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DEPARTMENT OF REAL ESTATE 320 West 4th Street, Suite 350 Los Angeles, California 90013-1105 Telephone: (213) 620-2072 FILED

OCT 13 2021

# BEFORE THE DEPARTMENT OF REAL ESTATE

#### STATE OF CALIFORNIA

In the Matter of the Accusation against

STANDING STONE REAL ESTATE, INC., SUSAN A. RAMOS, individually and as designated officer for Standing Stone Real Estate, Inc., and JESIKAH DANIELLE ALVARADO.

Respondents.

DRE No. H-41911 LA OAH No. 2021070690

STIPULATION AND AGREEMENT IN SETTLEMENT AND ORDER

It is hereby stipulated by and between Respondents Standing Stone Real Estate, Inc., Susan A. Ramos, and Jesikah Danielle Alvarado (collectively "Respondents"), all Respondents are represented by attorney Timothy S. Camarena, Esq., and the Complainant, acting by and through Lissete Garcia, Counsel for the Department of Real Estate ("Department"), as follows for the purpose of settling and disposing the Accusation filed on June 9, 2021, with Department Case No. H-41911 LA ("Accusation") in this matter:

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondents at a formal hearing on the Accusation, which hearing was to be

held in accordance with the provisions of the Administrative Procedure Act ("APA"), shall instead and in place thereof be submitted on the basis of the provisions of this Stipulation and Agreement in Settlement and Order ("Stipulation").

- 2. Respondents have received, read, and understand the Statement to Respondent, the Discovery Provisions of the APA, and Accusation filed by the Department in this proceeding.
- 3. Respondents filed a Notice of Defense pursuant to Section 11506 of the Government Code for the purpose of requesting a hearing on the allegations in the Accusation. Respondents hereby freely and voluntarily withdraw said Notice of Defense. Respondents acknowledge and understand that by withdrawing said Notice of Defense, Respondents will thereby waive Respondents' rights to require the Real Estate Commissioner ("Commissioner") to prove the allegations in the Accusation at a contested hearing held in accordance with the provisions of the APA and that Respondents will waive other rights afforded to Respondents in connection with the hearing such as the right to present evidence in defense of the allegations in the Accusation and the right to cross-examine witnesses.
- 4. This Stipulation is based on the factual allegations contained in the Accusation filed in this proceeding. In the interest of expedience and economy, Respondents choose not to contest these factual allegations, but to remain silent and understand that, as a result thereof, these factual statements, will serve as a prima facie basis for the disciplinary action stipulated to herein. The Real Estate Commissioner shall not be required to provide further evidence to prove such allegations.
- 5. This Stipulation and Respondents' decision not to contest the Accusation are made for the purpose of reaching an agreed disposition of this proceeding and are expressly limited to this proceeding and any other proceeding or case in which the Department, or another licensing agency of this state, another state or if the federal government is involved and

- 6. It is understood by the parties that the Real Estate Commissioner may adopt the Stipulation and Agreement as the Commissioner's Decision in this matter, thereby imposing the penalty and sanctions on Respondents' real estate licenses and license rights as set forth in the below "Order." In the event that the Commissioner in his discretion does not adopt the Stipulation and Agreement, it shall be void and of no effect, and Respondents shall retain the right to a hearing and proceeding on the Accusation under all the provisions of the APA and shall not be bound by any admission or waiver made herein.
- 7. The Order or any subsequent Order of the Real Estate Commissioner made pursuant to this Stipulation and Agreement shall not constitute an estoppel, merger or bar to any further administrative or civil proceedings by the Department of Real Estate with respect to any matters which were not specifically alleged to be causes for accusation in this proceeding.

## **DETERMINATION OF ISSUES**

By reason of the foregoing stipulation and agreement 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:

I.

The conduct, acts and/or omissions of Respondent STANDING STONE REAL ESTATE, INC. as set forth herein above in Paragraph 4, constitute cause for the suspension or revocation of all real estate licenses and license rights of Respondent STANDING STONE REAL ESTATE, INC. pursuant to the provisions of Business and Professions Code ("Code") section 10177, subdivision (g), for violation of Code sections 10137 and 10145, subdivision (c).

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The conduct, acts and/or omissions of Respondent JESIKAH DANIELLE ALVARADO as set forth herein above in Paragraph 4, constitute cause for the suspension or revocation of all real estate licenses and license rights of Respondent JESIKAH DANIELLE ALVARADO pursuant to the provisions of Code section 10176, subdivision (a), and Code section 10177, subdivisions (d) and (g), for violation of Code sections 10137 and 10145, subdivision (c).

III.

The conduct, acts and/or omissions of Respondent SUSAN A. RAMOS as set forth herein above in Paragraph 4, constitute cause for the suspension or revocation of all real estate licenses and license rights of Respondent SUSAN A. RAMOS pursuant to the provisions of Code section 10177, subdivision (h).

### **ORDER**

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All licenses and license rights of Respondents STANDING STONE REAL ESTATE, INC. and SUSAN A. RAMOS are hereby publicly reproved.

II.

All licenses and licensing rights of Respondents STANDING STONE REAL ESTATE, INC. and SUSAN A. RAMOS shall indefinitely be suspended unless or until Respondents STANDING STONE REAL ESTATE, INC. and SUSAN A. RAMOS pay, jointly or severally, the sum of \$2.231.40 for one-half of the Commissioner's reasonable cost of the investigation and enforcement which led to this disciplinary action. Said payment shall be in the form of a cashier's check made payable to the Department of Real Estate. The investigative and enforcement costs must be delivered to the Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this Decision

and Order. Payment of investigation and enforcement costs should not be made until the Stipulation has been approved by the Commissioner.

III.

All licenses and licensing rights of Respondent JESIKAH DANIELLE ALVARADO under the Real Estate Law are revoked; provided, however, a restricted real estate salesperson license shall be issued to Respondent JESIKAH DANIELLE ALVARADO pursuant to Section 10156.5 of the Code if Respondent makes application therefor and pays to the Department the appropriate fee for the restricted license within 90 days from the effective date of this Decision and Order. The restricted license issued to Respondent JESIKAH DANIELLE ALVARADO shall be subject to all of the provisions of Section 10156.7 of the Code and to the following limitations, conditions and restrictions imposed under authority of Section 10156.6 of that Code:

- 1. The restricted license issued to Respondent may be suspended prior to hearing by Order of the Commissioner in the event of Respondent's conviction or plea of nolo contendere to a crime which is substantially related to Respondent's fitness or capacity as a real estate licensee.
- 2. The restricted license issued to Respondent may be suspended prior to hearing by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted license.
- 3. Respondent shall not be eligible to petition for the issuance of any unrestricted real estate license nor for removal of any of the conditions, limitations or restrictions of a restricted license until two (2) years have elapsed from the effective date of this Decision

and Order. Respondent shall not be eligible to apply for any unrestricted licenses until all restrictions attaching to the license have been removed.

- 4. Respondent shall submit with any application for license under an employing broker, or any application for transfer to a new employing broker, a statement signed by the prospective employing real estate broker on a form approved by the Department which shall certify:
  - (a) That the employing broker has read the Decision and Order of the Commissioner which granted the right to a restricted license; and
  - (b) That the employing broker will exercise close supervision over the performance by the restricted licensee relating to activities for which a real estate license is required.
- 5. All licenses and licensing rights of Respondent JESIKAH DANIELLE
  ALVARADO are indefinitely suspended unless or until Respondent JESIKAH
  DANIELLE ALVARADO pays the sum of \$2,231.40 for one-half of the Commissioner's reasonable cost of the investigation and enforcement which led to this disciplinary action.
  Said payment shall be in the form of a cashier's check made payable to the Department of Real Estate. The investigative and enforcement costs must be delivered to the
  Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA
  95813-7013, prior to the effective date of this Decision and Order. Payment of investigation and enforcement costs should not be made until the Stipulation has been approved by the Commissioner.
- 6. Respondent JESIKAH DANIELLE ALVARADO shall, within sixty (60) days from the effective date of this Decision and Order, provide proof satisfactory to the Commissioner, of having paid the amount of \$1,000.00 as restitution to Nathaniel

Williams. Proof of satisfaction of this requirement includes: a certified copy of the satisfaction of judgment; a letter from an attorney or certified public accountant testifying under penalty of perjury to the fact that said judgment has been paid by Respondent; a copy of a cancelled check to the victim(s); and/or a letter from the victim(s) attesting that repayment of funds has been received. Proof of payment must be delivered to the Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013 or by fax at 916-263-8758, within sixty (60) days from the effective date of this Decision and Order. A copy of the proof must also be delivered to DRE Counsel Lissete Garcia, Attention: Legal Section, Department of Real Estate, 320 W. Fourth St., Room 350, Los Angeles, California 90013-1105. If Respondent fails to satisfy this condition in a timely manner as provided for herein, Respondent's real estate license shall automatically be suspended until Respondent complies with this condition, or until a decision providing otherwise is adopted following a hearing held pursuant to this condition.

7. Respondent JESIKAH DANIELLE ALVARADO shall, within nine (9) months from the effective date of this Decision and Order, present evidence satisfactory to the Commissioner that Respondent has, since the most recent issuance of an original or renewal real estate license, taken and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate license. The continuing education courses must include the course on trust fund accounting and handling specified in paragraph (3) of subdivision (a) of Section 10170.5 of the Business and Professions Code. Proof of satisfaction of these requirements includes evidence that Respondent has successfully completed the trust fund account and handling continuing education courses, no earlier than 120 days prior to the effective date

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of the Decision and Order in this matter. If Respondent JESIKAH DANIELLE ALVARADO fails to satisfy this condition, Respondent's real estate license shall automatically be suspended until Respondent presents evidence satisfactory to the Commissioner of having taken and successfully completed the continuing education requirements. Proof of completion of the continuing education courses must be delivered to the Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013.

8. Respondent shall, within twelve (12) months from the effective date of this Decision and Order, take and pass the Professional Responsibility Examination administered by the Department including the payment of the appropriate examination fee. If Respondent fails to satisfy this condition, Respondent's real estate license shall automatically be suspended until Respondent passes the examination.

DATED: 9/3/2021

Lissete Garcia, Counsel Department of Real Estate

We have read this Stipulation and its terms are understood by us and are agreeable and acceptable to us. We understand that we are waiving rights given to us by the California APA (including, but not limited to, Sections 11506, 11508, 11509, and 11513 of the Government Code), and we 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 we would have the right to cross-examine witnesses against us and to present evidence in defense and mitigation of the charges.

Respondents can signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by electronically e-mailing a copy of the signature page, as actually algored by Respondents, to the Department. Respondents agree, acknowledge, and understand that by electronically sending to the Department an electronic copy of Respondents' actual signatures, as they appear on the Stipulation, that receipt of the emailed copy by the Department shall be as binding on Respondents as if the Department had received the original signed Stipulation. By signing this Stipulation, Respondents understand and agree that Respondents may not withdraw Respondents' agreement or seek to rescind the Stipulation prior to the time the Commissioner considers and acts upon it or prior to the effective date of the Stipulation and Order.

## MAILING

Respondents and Respondents' counsel shall, within five (3) business days from signing the Stipulation, mail the original signed signature page(s) of the Stipulation herein to Lissue Gazcia, Attention: Legal Section, Department of Real Estate, 320 W. Fourth St., Room 350, Los Angeles, California 90013-1105.

Respondents signature below constitutes acceptance and approval of the terms and conditions of this Stipulation. Respondents agree, acknowledge, and understand that by signing this Stipulation, Respondents are bound by its terms as of the date of such signature and that this agreement is not subject to recission or amendment at a later date except by a suparate Decision and Order of the Real Estate Commissioner.

PATED: 9 1 2021	Hendera	Stene	Real	Felate
•	Respondent STA	IDÍNG SLOI	ve real i	STATE, INC
	By (Printed Name	W.W.	1 Day	201

Time: Broker Owner

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2		Remondent SUSAN A. RAMOS
3	DATED: 93/2021	
4		Respondent JESIKAH DANIELLE ALVARADO
5	DATED: 9/3/2021	JAC -
6	777	Timothy-S. Camirena, Esq., Counsel for Respondents Approved as to Form
7		Approva as to Form
	The formation Original at	
9		nd Agreement in Settlement and Order is hereby adopted by
	11/11/12/20	ad shall become effective at 12 o'clock noon
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11	IT IS SO ORDERED	10.1.21
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