

1 Department of Real Estate
2 320 W. 4th Street, Suite 350
3 Los Angeles, CA 90013-1105
4 Telephone: (213) 576-6982

FILED
MAY - 3 2023
DEPT. OF REAL ESTATE
by *[Signature]*

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation Against)	DRE No. H-42255 LA
)	
)	
MARK L. BRANDENBURGER,)	<u>STIPULATION AND AGREEMENT</u>
)	<u>IN SETTLEMENT AND ORDER</u>
Respondent.)	
)	
)	

17 It is hereby stipulated by and between MARK L. BRANDENBURGER (sometimes
18 referred to as "Respondent"), acting by and through his attorney Dennis H. Doss, Esq., and the
19 Complainant, acting by and through Judith B. Vasan, Counsel for the Department of Real Estate,
20 as follows for the purpose of settling and disposing of the Accusation ("Accusation") filed on
21 January 13, 2023, in this matter:

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

1 Discovery Provisions of the APA and the Accusation filed by the Department of Real Estate
2 (“Department”) in this proceeding.

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

11 4. This Stipulation is based on the factual allegations contained in the Accusation filed in
12 this proceeding. In the interest of expedience and economy, Respondent chooses not to contest
13 these factual allegations, but to remain silent and understands that, as a result thereof, these
14 factual statements, will serve as a prima facie basis for the disciplinary action stipulated to
15 herein. The Real Estate Commissioner shall not be required to provide further evidence to prove
16 such allegations.

17 5. It is understood by the parties that the Real Estate Commissioner may adopt this
18 Stipulation as his Decision in this matter thereby imposing the penalty and sanctions on
19 Respondent’s real estate license and license rights as set forth in the below “Order.” In the event
20 that the Commissioner in his discretion does not adopt the Stipulation, the Stipulation shall be
21 void and of no effect and Respondent shall retain the right to a hearing and proceed on the
22 Accusation under the provisions of the APA and shall not be bound by any stipulation or waiver
23 made herein.

24 6. The Order or any subsequent Order of the Real Estate Commissioner made pursuant to
25 this Stipulation shall not constitute an estoppel, merger or bar to any further administrative or
26 civil proceedings by the Department with respect to any matters which were not specifically
27 alleged to be causes for accusation in this proceeding.

1 DETERMINATION OF ISSUES

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

5 The conduct, acts or omissions of Respondent MARK L. BRANDENBURGER, as set
6 forth in the Accusation, are a basis for discipline of Respondent's real estate license, mortgage
7 loan originator ("MLO") license endorsement(s), and license rights pursuant to the Real Estate
8 Law, Part 1 of Division 4 of the California Business and Professions Code ("Code") sections
9 10166.05(c), 10166.051(a), 10166.051(b), 10177(d), 10177(g) and/or 10177(j).

10 ORDER

11 WHEREFORE, THE FOLLOWING ORDER is hereby made:

12 I. SUSPENSION OF MLO LICENSE ENDORSEMENT

13 1. All MLO license endorsements and endorsement rights of Respondent under the Real
14 Estate Law are suspended for a period of one hundred and eighty (180) days from the Effective
15 Date of the reinstatement of an MLO license endorsement or the issuance of a new MLO license
16 endorsement.

17 2. Respondent further agrees that Respondent must satisfy the Education and
18 Administrative Penalty provisions prior to reinstatement of their MLO license endorsement or
19 issuance of new MLO license endorsement.

20 II. MORTGAGE LOAN ORIGINATION EDUCATION

21 1. No MLO license endorsement shall be issued to Respondent, unless Respondent takes
22 and completes, prior to the reinstatement of Respondent's MLO license endorsement or the
23 issuance of a new MLO license endorsement, the following mortgage loan originator education
24 requirements:

- 25 a) Twenty (20) hours of NMLS approved pre-licensure education ("PE"), which
26 shall consist of fourteen (14) hours of federal law curriculum, three (3) hours of
27 ethics curriculum, and three (3) hours of non-traditional mortgage lending

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curriculum. None of these twenty (20) hours of PE may be state-specific curriculum;

b) Eight (8) hours of continuing education (“CE”), which shall consist of four (4) hours of federal law curriculum, two (2) hours of ethics curriculum, and two (2) hours of non-traditional mortgage lending curriculum. None of these eight (8) hours of CE may be state-specific curriculum.

2. Respondent may not take any of the PE provided for in Paragraph 1(a) of this Section in an online self-study format (“OSS”). Respondent may take the CE provided for in Paragraph 1(b) in any format.

3. For a period of three (3) years from the Effective Date of this Order, Respondent shall be required to complete any additional PE and/or CE required under the SAFE Act in a format other than OSS. If Respondent fails to comply with this condition, the renewal application or new application of Respondent will be deemed incomplete by the Department.

4. If Respondent fails to timely satisfy the education provided for in Paragraph 1 of this section, Respondent’s MLO license endorsement shall remain suspended until Respondent presents evidence satisfactory to the Commissioner of having taken and successfully completed the education requirements.

