

1 Department of Real Estate
2 320 West Fourth Street, #350
3 Los Angeles, California 90013

4 (213) 576-6982

FILED

MAY -9 2012

DEPARTMENT OF REAL ESTATE
BY: C. S.

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12) DRE NO. H-37358 LA
13 C J FINANCIAL & CONSULTING, INC.;) OAH NO. L-2011120960
14) JOSH CULPEPPER, individually and)
15 as designated officer of C J) STIPULATION AND AGREEMENT
16 Financial & Consulting, Inc.; and)
CHRISTOPHER ANTHONY ZARBO,)
Respondents.)

17 It is hereby stipulated by and between JOSH CULPEPPER
18 (sometimes referred to as "Respondent") and his attorney of
19 record, Karen L. Stevenson, and the Complainant, acting by and
20 through Lissete Garcia, Counsel for the Department of Real
21 Estate, as follows for the purpose of settling and
22 disposing of the First Amended Accusation filed on October 27,
23 2011, in this matter:

24 1. All issues which were to be contested and all
25 evidence which was to be presented by Complainant and Respondent
26 at a formal hearing on the First Amended Accusation, which
27 hearing was to be held in accordance with the provisions of the

1 Administrative Procedure Act ("APA"), shall instead and in place
2 thereof be submitted solely on the basis of the provisions of
3 this Stipulation and Agreement ("Stipulation").

4 2. Respondent has received, read and understands the
5 Statement to Respondent, the Discovery Provisions of the APA and
6 the First Amended Accusation, filed by the Department of Real
7 Estate ("Department") in this proceeding.

8 3. On July 19, 2011, Respondent filed a Notice of
9 Defense pursuant to Section 11506 of the Government Code for the
10 purpose of requesting a hearing on the allegations in the
11 original Accusation. Respondent hereby freely and voluntarily
12 withdraws said Notice of Defense. Respondent acknowledges that
13 he understands that by withdrawing said Notice of Defense he will
14 thereby waive his right to require the Commissioner to prove the
15 allegations in the First Amended Accusation at a contested
16 hearing held in accordance with the provisions of the APA and
17 that he will waive other rights afforded to him in connection
18 with the hearing such as the right to present evidence in defense
19 of the allegations in the First Amended Accusation and the right
20 to cross-examine witnesses.

21 4. This Stipulation is based on the factual
22 allegations contained in the First Amended Accusation filed in
23 this proceeding. In the interest of expedience and economy,
24 Respondent chooses not to contest these factual allegations, but
25 to remain silent and understands that, as a result thereof, these
26 factual statements, will serve as a prima facie basis for the
27

1 disciplinary action stipulated to herein. The Real Estate
2 Commissioner shall not be required to provide further evidence to
3 prove such allegations.

4 5. This Stipulation and Respondent's decision not to
5 contest the First Amended Accusation are made for the purpose of
6 reaching an agreed disposition of this proceeding and are
7 expressly limited to this proceeding and any other proceeding or
8 case in which the Department, or another licensing agency of this
9 state, another state or if the federal government is involved and
10 otherwise shall not be admissible in any other criminal or civil
11 proceedings.

12 6. It is understood by the parties that the Real
13 Estate Commissioner may adopt the Stipulation as his/her decision
14 in this matter thereby imposing the penalty and sanctions on
15 Respondent's real estate license and license rights as set forth
16 in the below "Order". In the event that the Commissioner in
17 his/her discretion does not adopt the Stipulation, the
18 Stipulation shall be void and of no effect, and Respondent shall
19 retain the right to a hearing on the First Amended Accusation
20 under all the provisions of the APA and shall not be bound by any
21 stipulation or waiver made herein.
22

23 7. The Order or any subsequent Order of the Real
24 Estate Commissioner made pursuant to this Stipulation shall not
25 constitute an estoppel, merger or bar to any further
26 administrative or civil proceedings by the Department with
27 respect to any conduct which was not specifically alleged to be

1 causes for accusation in this proceeding.

2 DETERMINATION OF ISSUES

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

7 The conduct, acts and/or omissions of Respondent
8 JOSH CULPEPPER, as set forth in the First Amended Accusation,
9 constitute cause for the suspension or revocation of all the real
10 estate licenses and license rights of Respondent JOSH CULPEPPER
11 under the provisions of Sections 10177(d) and 10177(h) of the
12 Business and Professions Code ("Code") for violation of Code
13 Sections 10159.2 and 10159.5 and Section 2731 of Title 10,
14 Chapter 6, California Code of Regulations.

15 ORDER

16 WHEREFORE, THE FOLLOWING ORDER is hereby made:

17
18 All licenses and licensing rights of Respondent JOSH
19 CULPEPPER under the Real Estate Law are hereby revoked; provided,
20 however, a restricted real estate salesperson license shall be
21 issued to Respondent pursuant to Section 10156.5 of the Business
22 and Professions Code if Respondent makes application therefor and
23 pays to the Department of Real Estate the appropriate fee for the
24 restricted license within ninety (90) days from the effective
25 date of this Decision. The restricted license issued to
26 Respondent shall be subject to all of the provisions of Section
27 10156.7 of the Business and Professions Code and to the following

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

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

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

14 3. Respondent shall not be eligible for the issuance
15 of an unrestricted real estate license nor for the removal of any
16 of the conditions, limitations or restrictions of a restricted
17 license until at least three (3) years have elapsed from the
18 effective date of this Decision.

19 4. Respondent shall submit with any application for
20 license under an employing broker, or any application for
21 transfer to a new employing broker, a statement signed by the
22 prospective employing real estate broker on a form approved by
23 the Department of Real Estate which shall certify:

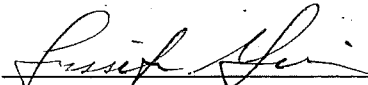
24 (a) That the employing broker has read the Decision
25 of the Commissioner which granted the right to a restricted
26 license; and
27

1 (b) That the employing broker will exercise close
2 supervision over the performance by the restricted licensee
3 relating to activities for which a real estate license is
4 required.

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

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

24 DATED: March 15, 2012


25 LISSETE GARCIA, Counsel for
26 the Department of Real Estate

27 * * *

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

12 Respondent can signify acceptance and approval of the
13 terms and conditions of this Stipulation and Agreement by faxing
14 a copy of the signature page, as actually signed by Respondent,
15 to the Department at the following telephone/fax number: (213)
16 576-6917. Respondent agrees, acknowledges and understands that
17 by electronically sending to the Department a fax copy of his
18 actual signature as it appears on the Stipulation and Agreement,
19 that receipt of the faxed copy by the Department shall be as
20 binding on Respondent as if the Department had received the
21 original signed Stipulation and Agreement.

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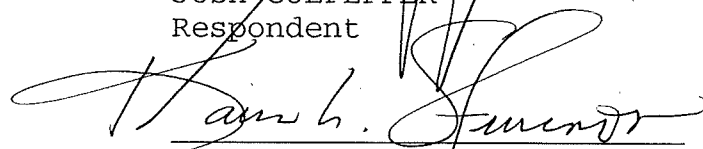
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1 Further, if the Respondent is represented by counsel,
2 the Respondent's counsel can signify her agreement to the terms
3 and conditions of the Stipulation and Agreement by submitting
4 that signature via fax.

5 DATED: 3/12/12


6 JOSH CULPEPPER
Respondent

7 DATED: 3/12/2012

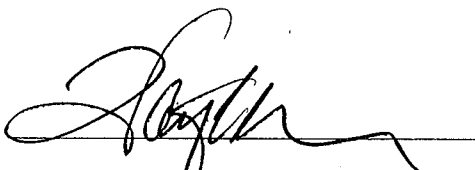

8 KAREN L. STEVENSON
9 Counsel for Respondent
Approved as to Form

10 * * *

11
12 The foregoing Stipulation and Agreement is hereby
13 adopted as my Decision in this matter, and shall become effective
14 at 12 o'clock noon on May 29, 2012.

15 IT IS SO ORDERED 4/22/2012

16
17 Real Estate Commissioner

18
19 
20 By WAYNE S. BELL
21 Chief Counsel