

1 Department of Real Estate  
320 W. 4th Street, Suite 350  
2 Los Angeles, CA 90013-1105

3 Telephone: (213) 576-6982

**FILED**

**AUG - 9 2019**

**DEPT. OF REAL ESTATE**

By *Zinc* *ga*

8 **DEPARTMENT OF REAL ESTATE**

9 **STATE OF CALIFORNIA**

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11 In the Matter of the Application of

12 MIYOSHI RUXSHEA SMITH,

13 Respondent.

) DRE No. H-41462 LA  
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)  
)  
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)

**STIPULATION AND WAIVER**

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16 I, Miyoshi Ruxshea Smith ("Respondent") do hereby affirm that I have applied to the  
17 Department of Real Estate for a real estate salesperson license, and that to the best of my  
18 knowledge I have satisfied all of the statutory requirements for the issuance of the license,  
19 including, but not limited to, the payment of the fee therefor.

20 I acknowledge that by entering into this Stipulation and Waiver, I am stipulating that the  
21 Real Estate Commissioner ("Commissioner") has found grounds that justify the denial of the  
22 issuance of an unrestricted real estate salesperson license to me. I agree that there are grounds to  
23 deny the issuance of an unrestricted real estate salesperson license to me pursuant to Sections  
24 480(a) and 10177(b) of the Business and Professions Code ("the Code") for my conviction for  
25 violation of 21 U.S.C. §§ 843(b) and (d) (Use of Communication Facility in Committing a Felony  
26 Drug Offense).

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1 I hereby request that the Commissioner in her discretion issue a restricted real estate  
2 salesperson license to me under the authority of Sections 10100.4 and 10156.5 of the Code. I  
3 understand that any such restricted license will be issued subject to the provisions and limitations of  
4 Sections 10156.6 and 10156.7 of the Code.

5 I understand that by my signing of this Stipulation and Waiver, provided this Stipulation  
6 and Waiver is accepted and signed by the Commissioner, the Commissioner will not file a  
7 Statement of Issues based on the grounds herein, and I am waiving my right to a hearing and the  
8 opportunity to present evidence at the hearing to establish my rehabilitation in order to obtain an  
9 unrestricted real estate salesperson license.

10 I agree that by signing this Stipulation and Waiver, the conditions, limitations, and  
11 restrictions imposed on my restricted license, identified below, may be removed only by filing a  
12 Petition for Removal of Restrictions ("Petition") with the Commissioner, and that my Petition must  
13 follow the procedures set forth in Government Code Section 11522.

14 I further understand that the restricted license issued to me shall be subject to all of the  
15 provisions of Section 10156.7 of the Code and to the following limitations, conditions and  
16 restrictions imposed under authority of Section 10156.6 of the Code:

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

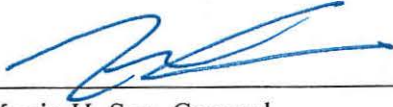
1 attaching to the restricted license until **two (2) years** have elapsed from the date of  
2 issuance of the restricted license to Respondent. Respondent shall not be eligible to  
3 apply for any unrestricted licenses until all restrictions attaching to the license have  
4 been removed.

5 3. Respondent shall notify the Commissioner in writing within 72 hours of any arrest by  
6 sending a certified letter to the Commissioner at the Department of Real Estate, Post  
7 Office Box 137013, Sacramento, CA 95813-7013. The letter shall set forth the date of  
8 Respondent's arrest, the crime for which Respondent was arrested, and the name and  
9 address of the arresting law enforcement agency. Respondent's failure to timely file  
10 written notice shall constitute an independent violation of the terms of the restricted  
11 license and shall be grounds for the suspension or revocation of that license.

12 4. With the application for license or with the application for transfer to a new employing  
13 broker, Respondent shall submit a statement signed by the prospective employing  
14 broker on a form approved by the Department wherein the employing broker shall  
15 certify as follows:

- 16 a. That the broker has read the Stipulation and Waiver which is the basis for the  
17 issuance of the restricted license; and  
18 b. That the broker will carefully review all transaction documents prepared by the  
19 restricted licensee and otherwise exercise close supervision over the licensee's  
20 performance of acts for which a license is required.

21 7/19/19  
22 Dated

23   
24 Kevin H. Sun, Counsel  
25 Department of Real Estate

26 \* \* \*

27 Respondent has read this Stipulation and Waiver, and its terms are understood by  
Respondent and are agreeable and acceptable to Respondent. Respondent understands that



1 Respondent is waiving rights given to Respondent by the Administrative Procedure Act (including,  
2 but not limited to, Government Code Sections 11504, 11506, 11508, 11509, and 11513), and  
3 Respondent willingly, intelligently, and voluntarily waives those rights, including, but not limited  
4 to, the right to a hearing on a Statement of Issues at which Respondent would have the right to  
5 cross-examine witnesses against Respondent and to present evidence in defense and mitigation of  
6 the charges.

7 Respondent shall send a hard copy of the original signed Stipulation and Waiver to **Kevin**  
8 **H. Sun, Department of Real Estate, 320 W. 4th Street, Suite 350, Los Angeles, CA 90013.**

9 In the event of time constraints before an administrative hearing, Respondent can signify  
10 acceptance and approval of the terms and conditions of this Stipulation and Waiver by emailing a  
11 scanned copy of the signature page, as actually signed by Respondent, to the Department counsel  
12 assigned to this case. Respondent agrees, acknowledges and understands that by electronically  
13 sending the Department a scan of Respondent's actual signature as it appears on the Stipulation and  
14 Waiver, that receipt of the scan by the Department shall be binding on Respondent as if the  
15 Department had received the original signed Stipulation and Waiver.

16  
17 7/15/19  
18 Dated

16 Miyoshi Ruxshea Smith  
17 Miyoshi Ruxshea Smith, Respondent

18 \* \* \*

19  
20 I have read the foregoing Stipulation and Waiver signed by Respondent. I am satisfied that  
21 the hearing for the purpose of requiring further proof as to the honesty and truthfulness of  
22 Respondent need not be called and that it will not be inimical to the public interest to issue a  
23 restricted real estate salesperson license to Respondent.

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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 salesperson license shall be limited, conditioned, and restricted as specified in the foregoing Stipulation and Waiver.

This Order is effective immediately.

IT IS SO ORDERED August 5, 2019

DANIEL SANDRI  
REAL ESTATE COMMISSIONER

Daniel J. Sand