


1 DEPARTMENT OF REAL ESTATE
2 320 West 4th Street, Suite 350
3 Los Angeles, California 90013-1105
4 Telephone: (213) 576-6982

FILED
FEB 18 2023
DEPT. OF REAL ESTATE
By 

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) DRE No. H-05295 SD
12) OAH No. 2022070499
13 DONNA LYNN CHUDZICKI,)
14) **STIPULATION AND AGREEMENT**
15 Respondent.) **IN SETTLEMENT AND ORDER**

16 It is hereby stipulated by and between Respondent DONNA LYNN
17 CHUDZICKI (“Respondent”), acting by and through her attorney, Frank M. Buda, Esq., and
18 the Complainant, acting by and through Kathy Yi, Counsel for the Department of Real Estate
19 (“Department”), as follows for the purpose of settling and disposing of the Accusation filed on
20 June 28, 2022, with Department Case No. H-05295 SD (“Accusation”), 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
23 hearing was to be held in accordance with the provisions of the Administrative Procedure Act
24 (“APA”), shall instead and in place thereof be submitted solely on the basis of the provisions of
25 this Stipulation and Agreement (“Stipulation”).

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

1 of Real Estate 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 Respondent understands that by withdrawing said Notice of Defense,
6 Respondent will thereby waive Respondent's right to require the Real Estate Commissioner
7 ("Commissioner") to prove the allegations in the Accusation at a contested hearing held in
8 accordance with the provisions of the APA and that Respondent will waive other rights
9 afforded to Respondent in connection with the hearing such as the right to present evidence in
10 defense of the allegations in the Accusation and the right to cross-examine witnesses.

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

17 5. This Stipulation is made for the purpose of reaching an agreed
18 disposition of this proceeding and is expressly limited to the said proceeding and any other
19 proceedings or cases in which the Department or another licensing agency of this state, another
20 state, or if the federal government is involved, and otherwise shall not be admissible in any
21 other criminal or civil proceeding.

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

1 2. That no final subsequent determination be made, after hearing or upon
2 stipulation, that cause for disciplinary action occurred within two (2) years of the effective date
3 of this Decision. Should such a determination be made, the Commissioner may, in his
4 discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed
5 suspension. Should no such determination be made, the stay imposed herein shall become
6 permanent.

7 (COURSE ON TRUST FUND ACCOUNTING AND HANDLING)

8 II.

9 Respondent shall, within nine (9) months from the effective date of this
10 Decision and Order, present evidence satisfactory to the Real Estate Commissioner that she
11 has, since the most recent issuance of an original or renewal real estate license, taken and
12 successfully completed the continuing education course on trust fund accounting and handling
13 specified in paragraph (3) of subdivision (a) of Code Section 10170.5. If Respondent fails to
14 satisfy this condition, Respondent's real estate license shall be automatically suspended until
15 she presents evidence satisfactory to the Commissioner of having taken and successfully
16 completed the trust fund accounting and handling course. Proof of completion of the
17 continuing education course must be delivered to the Department of Real Estate, Flag Section,
18 P.O. Box 137013, Sacramento, CA 95813-7013.

19 (INVESTIGATION AND ENFORCEMENT COSTS)

20 III.

21 Respondent shall pay the sum of **\$1,557.25** for the Commissioner's reasonable
22 cost of the investigation and enforcement which led to this disciplinary action. Said payment
23 shall be in the form of a cashier's check made payable to the Department of Real Estate. The
24 investigative and enforcement costs must be delivered to the Department of Real Estate, Flag
25 Section at P.O. Box 137013, Sacramento, CA 95813-7013, **within twelve (12) months of the**
26 **effective date of this Decision and Order.** Payment of investigation and enforcement costs
27 **should not be made** until the Stipulation has been approved by the Commissioner. If

1 Respondent fails to satisfy this condition in a timely manner as provided for herein,
2 Respondent's real estate license shall automatically be suspended until payment is made in full,
3 or until a decision proving otherwise is adopted following a hearing pursuant to this condition.

4 (AUDIT COSTS)

5 IV.


6 Pursuant to Code section 10148, Respondent shall pay the sum of \$14,114.15
7 for the Commissioner's reasonable cost for the audit which led to this disciplinary action. Said
8 payment shall be in the form of a cashier's check made payable to the Department of Real
9 Estate. Respondent shall pay, upon receiving an invoice therefore from the Commissioner,
10 such cost within **twelve (12) months** of the effective date of this Decision and Order. Payment
11 of the audit costs should not be made until Respondent receives the invoice. If Respondent
12 fails to satisfy this condition in a timely manner as provided for herein, Respondent's real estate
13 license shall automatically be suspended until payment is made in full, or until a decision
14 proving otherwise is adopted following a hearing pursuant to this condition.

15 V.

16 Pursuant to Code section 10148, Respondent shall pay the Commissioner's
17 reasonable costs for any subsequent audit to determine if Respondent has corrected the
18 violations found in the Determination of Issues. The maximum cost of the follow-up audit will
19 not exceed one-hundred twenty-five percent (125%) of the cost of the original audit; in the
20 instant case, the cost of the original audit is \$14,114.15, and thus the maximum cost of the
21 follow-up audit will not exceed \$17,642.69. Therefore, Respondent may be charged a
22 maximum of \$17,642.69 in the event of a subsequent audit. In calculating the amount of the
23 Commissioner's reasonable cost, the Commissioner may use the estimated average hourly
24 salary for all persons performing audits of real estate brokers, and shall include an allocation
25 for travel time to and from the auditor's place of work. Respondent shall pay such cost within
26 sixty (60) days of receiving an invoice therefore from the Commissioner. Payment of the audit
27 costs should not be made until Respondent receives the invoice. If Respondent fails to satisfy

1 this condition in a timely manner as provided for herein, Respondent's real estate license shall
2 automatically be suspended until payment is made in full, or until a decision providing
3 otherwise is adopted following a hearing held pursuant to this condition.

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5 DATED: 01/09/2023



Kathy Yi, Counsel
Department of Real Estate

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8 EXECUTION OF THE STIPULATION

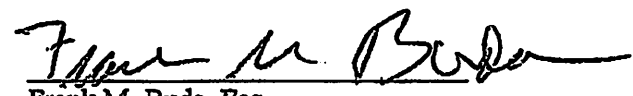
9 Respondent has read the Stipulation and Agreement and understands that
10 Respondent is waiving rights given to Respondent by the California Administrative Procedure
11 Act, (including but not limited to Sections 11506, 11508, 11509, and 11513 of the Government
12 Code), and Respondent willingly, intelligently, and voluntarily waives those rights, including
13 the right of requiring the Commissioner to prove the allegations in the Accusation at a hearing
14 at which Respondent would have the right to cross-examine witnesses against Respondent and
15 to present evidence in defense and mitigation of the charges.

16 Respondent agrees, acknowledges, and understands that Respondent cannot
17 rescind or amend this Stipulation and Agreement. By signing this Stipulation, Respondent
18 understands and agrees that Respondent may not withdraw Respondent's agreement or seek to
19 rescind the Stipulation prior to the time the Commissioner considers and acts upon it or prior to
20 the effective date of the Stipulation and Order.

21 Respondent can signify acceptance and approval of the terms and conditions of
22 this Stipulation and Agreement by electronically e-mailing a copy of the signature page, as
23 actually signed by Respondent, to the Department. Respondent agrees, acknowledges, and
24 understands that by electronically sending to the Department an electronic copy of
25 Respondent's actual signature, as it appears on the Stipulation, that receipt of the emailed copy
26 by the Department shall be as binding on Respondent as if the Department had received the
27 original signed Stipulation. Alternatively, Respondent can signify acceptance and approval of

1 the terms and conditions of this Stipulation and Agreement by mailing the original signed
2 Stipulation and Agreement to: Kathy Yi, Department of Real Estate, 320 West 4th Street, Suite
3 350, Los Angeles, California 90013-1105.

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5 DATED: 1/9/2023 
6 DONNA LYNN CHUDZICKI
7 Respondent

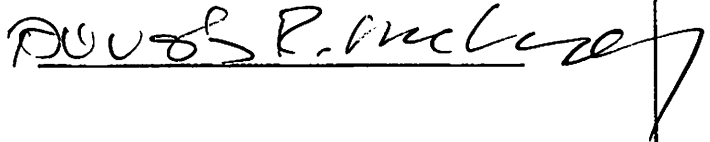
8 DATED: 1-9-23 
9 Frank M. Buda, Esq.
10 Counsel for Respondent
11 Approved as to Form

12 * * *

13 The foregoing Stipulation and Agreement is hereby adopted by me as my
14 Decision in this matter as to Respondent DONNA LYNN CHUDZICKI and shall become
15 effective at 12 o'clock noon on MAR 14 2023.

16 IT IS SO ORDERED 2. 8. 23.

17 DOUGLAS R. McCAULEY
18 REAL ESTATE COMMISSIONER

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