

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

3 (213) 576-6982

FILED

DEC 30 2013

BUREAU OF REAL ESTATE

By 

8 BEFORE THE BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11	In the Matter of the Accusation of)	NO. H-38560 LA
)	
12	MARTIN A. GONZALEZ,)	
)	
13	Respondent.)	
)	
14)	<u>STIPULATION AND AGREEMENT</u>
)	

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16 It is hereby stipulated by and between MARTIN A.
17 GONZALEZ (hereinafter "Respondent") and his attorney, Frank M.
18 Buda, and the Complainant, acting by and through Julie L. To,
19 Counsel for the Bureau of Real Estate, as follows for the
20 purpose of settling and disposing of the Accusation filed on
21 November 9, 2012 and amended on January 4, 2013, in this matter:

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

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

8 3. On December 7, 2012, Respondent filed a Notice of
9 Defense pursuant to Section 11506 of the Government Code for the
10 purpose of requesting a hearing on the allegations in the
11 Accusation. Respondent hereby freely and voluntarily withdraws
12 said Notice of Defense. Respondent acknowledges that he
13 understands that by withdrawing said Notice of Defense he will
14 thereby waive his right to require the Commissioner to prove the
15 allegations in the Accusation at a contested hearing held in
16 accordance with the provisions of the APA and that he will waive
17 other rights afforded to him in connection with the hearing such
18 as the right to present evidence in defense of the allegations
19 in the Accusation and the right to cross-examine witnesses.

20 4. Respondent, pursuant to the limitations set forth
21 below, hereby admits that the factual allegations of the
22 Accusation filed in this proceeding are true and correct and the
23 Real Estate Commissioner shall not be required to provide
24 further evidence of such allegations.

25 5. It is understood by the parties that the Real
26 Estate Commissioner may adopt the Stipulation and Agreement as
27 his Decision in this matter, thereby imposing the penalty and

1 sanctions on Respondent's real estate license and license rights
2 as set forth in the below "Order". In the event that the
3 Commissioner in his discretion does not adopt the Stipulation
4 and Agreement, it shall be void and of no effect, and Respondent
5 shall retain the right to a hearing and proceeding on the
6 Accusation under all the provisions of the APA and shall not be
7 bound by any admission or waiver made herein.

8 6. The Order or any subsequent Order of the Real
9 Estate Commissioner made pursuant to this Stipulation and
10 Agreement shall not constitute an estoppel, merger or bar to any
11 further administrative or civil proceedings by the Bureau of
12 Real Estate with respect to any matters which were not
13 specifically alleged to be causes for accusation in this
14 proceeding.

15 DETERMINATION OF ISSUES

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

20 The conduct of Respondent, as set forth in the
21 Accusation constitutes grounds for suspension or revocation of
22 Respondent's real estate broker license under the provisions of
23 Sections 490 and 10177(b) of the Business and Professions Code.

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ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

All licenses and licensing rights of Respondent MARTIN

A. GONZALEZ under the Real Estate Law are revoked; provided,
however, a restricted real estate broker license shall be issued
to Respondent pursuant to Section 10156.5 of the Business and
Professions Code if Respondent makes application therefor and
pays to the Bureau of Real Estate the appropriate fee for the
restricted license within 90 days from the effective date of
this Decision. The restricted license issued to Respondent shall be subject to all of the provisions of Section 10156.7 of the Business and Professions Code and to the following limitations, conditions and restrictions imposed under authority of that Code:

1. The restricted license issued to Respondent may be
suspended prior to hearing by Order of the Real Estate
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.

1 3. Respondent shall not be eligible to apply for the
2 issuance of an unrestricted real estate license nor for the
3 removal of any of the conditions, limitations or restrictions
4 of a restricted license until two (2) years have elapsed from
5 the date of issuance of the restricted license to Respondent.

