

By

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 ("Department") in this proceeding.

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

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

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

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

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The conduct, acts or omissions of Respondent ELIZABETH REYES, as set forth in the Accusation, are in violation of Sections 10176(a), 10176(i), and 10177(j) of the California Business and Professions Code (“Code”) and are a basis for discipline of Respondent’s licenses and licensing rights pursuant to Code sections 10177(d) and/or 10177(g).

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1 Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted
2 license.

3 3. Respondent shall not be eligible to petition for the issuance of any unrestricted
4 real estate license nor for removal of any of the conditions, limitations or restrictions of a
5 restricted license until three (3) years have elapsed from the effective date of this Decision and
6 Order. Respondent shall not be eligible to apply for any unrestricted licenses until all restrictions
7 attaching to the license have been removed

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 which shall
11 certify:

12 (a) That the employing broker has read the Decision of the Commissioner which
13 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 licensee 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
18 Decision, present evidence satisfactory to the Real Estate Commissioner that Respondent has,
19 since the most recent issuance of an original or renewal real estate license, taken and successfully
20 completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate
21 Law for renewal of a real estate license. If Respondent fails to satisfy this condition, the
22 Commissioner may order the suspension of the restricted license until the Respondent presents
23 such evidence. The Commissioner shall afford Respondent the opportunity for a hearing
24 pursuant to the Administrative Procedure Act to present such evidence.

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1 II.

2 All licenses and licensing rights of Respondent are indefinitely suspended unless
3 or until Respondent pays the sum of \$3,506.35 for the Commissioner's reasonable costs of the
4 investigation (\$2,139.35) and enforcement (\$1,367.00), which led to this disciplinary action.
5 Said payment shall be in the form of a cashier's check made payable to the Department of Real
6 Estate. The investigative and enforcement costs must be delivered to the Department of Real
7 Estate, Flag Section, at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective
8 date of this Decision and Order.


9 III.

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

17 IV.

18 Respondent shall, within six months from the effective date of this Decision and
19 Order, take and pass the Professional Responsibility Examination administered by the
20 Department including the payment of the appropriate examination fee. If Respondent fails to
21 satisfy this condition, the Commissioner may order suspension of Respondent's license until
22 Respondent passes the examination.

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24 DATED: 4/8/2024


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Judith A. Buranday, Counsel for
26 Department of Real Estate

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2 DATED: 04/08/2024


ELIZABETH REYES
Respondent

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4 DATED: 4-8-2024


Frank M. Buda, Esq.
Counsel for Respondent
Approved as to Form


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9 The foregoing Stipulation and Agreement is hereby adopted as my Decision as to
10 Respondent ELIZABETH REYES and shall become effective at 12 o'clock noon on

11 JUN 19 2024.

12 IT IS SO ORDERED

13
14 CHIKA SUNQUIST
REAL ESTATE COMMISSIONER

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18 By: Marcus L. McCarther
Chief Deputy Real Estate Commissioner

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STIPULATION AND AGREEMENT IN SETTLEMENT AND ORDER