

1 Department of Real Estate
2 P.O. Box 137007
3 Sacramento, CA 95813-7007

4 Telephone: (916) 576-8700

FILED

NOV 03 2021

DEPARTMENT OF REAL ESTATE
By B. Nicholas

5
6
7
8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12)
13 ONERENT, INC. AND FRED GLICK,)
14)
15 Respondents.)

No. H-12487 SF

STIPULATION AND
AGREEMENT

16 It is hereby stipulated by and between ONERENT, INC. AND FRED GLICK
17 (collectively "Respondents"), acting by and through Truly Sughrue, Counsel for the
18 Department of Real Estate (Department), as follows for the purpose of settling and disposing
19 of the Accusation filed on October 20, 2020, 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 (neither admit or deny the allegations)
13 and understand that, as a result thereof, these factual statements will serve as a prima facie basis
14 for the "Determination of Issues" and "Order" set forth below. The Commissioner shall not be
15 required to provide further evidence to 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
20 state is involved.

21 6. Respondents understand that by agreeing to this Stipulation and
22 Agreement, Respondents agrees to pay, pursuant to Section 10148 of the California Business
23 and Professions Code (Code), the cost of the audit, which resulted in the determination that
24 Respondent committed the trust fund handling violation(s) found in the Determination of Issues.
25 The amount of said costs is \$6,552.72.

26 ///

27 ///

7. Respondents further understand that by agreeing to this Stipulation and Agreement, the findings set forth below in the Determination of Issues become final, and that the Commissioner may charge said Respondents for the costs of any audit conducted pursuant to Section 10148 of the Code to determine if the violations have been corrected. The maximum costs of said audit shall not exceed \$8,190.90.

8. It is understood by the parties that the Commissioner may adopt the Stipulation and Agreement as his decision in this matter thereby imposing the penalty and sanctions on the real estate licenses and license rights of Respondents as set forth in the below "Order". In the event that the Commissioner in his discretion does not adopt the Stipulation and Agreement, it shall be void and of no effect, and Respondents 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.

9. The Order or any subsequent Order of the Commissioner made pursuant to this Stipulation and 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 action in Accusation H-12487 SF.

* * *

DETERMINATION OF ISSUES

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

I

The acts and omissions of Respondents as described in the First Cause of Action in the Accusation are grounds for the suspension or revocation of Respondents' licenses and license rights under the following sections of the Code and Title 10, Chapter 6, of the California Code of Regulations (Regulations):

1 As to Paragraphs 11(a) and 11(b), under Sections 10177(g) of the Code in
2 conjunction with Section 10145 of the Code and Section 2832.1 of the Regulations;

3 As to Paragraph 11(c), under Sections 10177(g) of the Code in conjunction with
4 Section 10145 of the Code and Section 2832 of the Regulations;

5 As to Paragraph 11(d), under Sections 10176(e) of the Code;

6 As to Paragraph 11(e), under Sections 10177(g) of the Code in conjunction with
7 Section 10145 of the Code and Section 2834 of the Regulations;

8 As to Paragraph 11(f), Sections 10177(g) of the Code in conjunction with
9 Section 10145 of the Code and Section 2831 of the Regulations;

10 As to Paragraph 11(g), Sections 10177(g) of the Code in conjunction with
11 Section 10145 of the Code and Section 2831.1 of the Regulations; and

12 As to Paragraph 11(h), Sections 10177(g) of the Code in conjunction with
13 Section 10145 of the Code and Section 2831.2 of the Regulations.

14 II

15 The acts and/or omissions of FRED GLICK (GLICK) as described in the Second
16 Cause of Action of the Accusation is cause for the suspension or revocation of GLICK's license
17 and/or license rights under Section 10177(h) of the Code.

18 * * *

19 ORDER

20 I

21 All licenses and licensing rights of Respondent ONERENT, INC. (ONERENT)
22 under the Real Estate Law are revoked; provided, however, a restricted real estate broker license
23 shall be issued to ONERENT pursuant to Section 10156.5 of the Code if ONERENT makes
24 application therefor and pays to the Department the appropriate fee for the restricted license
25 within 90 days from the effective date of this Decision and Order. The restricted license issued
26 to ONERENT shall be subject to all of the provisions of Section 10156.7 of the Code and to the
27

1 following limitations, conditions and restrictions imposed under authority of Section 10156.6 of
2 that Code:

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

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

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

15 II

16 All licenses and licensing rights of Respondent GLICK under the Real Estate Law
17 are revoked; provided, however, a restricted real estate broker license shall be issued to GLICK
18 pursuant to Section 10156.5 of the Code if GLICK makes application therefor and pays to the
19 Department the appropriate fee for the restricted license within 90 days from the effective date of
20 this Decision and Order. The restricted license issued to GLICK shall be subject to all of the
21 provisions of Section 10156.7 of the Code and to the following limitations, conditions and
22 restrictions imposed under authority of Section 10156.6 of that Code:

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

26 2. The restricted license issued to GLICK may be suspended prior to hearing
27 by Order of the Commissioner on evidence satisfactory to the Commissioner that GLICK has

1 violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of
2 the Commissioner or conditions attaching to the restricted license.

