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**FILED**

NOV 25 2020

DEPT. OF REAL ESTATE

By \_\_\_\_\_



BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation against

ALBERTO BRIAN SOLANO,

Respondent.

DRE No. H-41764 LA

STIPULATION AND AGREEMENT

It is hereby stipulated by and between Respondent ALBERTO BRIAN SOLANO ("Respondent"), represented by attorney Thomas N. Jacobson, and the Complainant, acting by and through Lissete Garcia, Counsel for the Department of Real Estate ("Department"), as follows for the purpose of settling and disposing of the Accusation filed on August 27, 2020, 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 ("Stipulation").

2. Respondent has received, read and understands the Statement to Respondent, the Discovery Provisions of the APA, and the Accusation filed by the Department

1 of Real Estate in this proceeding.

2           3.       Respondent filed a Notice of Defense pursuant to Section 11506 of the  
3 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.  
4 Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent  
5 acknowledges that Respondent understands that by withdrawing said Notice of Defense,  
6 Respondent will thereby waive Respondent's right to require the Real Estate Commissioner  
7 ("Commissioner") to prove the allegations in the Accusation at a contested hearing held in  
8 accordance with the provisions of the APA and that Respondent will waive other rights  
9 afforded to Respondent in connection with the hearing such as the right to present evidence in  
10 defense of the allegations in the Accusation and the right to cross-examine witnesses.

11           4.       This Stipulation is based on the factual allegations contained in the  
12 Accusation. In the interest of expedience and economy, Respondent chooses not to contest  
13 these allegations, but to remain silent, and understands that, as a result thereof, these factual  
14 allegations, without being admitted or denied, will serve as a prima facie basis for the  
15 disciplinary action stipulated to herein. The Real Estate Commissioner shall not be required to  
16 provide further evidence to prove said factual allegations.

17           5.       This Stipulation is made for the purpose of reaching an agreed  
18 disposition of this proceeding and is expressly limited to this proceeding and any other  
19 proceeding or case in which the Department or another licensing agency of this state, another  
20 state, or if the federal government is involved, and otherwise shall not be admissible in any  
21 other criminal or civil proceeding.

22           6.       It is understood by the parties that the Real Estate Commissioner may  
23 adopt the Stipulation as his Decision in this matter, thereby imposing the penalty and sanctions  
24 on Respondent's real estate license and license rights as set forth in the below Order. In the  
25 event that the Commissioner in his discretion does not adopt the Stipulation, it shall be void  
26 and of no effect, and Respondent shall retain the right to a hearing and proceeding on the  
27 Accusation under all the provisions of the APA and shall not be bound by any admission or

1 waiver made herein.

2 7. The Order or any subsequent Order of the Commissioner made pursuant  
3 to this Stipulation shall not constitute an estoppel, merger or bar to any further administrative or  
4 civil proceedings by the Department with respect to any matters which were not specifically  
5 alleged to be causes for the Accusation in this proceeding.

6 DETERMINATION OF ISSUES

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

10 The conduct, acts, or omissions of Respondent ALBERTO BRIAN SOLANO,  
11 as described in the Accusation, constitute cause for the suspension or revocation of all real  
12 estate licenses and license rights of Respondent ALBERTO BRIAN SOLANO under California  
13 Business and Professions Code (“Code”) sections 10186.2 and 10177, subdivisions (d) and (f).

14 ORDER

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

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

1           2.       The restricted license issued to Respondent may be suspended prior to  
2 hearing by Order of the Real Estate Commissioner on evidence satisfactory to the  
3 Commissioner that Respondent has violated provisions of the California Real Estate Law, the  
4 Subdivided Lands Law, Regulations of the Real Estate Commissioner, or the conditions  
5 attaching to this restricted license.

6           3.       Respondent shall not be eligible to apply for the issuance of an  
7 unrestricted real estate license nor for the removal of any of the conditions, limitations or  
8 restrictions of a restricted license until at least two (2) years have elapsed from the effective  
9 date of this Decision and Order.

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

- 14                   (a)       That the employing broker has read the Decision of the  
15 Commissioner which granted the right to a restricted license; and  
16                   (b)       That the employing broker will exercise close supervision over  
17 the performance by the restricted licensee relating to activities for  
18 which a real estate license is required.


19          5.       Respondent shall pay the sum of \$636.25 for the Commissioner's  
20 reasonable cost of the investigation and enforcement which led to this disciplinary action. Said  
21 payment shall be in the form of a cashier's check made payable to the Department of Real  
22 Estate. **The investigative and enforcement costs must be delivered to the Department of**  
23 **Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, within 180**  
24 **days of the effective date. Payment of investigation and enforcement costs should not be**  
25 **made until the Stipulation has been approved by the Commissioner.** If Respondent fails to  
26 satisfy this condition in a timely manner as provided for herein, Respondent's real estate  
27 licenses and mortgage loan originator license endorsement shall automatically be suspended

1 until payment is made in full, or until a decision providing otherwise is adopted following a  
2 hearing held pursuant to this condition.

