

FILED

JUL 18 2023

DEPARTMENT OF REAL ESTATE

By By den

DEPARTMENT OF REAL ESTATE
P. O. Box 137007
Sacramento, CA 95813-7007

Telephone: (916) 576-8700
Fax: (916) 263-3767

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) No. H-12568 SF
)
CORE ONE REAL ESTATE &) STIPULATION AND AGREEMENT
MANAGEMENT, INC. and) IN SETTLEMENT AND ORDER
RICARDO RODRIGUEZ,)
)
Respondents.)
)

It is hereby stipulated by and between CORE ONE REAL ESTATE &
MANAGEMENT, INC. (COREMI) and RICARDO RODRIGUEZ (RODRIGUEZ), collectively
Respondents, represented by Mark A. Chuang, and the Complainant, acting by and through
Megan Lee Olsen, Counsel for the Department of Real Estate (Department); as follows for the
purpose of settling and disposing of the Accusation filed on October 4, 2021, in this matter:

1. All issues which were to be contested and all evidence which was to be
presented by Complainant and Respondents 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 and Order (Stipulation).

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

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

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

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

26 6. This Decision and Order or any subsequent Order of the Commissioner
27 made pursuant to this Stipulation shall not constitute an estoppel, merger, or bar to any further

1 administrative or civil proceedings by the Department with respect to any matters which were
2 not specifically alleged to be causes for Accusation in this proceeding.

3 7. Respondents understand that by agreeing to this Stipulation, Respondents
4 agrees to pay, pursuant to Section 10148 of the Business and Professions Code (Code), the cost
5 of the audit which resulted in the violations found in the Determination of Issues. The amount of
6 such costs is \$4,530.00.

7 8. Respondents further understand that by agreeing to this Stipulation, the
8 findings set forth below in the "Determination of Issues" become final, and that the
9 Commissioner may charge said Respondents for the costs of any audit conducted pursuant to
10 Section 10148 of the Code to determine if the violations have been corrected. The maximum
11 cost of said audit shall not exceed \$5,662.50.

12 DETERMINATION OF ISSUES

13 CORE ONE REAL ESTATE & MANAGEMENT, INC. and RICARDO RODRIGUEZ

14 By reason of the foregoing stipulations, admissions and waivers, and solely for
15 the purpose of settlement of the pending Accusation without a hearing, it is stipulated and agreed
16 that the acts and/or omissions of Respondents, as described in the Accusation, constitute grounds
17 for the suspension or revocation of the licenses and license rights of Respondents under the
18 provisions of Sections 10176 (e), 10177(d) and 10177 (g) of the Code, in conjunction with
19 Sections 10130, 10145 and 10159.5 of the Code, and Sections 2831.1, 2831.2, 2832, 2832.1,
20 2834, and 2835 of Title 10 of the California Code of Regulations (Regulations).

21 RICARDO RODRIGUEZ

22 By reason of the foregoing stipulations, admissions and waivers, and solely for
23 the purpose of settlement of the pending Accusation without a hearing, it is stipulated and agreed
24 that the acts and/or omissions of Respondent RODRIGUEZ, as described in the Accusation,
25 constitute grounds for the suspension or revocation of the licenses and license rights of
26 Respondents under the provisions of Sections 10177(d), 10177 (g) and 10177 (h) of the Code, in
27 conjunction with Section 10159.2 of the Code, and Section 2725 of the Regulations.

1 ORDER

2 CORE ONE REAL ESTATE & MANAGEMENT, INC.

3 All licenses and licensing rights of CORE ONE REAL ESTATE &
4 MANAGEMENT, INC., under the Real Estate Law are suspended for a period of ninety (90)
5 days from the effective date of this Order; provided, however, that:

6 1. Forty-five (45) days of said suspension shall be stayed, upon the condition
7 that COREMI petition pursuant to Section 10175.2 of the Code and pays a monetary penalty
8 pursuant to Section 10175.2 of the Code at a rate of \$50 for each day of the suspension for a total
9 monetary penalty of \$2,250.00.

10 (a) Said payment shall be in the form of a cashier's check made payable
11 to the Department of Real Estate. Said check must be delivered to the Department of Real
12 Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective
13 date of this Order.

14 (b) No further cause for disciplinary action against the real estate license
15 of COREMI occurs within two (2) years from the effective date of the decision in this matter.

16 (c) If COREMI fails to pay the monetary penalty as provided above prior
17 to the effective date of this Order, the stay of the suspension shall be vacated as to COREMI and
18 the order of suspension shall be immediately executed, under this Order, in which event that
19 COREMI shall not be entitled to any repayment nor credit, prorated or otherwise, for the money
20 paid to the Department under the terms of this Order.

21 (d) If COREMI pays the monetary penalty and any other moneys due
22 under this Stipulation and if no further cause for disciplinary action against the real estate license
23 of said COREMI occurs within two (2) years from the effective date of this Order, the entire stay
24 hereby granted in this Order, as to COREMI only, shall become permanent.

25 2. Forty-five (45) days of said suspension shall be stayed for two (2) years
26 upon the following terms and conditions:

27 ///

1 (a) COREMI shall obey all laws, rules and regulations governing the
2 rights, duties and responsibilities of a real estate licensee in the State of California; and,

3 (b) That no final subsequent determination be made, after hearing or upon
4 stipulation, that cause for disciplinary action occurred within two (2) years from the effective
5 date of this Order. Should such a determination be made, the Commissioner may, in his
6 discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed
7 suspension. Should no such determination be made, the stay imposed herein shall become
8 permanent.

