

*Sacto Flay*

1 Department of Real Estate  
320 West 4th Street, Suite 350  
2 Los Angeles, California 90013  
3 Telephone: (213) 576-6982

**FILED**

**JAN 17 2013**

DEPARTMENT OF REAL ESTATE  
BY: *[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

|    |                                      |                                  |
|----|--------------------------------------|----------------------------------|
| 11 | In the Matter of the Accusation of ) |                                  |
| 12 | AARON JEFFREY VAN WAGNER, )          | NO. H-38183 LA                   |
| 13 | )                                    | 2012060969                       |
| 14 | Respondent. )                        | <u>STIPULATION AND AGREEMENT</u> |

15 It is hereby stipulated by and between AARON JEFFREY  
16 VAN WAGNER ("Respondent") and his attorney of record, Henry C.  
17 Truszkowski, Esq., and the Complainant, acting by and through  
18 Diane Lee, Counsel for the Department of Real Estate, as follows  
19 for the purpose of settling and disposing of the Accusation filed  
20 on June 1, 2012 in this matter:

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

2           2. Respondent has received and read and understands  
3 the Statement to Respondent, the Discovery Provisions of the APA,  
4 and the Accusation filed by the Department of Real Estate in this  
5 proceeding.

6           3. On June 13, 2012, Respondent filed a Notice of  
7 Defense pursuant to California Government Code Section 11506 for  
8 the purpose of requesting a hearing on the allegations in the  
9 Accusation. Respondent hereby freely and voluntarily withdraws  
10 said Notice of Defense. Respondent acknowledges that he  
11 understands that by withdrawing said Notice of Defense, he will  
12 thereby waive his right to require the Commissioner to prove the  
13 allegations in the Accusation at a contested hearing held in  
14 accordance with the provisions of the APA and that he will waive  
15 other rights afforded to him in connection with the hearing, such  
16 as the right to present evidence in defense of the allegations in  
17 the Accusation and the right to cross-examine witnesses.

18           4. Respondent, pursuant to the limitations set forth  
19 below, hereby admits that the factual allegations of the  
20 Accusation filed in this proceeding are true and correct and the  
21 Real Estate Commissioner shall not be required to provide further  
22 evidence of such allegations.

23           5. It is understood by the parties that the Real  
24 Estate Commissioner may adopt the Stipulation and Agreement as  
25 his Decision in this matter, thereby imposing the penalty and  
26 sanctions on Respondent's real estate license and license rights  
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1 Commissioner, or conditions attaching to this restricted  
2 license.

3 3. Respondent shall not be eligible to apply for the  
4 issuance of an unrestricted real estate license nor for the  
5 removal of any of the conditions, limitations, or restrictions  
6 of a restricted license until three (3) years have elapsed from  
7 the date of issuance of the restricted license to Respondent.

8 4. Respondent shall submit with any application for  
9 license under an employing broker, or any application for  
10 transfer to a new employing broker, a statement signed by the  
11 prospective employing real estate broker on a form approved by  
12 the Department of Real Estate which shall certify: (a) That the  
13 employing broker has read the Decision of the Commissioner which  
14 granted the right to a restricted license; and (b) That the  
15 employing broker will exercise close supervision over the  
16 performance by the restricted licensee relating to activities  
17 for which a real estate license is required.

18 5. Respondent shall, within nine (9) months from the  
19 effective date of this Decision, present evidence satisfactory  
20 to the Real Estate Commissioner that Respondent has, since the  
21 most recent issuance of an original or renewal real estate  
22 license, taken and successfully completed the continuing  
23 education requirements of Article 2.5 of Chapter 3 of the Real  
24 Estate Law for renewal of a real estate license. If Respondent  
25 fails to satisfy this condition, the Commissioner may order the  
26 suspension of the restricted license until the Respondent

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1 presents such evidence. The Commissioner shall afford  
2 Respondent the opportunity for a hearing pursuant to the  
3 Administrative Procedure Act to present such evidence.

4 6. Respondent shall notify the Commissioner in  
5 writing within 72 hours of any arrest by sending a certified  
6 letter to the Commissioner at the Department of Real Estate,  
7 Post Office Box 187000, Sacramento, CA 95818-7000. The letter  
8 shall set forth the date of Respondent's arrest, the crime for  
9 which Respondent was arrested, and the name and address of the  
10 arresting law enforcement agency. Respondent's failure to  
11 timely file written notice shall constitute an independent  
12 violation of the terms of the restricted license and shall be  
13 grounds for the suspension or revocation of that license.

14  
15 DATED:

12/17/2012

*Diane Lee*  
DIANE LEE

Counsel for Complainant

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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 California Government  
6 Code Sections 11506, 11508, 11509, and 11513), 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 Accusation at a hearing at which I would have the right to  
10 cross-examine witnesses against me and to present evidence in  
11 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 of Real Estate at the following telephone/fax  
16 number: (213) 576-6917. Respondent agrees, acknowledges, and  
17 understands that by electronically sending to the Department of  
18 Real Estate a fax copy of his actual signature as it appears on  
19 the Stipulation and Agreement, that receipt of the faxed copy by  
20 the Department of Real Estate shall be as binding on Respondent  
21 as if the Department of Real Estate had received the original  
22 signed Stipulation and Agreement.

23 Further, if the Respondent is represented by counsel,  
24 the Respondent's counsel can signify his agreement to the terms  
25 and conditions of the Stipulation and Agreement by submitting  
26 that signature via fax. The Commissioner has asked that  
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counsel's signature be under penalty of perjury that he will  
concurrently or within 24 hours of obtaining Respondent's  
signature to the agreement by depositing in the mail the original  
settlement/stipulation containing the original signatures of both  
the Respondent and Respondent's counsel.

DATED: 12-17-2012

*Aaron Van Wagner*  
AARON JEFFREY VAN WAGNER  
Respondent

DATED: 12-17-12

*Henry C. Truszkowski*  
HENRY C. TRUSZKOWSKI  
Respondent's Counsel

The foregoing Stipulation and Agreement is hereby  
adopted as my Decision in this matter and shall become effective  
at 12 o'clock noon on \_\_\_\_\_.

IT IS SO ORDERED \_\_\_\_\_

Real Estate Commissioner

\_\_\_\_\_



1 counsel's signature be under penalty of perjury that he will  
2 concurrently or within 24 hours of obtaining Respondent's  
3 signature to the agreement by depositing in the mail the original  
4 settlement/stipulation containing the original signatures of both  
5 the Respondent and Respondent's counsel.

6  
7 DATED: \_\_\_\_\_

\_\_\_\_\_   
AARON JEFFREY VAN WAGNER  
Respondent

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10 DATED: \_\_\_\_\_

\_\_\_\_\_   
HENRY C. TRUSZKOWSKI  
Respondent's Counsel

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13 The foregoing Stipulation and Agreement is hereby  
14 adopted as my Decision in this matter and shall become effective  
15 at 12 o'clock noon on February 6, 2013.

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17 IT IS SO ORDERED \_\_\_\_\_

1/9/13

18  
19 Real Estate Commissioner

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21 By: Awet P. Kidane  
22 Chief Deputy Commissioner  
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