the following fax number: (213) 576-6917. Respondent  
26 agrees, acknowledges and understands that by electronically sending to the Department a fax  
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1 copy of her actual signature as it appears on the Stipulation and Agreement, that receipt of the  
2 faxed copy by the Department shall be as binding on Respondent as if the Department had  
3 received the original signed Stipulation and Agreement.  
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7 DATED: 10/8/2012

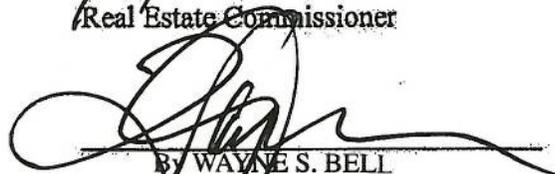
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9 RAQUEL GUZMAN  
10 Respondent

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12 The foregoing Stipulation and Agreement is hereby adopted as my Decision in  
13 this matter and shall become effective at 12 o'clock noon on DEC 31 2012

14 IT IS SO ORDERED

15 11/9/2012  
16 Real Estate Commissioner

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18 By WAYNE S. BELL  
19 Chief Counsel  
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