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MAY 03 2022

DEPT. OF REAL ESTATE

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of)	No. H-41902 LA
)	
LINDA LAUREEN TOTH,)	<u>STIPULATION AND AGREEMENT</u>
)	
Respondent.)	
)	

It is hereby stipulated by and between Respondent LINDA LAUREEN TOTH (“Respondent”) and the Complainant, acting by and through Steve Chu, Counsel for the Department of Real Estate (“Department”), as follows for the purpose of settling and disposing of the Accusation filed on February 25, 2021, and the First Amended Accusation filed on June 16, 2021, (“Accusation”) 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”).

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

4 3. On March 11, 2021, 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 freely and voluntarily withdraws said Notice
7 of Defense. Respondent acknowledges that Respondent understands that by withdrawing said
8 Notice of Defense, Respondent will thereby waive Respondent's right to require the Real Estate
9 Commissioner ("Commissioner") to prove the allegations in the Accusation at a contested
10 hearing held in accordance with the provisions of the APA and that Respondent will waive
11 other rights afforded to Respondent in connection with the hearing such as the right to present
12 evidence in defense of the allegations in the Accusation and the right to cross-examine
13 witnesses.

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

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

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

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b. No final determination be made after hearing or upon stipulation that cause for disciplinary action against any of the real estate licenses or license rights of Respondent occurred within one (1) year from the effective date of this Decision and Order. Should such a determination be made, the Commissioner may, in his discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed suspension. Should no such determination be made, the stay imposed herein shall become permanent.

2. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license, including designated officer or mortgage loan originator endorsement, nor for the removal of any of the conditions, limitations or restrictions of a restricted license until two (2) years have elapsed from the effective date of this Decision and Order. Respondent withdraws all pending license applications.

3. All licenses and licensing rights of Respondent are indefinitely suspended unless or until Respondent provides proof satisfactory to the Commissioner of having taken and successfully completed the continuing education course on trust fund accounting and handling specified in Code section 10170.5(a)(3). Proof of satisfaction of this requirement includes evidence that Respondent has successfully completed the trust fund accounting and handling continuing education course within one hundred twenty (120) days prior to the effective date of this Decision and Order. Proof of completion of the trust fund accounting and handling course 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.


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1 4. All licenses and licensing rights of Respondent are indefinitely
2 suspended unless or until Respondent pays the sum of \$4,887.60 for the Commissioner's cost
3 of the audit which led to this disciplinary action pursuant to Code section 10148. Respondent
4 shall pay such cost within sixty (60) days of receiving an invoice therefore from the
5 Commissioner. Said payment shall be in the form of a cashier's check made payable to the
6 Department of Real Estate. The audit cost must be delivered to the Department of Real Estate,
7 Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013.

8 5. All licenses and licensing rights of Respondent are indefinitely
9 suspended unless or until Respondent pays the sum of \$3,258.60 for the Commissioner's
10 reasonable cost of the investigation and enforcement which led to this disciplinary action. Said
11 payment shall be in the form of a cashier's check made payable to the Department of Real
12 Estate. The investigative and enforcement costs must be delivered to the Department of Real
13 Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective
14 date of this Decision and Order.

15 6. Respondent shall pay the Commissioner's reasonable cost, not to exceed
16 \$6,109.50, for any subsequent audit to determine if Respondent has corrected the violations
17 found in the Determination of Issues. In calculating the amount of the Commissioner's
18 reasonable cost, the Commissioner may use the estimated average hourly salary for all persons
19 performing audits of real estate brokers, and shall include an allocation for travel time to and
20 from the auditor's place of work. Respondent shall pay such cost within sixty (60) days of
21 receiving an invoice therefore from the Commissioner. If Respondent fails to satisfy this
22 condition in a timely manner as provided for herein, Respondent real estate licenses shall
23 automatically be suspended until payment is made in full, or until a decision providing
24 otherwise is adopted following a hearing held pursuant to this condition.

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26 DATED: 1-27-2022

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Steve Chu, Counsel
Department of Real Estate

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2 I have read the Stipulation and Agreement. I understand that I am waiving rights
3 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.

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

9 I can signify acceptance and approval of the terms and conditions of this
10 Stipulation and Agreement by mailing the original signed Stipulation and Agreement to:
11 Steve Chu, Department of Real Estate, 320 West 4th Street, Suite 350, Los Angeles,
12 California 90013-1105. Steve Chu must receive the original signed Stipulation and Agreement
13 or a copy faxed to (213) 576-6917 by January 31, 2022; 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: Jan 21, 2022


18 LINDA LAUREEN TOTH
19 Respondent

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The foregoing Stipulation and Agreement is hereby adopted by me as my
Decision in this matter as to Respondent LINDA LAUREEN TOTH, and shall become
effective at 12 o'clock noon on 5/23/2022

IT IS SO ORDERED APR 08 2022

DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER

