

1 Department of Real Estate  
2 320 W. 4th Street, Suite 350  
3 Los Angeles, CA 90013-1105

4 Telephone: (213) 576-6982  
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7

**FILED**

**DEC - 6 2018**

**DEPT. OF REAL ESTATE**

By *[Signature]*

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation Against ) No. H-03177 FR  
12 RICHARD MICHAEL GONZALES, )  
13 individually and doing business as ) STIPULATION  
Bakersfield Property Services, ) AND  
14 Respondent. ) AGREEMENT  
15

16 It is hereby stipulated by and between Respondent RICHARD MICHAEL  
17 GONZALES, individually and doing business as Bakersfield Property Services ("Respondent"),  
18 acting on his own behalf, and the Complainant, acting by and through Amelia V. Vetrone,  
19 Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing  
20 of the Accusation ("Accusation") filed on May 2, 2018, in this matter:

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

26 2. Respondent has received, read and understands the Statement to Respondent,  
27 the Discovery Provisions of the APA and the Accusation filed by the Department of Real Estate

1 in this proceeding.

2 3. Respondent filed a Notice of Defense pursuant to Section 11506 of the  
3 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.  
4 Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent  
5 acknowledges that he understands that by withdrawing said Notice of Defense he thereby waives  
6 his right to require the Commissioner to prove the allegations in the Accusation at a contested  
7 hearing held in accordance with the provisions of the APA and that he will waive other rights  
8 afforded to him in connection with the hearing such as the right to present evidence in his  
9 defense, and the right to cross-examine witnesses.

10 4. This Stipulation is based on the factual allegations contained in the  
11 Accusation. In the interest of expedience and economy Respondent chooses not to contest these  
12 allegations but to remain silent and understands that, as a result thereof, these factual allegations,  
13 without being admitted or denied, will serve as a prima facie basis for the disciplinary action  
14 stipulated to herein. The Real Estate Commissioner shall not be required to provide evidence to  
15 prove said factual allegations.

16 5. This Stipulation is made for the purpose of reaching an agreed disposition of  
17 this proceeding and is expressly limited to this proceeding and not any other proceeding or case  
18 in which the Department of Real Estate ("DRE"), or another licensing agency of this state,  
19 another state, or the federal government is involved, and otherwise shall not be admissible in any  
20 criminal or civil proceeding.

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





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IV.

Pursuant to Section 10148 of the Business and Professions Code, Respondent

shall pay the Commissioner's reasonable cost for the audit which led to this disciplinary action in the amount of \$3,399.00. Respondent shall pay such cost within sixty (60) days of receiving an invoice therefore from the Commissioner. Payment of the audit costs should not be made until Respondent receives the invoice. 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 payment is made in full, or until a decision providing otherwise is adopted following a hearing held pursuant to this condition.

V.

Prior to the effective date of this Decision, and pursuant to Section 10106 of the

Business and Professions Code, Respondent shall pay the Commissioner's reasonable cost for the investigation which led to this disciplinary action in the amount of \$4,705.45. Said payment shall be in the form of a cashier's check made payable to the Department of Real Estate. Said check must be delivered to the Department of Real Estate, Flag Section, P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this Decision and Order.

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 payment is made in full, or until a decision providing otherwise is adopted following a hearing held pursuant to this condition.

DATED: 11-13-18

A. V. Vetrone  
Amelia V. Vetrone, Counsel for  
Department of Real Estate

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2 EXECUTION OF THE STIPULATION

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

10 MAILING

11 Respondent shall mail the original signed signature page of the stipulation herein  
12 to Amelia V. Vetrone: Attention: Legal Section, Department of Real Estate, 320 W. Fourth St.,  
13 Suite 350, Los Angeles, California 90013-1105.

14 Respondent's signature below constitutes acceptance and approval of the terms  
15 and conditions of this Stipulation. Respondent agrees, acknowledges and understands that by  
16 signing this Stipulation Respondent is bound by its terms as of the date of such signature and that  
17 this agreement is not subject to rescission or amendment at a later date except by a separate  
18 Decision and Order of the Real Estate Commissioner.

19  
20 DATED: 11/09/18

  
RICHARD MICHAEL GONZALES

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The foregoing Stipulation and Agreement is hereby adopted as my Decision as to  
Respondent RICHARD MICHAEL GONZALES and shall become effective at 12 o'clock noon  
on **DEC 26 2018**

IT IS SO ORDERED November 28, 2018

DANIEL J. SANDRI  
Acting Real Estate Commissioner

