

FILED

AUG 01 2024

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,) STIPULATION AND AGREEMENT
Respondent.)

It is hereby stipulated by and between Respondent ELIDA KARENA DIAZ MONTENEGRO ("Respondent") and the Complainant, acting by and through Steve Chu, Attorney for the Department of Real Estate ("Department"), as follows for the purpose of settling and disposing of the Accusation filed on May 26, 2023, in this matter:

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

2. Respondent has received, read and understands the Statement to Respondent, the Discovery Provisions of the APA, and the Accusation filed by the Department of Real Estate in this proceeding.

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1 3. On August 4, 2023, Respondent filed a Notice of Defense pursuant to
2 Section 11506 of the Government Code for the purpose of requesting a hearing on the
3 allegations in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice
4 of Defense. Respondent acknowledges that Respondent understands that by withdrawing said
5 Notice of Defense, Respondent will thereby waive Respondent's right to require the Real Estate
6 Commissioner ("Commissioner") to prove the allegations in the Accusation at a contested
7 hearing held in accordance with the provisions of the APA and that Respondent will waive
8 other rights afforded to Respondent in connection with the hearing such as the right to present
9 evidence in defense of the allegations in the Accusation and the right to cross-examine
10 witnesses.

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

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

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

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1 DETERMINATION OF ISSUES

2 By reason of the foregoing stipulations, admissions, and waivers, and solely for
3 the purpose of settlement of the pending Accusation without a hearing, it is stipulated and
4 agreed that the following Determination of Issues shall be made:

5 I.

6 The conduct, acts, and/or omissions of Respondent ELIDA KARENA DIAZ
7 MONTENEGRO, as described in the Accusation, constitute cause for the suspension or
8 revocation of all real estate licenses and license rights of Respondent ELIDA KARENA DIAZ
9 MONTENEGRO under California Business and Professions Code ("Code") sections 10177(d),
10 10177(g), and 10177(j) for violation of Code sections 10177(d), 10177(g), and 10177(j).


11 ORDER

12 I.

13 1. Respondent ELIDA KARENA DIAZ MONTENEGRO is publicly
14 reprovved.

15 2. All licenses and licensing rights of Respondent are indefinitely
16 suspended unless or until Respondent pays the sum of \$10,660.95 for the Commissioner's
17 reasonable cost of the investigation and enforcement which led to this disciplinary action. Said
18 payment shall be in the form of a cashier's check made payable to the Department of Real
19 Estate. The investigative and enforcement costs must be delivered to the Department of Real
20 Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective
21 date of this Decision and Order.

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23 DATED: 2/1/2024

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25 Steve Chu, Attorney
26 Department of Real Estate
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I have read the Stipulation and Agreement. I understand that I am waiving rights given to me by the California Administrative Procedure Act, (including but not limited to Sections 11521 and 11523 of the Government Code), and I willingly, intelligently, and voluntarily waive those rights, including the right to seek reconsideration and the right to seek judicial review of the Commissioner's Decision and Order by way of a writ of mandate.

I agree, acknowledge, and understand that I cannot rescind or amend this Stipulation and Agreement.

I can signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by mailing the original signed Stipulation and Agreement to: Steve Chu, Department of Real Estate, 320 West 4th Street, Suite 350, Los Angeles, California 90013-1105. Steve Chu must receive the original signed Stipulation and Agreement or a copy faxed to (213) 576-6917 by February 9, 2024; if not, this Stipulation and Agreement is invalid and void because the sum for the Commissioner's reasonable cost of the investigation and enforcement which led to this disciplinary action will increase.

DATED: 1-23-2024


Respondent

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2 I have read the Stipulation and Agreement. I understand that I am waiving
3 rights given to me by the California Administrative Procedure Act, (including but not limited to
4 Sections 11521 and 11523 of the Government Code), and I willingly, intelligently, and
5 voluntarily waive those rights, including the right to seek reconsideration and the right to seek
6 judicial review of the Commissioner's Decision and Order by way of a writ of mandate.

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12 California 90013-1105. Steve Chu must receive the original signed Stipulation and Agreement
13 or a copy faxed to (213) 576-6917 by February 9, 2024; if not, this Stipulation and Agreement
14 is invalid and void because the sum for the Commissioner's reasonable cost of the investigation
15 and enforcement which led to this disciplinary action will increase.

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17 DATED: _____

18 ELIDA KARENA DIAZ MONTENEGRO
19 Respondent

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2 The foregoing Stipulation and Agreement is hereby adopted by me as my
3 Decision in this matter as to Respondent ELIDA KARENA DIAZ MONTENEGRO, and shall
4 become effective at 12 o'clock noon on **SEP 02 2024**.

5 IT IS SO ORDERED

5/22/2024

6 CHIKA SUNQUIST
7 REAL ESTATE COMMISSIONER

8 
9 By: Marcus L. McCarther
10 Chief Deputy Real Estate Commissioner