

1 DEPARTMENT OF REAL ESTATE
2 320 West 4th Street, Suite 350
3 Los Angeles, California 90013-1105
4 Telephone: (213) 620-2072

FILED

JUL 21 2023

DEPT. OF REAL ESTATE

By 

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8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

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11 In the Matter of the Accusation against
12 URIVE REAL ESTATE GROUP, INC.;
13 JANET CISNEROS, individually and as
14 designated officer for Urive Real Estate Group,
15 Inc.; and
16 DEREK DEVILLE, individually and as
17 designated officer for Urive Real Estate Group,
18 Inc.,
19 Respondents.

DRE No. H-42393 LA
OAH No. 2023040641

**STIPULATION AND
AGREEMENT IN SETTLEMENT
AND ORDER**

19 It is hereby stipulated by and between Respondents URIVE REAL ESTATE GROUP,
20 INC., JANET CISNEROS, and DEREK DEVILLE (collectively "Respondents"), represented by
21 John F. Mansour, Esq., in this matter, and the Complainant, acting by and through Lissete
22 Garcia, Counsel for the Department of Real Estate ("Department"), as follows for the purpose of
23 settling and disposing the Accusation filed on January 17, 2023, with Department Case No.
24 H-42393 LA ("Accusation") in this matter:

1 1. All issues which were to be contested and all evidence which was to be presented by
2 Complainant and Respondents at a formal hearing on the Accusation, which hearing was to be
3 held in accordance with the provisions of the Administrative Procedure Act (“APA”), shall
4 instead and in place thereof be submitted on the basis of the provisions of this Stipulation and
5 Agreement in Settlement and Order (“Stipulation”).

6 2. Respondents have received, read, and understand the Statement to Respondent, the
7 Discovery Provisions of the APA, and Accusation filed by the Department in this proceeding.

8 3. Respondents filed a Notice of Defense pursuant to Section 11506 of the Government
9 Code for the purpose of requesting a hearing on the allegations in the Accusation. Respondents
10 hereby freely and voluntarily withdraw said Notice of Defense. Respondents acknowledge and
11 understand that by withdrawing said Notice of Defense, Respondents will thereby waive
12 Respondents’ rights to require the Real Estate Commissioner (“Commissioner”) to prove the
13 allegations in the Accusation at a contested hearing held in accordance with the provisions of the
14 APA and that Respondents will waive other rights afforded to Respondents in connection with
15 the hearing such as the right to present evidence in defense of the allegations in the Accusation
16 and the right to cross-examine witnesses.

17 4. This Stipulation is based on the factual allegations contained in the Accusation filed in
18 this proceeding. In the interest of expedience and economy, Respondents choose not to contest
19 these factual allegations, but to remain silent and understand that, as a result thereof, these
20 factual statements, will serve as a prima facie basis for the disciplinary action stipulated to
21 herein. The Real Estate Commissioner shall not be required to provide further evidence to prove
22 such allegations.

23 5. This Stipulation and Respondents’ decision not to contest the Accusation are made for
24 the purpose of reaching an agreed disposition of this proceeding and are expressly limited to this

1 proceeding and any other proceeding or case in which the Department, or another licensing
2 agency of this state, another state or if the federal government is involved and otherwise shall not
3 be admissible in any other criminal or civil proceedings.

4 6. It is understood by the parties that the Real Estate Commissioner may adopt the
5 Stipulation and Agreement as the Commissioner's Decision in this matter, thereby imposing the
6 penalty and sanctions on Respondents' real estate licenses and license rights as set forth in the
7 below "Order." In the event that the Commissioner in his discretion does not adopt the
8 Stipulation and Agreement, it shall be void and of no effect, and Respondents shall retain the
9 right to a hearing and proceeding on the Accusation under all the provisions of the APA and
10 shall not be bound by any admission or waiver made herein.

11 7. The Order or any subsequent Order of the Real Estate Commissioner made pursuant to
12 this Stipulation and Agreement shall not constitute an estoppel, merger or bar to any further
13 administrative or civil proceedings by the Department of Real Estate with respect to any matters
14 which were not specifically alleged to be causes for accusation in this proceeding.

15 DETERMINATION OF ISSUES

16 By reason of the foregoing stipulation and agreement and solely for the purpose of
17 settlement of the pending Accusation without a hearing, it is stipulated and agreed that the
18 following determination of issues shall be made:

19 I.

20 The conduct, acts and/or omissions of Respondent URIVE REAL ESTATE GROUP,
21 INC. as set forth herein above in Paragraph 4, constitute cause for the suspension or revocation
22 of all real estate licenses and license rights of Respondent URIVE REAL ESTATE GROUP,
23 INC. pursuant to the provisions of Code section 10177, subdivisions (d) and (g), for violation of
24 Code section 10145 and Regulations of the Real Estate Commissioner, Title 10, Chapter 6,

1 California Code of Regulations (“Regulations”) 2832.1, 2950(g), 2951, 2831, 2950(d), 2831.1,
2 and 2831.2.

3 II.

4 The conduct, acts and/or omissions of Respondent JANET CISNEROS as set forth herein
5 above in Paragraph 4, constitute cause for the suspension or revocation of all real estate licenses
6 and license rights of Respondent JANET CISNEROS pursuant to the provisions of Code section
7 10177, subdivision (h), for violation of Code sections 10159.2 and Regulation 2725.

