

SEP 21 2018

BUREAU OF REAL ESTATE

By 

1 Department of Real Estate
2 320 West 4th Street, Suite 350
3 Los Angeles, California 90013

4 Telephone: (213) 576-6982

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)	No. H-40874 LA
)	
12 TNC, INC.; CYNTHIA JANNETTE GOMEZ,)	
13 Individually and as designated officer of)	STIPULATION AND
TNC, Inc.; and <u>MINERVA CLAY</u> ,)	AGREEMENT FOR
)	MINERVA CLAY
14 Respondents.)	
)	

16
17 It is hereby stipulated by and between Respondent MINERVA CLAY ("CLAY"),
18 represented by Rizza Gonzales, Esq., and the Complainant, acting by and through Diane Lee,
19 Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of
20 the Accusation ("Accusation") filed on or about November 29, 2017, in this matter:

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

26 2. Respondent CLAY has received and read, and understands the Statement to
27

1 Respondent, the Discovery Provisions of the APA, and the Accusation filed by the Department of
2 Real Estate in this proceeding.

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

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

17 5. It is understood by the parties that the Real Estate Commissioner may adopt
18 this Stipulation as his Decision in this matter thereby imposing the penalties and sanctions on the
19 real estate license and license rights of Respondent CLAY as set forth in the below "Order." In
20 the event that the Commissioner in his discretion does not adopt this Stipulation, it shall be void
21 and of no effect, and Respondent CLAY shall retain the right to a hearing and proceeding on the
22 Accusation under the provisions of the APA and shall not be bound by this Stipulation herein.

23 6. The Order or any subsequent Order of the Real Estate Commissioner made
24 pursuant to this Stipulation herein shall not constitute an estoppel, merger, or bar to any further
25 administrative or civil proceedings by the Department of Real Estate with respect to any matters
26 which were not specifically alleged to be causes for Accusation in this proceeding, but does
27 constitute a bar, estoppel, and merger as to any allegations specifically and actually contained in

1 the Accusation against Respondent CLAY herein.

2 7. Respondent CLAY understands that by agreeing to this Stipulation,
3 Respondent CLAY agrees to pay, pursuant to California Business and Professions Code section
4 10106, the costs of the investigation and enforcement. The amount of investigation and
5 enforcement costs is \$3,148.10.

6
7 DETERMINATION OF ISSUES

8 By reason of the foregoing, it is stipulated and agreed that the following
9 determination of issues shall be made:

10 The conduct, acts, or omissions of Respondent CLAY, as described in the
11 Accusation and Paragraph 4, above, are a basis for discipline of Respondent CLAY's license and
12 license rights as violation of the Real Estate Law pursuant to California Business and Professions
13 Code section 10177(g).

14
15 ORDER

16 WHEREFORE, THE FOLLOWING ORDER is hereby made:

17 (RESTRICTED SALESPERSON LICENSE)

18 I.

19 All license and licensing rights of Respondent CLAY, under the Real Estate Law
20 are revoked; provided, however, a restricted real estate salesperson license shall be issued to
21 Respondent CLAY pursuant to California Business and Professions Code section 10156.5 if
22 Respondent CLAY makes application therefor and pays to the Department of Real Estate the
23 appropriate fee for the restricted license within ninety (90) days from the effective date of this
24 Decision. The restricted license issued to Respondent CLAY shall be subject to all of the
25 provisions of California Business and Professions Code section 10156.7 and to the following
26 limitations, conditions, and restrictions imposed under authority of the California Business and
27 Professions Code:

1 1. The restricted license issued to Respondent CLAY may be suspended prior to
2 hearing by Order of the Real Estate Commissioner in the event of Respondent CLAY's
3 conviction or plea of nolo contendere to a crime which is substantially related to Respondent's
4 fitness or capacity as a real estate licensee.

5 2. The restricted license issued to Respondent CLAY may be suspended prior to
6 hearing by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner
7 that Respondent CLAY has violated provisions of the California Real Estate Law, the
8 Subdivided Lands Law, Regulations of the Real Estate Commissioner, or conditions attaching to
9 this restricted license.

10 3. Respondent CLAY shall not be eligible to apply for the issuance of an
11 unrestricted real estate license nor for the removal of any of the conditions, limitations, or
12 restrictions of a restricted license until three (3) years have elapsed from the date of issuance of
13 the restricted license to Respondent CLAY.

