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FILED

AUG 17 2023

DEPT. OF REAL ESTATE

By. [REDACTED]

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of) No. H-42501 LA
)
ELIDA KARENA DIAZ MONTENEGRO,)
)
Respondent.)
_____)

ORDER VACATING DECISION AND SETTING ASIDE DEFAULT

On July 3, 2023, a Default Order was filed. Thereafter, on July 25, 2023, a Decision was rendered revoking the real estate salesperson license of Respondent ELIDA KARENA DIAZ MONTENEGRO, effective August 17, 2023.

On August 4, 2023, good cause was presented to set aside the Default Order of July 3, 2023, and to vacate the Decision of July 25, 2023, and to have the matter remanded to the Office of Administrative Hearings as a contested matter.

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1 NOW, THEREFORE, IT IS ORDERED that the Default Order of
2 July 3, 2023, is set aside and the Decision of July 25, 2023, is vacated and that the Matter of the
3 Accusation filed on May 26, 2023, be remanded to the Office of Administrative Hearings.

4 This Order is effective immediately.

5 DATED: August 15, 2023

6 DOUGLAS R. McCAULEY
7 REAL ESTATE COMMISSIONER

8 
9 _____
10 For Doug McCauley

FILED

AUG 17 2023

DEPT. OF REAL ESTATE

By

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) No. H-42501 LA
)
ELIDA KARENA DIAZ MONTENEGRO,)
)
Respondent.)

ORDER STAYING EFFECTIVE DATE

On July 25, 2023, a Decision was rendered in the above-entitled matter to become effective August 17, 2023.

IT IS HEREBY ORDERED that the effective date of the Decision of August 17, 2023, is stayed for a period of 10 days to consider Respondent's Petition to Vacate Decision and Set Aside Default.

The Decision of July 25, 2023, shall become effective at 12 o'clock noon on August 28, 2023.

IT IS SO ORDERED on August 15, 2023.

DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER

for Doug McCauley

FILED

JUL 28 2023

DEPT. OF REAL ESTATE

By- [REDACTED]

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of:)
) DRE No. H-42501 LA
ELIDA KARENA)
DIAZ MONTENEGRO,)
)
Respondent.)

DECISION

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on July 3, 2023, and the Findings of Fact set forth herein, which are based on one or more of the following: (1) The express admissions of Respondent, ELIDA KARENA DIAZ MONTENEGRO ("Respondent"); (2) affidavits; and (3) other evidence.

This Decision revokes one or more real estate licenses on the grounds of the violation of the Real Estate Law, Part 1 commencing with Section 10000 of the Business and Professions Code ("Code") and/or the Regulations of the Real Estate Commissioner, Title 10, Chapter 6 of the California Code of Regulations ("Regulations").

Pursuant to Government Code Section 11521, the California Department of Real Estate ("the Department") may order reconsideration of this Decision on petition of any party. The party seeking reconsideration shall set forth new facts, circumstances, and evidence, or errors in law or analysis, that show(s) grounds and good cause for the Commissioner to reconsider the Decision. If new evidence is presented, the party shall specifically identify the new evidence and explain why it was not previously presented. The Department's power to order reconsideration of this Decision shall expire 30 days after mailing of this Decision, or on the effective date of this Decision, whichever occurs first. The right to reinstatement of a revoked real estate license, or to the reduction of a penalty, is controlled by Section 11522 of the Government Code. A copy of Government Code Sections 11521 and 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of Respondent.

FINDINGS OF FACT

1.

On May 25, 2023, Jason Parson made the Accusation in his official capacity as a Supervising Special Investigator of the Department. The Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified mail, return receipt requested, to Respondent's last known mailing address on file with the Department on May 26, 2023.

2.

On July 3, 2023, no Notice of Defense having been received or filed herein within the time prescribed by Section 11506 of the Government Code, Respondent's default was entered herein.

3.

Respondent ELIDA KARENA DIAZ MONTENEGRO presently has license rights under the Real Estate Law, Part 1 of Division 4 of the Code as a real estate salesperson.

4.

To date, the Department has incurred investigation costs totaling \$7,900.95.

5.

Attached as Exhibit "A" is a true and correct copy of the Accusation filed on May 26, 2023, which is incorporated herein as part of this Decision.

DETERMINATION OF ISSUES

6.

The conduct, acts, and omissions of Respondent, as described in the Accusation, Paragraphs 4 through 15, are in violation of Code section 10177(d), 10177(g), and/or 10177(j) and constitute cause under Code sections 10177(d), 10177(g), and/or 10177(j) for the suspension or revocation of all the licenses, license endorsements, and license rights of Respondent.

2.

The standard of proof applied was clear and convincing evidence to a reasonable certainty.

ORDER

All licenses and licensing rights of Respondent ELIDA KARENA DIAZ MONTENEGRO under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

This Decision shall become effective at 12 o'clock noon on 8/17/2023.

DATED: 7/25/23.

DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER



By: MARCUS L. McCARTHER
Chief Deputy Real Estate Commissioner

1 Department of Real Estate
2 320 West Fourth St, Ste 350
3 Los Angeles, CA, 90013

FILED

JUL 03 2023

DEPT. OF REAL ESTATE

By: 

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8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of:) DRE NO. *H-42501 LA*
12)
13 ELIDA KARENA DIAZ MONTENEGRO,) DEFAULT ORDER
14)
Respondent.)
_____)

15 Respondent ELIDA KARENA DIAZ MONTENEGRO, having failed to file
16 a Notice of Defense within the time required by Section 11506 of the Government Code, is
17 now in default. It is, therefore, ordered that a default be entered on the record in this matter.

18 IT IS SO ORDERED JUNE 29, 2023.

19 DOUGLAS R. McCAULEY
20 REAL ESTATE COMMISSIONER

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22 By: 
23 CHIKA SUNQUIST
24 Assistant Commissioner, Enforcement
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