

1 Department of Real Estate  
2 P.O. Box 187007  
3 Sacramento, CA 95818-7007

4 Telephone: (916) 227-0781

**FILED**

MAR 05 2020

DEPARTMENT OF REAL ESTATE  
By B. Nicholas

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7  
8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )  
12 DLP REAL ESTATE INC. and RICARDO )  
13 DELAPAZ, )  
14 Respondents.) )  
No. H-3263 FR  
STIPULATION AND  
AGREEMENT

15 It is hereby stipulated by and between DLP REAL ESTATE INC. (DLP) and  
16 RICARDO DELAPAZ (DELAPAZ) (collectively "Respondents"), and the Complainant,  
17 acting by and through Truly Sughrue, Counsel for the Department of Real Estate  
18 (Department), as follows for the purpose of settling and disposing the Accusation filed on  
19 August 2, 2019, in this matter:

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

25 2. Respondents have received, read, and understand the Statement to  
26 Respondent, and the Discovery Provisions of the APA filed by the Department in this  
27 proceeding.

1           3.       Respondents filed a Notice of Defense pursuant to Section 11505 of the  
2 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.  
3 Respondents hereby freely and voluntarily withdraw said Notice of Defense. Respondents  
4 acknowledge that Respondents understand that by withdrawing said Notice of Defense  
5 Respondents will thereby waive Respondents' rights to require the Real Estate Commissioner  
6 (Commissioner) to prove the allegations in the Accusation at a contested hearing held in  
7 accordance with the provisions of the APA, and that Respondents will waive other rights  
8 afforded to Respondents in connection with the hearing such as the right to present evidence in  
9 defense of the allegations in the Accusation and the right to cross-examine witnesses.

10           4.       This Stipulation and Agreement is based on the factual allegations  
11 contained in the Accusation. In the interest of expediency and economy, Respondents choose not  
12 to contest these factual allegations, but to remain silent and understand that, as a result thereof,  
13 these factual statements will serve as a prima facie basis for the "Determination of Issues" and  
14 "Order" set forth below. The Commissioner shall not be required to provide further evidence to  
15 prove such allegations.

16           5.       This Stipulation and Agreement and Respondents' decision not to contest  
17 the Accusation are made for the purpose of reaching an agreed disposition of this proceeding and  
18 are expressly limited to this proceeding and any other proceeding or case in which the  
19 Department, the state or federal government, an agency of this state, or an agency of another state  
20 is involved.

21           6.       Respondents understand that by agreeing to this Stipulation and  
22 Agreement, Respondents agree to pay, pursuant to Section 10148 of the California Business and  
23 Professions Code (Code), the cost of the audit, which resulted in the determination that  
24 Respondents committed the trust fund handling violation(s) found in the Determination of  
25 Issues. The amount of said costs is \$12,441.67.

26           7.       Respondents further understand that by agreeing to this Stipulation and  
27 Agreement, the findings set forth below in the Determination of Issues become final, and that

1 the Commissioner may charge said Respondents for the costs of any audit conducted pursuant to  
2 Section 10148 of the Code to determine if the violations have been corrected. The maximum  
3 costs of said audit shall not exceed \$15,552.09.

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

11 10. The Order or any subsequent Order of the Commissioner made pursuant to  
12 this Stipulation and Agreement shall not constitute an estoppel, merger or bar to any further  
13 administrative or civil proceedings by the Department with respect to any matters which were not  
14 specifically alleged to be causes for action in Accusation H-3263 FR.

15 \* \* \*

16 DETERMINATION OF ISSUES

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

20 I

21 The acts and omissions of DLP as described in the First Cause of Action of the  
22 Accusation are grounds for the suspension or revocation of DLP's licenses and license rights  
23 under Section 10177(d) of the Code in conjunction with Section 10145 of the Code.

24 II

25 The acts and omissions of DEPALAZ as described in the Second Cause of  
26 Action of the Accusation are grounds for the suspension or revocation of DEPALAZ's licenses  
27 and license rights under Section 10177(h) of the Code.

1 \* \* \*

2 ORDER

3 I

4 All licenses and licensing rights of Respondent DLP under the Real Estate Law  
5 are revoked; provided, however, a restricted real estate corporate broker license shall be issued to  
6 DLP pursuant to Section 10156.5 of the Code if DLP makes application therefor and pays to the  
7 Department the appropriate fee for the restricted license within 90 days from the effective date of  
8 this Decision and Order. The restricted license issued to DLP shall be subject to all of the  
9 provisions of Section 10156.7 of the Code and to the following limitations, conditions and  
10 restrictions imposed under authority of Section 10156.6 of that Code:

11 1. The restricted license issued to DLP may be suspended prior to hearing by  
12 Order of the Commissioner in the event of DLP's conviction or plea of nolo contendere to a  
13 crime which is substantially related to DLP's fitness or capacity as a real estate licensee.

14 2. The restricted license issued to DLP may be suspended prior to hearing by  
15 Order of the Commissioner on evidence satisfactory to the Commissioner that DLP has violated  
16 provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the  
17 Commissioner or conditions attaching to the restricted license.

18 3. DLP shall not be eligible to apply for the issuance of an unrestricted real  
19 estate license nor for removal of any of the conditions, limitations, or restrictions of a restricted  
20 license until two (2) years have elapsed from the effective date of this Decision and Order. DLP  
21 shall not be eligible to apply for any unrestricted licenses until all restrictions attaching to the  
22 license have been removed.

