

1 Department of Real Estate
2 P.O. Box 187007
3 Sacramento, CA 95818-7007

4 Telephone: (916) 227-0781

FILED

MAY 27 2009

DEPARTMENT OF REAL ESTATE

By A. Ziri

7 BEFORE THE DEPARTMENT OF REAL ESTATE
8 STATE OF CALIFORNIA

9 * * *

10 In the Matter of the Accusation of)
11)
12 RUBY HARO and HUGO URAIS GIL,)
13 Respondents.)

No. H-2290 FR

STIPULATION AND
AGREEMENT

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15 It is hereby stipulated by and between Respondent RUBY HARO (hereinafter
16 "Respondent"), and the Complainant, acting by and through Truly Sughrue, Counsel for the
17 Department of Real Estate, as follows for the purpose of settling and disposing of the First
18 Amended Accusation (hereinafter "Accusation") filed herein on February 18, 2009:

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

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

1 3. Respondent filed a Notice of Defense pursuant to Section 11505 of the
2 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.
3 Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent
4 acknowledges that Respondent understands that by withdrawing said Notice of Defense
5 Respondent will thereby waive Respondent's right to require the Commissioner to prove the
6 allegations in the Accusation at a contested hearing held in accordance with the provisions of
7 the APA and that Respondent will waive other rights afforded to Respondent in connection
8 with the hearing such as the right to present evidence in defense of the allegations in the
9 Accusation and the right to cross-examine witnesses.

10 4. Respondent, pursuant to the limitations set forth below, hereby admits
11 the factual allegations of the Accusation are true and correct and that the Real Estate
12 Commissioner shall not be required to provide further evidence to prove such allegations.

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

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

25 7. Pursuant to Section 10087(b) of the California Business and Professions
26 Code (hereinafter "the Code"), Respondent is hereby notified of the intention of the California
27

1 Real Estate Commissioner (hereinafter "the Commissioner") to issue an Order of Debarment
2 pursuant to Section 10087(a) of the Code.

3 8. Pursuant to the authority granted to the Commissioner by Section 10087
4 of the Code, and after review and consideration of the Paragraph I of the Determination of
5 Issues, below, the Commissioner finds:

6 (A) A Bar Order is in the public interest; and

7 (B) Respondent's violations of the Real Estate Law have caused material
8 damage to the public.

9 9. Respondent acknowledges and understands that Respondent waives any
10 right to request a hearing held in accordance with the provisions of the APA to contest the Bar
11 Order.

12 DETERMINATION OF ISSUES

13 By reason of the foregoing stipulations, admissions and waivers and solely for
14 the purpose of settlement of the pending Accusation without hearing, it is stipulated and agreed
15 that the following Determination of Issues shall be made:

16 I

17 The acts and/or omissions of Respondent as described the Accusation constitute
18 cause pursuant to the provisions of Section 10130 of the Code in conjunction with Section
19 10177(d) of the Code and Section 10177(j) of the Code for the suspension or revocation of all
20 licenses and/or license rights of Respondent under the Real Estate Law.

21 ORDER

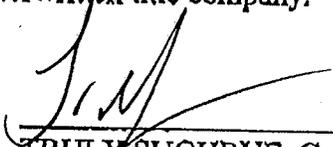
22 1. All licenses and licensing rights of RUBY HARO under the Real Estate
23 Law are revoked.

24 2. You, RUBY HARO, pursuant to the authority of Section 10087 of the
25 Code, are hereby barred and prohibited for a period of thirty-six (36) months from the effective
26 date of this order, from engaging in any of the following activities in the State of California:
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- (A) Engaging in any business activity involving real estate that is subject to regulation under the real estate law ;
- (B) Participating in any business activity of a real estate salesperson or a real estate broker;
- (C) Engaging in any real estate related business activity on the premises where a real estate salesperson or real estate broker is conducting business; and,
- (D) Participating in any real estate related business activity of a finance lender, residential mortgage lender, bank credit union, escrow company, title company, or underwritten title company.

27-April-09
DATED



TRULY SUGHRUE, Counsel
DEPARTMENT OF REAL ESTATE

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

4-31-09
DATED



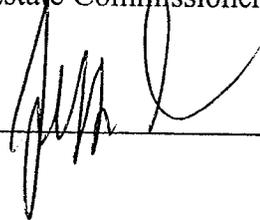
RUBY HARO
Respondent

1 The foregoing Stipulation and Agreement is hereby adopted by the Real Estate
2 Commissioner as his Decision and Order and shall become effective at 12 o'clock noon on

3 **JUN 17 2009**

4 IT IS SO ORDERED _____ *S/15* _____, 2009.

5 JEFF DAVI
6 Real Estate Commissioner

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