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DEPT, OF REAL ESTATE

Department of Real Estate 320 W. 4th Street, Suite 350 Los Angeles, CA 90013-1105

Telephone: (213)-559-5990

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BEFORE THE DEPARTMENT OF REAL ESTATE

* * *

STATE OF CALIFORNIA

In the Matter of the Accusation Against

DANIEL EVAN RINSCH,

Respondent.

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STIP

DRE No. H-42964 LA OAH No. 2024120190

STIPULATION AND AGREEMENT IN SETTLEMENT AND ORDER

It is hereby stipulated by and between Respondent DANIEL EVAN RINSCH, (sometimes referred to as "Respondent"), acting by and through his 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 September 10, 2024, 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 ("Agreement").
- Respondent has received and read, and understands the Statement to

 Respondent, the Discovery Provisions of the APA and the Accusation filed by the Department of

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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 Respondent understands that by withdrawing said Notice of Defense Respondent thereby waives Respondent's 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 Respondent in connection with the hearing such as the right to present evidence in his defense, and the right to cross-examine witnesses.
- 4. Respondent hereby admits that the factual allegations of 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. This Agreement is made for the purpose of reaching an agreed disposition of this proceeding and is expressly limited to this proceeding and not any other proceeding or case in which the Department, or another licensing agency of this state, another state, or the federal government is involved, and otherwise shall not be admissible in any criminal or civil proceeding.
- 6. It is understood by the parties that the Real Estate Commissioner may adopt the 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 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.
- 7. The Order or any subsequent Order of the Real Estate Commissioner made pursuant to this Agreement 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, it is stipulated and agreed that the following determination of issues shall be made:

The conduct of Respondent, as set forth in the Accusation, is grounds for the suspension or revocation of Respondent's license and license rights pursuant to California Business and Professions Code ("Code") section 10177(f).

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

I.

All licenses and licensing rights of Respondent under the Real Estate Law are revoked; provided, however, a restricted real estate broker 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 Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted license.

- 3. Respondent shall not be eligible to petition for the issuance of any unrestricted real estate license nor for removal of any of the conditions, limitations or restrictions of a restricted license until one (1) year has elapsed from the effective date of this Decision and Order. Respondent shall not be eligible to apply for any unrestricted licenses until all restrictions attaching to the license have been removed.
- 4. Respondent shall submit with any application for a license under an employing broker, or any application for transfer to a new employing broker, or if employed as a broker-associate, a statement signed by the prospective employing real estate broker on a form approved by the Department which shall certify:
- (a) That the employing broker has read the Decision of the Commissioner which granted the right to a restricted license; and
- (b) That the employing broker will exercise close supervision over the performance by the restricted licensee relating to activities for which a real estate license is required.
- 5. Respondent shall, within three (3) months from the effective date of this Decision, present evidence satisfactory to the Real Estate Commissioner that Respondent has, since the most recent issuance of an original or renewal real estate license or within nine (9) months of the effective date of this Decision, taken and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate license. If Respondent fails to satisfy this condition, the Commissioner may order the suspension of the restricted license until the Respondent presents such evidence. Proof of completion of the continuing education courses must be delivered to the Department of Real Estate, Flag Section at 651 Bannon Street, Suite 504, Sacramento, CA 95811.

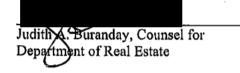
II.

All licenses and licensing rights of Respondent are indefinitely suspended unless or until Respondent pays the sum of \$2,368.40 for the Commissioner's reasonable costs of the investigation (\$995.60) and enforcement (\$1,372.80), which led to this disciplinary action. Said

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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 651 Bannon Street, Suite 504, Sacramento, CA 95811, within six (6) months from the effective date of this Decision and Order.

DATED: 8/27/2015



EXECUTION OF THE STIPULATION

I have read the Agreement, have discussed it with counsel, 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 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 Agreement.

1 Respondent's signature below constitutes acceptance and approval of the terms and 2 conditions of this Agreement. Respondent agrees, acknowledges and understands that by signing this Agreement, Respondent is bound by its terms as of the date of such signatures and that this 3 agreement is not subject to rescission or amendment at a later date except by a separate Decision 4 5 and Order of the Real Estate Commissioner. 6 DATED: 8-27-25 7 DANIEL EVAN RINSCH 8 Respondent 9 10 Frank M. Buda, Esq. 11 Counsel for Respondent Approved as to Form and Content 12 13 14 The foregoing Stipulation and Agreement is hereby adopted as my Decision as to 15 Respondent DANIEL EVAN RINSCH and shall become effective at 12 o'clock noon on OCT 2 2 2025 16 17 IT IS SO ORDERED 18 CHIKA SUNOUIST REAL ESTATE COMMISSIONER 19 20 21 By: Marcus L. McCarther Chief Deputy Real Estate Commissioner 22 23 24 25

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