

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

(213) 576-6982

FILED

MAR 30 2016

BUREAU OF REAL ESTATE

By *[Signature]*

BEFORE THE BUREAU OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of	)	No. H-39929 LA
	)	
RODRIGO MELGOZA,	)	
	)	
Respondent.	)	
	)	<u>STIPULATION AND AGREEMENT</u>
	)	

It is hereby stipulated by and between RODRIGO MELGOZA (hereinafter "Respondent") and his attorney, Frank M. Buda, and the Complainant, acting by and through Julie L. To, Counsel for the Bureau of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on July 29, 2015 in Case No. H-39929 LA, in this matter:

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

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

4                   3. On August 14, 2015, Respondent filed a Notice of Defense pursuant to  
5 Section 11506 of the Government Code for the purpose of requesting a hearing on the  
6 allegations in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice  
7 of Defense. Respondent acknowledges that he understands that by withdrawing said Notice of  
8 Defense he will thereby waive his right to require the Commissioner to prove the allegations in  
9 the Accusation at a contested hearing held in accordance with the provisions of the APA and  
10 that he will waive other rights afforded to him in connection with the hearing such as the right to  
11 present evidence in defense of the allegations in the Accusation and the right to cross-examine  
12 witnesses.

13                   4. Respondent, pursuant to the limitations set forth below, hereby admits that the  
14 factual allegations of the Accusation filed in this proceeding are true and correct and the Real  
15 Estate Commissioner shall not be required to provide further evidence of such 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 any other proceeding or case in  
18 which the Bureau of Real Estate, or another licensing agency of this state, or the licensing  
19 agency of another state or the federal government is a party, and otherwise shall not be  
20 admissible in any other criminal or civil proceeding.

21                   6. Respondent understands that by agreeing to this Stipulation and Agreement,  
22 Respondent agrees to pay, pursuant to Section 10106 of the California Business and Professions  
23 Code (Code), the cost of the investigation and enforcement which resulted in the determination  
24 that Respondent committed the violations found in the Determination of Issues. The amount of  
25 said costs is \$4,360.02.

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

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

## DETERMINATION OF ISSUES

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

The conduct of Respondent, as set forth in the Accusation constitutes grounds for suspension or revocation of Respondent's real estate salesperson license under the provisions of Business and Professions Code Sections 10176(a) 10176(d); 10177(d); and 10177(g).

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All licenses and licensing rights of Respondent RODRIGO MELGOZA under the Real Estate Law are revoked; provided, however, a restricted real estate salesperson 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 Section 10156.6 of that Code:

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1 prospective employing broker on a form approved by the Bureau of Real Estate which shall  
2 certify:

3 (a) That the employing broker has read the Decision of the Commissioner which  
4 granted the right to a restricted license; and

5 (b) That the employing broker will exercise close supervision over the  
6 performance by the restricted licensee relating to activities for which a real estate license  
7 is required.

8 5. Respondent shall, within nine months from the effective date of this Decision  
9 and Order, present evidence satisfactory to the Real Estate Commissioner that Respondent has,  
10 since the most recent issuance of an original or renewal real estate license, taken and  
11 successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the  
12 Real Estate Law for renewal of a real estate license. If Respondent fails to satisfy this condition,  
13 Respondent's real estate license shall automatically be suspended until Respondent presents  
14 evidence satisfactory to the Commissioner of having taken and successfully completed the  
15 continuing education requirements. Proof of completion of the continuing education courses  
16 must be delivered to the Bureau of Real Estate, Flag Section at P.O. Box 137013, Sacramento,  
17 CA 95813-7013.


18 6. Respondent shall, within six (6) months from the effective date of this  
19 Decision and Order, take and pass the Professional Responsibility Examination administered by  
20 the Bureau including the payment of the appropriate examination fee. If Respondent fails to  
21 satisfy this condition, Respondent's real estate license shall automatically be suspended until  
22 Respondent passes the examination.

23 7. All licenses and licensing rights of Respondent are indefinitely suspended  
24 unless or until Respondent pays the sum of \$4,360.02 for the Commissioner's reasonable cost of  
25 the investigation and enforcement which led to this disciplinary action. Said payment shall be in  
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1 the form of a cashier's check made payable to the Bureau of Real Estate, or in the form of a  
2 credit card payment payable to the Bureau of Real Estate. The investigative and enforcement  
3 costs must be delivered to the Bureau of Real Estate, Flag Section, at P.O. Box 137013,  
4 Sacramento, CA 95813-7013, prior to the effective date of this Decisions and Order.

5 (a) If Respondent RODRIGO MELGOZA fails to satisfy this condition,  
6 the Commissioner shall order the suspension of the restricted license until the Respondent  
7 presents evidence of payment. The Commissioner shall afford Respondent the opportunity for a  
8 hearing pursuant to the Administrative Procedure Act to present such evidence that payment was  
9 timely made. The suspension shall remain in effect until payment is made in full or until a  
10 decision providing otherwise is adopted following a hearing held pursuant to this condition.

11 DATED: 3-11-16

  
Julie L. To, Counsel for Complainant

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

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

4 DATED: March 3, 2016

Rodrigo Melgoza

5 RODRIGO MELGOZA, Respondent

6 \* \* \*

7 *I have reviewed the Stipulation and Agreement as to form and content and have*  
8 *advised my client accordingly.*

9 DATED: March 6, 2016

Frank M. Buda

10 Frank M. Buda, Attorney for Respondent

11 \* \* \*

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

14 IT IS SO ORDERED \_\_\_\_\_.

15 REAL ESTATE COMMISSIONER

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20 Wayne S. Bell  
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1 it appears on the Stipulation and Agreement, that receipt of the faxed copy by the Bureau shall  
2 be as binding on Respondent as if the Bureau had received the original signed Stipulation and  
3 Agreement.

4 DATED: March 3, 2016

Rodrigo Melgoza  
RODRIGO MELGOZA, Respondent

6 \* \* \*

7 *I have reviewed the Stipulation and Agreement as to form and content and have*  
8 *advised my client accordingly.*

9 DATED: 3-3-2016

Frank M. Buda

10 Frank M. Buda, Attorney for Respondent

11 \* \* \*

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

14 IT IS SO ORDERED \_\_\_\_\_

15 REAL ESTATE COMMISSIONER

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19 Wayne S. Bell  
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2 be as binding on Respondent as if the Bureau had received the original signed Stipulation and  
3 Agreement.

4 DATED: \_\_\_\_\_

5 RODRIGO MELGOZA, Respondent

6 \* \* \*

7 *I have reviewed the Stipulation and Agreement as to form and content and have*  
8 *advised my client accordingly.*

9 DATED: \_\_\_\_\_

10 Frank M. Buda, Attorney for Respondent

11 \* \* \*

12 The foregoing Stipulation and Agreement is hereby adopted as my Decision in this  
13 matter and shall become effective at 12 o'clock noon on APR 19 2016.

14 IT IS SO ORDERED MAR 4 25, 2016

15 REAL ESTATE COMMISSIONER

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19 By: JEFFREY MASON  
20 Chief Deputy Commissioner