3           6.       If Respondent fails to satisfy condition 5, above, Respondent's restricted  
4 license shall be suspended until the Respondent presents evidence of payment. The  
5 Commissioner shall afford Respondent the opportunity for a hearing pursuant to the  
6 Administrative Procedure Act to present such evidence that payment was timely made. The  
7 suspension shall remain in effect until payment is made in full or until a decision providing  
8 otherwise is adopted following a hearing held pursuant to this condition.

9           7.       Respondent shall, within twelve (12) months from the effective date of  
10 this Decision and Order, take and pass the Professional Responsibility Examination  
11 administered by the Department including the payment of the appropriate examination fee. If  
12 Respondent fails to satisfy this condition, Respondent's real estate license shall automatically  
13 be suspended until Respondent passes the examination.

14 DATED: Oct. 13, 2020

  
\_\_\_\_\_  
Lissete Garcia, Counsel  
Department of Real Estate

16 \* \* \*

17           Respondent has read the Stipulation and Agreement and understands that  
18 Respondent is waiving rights given to Respondent by the California Administrative Procedure  
19 Act, (including but not limited to Sections 11521 and 11523 of the Government Code), and  
20 Respondent willingly, intelligently, and voluntarily waives those rights, including the right to  
21 seek reconsideration and the right to seek judicial review of the Commissioner's Decision and  
22 Order by way of a writ of mandate.

23           Respondent agrees, acknowledges, and understands that Respondent cannot  
24 rescind or amend this Stipulation and Agreement. Respondent can signify acceptance and  
25 approval of the terms and conditions of this Stipulation and Agreement by electronically e-  
26 mailing a copy of the signature page, as actually signed by Respondent, to the Department.

27 Respondent agrees, acknowledges, and understands that by electronically sending to the

1 Department an electronic copy of Respondent's actual signature, as it appears on the  
2 Stipulation, that receipt of the emailed copy by the Department shall be as binding on  
3 Respondent as if the Department had received the original signed Stipulation. By signing this  
4 Stipulation, Respondent understands and agrees that Respondent may not withdraw  
5 Respondent's agreement or seek to rescind the Stipulation prior to the time the Commissioner  
6 considers and acts upon it or prior to the effective date of the Stipulation and Order.

7 Respondent and Respondent's counsel shall mail the original signed Stipulation  
8 and Agreement to: Lissete Garcia, Department of Real Estate, 320 West 4th Street, Suite 350,  
9 Los Angeles, California 90013-1105, within five (5) business days of their signatures.

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

Respondent Alberto Brian Solano

11  
12 DATED: \_\_\_\_\_

13 Thomas N. Jacobson, Counsel for Respondent Alberto  
14 Brian Solano, *Approved as to Form*

15 \* \* \*

16  
17 The foregoing Stipulation and Agreement is hereby adopted by me as my Decision in  
18 this matter as to Respondent ALBERTO BRIAN SOLANO and shall become effective at 12  
19 o'clock noon on December 25, 2020.

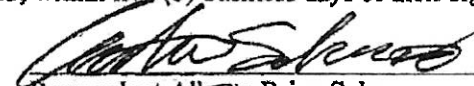
20 IT IS SO ORDERED 11.19.20

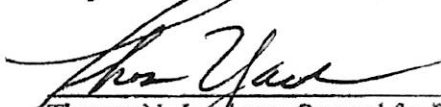
21 REAL ESTATE COMMISSIONER

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24 Douglas R. McCauley

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8 and Agreement to: Lisete Garcia, Department of Real Estate, 320 West 4th Street, Suite 350,  
9 Los Angeles, California 90013-1105, within five (5) business days of their signatures.

10 DATED: 10-13-2020   
11 Respondent Alberto Brian Solano

12 DATED: October 13, 2020   
13 Thomas N. Jacobson, Counsel for Respondent Alberto  
14 Brian Solano, *Approved as to Form*

15 \* \* \*

16 The foregoing Stipulation and Agreement is hereby adopted by me as my Decision in  
17 this matter as to Respondent ALBERTO BRIAN SOLANO and shall become effective at 12  
18 o'clock noon on \_\_\_\_\_

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

20 REAL ESTATE COMMISSIONER

21 \_\_\_\_\_  
22 Douglas R. McCauley