5. Respondent agrees that the CE provided for in Paragraph 1 of this section is in addition to any NMLS education required for licensure under the SAFE Act. The CE provided for in Paragraph 1 will not count toward satisfying 2024 standard SAFE Act CE requirements.

6. Respondent further agrees that the Department may exercise its examination or investigative authority pursuant to the normal process for such authorized under the Real Estate Law and Commissioner’s Regulations in the instance a determination is made wherein Respondent is found to be in violation of the education requirements under this section.

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1 III. ADMINISTRATIVE PENALTY

2 All licenses and licensing rights of Respondent are indefinitely suspended unless or until
3 Respondent pays an administrative penalty of \$1,500.00. Said payment shall be in the form of a
4 cashier's check made payable to the Department of Real Estate. The payment must be delivered
5 to the Department of Real Estate, Flag Section, at P.O. Box 137013, Sacramento, CA 95813-
6 7013, prior to the Effective Date of this Decision and Order.

7 IV. STAYED SUSPENSION OF REAL ESTATE LICENSE

8 All licenses and licensing rights of Respondent under the Real Estate Law, with the
9 exception of the MLO license endorsement (NMLS ID 233703) referenced in Section I above,
10 are suspended for a period of ninety (90) days from the Effective Date of this Decision;
11 provided, however, that all ninety (90) days of said suspension shall be stayed for one (1) year
12 upon the following terms and conditions:

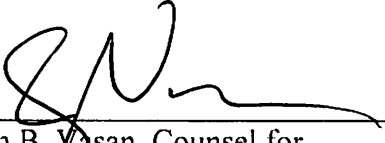
13 1. Respondent shall obey all laws, rules and regulations governing the rights, duties and
14 responsibilities of a real estate licensee in the State of California; and

15 2. That no final subsequent determination be made, after hearing or upon stipulation, that
16 cause for disciplinary action occurred within one (1) year from the effective date of this Decision
17 and Order. Should such a determination be made, the Commissioner may, in his discretion,
18 vacate and set aside the stay order and reimpose all or a portion of the stayed suspension. Should
19 no such determination be made, the stay imposed herein shall become permanent.

20 V. INVESTIGATION AND ENFORCEMENT COSTS

21 All licenses and licensing rights of Respondent are indefinitely suspended unless or until
22 Respondent pays the sum of \$980.95 for the Commissioner's reasonable costs of the
23 investigation (\$520.15) and enforcement (\$460.80), which led to this disciplinary action. Said
24 payment shall be in the form of a cashier's check made payable to the Department of Real Estate.
25 The payment of the investigative and enforcement costs must be delivered to the Department of
26 Real Estate, Flag Section, at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the
27 Effective Date of this Decision and Order.

1 DATED: 4-6-2023

2 
3 Judith B. Vasan, Counsel for
4 Department of Real Estate

5 EXECUTION OF THE STIPULATION

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


13 Respondent shall mail the original signed signature page of the stipulation herein to
14 Judith B. Vasan, Attention: Legal Section, Department of Real Estate, 320 W. Fourth St., Suite
15 350, Los Angeles, California 90013-1105.

16 In the event of time constraints before an administrative hearing, Respondent can signify
17 acceptance and approval of the terms and conditions of this Stipulation and Agreement by
18 emailing a scanned copy of the signature page, as actually signed by Respondent, to the
19 Department counsel assigned to this case. Respondent agrees, acknowledges, and understands
20 that by electronically sending the Department a scan of Respondent's actual signature as it
21 appears on the Stipulation and Agreement that receipt of the scan by the Department shall be
22 binding on Respondent as if the Department had received the original signed Stipulation and
23 Agreement.

24 Respondent's signature below constitutes acceptance and approval of the terms and
25 conditions of this Stipulation. Respondent agrees, acknowledges and understands that by signing
26 this Stipulation, Respondent is bound by its terms as of the date of such signatures and that this
27 agreement is not subject to rescission or amendment at a later date except by a separate Decision
and Order of the Real Estate Commissioner.

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DATED: 4/5/2023


MARK L. BRANDENBURGER
Respondent

DATED: _____

Dennis H. Doss, Esq.
Counsel for Respondent
Approved as to Form

The foregoing Stipulation and Agreement is hereby adopted as my Decision as to Respondent MARK L. BRANDENBURGER and shall become effective at 12 o'clock noon on

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IT IS SO ORDERED _____


DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER

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DATED: _____

MARK L. BRANDENBURGER
Respondent

DATED: 3/21/23


Dennis H. Doss, Esq.
Counsel for Respondent
Approved as to Form

The foregoing Stipulation and Agreement is hereby adopted as my Decision as to Respondent MARK L. BRANDENBURGER and shall become effective at 12 o'clock noon on MAY 23 2023.

IT IS SO ORDERED 4.26.23

DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER

