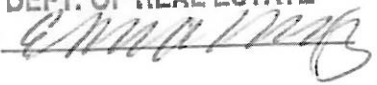


1 DEPARTMENT OF REAL ESTATE  
2 320 West 4th Street, Suite 350  
3 Los Angeles, California 90013-1105  
4 Telephone: (213) 620-2072

**FILED**

OCT 08 2021

DEPT. OF REAL ESTATE  
By 

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \* \*

11 In the Matter of the Accusation against

12 TRIPLE H INVESTMENTS and  
13 LIBBY ANNE GIBSON, individually and as  
14 designated officer for Triple H Investments,

15 Respondents.

DRE No. H-05200 SD  
OAH No. 2021040187

**STIPULATION AND**  
**AGREEMENT IN SETTLEMENT**  
**AND ORDER**

16 It is hereby stipulated by and between Respondents TRIPLE H INVESTMENTS and  
17 LIBBY ANNE GIBSON (collectively "Respondents"), representing themselves in this matter,  
18 and the Complainant, acting by and through Lissete Garcia, Counsel for the Department of Real  
19 Estate ("Department"), as follows for the purpose of settling and disposing the Accusation filed  
20 on January 21, 2021, with Department Case No. H-05200 SD ("Accusation") in this matter:

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

Stipulation and Agreement  
H-05200 SD

1 Agreement in Settlement and Order ("Stipulation").

2 2. Respondents have received, read, and understand the Statement to Respondent, the  
3 Discovery Provisions of the APA, and Accusation filed by the Department in this proceeding.

4 3. Respondents filed a Notice of Defense pursuant to Section 11506 of the Government  
5 Code for the purpose of requesting a hearing on the allegations in the Accusation. Respondents  
6 hereby freely and voluntarily withdraw said Notice of Defense. Respondents acknowledge and  
7 understand that by withdrawing said Notice of Defense, Respondents will thereby waive  
8 Respondents' rights to require the Real Estate Commissioner ("Commissioner") to prove the  
9 allegations in the Accusation at a contested hearing held in accordance with the provisions of the  
10 APA and that Respondents will waive other rights afforded to Respondents in connection with  
11 the hearing such as the right to present evidence in defense of the allegations in the Accusation  
12 and the right to cross-examine witnesses.

13 4. This Stipulation is based on the factual allegations contained in the Accusation filed in  
14 this proceeding. In the interest of expedience and economy, Respondents choose not to contest  
15 these factual allegations, but to remain silent and understand that, as a result thereof, these  
16 factual statements, will serve as a prima facie basis for the disciplinary action stipulated to  
17 herein. The Real Estate Commissioner shall not be required to provide further evidence to prove  
18 such allegations.

19 5. This Stipulation and Respondents' decision not to contest the Accusation are made for  
20 the purpose of reaching an agreed disposition of this proceeding and are expressly limited to this  
21 proceeding and any other proceeding or case in which the Department, or another licensing  
22 agency of this state, another state or if the federal government is involved and otherwise shall not  
23 be admissible in any other criminal or civil proceedings.  
24

1 6. It is understood by the parties that the Real Estate Commissioner may adopt the  
2 Stipulation and Agreement as the Commissioner's Decision in this matter, thereby imposing the  
3 penalty and sanctions on Respondents' real estate licenses and license rights as set forth in the  
4 below "Order." In the event that the Commissioner in his discretion does not adopt the  
5 Stipulation and Agreement, it shall be void and of no effect, and Respondents shall retain the  
6 right to a hearing and proceeding on the Accusation under all the provisions of the APA and  
7 shall not be bound by any admission or waiver made herein.

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

12 DETERMINATION OF ISSUES

13 By reason of the foregoing stipulation and agreement and solely for the purpose of  
14 settlement of the pending Accusation without a hearing, it is stipulated and agreed that the  
15 following determination of issues shall be made:

16 I.

17 The conduct, acts and/or omissions of Respondent TRIPLE H INVESTMENTS as set  
18 forth herein above in Paragraph 4, constitute cause for the suspension or revocation of all real  
19 estate licenses and license rights of Respondent TRIPLE H INVESTMENTS pursuant to the  
20 provisions of Code section 10177, subdivisions (d) and (g), for violation of Code section 10145  
21 and Regulations of the Real Estate Commissioner, Title 10, Chapter 6, California Code of  
22 Regulations ("Regulations") 2832, 2832.1, and 2731.

