

**FILED**

**MAR 08 2023**

**DEPT. 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

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7  
8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of ) No. H-42306 LA  
12 )  
13 ALBERT MARIN, ) STIPULATION AND  
14 ) AGREEMENT  
15 ) Respondent. )  
16 )

17 It is hereby stipulated by and between Respondent ALBERT MARIN  
18 (“Respondent”), represented by Frank Buda, Esq., and the Complainant, acting by and through  
19 Diane Lee, Counsel for the Department of Real Estate, as follows for the purpose of settling and  
20 disposing of the First Amended Accusation (“Accusation”) filed on or about June 26, 2022, in  
21 this matter:

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

27 2. Respondent has received and read, and understands the Statement to  
Respondent, the Discovery Provisions of the APA, and the Accusation filed by the Department

1 of Real Estate in this proceeding.

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

10 4. Respondent, pursuant to the limitations set forth below, hereby admits that the  
11 factual allegations in the Accusation filed in this proceeding are true and correct, and the Real  
12 Estate Commissioner shall not be required to provide further evidence of such allegations.

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

19 6. The Order or any subsequent Order of the Real Estate Commissioner made  
20 pursuant to this Stipulation herein shall not constitute an estoppel, merger, or bar to any further  
21 administrative or civil proceedings by the Department of Real Estate with respect to any matters  
22 which were not specifically alleged to be causes for Accusation in this proceeding.

23 7. Respondent understands that by agreeing to this Stipulation, Respondent  
24 agrees to pay, pursuant to California Business and Professions Code section 10106, the cost of  
25 the investigation and enforcement. The amount of investigation and enforcement cost is  
26 \$2,582.30.

1 DETERMINATION OF ISSUES

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

4 The conduct, acts, and/or omissions of Respondent, as described in the  
5 Accusation and Paragraph 4, above, are grounds for discipline of all the real estate licenses and  
6 license rights of Respondent pursuant to California Business and Professions Code sections 490,  
7 10177(b), and 10186.2.

8  
9 ORDER

10 WHEREFORE, THE FOLLOWING ORDER is hereby made:

11  
12 (RESTRICTED SALESPERSON LICENSE)

13 I.

14 All licenses and licensing rights of Respondent, under the Real Estate Law are  
15 revoked; provided, however, a restricted real estate salesperson license shall be issued to  
16 Respondent pursuant to California Business and Professions Code section 10156.5 if Respondent  
17 makes application therefor and pays to the Department of Real Estate the appropriate fee for the  
18 restricted license within ninety (90) days from the effective date of this Decision. The restricted  
19 license issued to Respondent shall be subject to all of the provisions of California Business and  
20 Professions Code section 10156.7 and to the following limitations, conditions, and restrictions  
21 imposed under authority of California Business and Professions Code section 10156.6.

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

26 2. The restricted license issued to Respondent may be suspended prior to hearing  
27 by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that

1 Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands  
2 Law, Regulations of the Real Estate Commissioner, or conditions attaching to this restricted  
3 license.

4 3. Respondent shall not be eligible to apply for the issuance of an unrestricted  
5 real estate license nor for the removal of any of the conditions, limitations, or restrictions of a  
6 restricted license until four (4) years have elapsed from the date of issuance of the restricted  
7 license to Respondent.

8 4. Respondent shall submit with any application for license under an employing  
9 broker, or any application for transfer to a new employing broker, a statement signed by the  
10 prospective employing real estate broker on a form approved by the Department of Real Estate,  
11 such as the Restricted Salesperson Change Application (RE 214A), which shall certify:

12 a. That the employing broker has read the Accusation and the Decision of the  
13 Commissioner which granted the right to a restricted license; and

14 b. That the employing broker will exercise close supervision over the  
15 performance by the restricted license relating to activities for which a real estate license is  
16 required.

17 5. Respondent shall, within nine (9) months from the effective date of this Order,  
18 present evidence satisfactory to the Commissioner that Respondent has, since the most recent  
19 issuance of an original or renewal real estate license, taken and successfully completed the  
20 continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal  
21 of a real estate license. If Respondent fails to satisfy this condition, Respondent's real estate  
22 license shall automatically be suspended until Respondent presents evidence satisfactory to the  
23 Commissioner of having taken and successfully completed the continuing education  
24 requirements. Proof of completion of the continuing education courses must be delivered to the  
25 Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013.

26 6. Respondent shall notify the Real Estate Commissioner in writing within 72  
27 hours of any arrest by sending a certified letter to the Real Estate Commissioner at the

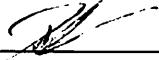
1 Department of Real Estate, P.O. Box 137013, Sacramento, CA 95813-7013. The letter shall set  
2 forth the date of Respondent's arrest, the crime for which Respondent was arrested, and the  
3 name and address of the arresting law enforcement agency. Respondent's failure to timely file  
4 written notice shall constitute an independent violation of the terms of the restricted license and  
5 shall be grounds for the suspension or revocation of that license.

6  
7 (INVESTIGATION AND ENFORCEMENT COSTS)

8 II.

9 Respondent shall, within fifteen (15) days from the effective date of this Decision  
10 and Order, pay the sum of \$2,582.30 for the Commissioner's reasonable cost for investigation  
11 and enforcement which led to this disciplinary action. Said payment shall be in the form of a  
12 cashier's check made payable to the Department of Real Estate. The investigative and  
13 enforcement costs must be delivered to the Department of Real Estate, Flag Section at P.O. Box  
14 137013, Sacramento, CA 95813-7013, within fifteen (15) days from the effective date of this  
15 Decision and Order. If the costs of investigation and enforcement are not paid within fifteen (15)  
16 days from the effective date of this Decision and Order, the licenses and license rights of  
17 Respondent shall automatically be suspended until full payment is made.

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19 DATED: 01/18/2023

  
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20 DIANE LEE, Counsel for  
21 Department of Real Estate

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DATED: 01/17/2023 Albert Marin  
ALBERT MARIN

DATED: 1/18/2023 Frank Buda  
FRANK BUDA, ESQ.  
Attorney for Respondent ALBERT MARIN  
*Approved as to Form*

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The foregoing Stipulation and Agreement is hereby adopted as my Decision as to Respondent ALBERT MARIN, and shall become effective at 12 o'clock noon on

March 28, 2023  
IT IS SO ORDERED 3.2.23

DOUGLAS R. McCAULEY  
REAL ESTATE COMMISSIONER

Douglas R. McCauley