23 II

24 All licenses and licensing rights of Respondent DEPALAZ under the Real Estate  
25 Law are revoked; provided, however, a restricted real estate broker license shall be issued to  
26 DEPALAZ pursuant to Section 10156.5 of the Code if DEPALAZ makes application therefor  
27 and pays to the Department the appropriate fee for the restricted license within 90 days from the

1 effective date of this Decision and Order. The restricted license issued to DEPALAZ shall be  
2 subject to all of the provisions of Section 10156.7 of the Code and to the following limitations,  
3 conditions and restrictions imposed under authority of Section 10156.6 of that Code:

4           1.       The restricted license issued to DEPALAZ may be suspended prior to  
5 hearing by Order of the Commissioner in the event of DEPALAZ's conviction or plea of nolo  
6 contendere to a crime which is substantially related to DEPALAZ's fitness or capacity as a real  
7 estate licensee.

8           2.       The restricted license issued to DEPALAZ may be suspended prior to  
9 hearing by Order of the Commissioner on evidence satisfactory to the Commissioner that  
10 DEPALAZ has violated provisions of the California Real Estate Law, the Subdivided Lands  
11 Law, Regulations of the Commissioner or conditions attaching to the restricted license.

12           3.       DEPALAZ shall not be eligible to apply for the issuance of an unrestricted  
13 real estate license nor for removal of any of the conditions, limitations, or restrictions of a  
14 restricted license until two (2) years have elapsed from the effective date of this Decision and  
15 Order. DEPALAZ shall not be eligible to apply for any unrestricted licenses until all restrictions  
16 attaching to the license have been removed.

17           5.       DEPALAZ shall, within nine (9) months from the effective date of this  
18 Decision and Order, present evidence satisfactory to the Commissioner that DEPALAZ 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 DEPALAZ fails to satisfy this condition,  
22 DEPALAZ's real estate license shall automatically be suspended until DEPALAZ presents  
23 evidence satisfactory to the Commissioner of having taken and successfully completed the  
24 continuing education requirements. Proof of completion of the continuing education courses  
25 must be delivered to the Department of Real Estate, Flag Section at P.O. Box 137013,  
26 Sacramento, CA 95813-7013.

27



1 license shall automatically be suspended until payment is made in full, or until a decision  
2 providing otherwise is adopted following a hearing held pursuant to this condition.

3  
4 16-Jan-20

5 DATED



6 TRULY SUGHRUE  
7 Counsel for Complainant

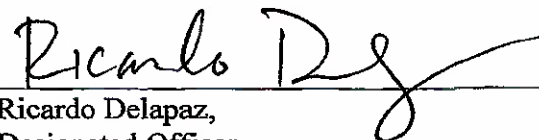
8 \* \* \*

9 I have read the Stipulation and Agreement, have discussed it with my counsel,  
10 and its terms are understood by me and are agreeable and acceptable to me. I understand that I  
11 am waiving rights given to me by the APA (including but not limited to Sections 11506,  
12 11508, 11509, and 11513 of the Government Code), and I willingly, intelligently, and  
13 voluntarily waive those rights, including the right of requiring the Commissioner to prove the  
14 allegations in the Accusation and Statement of Issues at a hearing at which I would have the  
15 right to cross-examine witnesses against me and to present evidence in defense and mitigation  
16 of the charges.

17 Respondent and Respondent's attorney further agree to send the original signed  
18 Stipulation and Agreement by mail to the following address no later than one (1) week from the  
19 date the Stipulation and Agreement is signed by Respondent and Respondent's attorney:  
20 *Department of Real Estate, Legal Section, P.O. Box 137007, Sacramento, California 95813-*  
21 *7007. Respondent and Respondent's attorney understand and agree that if they fail to return the*  
22 *original signed Stipulation and Agreement by the due date, Complainant retains the right to set*  
23 *this matter for hearing.*

24 1/15/20

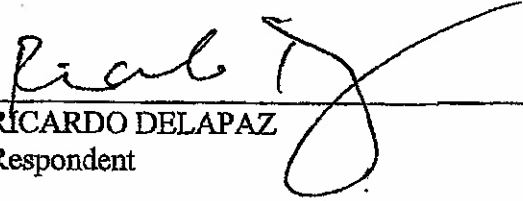
25 DATED



26 Ricardo Delapaz,  
27 Designated Officer  
DLP REAL ESTATE INC.,  
Respondent

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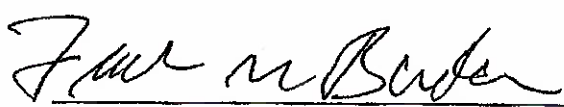
1/15/20  
DATED

  
RICARDO DELAPAZ  
Respondent

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*I have reviewed the Stipulation and Agreement as to form and content and have advised my clients accordingly.*

1/15/20  
DATED

  
FRANK M. BUDA  
Attorney for Respondents

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The foregoing Stipulation and Agreement is hereby adopted as my Decision and Order and shall become effective at 12 o'clock noon on MAR 26 2020.

IT IS SO ORDERED 3/2/20.

SANDRA KNAU  
ACTING REAL ESTATE COMMISSIONER

