

1 Department of Real Estate
2 320 West Fourth Street, #350
3 Los Angeles, California 90013
4 (213) 559-5990

FILED

APR 14 2025

DEPT. OF REAL ESTATE
By 

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) No. H-42995 LA
12 KRISTINA PENALOZA,) STIPULATION AND AGREEMENT
13 Respondent.)
14 _____)

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16 It is hereby stipulated by and between KRISTINA PENALOZA (Respondent),
17 represented by Naser J. Khoury, Esq., and the Complainant, acting by and through Julie L. To,
18 counsel for the Department of Real Estate, as follows for the purpose of settling and disposing
19 of the Accusation filed on November 6, 2024 in Case No. H-42995 LA, in this matter:

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

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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 in this proceeding.

4 3. On December 18, 2024, Respondent filed a Notice of Defense pursuant to
5 Section 11506 of the Government Code for the purpose of requesting a hearing on the
6 allegations in the Accusation. Respondent hereby withdraws said Notice of Defense.
7 Respondent acknowledges that she understands that by withdrawing said Notice of Defense she
8 will thereby waive her right to require the Commissioner to prove the allegations in the
9 Accusation at a contested hearing held in accordance with the provisions of the APA and that
10 she will waive other rights afforded to her in connection with the hearing such as the right to
11 present evidence in defense of the allegations in the Accusation and the right to cross-examine
12 witnesses.

13 4. This Stipulation is based on the factual allegations contained in the Accusation.
14 In the interest of expedience and economy, Respondent chooses not to contest these allegations,
15 but to remain silent, and without admitting any fault, violation or other liability, understands that
16 as a result thereof, these factual allegations will serve as a prima facie basis for the disciplinary
17 action stipulated to herein. The Real Estate Commissioner shall not be required to provide
18 further evidence to prove said factual allegations.

19 5. Respondent understands that by agreeing to this Stipulation and Agreement,
20 Respondent agrees to pay, pursuant to Section 10106 of the California Business and Professions
21 Code (Code), the cost of the investigation and enforcement (investigative costs) which resulted
22 in the determination that Respondent committed the violations found in the Determination of
23 Issues. The amount of said costs is \$1,742.10 (comprised of \$719.10 in investigation costs and
24 \$1,023.00 in enforcement costs). Therefore, Respondent agrees to pay, pursuant to Code
25 Section 10106, the amount \$1,742.10. The investigative costs must be in the form of a cashier's
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1 check made payable to the Department of Real Estate and must be delivered to the Department
2 of Real Estate, Flag Section at 651 Bannon Street, Suite 504, Sacramento, CA 95811, prior to
3 the effective date of the Decision. The Real Estate Commissioner agrees that Respondent's
4 payment of the investigative costs in this case shall be deemed as satisfaction of her payment of
5 the costs pursuant to Code Section 10106.

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

13 7. The Order or any subsequent Order of the Real Estate Commissioner made
14 pursuant to this Stipulation and Agreement shall not constitute an estoppel, merger or bar to any
15 further administrative or civil proceedings by the Department of Real Estate with respect to any
16 matters which were not specifically alleged to be causes for 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 Respondent's conviction for violation of California Penal Code Section 242(A)
6 in Los Angeles County Case No. 3SC01815 (The People of the State of California vs. Kristina
7 Penaloza) constitutes grounds for the suspension or revocation of Respondent's real estate
8 salesperson license under the provisions of **Business and Professions Code Sections 490 and**
9 **10177(b).**

10 Respondent's failure to timely report the indictment and conviction in Los
11 Angeles County Case No. 3SC01815 constitutes grounds for the suspension or revocation of
12 Respondent's real estate salesperson license under the provisions of **Business and Professions**
13 **Code Section 10186.2.**

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

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 this restricted license.

4. Respondent shall submit with any application for license under an employing broker, or any application for transfer to a new employing broker, a statement signed by the

1 prospective employing broker on a form approved by the Department of Real Estate which shall
2 certify:

3 (a) That the employing broker has read the Decision of the Commissioner
4 which granted the right to a restricted license; and

5 (b) That the employing broker will exercise close supervision over the
6 performance by the restricted licensee relating to activities for which a real
7 estate license is required.

8 5. Respondent shall, within twelve (12) months from the effective date of this
9 Decision, present evidence satisfactory to the Real Estate Commissioner that Respondent has,
10 since the most recent issuance of an original or renewal real estate license, taken and successfully
11 completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate
12 Law for renewal of a real estate license. If Respondent fails to satisfy this condition,
13 Respondent's real estate license shall automatically be suspended until Respondent presents
14 evidence satisfactory to the Commissioner of having taken and successfully completed the
15 continuing education requirements. Proof of completion of the continuing education courses
16 must be delivered to the Department of Real Estate, Flag Section at 651 Bannon Street, Suite
17 504, Sacramento, CA 95811.

18 6. Respondent shall, prior to the issuance of the restricted license and as a
19 condition of the issuance of said restricted license, pay the sum of \$1,742.10 for the
20 Commissioner's reasonable cost of the investigation and enforcement which led to this
21 disciplinary action. Said payment shall be rendered in the form of a cashier's check made
22 payable to the Department of Real Estate, or through a payment method agreed upon by the
23 Department in advance. The investigative and enforcement costs must be delivered in full to the
24 Department of Real Estate, Flag Section at 651 Bannon Street, Suite 504, Sacramento, CA
25 95811, prior to the effective date of this Order.

1 (a) If Respondent fails to satisfy this condition, the Commissioner shall
2 order the suspension of the restricted license until the Respondent presents evidence of payment.
3 The Commissioner shall afford Respondent the opportunity for a hearing pursuant to the
4 Administrative Procedure Act to present such evidence that payment was timely made. The
5 suspension shall remain in effect until payment is made in full or until a decision providing
6 otherwise is adopted following a hearing held pursuant to this condition.

7 7. Respondent shall notify the Commissioner in writing within seventy-two (72)
8 hours of any arrest by sending a certified letter to the Commissioner at the Department of Real
9 Estate, Flag Section at 651 Bannon Street, Suite 504, Sacramento, CA 95811. The letter shall set
10 forth the date of Respondent's arrest, the crime for which Respondent was arrested, and the name
11 and address of the arresting law enforcement agency. Respondent's failure to timely file written
12 notice shall constitute an independent violation of the terms of the restricted license and shall be
13 grounds for the suspension or revocation of that license.

14 DATED: 03-11-25

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Julie L. To, Counsel for Complainant

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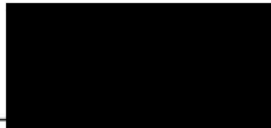
17 I have read the Stipulation and Agreement, and its terms are understood by me
18 and are agreeable and acceptable to me. I understand that I am waiving rights given to me by
19 the California Administrative Procedure Act (including, but not limited to Sections 11506,
20 11508, 11509 and 11513 of the Government Code), and I willingly, intelligently and voluntarily
21 waive those rights, including the right of requiring the Commissioner to prove the allegations in
22 the Accusation at a hearing at which I would have the right to cross-examine witnesses against
23 me and to present evidence in defense and mitigation of the charges.

24 Respondent shall send a hard copy of the original signed Stipulation and
25 Agreement to: Julie L. To, Legal Section, Department of Real Estate, 320 West Fourth Street,
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1 Suite 350, Los Angeles, CA 90013. In the event of time constraints before an administrative
2 hearing, Respondent can signify acceptance and approval of the terms and conditions of this
3 Stipulation and Agreement by emailing a scanned copy of the signature page, as actually signed
4 by Respondent, to the Department counsel assigned to this case. Respondent agrees,
5 acknowledges and understands that by electronically sending the Department a scan of
6 Respondent's actual signature as it appears on the Stipulation and Agreement, that receipt of the
7 scan by the Department shall be binding on Respondent as if the Department had received the
8 original signed Stipulation and Agreement.

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10 DATED: 3/7/2025


KRISTINA PENABAZA, Respondent

11 * * *

12 *I have reviewed the Stipulation*
13 *advised my client accordingly.*

14 3/7/2025
15 Dated

16 * * *
17 The foregoing Stipulation and Agreement is hereby adopted as my Decision in
18 this matter and shall become effective at 12 o'clock noon on MAY 14 2025.

19 IT IS SO ORDERED 3/27/2025, 2025.

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21 CHIKA SUNQUIST
22 REAL ESTATE COMMISSIONER

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25 By: Marcus L. McCarther
26 Deputy Real Estate Commissioner

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