6 4. Respondent shall, within nine months from the
7 effective date of this Decision, present evidence satisfactory to
8 the Real Estate Commissioner that Respondent has, since the most
9 recent issuance of an original or renewal real estate license,
10 taken and successfully completed the continuing education
11 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
12 for renewal of a real estate license. If Respondent fails to
13 satisfy this condition, the Commissioner may order the suspension
14 of the restricted license until the Respondent presents such
15 evidence. The Commissioner shall afford Respondent the
16 opportunity for a hearing pursuant to the Administrative
17 Procedure Act to present such evidence.

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19 5. Respondent shall notify the Commissioner in writing
20 within 72 hours of any arrest by sending a certified letter to
21 the Commissioner at the Bureau of Real Estate, Post Office Box
22 137013, Sacramento, CA 95813-7013. The letter shall set forth
23 the date of Respondent's arrest, the crime for which Respondent
24 was arrested and the name and address of the arresting law
25 enforcement agency. Respondent's failure to timely file written
26 notice shall constitute an independent violation of the terms of
27

1 the restricted license and shall be grounds for the suspension or
2 revocation of that license.

3 DATED: 12-17-13



4 JULIE L. TO, Counsel for Complainant

5 * * *

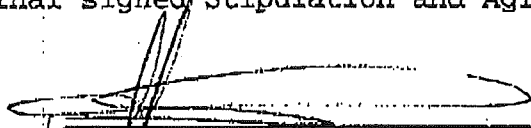
6 I have read the Stipulation and Agreement, and its
7 terms are understood by me and are agreeable and acceptable to
8 me. I understand that I am waiving rights given to me by the
9 California Administrative Procedure Act (including but not
10 limited to Sections 11506, 11508, 11509 and 11513 of the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

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Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by faxing a copy of the signature page, as actually signed by Respondent, to the Bureau at fax number (213) 576-6917. Respondent agrees, acknowledges and understands that by electronically sending to the Bureau a fax copy of her actual signature as it appears on the Stipulation and Agreement, that receipt of the faxed copy by the Bureau shall be as binding on Respondent as if the Bureau had received the original signed Stipulation and Agreement.

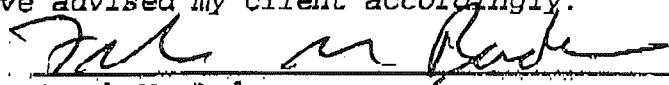
DATED: 12/13/13


MARTIN A. GONZALEZ, Respondent

* * *

I have reviewed the Stipulation and Agreement, as for form and content and have advised my client accordingly.

DATED: 12-13-13


Frank M. Buda
Attorney for Respondent

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

IT IS SO ORDERED _____

Real Estate Commissioner

Wayne S. Bell

1 Respondent can signify acceptance and approval of the
2 terms and conditions of this Stipulation and Agreement by faxing
3 a copy of the signature page, as actually signed by Respondent,
4 to the Bureau at fax number (213) 576-6917. Respondent agrees,
5 acknowledges and understands that by electronically sending to
6 the Bureau a fax copy of her actual signature as it appears on
7 the Stipulation and Agreement, that receipt of the faxed copy by
8 the Bureau shall be as binding on Respondent as if the Bureau
9 had received the original signed Stipulation and Agreement.

10
11 DATED: _____
12 MARTIN A. GONZALEZ, Respondent

13 * * *

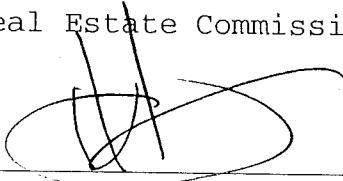
14 *I have reviewed the Stipulation and Agreement, as for*
15 *form and content and have advised my client accordingly.*

16 DATED: _____
17 Frank M. Buda
18 Attorney for Respondent

19 The foregoing Stipulation and Agreement is hereby
20 adopted as my Decision in this matter and shall become effective
21 at 12 o'clock noon on **JAN 21 2014**.

22 IT IS SO ORDERED **DEC 23 2013**.

23
24 Real Estate Commissioner

25 
26 _____
27 By: JEFFREY MASON
Chief Deputy Commissioner