

1 Department of Real Estate  
2 320 West Fourth Street, #350  
3 Los Angeles, California 90013

4 (213) 576-6982

**FILED**

**SEP 28 2021**

**DEPT. OF REAL ESTATE**

By *Zni* *Jr*

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of ) No. H-41952 LA  
12 )  
13 AMANDA J. PHILP, ) STIPULATION AND AGREEMENT  
14 )  
15 Respondent. )

16 It is hereby stipulated by and between AMANDA J. PHILP (hereinafter  
17 "Respondent"), representing herself, and the Complainant, acting by and through Julie L. To,  
18 counsel for the Department of Real Estate, as follows for the purpose of settling and disposing  
19 of the Accusation filed on March 30, 2021 in Case No. H-41952 LA, in this matter:

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

25 ///

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 Department of Real Estate  
3 in this proceeding.

4                   3. On April 14, 2021, Respondent filed a Notice of Defense pursuant to Section  
5 11506 of the Government Code for the purpose of requesting a hearing on the allegations in the  
6 Accusation. Respondent hereby withdraws said Notice of Defense. Respondent acknowledges  
7 that she understands that by withdrawing said Notice of Defense she will thereby waive her  
8 right to require the Commissioner to prove the allegations in the Accusation at a contested  
9 hearing held in accordance with the provisions of the APA and that she will waive other rights  
10 afforded to her in connection with the hearing such as the right to present evidence in defense  
11 of the allegations in the Accusation and the right to cross-examine witnesses.

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

18                   5. Respondent understands that by agreeing to this Stipulation and Agreement,  
19 Respondent agrees to pay, pursuant to Section 10106 of the California Business and Professions  
20 Code (Code), the cost of the investigation and enforcement which resulted in the determination  
21 that Respondent committed the violations found in the Determination of Issues. The amount of  
22 said costs is \$1,750.60 (comprised of \$1,174.60 in investigation costs and \$576.00 in  
23 enforcement costs).

24 ///

25 ///



1 of Respondent's real estate salesperson license under the provisions of **Business and**  
2 **Professions Code Sections 490 and 10177(b).**

3 Respondent's failure to timely report her conviction in Riverside County Case  
4 No. SWM086939 (The People of the State of California vs. Amanda Jane Daniels, filed July 6,  
5 2009; misdemeanor conviction date: December 6, 2019) constitutes grounds for the suspension  
6 or revocation of Respondent's real estate salesperson license under the provisions of **Business**  
7 **and Professions Code Section 10186.2.**

8 Respondent's misdemeanor conviction in Riverside County Case No.  
9 SWM086939 for violation of Vehicle Code ("VC") Section 14601.2(a) (drive a motor vehicle  
10 upon a highway at a time when his/her driving privilege was suspended and revoked for a reason  
11 other than the influence of an alcoholic beverage and a drug and under their combined influence,  
12 having knowledge of such suspension and revocation; [revocation not related to driving]),  
13 constitutes grounds for the suspension or revocation of Respondent's real estate salesperson  
14 license under the provisions of **Business and Professions Code Sections 490 and 10177(b).**

15 ORDER

16 WHEREFORE, THE FOLLOWING ORDER is hereby made:

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

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

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

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

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

4. Respondent shall submit with any application for license under an employing broker, or any application for transfer to a new employing broker, a statement signed by the prospective employing broker on a form approved by the Department of Real Estate which shall certify:

- (a) That the employing broker has read the Decision of the Commissioner which granted the right to a restricted license; and
- (b) That the employing broker will exercise close supervision over the performance by the restricted licensee relating to activities for which a real estate license is required.

///  
///  
///  
///

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

11                   6. Respondent shall, prior to the issuance of the restricted license and as a  
12 condition of the issuance of said restricted license, pay the sum of \$1,750.60 for the  
13 Commissioner's reasonable cost of the investigation and enforcement which led to this  
14 disciplinary action. Said payment shall be in the form of a cashier's check made payable to the  
15 Department of Real Estate. The investigative and enforcement costs must be delivered to the  
16 Department of Real Estate, Flag Section, P.O. Box 137013, Sacramento, CA 95813-7013, prior  
17 to the effective date of this Order.

18                   (a) If Respondent AMANDA J. PHILP fails to satisfy this condition, the  
19 Commissioner shall order the suspension of the restricted license until the Respondent presents  
20 evidence of payment. The Commissioner shall afford Respondent the opportunity for a hearing  
21 pursuant to the Administrative Procedure Act to present such evidence that payment was timely  
22 made. The suspension shall remain in effect until payment is made in full or until a decision  
23 providing otherwise is adopted following a hearing held pursuant to this condition.

24 ///  
25 ///

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

8 DATED: 7-28-21

  
9 \_\_\_\_\_  
10 Julie L. To, Counsel for Complainant

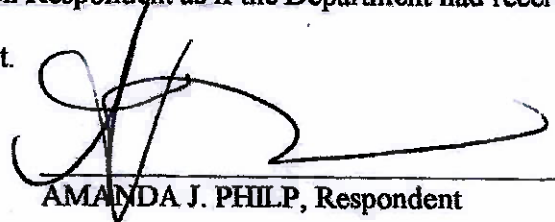
11 \* \* \*

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

19                   Respondent shall send a hard copy of the original signed Stipulation and  
20 Agreement to: Julie L. To, Legal Section, Department of Real Estate, 320 West Fourth Street,  
21 Suite 350, Los Angeles, CA 90013. In the event of time constraints before an administrative  
22 hearing, Respondent can signify acceptance and approval of the terms and conditions of this  
23 Stipulation and Agreement by emailing a scanned copy of the signature page, as actually signed  
24 by Respondent, to the Department counsel assigned to this case. Respondent agrees,  
25 acknowledges and understands that by electronically sending the Department a scan of  
26 Respondent's actual signature as it appears on the Stipulation and Agreement, that receipt of the  
27

1 scan by the Department shall be binding on Respondent as if the Department had received the  
2 original signed Stipulation and Agreement.

3  
4 DATED: 7/27/2021

  
AMANDA J. PHILP, Respondent

5 \*\*\*

6 The foregoing Stipulation and Agreement is hereby adopted as my Decision in  
7 this matter and shall become effective at 12 o'clock noon on OCT 28 2021.

8 IT IS SO ORDERED 9.21.21

9  
10 REAL ESTATE COMMISSIONER

11  
12  
13   
14 DOUGLAS R. McCAULEY

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27