14 4. Respondent CLAY shall notify the Commissioner in writing within 72 hours
15 of any arrest by sending a certified letter to the Commissioner at the Department of Real Estate,
16 P.O. Box 137013, Sacramento, CA 95813-7013. The letter shall set forth the date of
17 Respondent CLAY's arrest, the crime for which Respondent CLAY was arrested, and the name
18 and address of the arresting law enforcement agency. Respondent CLAY's failure to timely file
19 written notice shall constitute an independent violation of the terms of the restricted license and
20 shall be grounds for the suspension or revocation of that license.

21
22 (INVESTIGATION AND ENFORCEMENT COSTS)

23 II.

24 Respondent CLAY shall, within six (6) months from the effective date of this
25 Decision and Order, pay the sum of \$3,148.10 for the Commissioner's reasonable cost for
26 investigation and enforcement which led to this disciplinary action with joint and several liability
27 with Respondents TNC, Inc. and Cynthia Jannette Gomez. Said payment shall be in the form of


1 a cashier's check made payable to the Department of Real Estate. The investigative and
2 enforcement costs must be delivered to the Department of Real Estate, Flag Section at P.O. Box
3 137013, Sacramento, CA 95813-7013, within three (3) months from the effective date of this
4 Decision and Order. If the costs of investigation and enforcement are not paid within ninety (90)
5 days from the effective date of this Decision and Order, the license and license rights of
6 Respondent CLAY shall automatically be suspended until full payment is made.

7
8 (PROFESSIONAL RESPONSIBILITY EXAM)

9 III.

10 Respondent CLAY shall, within ninety (90) days from the effective date of this
11 Decision and Order, take and pass the Professional Responsibility Examination administered by
12 the Department of Real Estate including the payment of the appropriate examination fee. If
13 Respondent CLAY fails to satisfy this condition, Respondent CLAY's real estate license shall
14 automatically be suspended until Respondent CLAY passes the examination.

15
16 DATED: 09/10/2018

17 
DIANE LEE, Counsel for
Department of Real Estate

18 * * *

19
20 EXECUTION OF THE STIPULATION

21 I, MINERVA CLAY, have read the Stipulation, and discussed it with my attorney,
22 Rizza Gonzales, Esq. Its terms are understood by me, and are agreeable and acceptable to me. I
23 understand that I am waiving rights given to me by the California APA (including, but not
24 limited to, California Government Code sections 11506, 11508, 11509, and 11513), and I
25 willingly, intelligently, and voluntarily waive those rights, including, but not limited to, the right
26 of requiring the Commissioner to prove the allegations in the Accusation at a hearing at which I
27

1 would have the right to cross-examine witnesses, and to present evidence in defense and
2 mitigation of the charges.

3
4 MAILING AND FACSIMILE

5 Respondent CLAY (1) shall mail the original signed signature page of this
6 Stipulation herein to Department of Real Estate, Attention: Legal Section – Diane Lee, 320 West
7 Fourth Street, Suite 350, Los Angeles, California 90013-1105. Respondent CLAY shall also (2)
8 facsimile a copy of signed signature page, to the Department of Real Estate at the following
9 telephone/fax number: (213) 576-6917, Attention: Diane Lee.

10 A facsimile constitutes acceptance and approval of the terms and conditions of
11 this Stipulation. Respondent CLAY agrees, acknowledges, and understands that by
12 electronically sending to the Department of Real Estate a facsimile copy of the actual signature of
13 Respondent CLAY as it appear on the Stipulation that receipt of the facsimile copy by the
14 Department of Real Estate shall be as binding on Respondent CLAY as if the Department of Real
15 Estate had received the original signed Stipulation.

16
17 DATED: 08/27/2018 
18 MINERVA CLAY, individually

19
20 DATED: 8/20/18 
21 RIZZA GONZALES, ESQ.
22 Attorney for Respondent MINERVA CLAY

23 * * *

24 ///
25 ///
26 ///
27 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

The foregoing Stipulation and Agreement is hereby adopted as my Decision as to
Respondents MINERVA CLAY, and shall become effective at 12 o'clock noon on
October 11, 2018.

IT IS SO ORDERED September 17, 2018.

DANIEL J. SANDRI
ACTING REAL ESTATE COMMISSIONER

