

SEP 02 2014

BUREAU OF REAL ESTATE

By S. Black

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BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of)
)
) PRIORITY 1ST REALTY INC., JEFFERY)
) SCOTT HARRIS, and RENE A.)
) DELGADO,)
) Respondents:)

No. H-6012 SAC

STIPULATION AND
AGREEMENT

It is hereby stipulated by and between RENE A. DELGADO (Respondent), and the Complainant, acting by and through Truly Sughrue, Counsel for the Bureau of Real Estate (Bureau), as follows for the purpose of settling and disposing of the Accusation filed on August 28, 2013 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 in Settlement.

2. Respondent has received, read and understands the Statement to Respondent, the Discovery Provisions of the APA and the Accusation filed by the Bureau in this proceeding.

1 3. Respondent 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 Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent
4 acknowledges that he will thereby waive his right to require the Real Estate Commissioner
5 (Commissioner) to prove the allegations in the Accusation at a contested hearing held in
6 accordance with the provisions of the APA¹⁵ and that he will waive other rights afforded to him in
7 connection with the hearing such as the right to present evidence in defense of the allegations in
8 the Accusation and the right to cross-examine witnesses.

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

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

19 6. The Order or any subsequent Order of the Commissioner made pursuant to
20 this Stipulation and Agreement in Settlement shall not constitute an estoppel, merger or bar to
21 any further administrative or civil proceedings by the Bureau of Real Estate with respect to any
22 matters which were not specifically alleged to be causes for accusation in this proceeding as
23 admitted or withdrawn.

24 DETERMINATION OF ISSUES

25 By reason of the foregoing stipulations, admissions, and waivers and solely for the
26 purpose of settlement of the pending Accusation without hearing, it is stipulated and agreed that
27 the following Determination of Issues shall be made:

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The acts and/or omissions of Respondent as described in the First Cause of Action of the Accusation, violate Section 10177(d) of the Business and Professions Code (Code) in conjunction with Section 10166.02(b) of the Code.

ORDER

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All licenses and licensing rights of Respondent 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 Bureau the appropriate fee for the restricted license within 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 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 apply for the issuance of an unrestricted real estate license nor for 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.

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

1 by the prospective employing real estate broker on a form approved by the Bureau 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. Any restricted license issued to Respondent pursuant to this Order shall be
9 suspended for a period of thirty (30) days from the issuance of the restricted license.

10 6. Respondent shall, within nine (9) months from the effective date of this
11 Order, present evidence satisfactory to the Real Estate Commissioner that Respondent has, since
12 the most recent issuance of an original or renewal real estate license, taken and successfully
13 completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate
14 Law for renewal of a real estate license. If Respondent fails to satisfy this condition, the
15 Commissioner may order the suspension of the restricted license until Respondent presents such
16 evidence. The Commissioner shall afford Respondent the opportunity for hearing pursuant to the
17 APA to present such evidence.

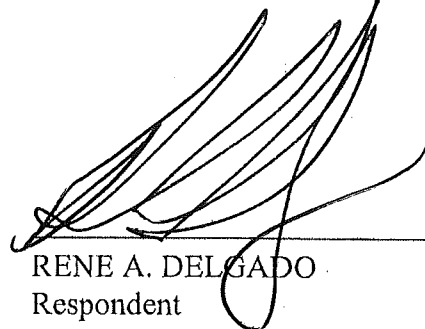
18 7. Respondent shall, within six (6) months from the effective date of this
19 Decision, take and pass the Professional Responsibility Examination administered by the
20 Department including the payment of the appropriate examination fee. If Respondent fails to
21 satisfy this condition, the Commissioner may order suspension of the restricted license until
22 Respondent passes the examination.

23
24 9-July-14
25 DATED

26 TRULY SUGHRUE, Counsel
27 BUREAU OF REAL ESTATE

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

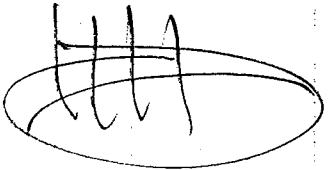
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11 7/9/2014
12 DATED _____

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16 RENE A. DELGADO
17 Respondent

18 * * *

19 The foregoing Stipulation and Agreement is hereby adopted by the Real Estate
20 Commissioner as his Decision and Order and shall become effective at 12 o'clock noon on
21 SEP 23 2014, 2014.

22 IT IS SO ORDERED August 27, 2014.

23 Real Estate Commissioner
24 
25 _____

26 By: JEFFREY MASON
27 Chief Deputy Commissioner