8 III.

9 The conduct, acts and/or omissions of Respondent DEREK DEVILLE as set forth herein
10 above in Paragraph 4, constitute cause for the suspension or revocation of all real estate licenses
11 and license rights of Respondent DEREK DEVILLE pursuant to the provisions of Code section
12 10177, subdivision (h), for violation of Code sections 10159.2 and Regulation 2725.

13 ORDER

14 I.

15 All licenses and licensing rights of Respondent URIVE REAL ESTATE GROUP, INC.
16 (“UREGI”) under the Real Estate Law are suspended for a period of sixty (60) days from the
17 effective date of this Decision and Order; provided, however, that:

18 1. Sixty (60) days of said suspension shall be stayed, upon the condition that
19 Respondent UREGI petitions pursuant to Section 10175.2 of the Code and pays a monetary
20 penalty pursuant to Section 10175.2 of the Code at a rate of \$50.00 for each day of the
21 suspension for a total monetary penalty of \$3,000.00.

22 a) **Said payment shall be in the form of a cashier’s check made payable to the**
23 **Department of Real Estate. Said check must be delivered to the Department of**
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1 **Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to**
2 **the effective date of this Decision and Order.**

3 b) No further cause for disciplinary action against the Real Estate licenses of
4 Respondent CISNEROS occurs within two (2) years from the effective date of the
5 Decision and Order in this matter.

6 c) If Respondent CISNEROS fails to pay the monetary penalty in accordance with the
7 terms and conditions of this Decision and Order, the suspension shall go into effect
8 automatically. Respondent shall not be entitled to any repayment nor credit, prorated or
9 otherwise, for money paid to the Department under the terms of this Decision and Order

10 d) If Respondent CISNEROS pays the monetary penalty and any other moneys due
11 under this Stipulation and Agreement and if no further cause for disciplinary action
12 against the real estate license of said Respondent occurs within two (2) years from the
13 effective date of this Decision and Order, the entire stay hereby granted pursuant to this
14 Decision and Order, as to said Respondent only, shall become permanent.

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

3 3. Respondent CISNEROS shall, within six (6) months from the effective date of
4 this Decision and Order, take and pass the Professional Responsibility Examination administered
5 by the Department including the payment of the appropriate examination fee. If Respondent
6 CISNEROS fails to satisfy this condition, Respondent's real estate license shall automatically be
7 suspended until Respondent passes the examination.

8 III.

9 All licenses and licensing rights of Respondent DEREK DEVILLE ("DEVILLE") under
10 the Real Estate Law are suspended for a period of thirty (30) days from the effective date of this
11 Decision and Order; provided, however, that:

12 1. Thirty (30) days of said suspension shall be stayed, upon the condition that
13 Respondent DEVILLE petitions pursuant to Section 10175.2 of the Code and pays a monetary
14 penalty pursuant to Section 10175.2 of the Code at a rate of \$50.00 for each day of the
15 suspension for a total monetary penalty of \$1,500.00.

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

20 b) No further cause for disciplinary action against the Real Estate licenses of
21 Respondent DEVILLE occurs within two (2) years from the effective date of the
22 Decision and Order in this matter.

23 c) If Respondent DEVILLE fails to pay the monetary penalty in accordance with the
24 terms and conditions of this Decision and Order, the suspension shall go into effect

1 automatically. Respondent shall not be entitled to any repayment nor credit,
2 prorated or otherwise, for money paid to the Department under the terms of this
3 Decision and Order

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

9 2. All licenses and licensing rights of Respondent DEVILLE are indefinitely
10 suspended unless or until Respondent DEVILLE provides proof satisfactory to the
11 Commissioner, of having taken and successfully completed the continuing education course on
12 trust fund accounting and handling specified in paragraph (3) of subdivision (a) of Section
13 10170.5 of the Business and Professions Code. Proof of satisfaction of these requirements
14 includes evidence that Respondent has successfully completed the trust fund account and
15 handling continuing education courses, no earlier than 120 days prior to the effective date of the
16 Decision and Order in this matter. **Proof of completion of the trust fund accounting and
17 handling course must be delivered to the Department of Real Estate, Flag Section at P.O.
18 Box 137013, Sacramento, CA 95813-7013 or by fax at 916-263-8758, prior to the effective
19 date of this Decision and Order.**

20 3. Respondent DEVILLE shall, within six (6) months from the effective date of this
21 Decision and Order, take and pass the Professional Responsibility Examination administered by
22 the Department including the payment of the appropriate examination fee. If Respondent
23 DEVILLE fails to satisfy this condition, Respondent's real estate license shall automatically be
24 suspended until Respondent passes the examination.