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

8 4. GLICK shall, within nine (9) months from the effective date of this
9 Decision and Order, present evidence satisfactory to the Commissioner that GLICK has, since
10 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 GLICK fails to satisfy this condition, GLICK's real
13 estate license shall automatically be suspended until GLICK presents evidence satisfactory to the
14 Commissioner of having taken and successfully completed the continuing education
15 requirements. Proof of completion of the continuing education courses must be delivered to the
16 Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013.

17 5. All licenses and licensing rights of GLICK are indefinitely suspended
18 unless or until GLICK provides proof satisfactory to the Commissioner, of having taken and
19 successfully completed the continuing education course on trust fund accounting and handling
20 specified in paragraph (3) of subdivision (a) of Section 10170.5 of the Code. Proof of
21 satisfaction of these requirements includes evidence that GLICK has successfully completed the
22 trust fund account and handling continuing education courses, no earlier than 120 days prior to
23 the effective date of the Decision and Order in this matter. Proof of completion of the trust fund
24 accounting and handling course must be delivered to the Department of Real Estate, Flag Section
25 at P.O. Box 137013, Sacramento, CA 95813-7013 or by fax at 916-263-8758, prior to the
26 effective date of this Decision and Order.

27 III

1 1. Pursuant to Section 10148 of the Code, Respondents shall, jointly and
2 severally, pay the sum of \$6,552.72 for the Commissioner's cost of the audit which led to this
3 disciplinary action. Respondents shall pay such cost within sixty (60) days of receiving an
4 invoice therefore from the Commissioner. Payment of audit costs should not be made until
5 Respondents receives the invoice. If Respondents fails to satisfy this condition in a timely
6 manner as provided for herein, Respondents' real estate license shall automatically be suspended
7 until payment is made in full, or until a decision providing otherwise is adopted following a
8 hearing held pursuant to this condition.

9 2. Pursuant to Section 10148 of the Code, Respondents shall, jointly and
10 severally, pay the Commissioner's reasonable cost, not to exceed \$8,190.90, for an audit to
11 determine if Respondents have corrected the violation(s) found in the Determination of Issues.
12 In calculating the amount of the Commissioner's reasonable cost, the Commissioner may use the
13 estimated average hourly salary for all persons performing audits of real estate brokers, and shall
14 include an allocation for travel time to and from the auditor's place of work. Respondents shall
15 pay such cost within sixty (60) days of receiving an invoice therefore from the Commissioner.
16 Payment of the audit costs should not be made until Respondents receives the invoice. If
17 Respondents fail to satisfy this condition in a timely manner as provided for herein,
18 Respondents' real estate license shall automatically be suspended until payment is made in full,
19 or until a decision providing otherwise is adopted following a hearing held pursuant to this
20 condition.

21
22 1 September 2021

23 DATED



24 TRULY SUGHRUE
25 Counsel for Complainant

26 * * *

27 I have read the Stipulation and Agreement, discussed it with my counsel, and its
terms are understood by me and are agreeable and acceptable to me. I understand that I am

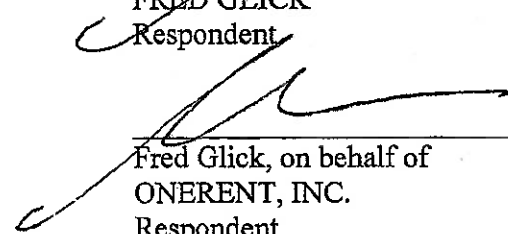
1 waiving rights given to me by the California Administrative Procedure Act, and I willingly,
2 intelligently and voluntarily waive those rights, including the right of requiring the
3 Commissioner to prove the allegations in the Accusation at a hearing at which I would have the
4 right to cross-examine witnesses against me and to present evidence in defense and mitigation of
5 the charges.

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

12 8-27-2021
13 DATED


FRED GLICK
Respondent

14
15 8-27-2021
16 DATED

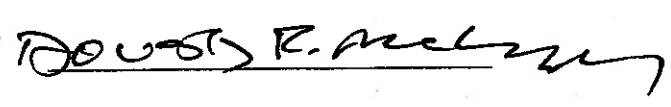

Fred Glick, on behalf of
ONERENT, INC.
Respondent

17
18 ***

19 The foregoing Stipulation and Agreement is hereby adopted as my Decision and
20 Order and shall become effective at 12 o'clock noon on NOV 24 2021

21 IT IS SO ORDERED 10-26-21

22
23 DOUGLAS R. McCAULEY
24 REAL ESTATE COMMISSIONER

25 
26
27