

MAY 3 0 2024

DEPT. OF REAL ESTATE

Department of Real Estate 320 W. 4th Street, Suite 350 Los Angeles, CA 90013-1105 Telephone: (213) 576-6982

# BEFORE THE DEPARTMENT OF REAL ESTATE STATE OF CALIFORNIA

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In the Matter of the Accusation Against		DRE No. H-42603 LA
ELIZAB	ETH REYES,	OAH No. 2023120546
	Respondent.	) STIPULATION AND AGREEMENT ) IN SETTLEMENT AND ORDER )
		)

It is hereby stipulated by and between Respondent ELIZABETH REYES (sometimes referred to as "Respondent"), acting by and through her attorney Frank M. Buda, Esq., and the Complainant, acting by and through Judith A. Buranday, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation ("Accusation") filed on June 28, 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").

STIPULATION AND AGREEMENT IN SETTLEMENT AND ORDER

- 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 ("Department") in this proceeding.
- 3. Respondent filed a Notice of Defense pursuant to Section 11506 of the Government Code for the purpose of requesting a hearing on the allegations in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent acknowledges that she understands that by withdrawing said Notice of Defense Respondent thereby waives her right to require the Commissioner to prove the allegations in the Accusation at a contested hearing held in accordance with the provisions of the APA and that Respondent will waive other rights afforded to her in connection with the hearing such as the right to present evidence in his defense, and the right to cross-examine witnesses.
- 4. Respondent, pursuant to the limitation set forth below, hereby admits that the factual allegations as set forth in the Accusation filed in this proceeding are true and correct and the Real Estate Commissioner shall not be required to provide further evidence of such allegations.
- 5. It is understood by the parties that the Real Estate Commissioner may adopt the Stipulation and Agreement as her Decision in this matter, thereby imposing the penalty and sanctions on Respondent's real estate licenses and license rights as set forth in the below "Order." In the event that the Commissioner in her discretion does not adopt the Stipulation and Agreement, it shall be void and of no effect, and Respondent shall retain the right to a hearing and proceeding on the Accusation under all the provisions of the APA and shall not be bound by any admission or waiver made herein.
- 6. The Order or any subsequent Order of the Real Estate Commissioner made pursuant to this Stipulation shall not constitute an estoppel, merger or bar to any further administrative or civil proceedings by the Department with respect to any matters which were not specifically alleged to be causes for accusation in this proceeding.

#### **DETERMINATION OF ISSUES**

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

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).

#### ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

I.

All licenses and licensing rights of Respondent ELIZABETH REYES 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 Code if Respondent makes application therefor and pays to the Department the appropriate fee for the restricted license within ninety (90) days from the effective date of this Decision and Order. The restricted license issued to Respondent shall be subject to all of the provisions of Section 10156.7 of the Code and to the following limitations, conditions and restrictions imposed under authority of Section 10156.6 of that Code:

- 1. The restricted license issued to Respondent may be suspended prior to hearing by Order of the 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

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

III.

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

IV.

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

DATED: <u>4/8/2024</u>

Judith A. Buranday, Counsel for Department of Real Estate

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### **EXECUTION OF THE STIPULATION**

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

Respondent shall <u>mail the original</u> signed signature page of the stipulation herein to Judith A. Buranday, Attention: Legal Section, Department of Real Estate, 320 W. Fourth St., Suite 350, Los Angeles, California 90013-1105.

In the event of time constraints before an administrative hearing, Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by emailing a scanned copy of the signature page, as actually signed by Respondent, to the Department counsel assigned to this case. Respondent agrees, acknowledges, and understands that by electronically sending the Department a scan of Respondent's actual signature as it appears on the Stipulation and Agreement that receipt of the scan by the Department shall be binding on Respondent as if the Department had received the original signed Stipulation and Agreement.

Respondent's signature below constitutes acceptance and approval of the terms and conditions of this Stipulation. Respondent agrees, acknowledges and understands that by signing this Stipulation, Respondent is bound by its terms as of the date of such signatures and that this agreement is not subject to rescission or amendment at a later date except by a separate Decision and Order of the Real Estate Commissioner.

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1	OIL LAG LOVAL
2	DATED: 04 08 2024  ELIZABETH REYES
3	Respondent
4	DATED: 9-8-2019
5	Frank M. Buda, Esq.
6	Counsel for Respondent Approved as to Form
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8	** ** **
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 .1 9 2024
12	IT IS SO ORDERED 5/14/20 L4
13	CHIKA SUNQUIST
14	REAL ESTATE COMMISSIONER
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17	By: Marcus L. McCarther Chief Deputy Real Estate Commissioner
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