9 RICARDO RODRIGUEZ

10 All licenses and licensing rights of RICARDO RODRIGUEZ, under the Real
11 Estate Law are suspended for a period of ninety (90) days from the effective date of this Order;
12 provided, however, that:

13 3. Forty-five (45) days of said suspension shall be stayed, upon the condition
14 that RODRIGUEZ petition pursuant to Section 10175.2 of the Code and pays a monetary penalty
15 pursuant to Section 10175.2 of the Code at a rate of \$50 for each day of the suspension for a total
16 monetary penalty of \$2,250.00.

17 (a) Said payment shall be in the form of a cashier's check made payable
18 to the Department of Real Estate. Said check must be delivered to the Department of Real
19 Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective
20 date of this Order.

21 (b) No further cause for disciplinary action against the real estate license
22 of RODRIGUEZ occurs within two (2) years from the effective date of the decision in this
23 matter.

24 (c) If RODRIGUEZ fails to pay the monetary penalty as provided above
25 prior to the effective date of this Order, the stay of the suspension shall be vacated as to
26 RODRIGUEZ and the order of suspension shall be immediately executed, under this Order, in

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1 which event that RODRIGUEZ shall not be entitled to any repayment nor credit, prorated or
2 otherwise, for the money paid to the Department under the terms of this Order.

3 (d) If RODRIGUEZ pays the monetary penalty and any other moneys due
4 under this Stipulation and if no further cause for disciplinary action against the real estate
5 license of said RODRIGUEZ occurs within two (2) years from the effective date of this Order,
6 the entire stay hereby granted in this Order, as to RODRIGUEZ only, shall become permanent.

7 4. Forty-five (45) days of said suspension shall be stayed for two (2) years
8 upon the following terms and conditions:

9 (a) RODRIGUEZ shall obey all laws, rules and regulations governing the
10 rights, duties and responsibilities of a real estate licensee in the State of California; and,

11 (b) That no final subsequent determination be made, after hearing or upon
12 stipulation, that cause for disciplinary action occurred within two (2) years from the effective
13 date of this Order. Should such a determination be made, the Commissioner may, in his
14 discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed
15 suspension. Should no such determination be made, the stay imposed herein shall become
16 permanent.

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

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1 6. Respondent RODRIGUEZ shall, within six (6) months from the
2 effective date of this Decision and Order, take and pass the Professional Responsibility
3 Examination administered by the Department including the payment of the appropriate
4 examination fee. If Respondent fails to satisfy this condition, the Commissioner may order
5 suspension of Respondent's license until Respondent passes the examination.

6 CORE ONE REAL ESTATE & MANAGEMENT, INC. and RICARDO RODRIGUEZ

7 7. Pursuant to Section 10148 of the Code, Respondents shall, jointly and
8 severally, pay the sum of \$4,530.00 for the Commissioner's cost of the audit which led to this
9 disciplinary action. Respondents shall pay such cost within sixty (60) days of receiving an
10 invoice therefore from the Commissioner. Payment of audit costs should not be made until
11 Respondents receive the invoice. If Respondents fail to satisfy this condition in a timely manner
12 as provided for herein, Respondents' real estate licenses shall automatically be suspended until
13 payment is made in full, or until a decision providing otherwise is adopted following a hearing
14 held pursuant to this condition.

15 8. Pursuant to Section 10148 of the Code, Respondents shall, jointly and
16 severally, pay the Commissioner's reasonable cost, not to exceed \$5,662.50 for an audit to
17 determine if Respondents have corrected the violations found in the "Determination of Issues".
18 In calculating the amount of the Commissioner's reasonable cost, the Commissioner may use the
19 estimated average hourly salary for all persons performing audits of real estate brokers, and shall
20 include an allocation for travel time to and from the auditor's place of work. Respondents shall
21 pay such cost within sixty (60) days of receiving an invoice therefore from the Commissioner.
22 Payment of the audit costs should not be made until Respondents receive the invoice. If
23 Respondents fails to satisfy this condition in a timely manner as provided for herein,
24 Respondents' real estate licenses shall automatically be suspended until payment is made in full,
25 or until a decision providing otherwise is adopted following a hearing held pursuant to this
26 condition.

27 9. All licenses and licensing rights of Respondents are indefinitely suspended

1 unless or until Respondents, jointly and severally, pay the sum of \$507.25 for the
2 Commissioner's reasonable cost of the investigation and enforcement which led to this
3 disciplinary action. Said payment shall be in the form of a cashier's check made payable to the
4 Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior
5 to the effective date of this Stipulation.

6 4/24/2023

7 DATED

8 MEGAN LEE OLSEN, Counsel
9 DEPARTMENT OF REAL ESTATE

10 * * *

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

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

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1 4/21/2023

2 DATED

DocuSigned by:

Rick Rodriguez

CORE ONE REAL ESTATE &
MANAGEMENT, INC
Respondent
By: RICARDO RODRIGUEZ
Designated Officer

6 4/21/2023

7 DATED

DocuSigned by:

Rick Rodriguez

RICARDO RODRIGUEZ
Respondent

10 * * *

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

14 4/21/23
15 DATED

MARK A. CHUANG
Attorney for Respondents

18 The foregoing Stipulation and Agreement In Settlement and Order is hereby
19 adopted by the Real Estate Commissioner as his Decision and Order and shall become
20 effective at 12 o'clock noon on **AUG 08 2023**

21 IT IS SO ORDERED

6.2.23

DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER