

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

3 (213) 576-6982

**FILED**

MAY 03 2022

DEPT. OF REAL ESTATE

By 

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of ) No. H-42055 LA  
12 )  
13 CARMEN C. GONZALEZ-MIRANDA, ) STIPULATION AND AGREEMENT  
14 )  
Respondent. )  
\_\_\_\_\_ )

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16 It is hereby stipulated by and between CARMEN C. GONZALEZ-MIRANDA  
17 (hereinafter "Respondent"), represented by Frank M. Buda, Esq., and the Complainant, acting  
18 by and through Julie L. To, counsel for the Department of Real Estate, as follows for the  
19 purpose of settling and disposing of the Accusation filed on July 1, 2021 in Case No. H-42055  
20 LA, in this matter:

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

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27 \_\_\_\_\_  
DRE Stipulation & Agreement, H-42055 LA

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 July 16, 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 right  
8 to require the Commissioner to prove the allegations in the Accusation at a contested hearing  
9 held in accordance with the provisions of the APA and that she will waive other rights afforded  
10 to her in connection with the hearing such as the right to present evidence in defense of the  
11 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 \$2,074.35. The Real Estate Commissioner agrees that Respondent's agreement to  
23 pay a reduced amount of the investigation and enforcement costs in this case, \$250.00, shall be  
24 deemed as satisfaction of her payment of the costs pursuant to Code Section 10106.

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

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

12 DETERMINATION OF ISSUES

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

16 Respondent’s failure to timely report the felony complaint filed against her in  
17 Los Angeles County Case No. VA148070 (The People of the State of California vs. Carmen  
18 Miranda), filed June 28, 2018) and Respondent’s failure to timely report the resulting conviction  
19 (misdemeanor conviction date: July 9, 2018), constitute grounds for the suspension or  
20 revocation of Respondent’s real estate salesperson license under the provisions of **Business and**  
21 **Professions Code Section 10186.2.**

22 Respondent’s misdemeanor conviction in Los Angeles County Case No.  
23 VA148070 for violation of Penal Code (“PC”) Section 487(a) (grand theft/in excess of \$950.00)  
24 constitutes grounds for the suspension or revocation of Respondent’s real estate salesperson  
25 license under the provisions of **Business and Professions Code Sections 490 and 10177(b).**

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

All licenses and licensing rights of Respondent CARMEN C. GONZALEZ-  
MIRANDA 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 Department of  
Real Estate the appropriate fee for the restricted license within ninety (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 that Code:

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 one (1) year has 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

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

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

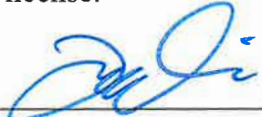
5 (b) That the employing broker will exercise close supervision over the  
6 performance by the restricted licensee relating to activities for which a real  
7 estate license is required.

8 5. Respondent shall, within twelve (12) months from the effective date of this  
9 Decision, 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 successfully  
11 completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate  
12 Law for renewal of a real estate license. If Respondent fails to satisfy this condition, the  
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 Department of Real Estate, Flag Section at P.O. Box 137013,  
17 Sacramento, CA 95813-7013.

18 6. Respondent shall, prior to the issuance of the restricted license and as a  
19 condition of the issuance of said restricted license, pay the sum of \$250.00 for the  
20 Commissioner's reasonable cost of the investigation and enforcement which led to this  
21 disciplinary action. Said payment shall be in the form of a cashier's check made payable to the  
22 Department of Real Estate. The investigative and enforcement costs must be delivered to the  
23 Department of Real Estate, Flag Section, P.O. Box 137013, Sacramento, CA 95813-7013, prior  
24 to the effective date of this Order.  
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1 (a) If Respondent fails to satisfy this condition, the Commissioner shall  
2 order the suspension of the restricted license until the Respondent presents evidence of payment.  
3 The Commissioner shall afford Respondent the opportunity for a hearing pursuant to the  
4 Administrative Procedure Act to present such evidence that payment was timely made. The  
5 suspension shall remain in effect until payment is made in full or until a decision providing  
6 otherwise is adopted following a hearing held pursuant to this condition.

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

14 DATED: 4-12-22  
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16 Julie L. To, Counsel for Complainant

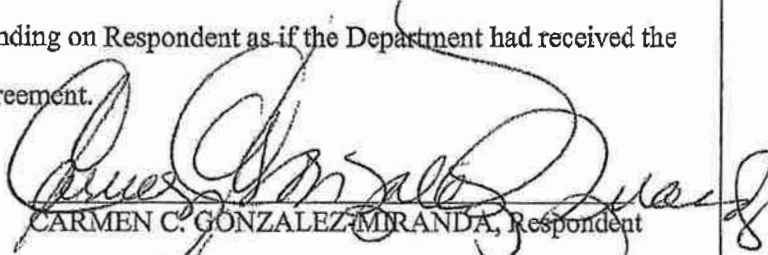
17 \* \* \*

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

25 Respondent shall send a hard copy of the original signed Stipulation and  
26 Agreement to: Julie L. To, Legal Section, Department of Real Estate, 320 West Fourth Street,  
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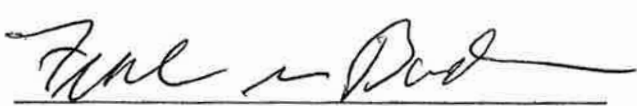
1 Suite 350, Los Angeles, CA 90013. In the event of time constraints before an administrative  
2 hearing, Respondent can signify acceptance and approval of the terms and conditions of this  
3 Stipulation and Agreement by emailing a scanned copy of the signature page, as actually signed  
4 by Respondent, to the Department counsel assigned to this case. Respondent agrees,  
5 acknowledges and understands that by electronically sending the Department a scan of  
6 Respondent's actual signature as it appears on the Stipulation and Agreement, that receipt of the  
7 scan by the Department shall be binding on Respondent as if the Department had received the  
8 original signed Stipulation and Agreement.

9  
10 DATED: 4-11-2022

  
CARMEN C. GONZALEZ-MIRANDA, Respondent

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12 *I have reviewed the Stipulation and Agreement as to form and have advised my*  
13 *clients accordingly.*

14  
15 DATED: 4-11-22

  
Frank M. Buda, Attorney for Respondent

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17 \* \* \*

18 The foregoing Stipulation and Agreement is hereby adopted as my Decision in  
19 this matter and shall become effective at 12 o'clock noon on JUN 02 2022

20 IT IS SO ORDERED 4.29.22

21  
22 REAL ESTATE COMMISSIONER

23  
24   
25 DOUGLAS R. McCAULEY

26  
27 DRE Stipulation & Agreement, H-42055 LA