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1 II.

2 The conduct, acts and/or omissions of Respondent LIBBY ANNE GIBSON as set forth  
3 herein above in Paragraph 4, constitute cause for the suspension or revocation of all real estate  
4 licenses and license rights of Respondent LIBBY ANNE GIBSON pursuant to the provisions of  
5 Code section 10177, subdivisions (d) and (h), for violation of Code sections 10145, 10176(e),  
6 10161.8, 10159.2 and Regulations 2832.1, 2832, 2831.2, 2831.1, 2831, 2834, 2835(b), 2752, and  
7 2725.

8 ORDER

9 I.

10 All licenses and licensing rights of Respondent TRIPLE H INVESTMENTS ("THI")  
11 under the Real Estate Law are suspended for a period of ninety (90) days from the effective date  
12 of this Decision and Order; provided, however, that:

- 13 1. Said 90-day suspension shall be stayed for two (2) years upon the following terms  
14 and conditions:
- 15 2. Respondent shall obey all laws, rules and regulations governing the rights, duties  
16 and responsibilities of a real estate licensee in the State of California; and,
- 17 3. That no final subsequent determination be made, after hearing or upon stipulation,  
18 that cause for disciplinary action occurred within two (2) years from the effective  
19 date of this Decision and Order. Should such a determination be made, the  
20 Commissioner may, in his discretion, vacate and set aside the stay order and  
21 reimpose all or a portion of the stayed suspension. Should no such determination  
22 be made, the stay imposed herein shall become permanent.

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- 1           4.     All licenses and licensing rights of Respondent THI are indefinitely suspended  
2                unless or until Respondent THI pays, severally or jointly with Respondent LIBBY  
3           ANNE GIBSON, the total sum of \$3,354.80 for the Commissioner's reasonable  
4                cost of the investigation and enforcement which led to this disciplinary action.  
5                Said payment shall be in the form of a cashier's check made payable to the  
6                Department of Real Estate. **The investigative and enforcement costs must be**  
7                **delivered to the Department of Real Estate, Flag Section at P.O. Box 137013,**  
8                **Sacramento, CA 95813-7013, prior to the effective date of this Decision and**  
9                **Order. Payment of investigation and enforcement costs should not be made**  
10              **until the Stipulation has been approved by the Commissioner.**
- 11           5.     Pursuant to Section 10148 of the Code, Respondent THI shall pay, severally or  
12                jointly with Respondent LIBBY ANNE GIBSON, the total sum of \$16,539.00 for  
13                the Commissioner's cost of the audit which led to this disciplinary action.  
14                **Respondents shall pay such cost within sixty (60) days of receiving an invoice**  
15                **therefore from the Commissioner. Payment of audit costs should not be**  
16                **made until Respondents receive the invoice.** If Respondents fail to satisfy this  
17                condition in a timely manner as provided for herein, Respondents' real estate  
18                licenses shall automatically be suspended until payment is made in full, or until a  
19                decision providing otherwise is adopted following a hearing held pursuant to this  
20                condition.
- 21           6.     Pursuant to Section 10148 of the Code, Respondents shall pay the  
22                Commissioner's reasonable costs for any subsequent audit (said costs may not to  
23                exceed a maximum of \$20,673.75) to determine if Respondents have corrected  
24                the violations found in the Determination of Issues. In calculating the amount of

1 the Commissioner's reasonable cost, the Commissioner may use the estimated  
2 average hourly salary for all persons performing audits of real estate brokers, and  
3 shall include an allocation for travel time to and from the auditor's place of work.  
4 Respondents shall pay such cost within sixty (60) days of receiving an invoice  
5 therefore from the Commissioner. Payment of the audit costs should not be  
6 made until Respondents receive the invoice. If Respondents fail to satisfy this  
7 condition in a timely manner as provided for herein, Respondents' real estate  
8 licenses shall automatically be suspended until payment is made in full, or until a  
9 decision providing otherwise is adopted following a hearing held pursuant to this  
10 condition.

11 II.

12 All licenses and licensing rights of Respondent LIBBY ANNE GIBSON ("GIBSON")  
13 under the Real Estate Law are suspended for a period of ninety (90) days from the effective date  
14 of this Decision and Order; provided, however, that:

- 15 1. Said 90-day suspension shall be stayed for two (2) years upon the following terms  
16 and conditions:
- 17 2. Respondent shall obey all laws, rules and regulations governing the rights, duties  
18 and responsibilities of a real estate licensee in the State of California; and,
- 19 3. That no final subsequent determination be made, after hearing or upon stipulation,  
20 that cause for disciplinary action occurred within two (2) years from the effective  
21 date of this Decision and Order. Should such a determination be made, the  
22 Commissioner may, in his discretion, vacate and set aside the stay order and  
23 reimpose all or a portion of the stayed suspension. Should no such determination  
24 be made, the stay imposed herein shall become permanent.


- 1           4.     All licenses and licensing rights of Respondent GIBSON are indefinitely  
2                 suspended unless or until Respondent GIBSON provides proof satisfactory to the  
3                 Commissioner, of having taken and successfully completed the continuing  
4                 education course on trust fund accounting and handling specified in paragraph (3)  
5                 of subdivision (a) of Section 10170.5 of the Business and Professions Code.  
6                 Proof of satisfaction of this requirement includes evidence that Respondent has  
7                 successfully completed the trust fund account and handling continuing education  
8                 course, no earlier than 120 days prior to the effective date of the Decision and  
9                 Order in this matter. **Proof of completion of the trust fund accounting and**  
10                **handling course must be delivered to the Department of Real Estate, Flag**  
11                **Section at P.O. Box 137013, Sacramento, CA 95813-7013 or by fax at 916-**  
12                **263-8758, prior to the effective date of this Decision and Order.**
- 13           5.     All licenses and licensing rights of Respondent GIBSON are indefinitely  
14                 suspended unless or until Respondent GIBSON pays, severally or jointly with  
15                 Respondent THI, the total sum of \$3,354.80 for the Commissioner's reasonable  
16                 cost of the investigation and enforcement which led to this disciplinary action.  
17                 Said payment shall be in the form of a cashier's check made payable to the  
18                 Department of Real Estate. **The investigative and enforcement costs must be**  
19                 **delivered to the Department of Real Estate, Flag Section at P.O. Box 137013,**  
20                 **Sacramento, CA 95813-7013, prior to the effective date of this Decision and**  
21                 **Order. Payment of investigation and enforcement costs should not be made**  
22                 **until the Stipulation has been approved by the Commissioner.**
- 23           6.     Pursuant to Section 10148 of the Code, Respondent GIBSON shall pay, severally  
24                 or jointly with Respondent THI, the total sum of \$16,539.00 for the

Commissioner's cost of the audit which led to this disciplinary action.

**Respondents shall pay such cost within sixty (60) days of receiving an invoice therefore from the Commissioner. Payment of audit costs should not be made until Respondents receive the invoice.** If Respondents fail to satisfy this condition in a timely manner as provided for herein, Respondents' real estate licenses 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.

7. Pursuant to Section 10148 of the Code, Respondents shall pay the Commissioner's reasonable costs for any subsequent audit (said costs may not to exceed a maximum of \$20,673.75) to determine if Respondents have corrected the violations found in the Determination of Issues. In calculating the amount of the Commissioner's reasonable cost, the Commissioner may use the estimated average hourly salary for all persons performing audits of real estate brokers, and shall include an allocation for travel time to and from the auditor's place of work. **Respondents 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 Respondents receive the invoice.** If Respondents fail to satisfy this condition in a timely manner as provided for herein, Respondents' real estate licenses 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: 8/24/2021

  
Lissete Garcia, Counsel  
Department of Real Estate



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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.

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1 Respondents' signatures below constitute acceptance and approval of the terms and  
2 conditions of this Stipulation. Respondents agree, acknowledge, and understand that by signing  
3 this Stipulation Respondents are bound by its terms as of the date of such signature and that this  
4 agreement is not subject to rescission or amendment at a later date except by a separate Decision  
5 and Order of the Real Estate Commissioner.

6  
7 DATED: 8-17-21

  
Respondent TRIPLE H INVESTMENTS

By (Printed Name): Libby Gibson

Title: President

11 DATED: 8-17-21

  
Respondent LIBBY ANNE GIBSON

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14 The foregoing Stipulation and Agreement in Settlement and Order is hereby adopted by  
15 me as my Decision in this matter and shall become effective at 12 o'clock noon  
16 on 11/7/2021.

17 IT IS SO ORDERED 10-1-21

19 REAL ESTATE COMMISSIONER

21   
22 DOUGLAS R. MCCAULEY