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IV.

All licenses and licensing rights of Respondents UREGI, CISNEROS, and DEVILLE are indefinitely suspended unless or until Respondents UREGI, CISNEROS, and DEVILLE pay, severally or jointly, the total sum of \$2,524.10 for the Commissioner's reasonable cost of the investigation and enforcement which led to this disciplinary action. Said payment shall be in the form of a cashier's check made payable to the Department of Real Estate. **The investigative and enforcement costs must be delivered to the Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this Decision and Order. Payment of investigation and enforcement costs should not be made until the Stipulation has been approved by the Commissioner.**

V.


Pursuant to Section 10148 of the Code, Respondents UREGI, CISNEROS, and DEVILLE, shall pay, severally or jointly, the total sum of \$9,094.50 for the Commissioner's cost of the audit which led to this disciplinary action. **Respondents shall pay such cost within sixty (60) days of receiving an invoice therefore from the Commissioner. Payment of audit costs should not be made until Respondents receive the invoice.** If Respondents fail to satisfy this condition in a timely manner as provided for herein, Respondents' real estate licenses shall automatically be suspended until payment is made in full, or until a decision providing otherwise is adopted following a hearing held pursuant to this condition.

VI.

Pursuant to Section 10148 of the Code, Respondents UREGI, CISNEROS, and DEVILLE shall pay, severally or jointly, the Commissioner's reasonable costs for any subsequent audit (said costs may not to exceed a maximum of \$11,368.13) to determine if Respondents have corrected the violations found in the Determination of Issues. In calculating

1 the amount of the Commissioner's reasonable cost, the Commissioner may use the estimated
2 average hourly salary for all persons performing audits of real estate brokers, and shall include
3 an allocation for travel time to and from the auditor's place of work. **Respondents shall pay**
4 **such cost within sixty (60) days of receiving an invoice therefore from the Commissioner.**
5 **Payment of the audit costs should not be made until Respondents receive the invoice.** If
6 Respondents fail to satisfy this condition in a timely manner as provided for herein,
7 Respondents' real estate licenses shall automatically be suspended until payment is made in full,
8 or until a decision providing otherwise is adopted following a hearing held pursuant to this
9 condition.

10 DATED: 05/25/2023



Lisete Garcia, Counsel
Department of Real Estate

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13 EXECUTION OF THE STIPULATION

14 We have read this Stipulation and its terms are understood by us and are agreeable and
15 acceptable to us. We understand that we are waiving rights given to us by the California APA
16 (including, but not limited to, sections 11506, 11508, 11509, and 11513 of the Government
17 Code), and we willingly, intelligently, and voluntarily waive those rights, including the right of
18 requiring the Commissioner to prove the allegations in the Accusation at a hearing at which we
19 would have the right to cross-examine witnesses against us and to present evidence in defense
20 and mitigation of the charges.

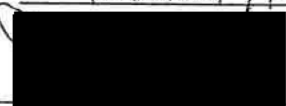
21 Respondents can signify acceptance and approval of the terms and conditions of this
22 Stipulation and Agreement by electronically e-mailing a copy of the signature pages, as actually
23 signed by Respondents, to the Department. Respondents agree, acknowledge, and understand
24 that by electronically sending to the Department an electronic copy of Respondents' actual

1 signatures, as they appear on the Stipulation, that receipt of the emailed copy by the Department
2 shall be as binding on Respondents as if the Department had received the original signed
3 Stipulation. By signing this Stipulation, Respondents understand and agree that Respondents
4 may not withdraw their agreement or seek to rescind the Stipulation prior to the time the
5 Commissioner considers and acts upon it or prior to the effective date of the Stipulation and
6 Order.

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8 DATED: 5/24/2023


Respondent URIVE REAL ESTATE GROUP, INC.
By (Printed Name): 


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12 DATED: 5/24/2023

Title: President / Partner

Respondent JANET CISNEROS

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14 DATED: 5/24/2023


Respondent DEREK DEVILLE

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16 DATED: 5/25/2023


John F. Mansour, Attorney for Respondents Urive Real Estate Group, Inc., Janet Cisneros, and Derek Deville,
Approved as to Form

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The foregoing Stipulation and Agreement in Settlement and Order is hereby adopted by
me as my Decision in this matter and shall become effective at 12 o'clock noon
on 8/21/2023.

IT IS SO ORDERED 7. 12. 23

REAL ESTATE COMMISSIONER



DOUGLAS R. MCCAULEY
REAL ESTATE COMMISSIONER