

FILED

APR 13 2012

DEPARTMENT OF REAL ESTATE
BY: Frederick

DEPARTMENT OF REAL ESTATE

In the Matter of the Application of

No. H- 37712 LA

STIPULATION AND WAIVER

Respondent

Respondent acknowledges that Respondent has received and read the Statement of Issues and the Statement to Respondent filed by the Department of Real Estate in connection with Respondent's application for a real estate salesperson license. Respondent understands that the Real Estate Commissioner may hold a hearing on this Statement of Issues for the purpose of requiring further proof of Respondent's honesty and truthfulness and to prove other allegations therein, or that she may in her discretion waive the hearing and grant Respondent a restricted real estate salesperson license based upon this Stipulation and Waiver. Respondent also understands that by filing the Statement of Issues in this matter the Real Estate Commissioner is shifting the burden to Respondent to make a satisfactory showing that Respondent meets all the requirements for issuance of a real estate salesperson license. Respondent further understands that by

1 entering into this stipulation and waiver, Respondent will be stipulating that the Real Estate Commissioner
2 has found that Respondent has failed to make such a showing, thereby justifying the denial of the issuance to
3 Respondent of an unrestricted real estate salesperson license.

4 Respondent hereby admits that the allegations of the Statement of Issues filed against Respondent are
5 true and correct and requests that the Real Estate Commissioner in her discretion issue a restricted real estate
6 salesperson license to Respondent under the authority of Section 10156.5 of the Business and Professions
7 Code.

8 Respondent is aware that by signing this Stipulation and Waiver, Respondent is waiving Respondent's
9 right to a hearing and the opportunity to present evidence at the hearing to establish Respondent's
10 rehabilitation in order to obtain an unrestricted real estate salesperson license if this Stipulation and Waiver
11 is accepted by the Real Estate Commissioner. However, Respondent is not waiving Respondent's right to a
12 hearing and to further proceedings to obtain a restricted or unrestricted license if this Stipulation and Waiver
13 is not accepted by the Commissioner.

14 Respondent further understands that the following conditions, limitations, and restrictions will attach to
15 a restricted license issued by the Department of Real Estate pursuant hereto:

- 16 1. The license shall not confer any property right in the privileges to be exercised including the right
17 of renewal, and the Real Estate Commissioner may by appropriate order suspend the right to
18 exercise any privileges granted under this restricted license in the event of:
 - 19 a. Respondent's conviction (including a plea of nolo contendere) of a crime which bears a
20 substantial relationship to Respondent's fitness or capacity as a real estate licensee; or
 - 21 b. The receipt of evidence that Respondent has violated provisions of the California Real
22 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or
23 conditions attaching to this restricted license.
- 24 2. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor
25 the removal of any of the conditions, limitations, or restrictions attaching to the restricted license
26 until two years have elapsed from the date of issuance of the restricted license to Respondent.

- 1 3. With the application for license, or with the application for transfer to a new employing broker,
2 Respondent shall submit a statement signed by the prospective employing broker on a form
3 approved by the Department of Real Estate wherein the employing broker shall certify as follows:
4 a. That broker has read the Statement of Issues which is the basis for the issuance of the
5 restricted license; and
6 b. That broker will carefully review all transaction documents prepared by the restricted
7 licensee and otherwise exercise close supervision over the licensee's performance of acts for
8 which a license is required.
- 9 4. Respondent shall notify the Commissioner in writing within 72 hours of any arrest by sending a
10 certified letter to the Commissioner at the Department of Real Estate, Post Office Box 187000,
11 Sacramento, CA 95818-7000. The letter shall set forth the date of Respondent's arrest, the crime
12 for which Respondent was arrested and the name and address of the arresting law enforcement
13 agency. Respondent's failure to timely file written notice shall constitute an independent
14 violation of the terms of the restricted license and shall be grounds for the suspension or
15 revocation of that license.

16
17 3-19-12

18 Dated

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18 Amelia V. Vetrone, Counsel, Department of Real Estate

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20 * * *

21 I have read the Stipulation and Waiver, have discussed it with my counsel, and its terms are understood
22 by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the
23 California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509, and
24 11513 of the Government Code), and I willingly, intelligently, and voluntarily waive those rights, including
25 the right of a hearing on the Statement of Issues at which I would have the right to cross-examine witnesses
26 against me and to present evidence in defense and mitigation of the charges.

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

3/5/2012
Dated

Miranda R. Loyd
MIRANDA R. LOYD, Respondent

I have reviewed the Stipulation and Waiver as to form and content and have advised my client accordingly.

3-5-2012
Dated

Frank M. Buda
FRANK M. BUDA, Attorney for Respondent

I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by Respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and truthfulness of Respondent need not be called and that it will not be inimical to the public interest to issue a restricted real estate salesperson license to Respondent.

Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to Respondent, if Respondent has otherwise fulfilled all of the statutory requirements for licensure. The restricted license shall be limited, conditioned, and restricted as specified in the foregoing Stipulation and Waiver.

This Order is effective immediately.

IT IS SO ORDERED

3/30/2012

Real Estate Commissioner

By Wayne S. Bell
Chief Counsel

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2 Department of Real Estate
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4 Los Angeles, California 90013-1105

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6 (Direct) (213) 576-6940

FILED

DEC 12 2011

DEPARTMENT OF REAL ESTATE
BY: R. Melendez

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of) No. H-37712 LA
12 MIRANDA R. LOYD,) STATEMENT OF ISSUES
13 Respondent.)
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15 The Complainant, Robin Trujillo, a Deputy Real Estate
16 Commissioner of the State of California, acting in her official
17 capacity, for Statement of Issues against MIRANDA R. LOYD aka
18 Miranda Ruth Loyd, ("Respondent") alleges as follows:

19 1.

20 On or about February 22, 2010, Respondent made
21 application to the Department of Real Estate of the State of
22 California for a real estate salesperson license.

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(CRIMINAL CONVICTIONS)

2.

On or about January 8, 2004, in the Superior Court of California, County of Los Angeles, Case No. 3PM10340, Respondent was convicted of violating Vehicle Code Section 31(False Information to a Peace Officer), a misdemeanor. Said crime bears a substantial relationship to the qualifications, functions or duties of a real estate licensee under Section 2910, Title 10, Chapter 6, California Code of Regulations.

3.

On or about January 12, 2004, in the Superior Court of California, County of Los Angeles, Case No. 3JM09700, Respondent was convicted of violating Penal Code Section 470(d)(Forgery), a misdemeanor. Said crime bears a substantial relationship to the qualifications, functions or duties of a real estate licensee under Section 2910, Title 10, Chapter 6, California Code of Regulations.

4.

The crimes of which Respondent was convicted as alleged above, constitute cause for denial of Respondent's application for a real estate license under Business and Professions Code Sections 475(a)(2), 480(a), and 10177(b).

These proceedings are brought under the provisions of Section 10100, Division 4 of the Business and Professions Code of the State of California and Sections 11500 through 11528 of the California Government Code.

1 WHEREFORE, the Complainant prays that the above-
2 entitled matter be set for hearing and, upon proof of the
3 charges contained herein, that the Commissioner refuse to
4 authorize the issuance of, and deny the issuance of, a real
5 estate salesperson license to Respondent, MIRANDA R. LOYD, and
6 for such other and further relief as may be proper under other
7 applicable provisions of law.

8 Dated at Los Angeles, California: December 7, 2011.

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12 Robin Trujillo
13 Deputy Real Estate Commissioner
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25 cc: Miranda R. Loyd
26 Robin Trujillo
27 Sacto