

FILED

AUG 01 2024

DEPARTMENT OF REAL ESTATE
By J. Lopez

1 Department of Real Estate
P.O. Box 137007
2 Sacramento, CA 95818-7007
3 Telephone: (916) 576-8700
4 Fax: (916) 263-3767
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8 **BEFORE THE DEPARTMENT OF REAL ESTATE**
9 **STATE OF CALIFORNIA**

10 * * *

11 In the Matter of the Accusation of:) No. H-3424 FR
12 **ALL STATE HOMES, INC., ISIDRO DE LA**) **STIPULATION AND AGREEMENT**
13 **TORRE, and RAMON ORTIZ,**) **IN SETTLEMENT AND ORDER**
14 Respondents.)

15 It is hereby stipulated by and between ALL STATE HOMES, INC. ("ALL
16 STATE") and ISIDRO DE LA TORRE ("DE LA TORRE"), (collectively, "Respondents"),
17 represented by Frank M. Buda, and the Complainant, acting by and through Adriana Z. Badilas,
18 Counsel for the Department of Real Estate ("Department"), as follows for the purpose of settling
19 and disposing of the Accusation filed on December 29, 2022, in this matter:

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

25 2. Respondents have received, read, and understand the Statement to
26 Respondent(s), the Discovery Provisions of the APA and the Accusation filed by the Department
27 in this proceeding.

1 3. Respondents filed a Notice of Defense pursuant to Section 11505 of the
2 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.
3 Respondents hereby freely and voluntarily withdraw, said Notice of Defense. Respondents
4 acknowledge that Respondents will thereby waive Respondents' right to require the Real Estate
5 Commissioner ("Commissioner") to prove the allegations in the Accusation at a contested
6 hearing held in accordance with the provisions of the APA and that Respondents will waive
7 other rights afforded to Respondents in connection with the hearing, such as the right to present
8 evidence in defense of the allegations in the Accusation and the right to cross-examine witnesses.

9 4. This Order is based on the factual allegations contained in the Accusation. In
10 the interest of expediency and economy, Respondents choose not to contest these factual
11 allegations, but to remain silent and understand that, as a result thereof, these factual statements
12 will serve as a prima facie basis for the "Determination of Issues" and "Order" set forth below.
13 The Commissioner shall not be required to provide further evidence to prove such allegations.

14 5. It is understood by the parties that the Commissioner may adopt the
15 Stipulation and Agreement as her Decision and Order in this matter thereby imposing the penalty
16 and sanctions on Respondents' real estate license and license rights as set forth in the below
17 "Order." If the Commissioner in her discretion does not adopt the Stipulation and Agreement, it
18 shall be void and of no effect, and Respondents shall retain the right to a hearing and proceeding
19 on the Accusation under all the provisions of the APA and shall not be bound by any admission
20 or waiver made herein.

21 6. This Decision and Order or any subsequent Order of the Commissioner made
22 pursuant to this Stipulation and Agreement shall not constitute an estoppel, merger, or bar to any
23 further administrative or civil proceedings by the Department with respect to any matters which
24 were not specifically alleged to be causes for accusation in this proceeding.

25 7. Respondents understand that by agreeing to this Order, Respondents agree to
26 pay, pursuant to Section 10106 of the Business and Professions Code ("Code"), half of the costs
27 of the investigation and enforcement, which resulted in the determination that Respondent

1 committed the violations found in the Determination of Issues and the subsequent disciplinary
2 filing and litigation. The total amount of the investigation costs plus the enforcement costs is
3 \$9,493.10. Respondents ALL STATE and DE LA TORRE shall be jointly and severally
4 responsible for paying half of the total amount of the investigation and enforcement costs, a total
5 of \$4,746.55.

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 further proceedings, it is stipulated
9 and agreed that the following Determination of Issues shall be made:

10 1. The acts and/or omissions of Respondents as described in the Accusation
11 violate Sections 10159.2, 10177(d), 10177(g), and 10177(h) of the Code, in conjunction with
12 Section 2725 of Title 10, California Code of Regulations.

13 ORDER

14 **I. As to ALL STATE**

15 All licenses and licensing rights of ALL STATE under the Real Estate Law are
16 suspended for a period of ninety (90) days from the effective date of this Order; provided,
17 however, that:

18 1. Forty-five (45) days of said suspension shall be stayed, upon the condition
19 that ALL STATE petitions pursuant to Section 10175.2 of the Code and pays a monetary penalty
20 pursuant to Section 10175.2 of the Code at a rate of \$50 for each day of the suspension for a total
21 monetary penalty of \$2,250.

22 a) Said payment shall be in the form of a cashier's check made payable to the
23 Department of Real Estate. If **prior to July 1, 2024**, the investigative and
24 enforcement costs must be delivered to the Department of Real Estate, Flag
25 Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the
26 effective date of this Order. If **after July 1, 2024**, the investigative and
27 enforcement costs must be delivered to the Department of Real Estate, Flag

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Section at 651 Bannon Street, Suite 500-D, Sacramento, CA 95811, prior to the effective date of this Order.

- b) No further cause for disciplinary action against the real estate license of ALL STATE occurs withing two (2) years from the effective date of the decision in this matter.
- c) If ALL STATE fails to pay the monetary penalty as provided above prior to the effective date of this Order, the stay of the suspension shall be vacated as to ALL STATE and the order of suspension shall be immediately executed, under this Order, in which event ALL STATE shall not be entitled to any repayment nor credit, prorated or otherwise, for the money paid to the Department under the terms of this Order.
- d) If ALL STATE pays the monetary penalty and any other moneys due under this Stipulation and if no further cause for disciplinary action against the real estate license of ALL STATE occurs within two (2) years from the effective date of this Order, the entire stay hereby granted in this Order shall become permanent.

2. Forty-five (45) days of said suspension shall be stayed for two (2) years upon the following terms and conditions:

- a) ALL STATE shall obey all laws, rules and regulations governing the rights, duties and responsibilities of a real estate licensee in the State of California; and,
- b) That no final subsequent determination be made, after hearing or upon stipulation that cause for disciplinary action occurred within two (2) years from the effective date of this Order. Should such a determination be made, the Commissioner may, in his discretion, vacate and set aside the stay order and re-impose all or a portion of the stayed suspension. Should no such

1 determination be made, the stay imposed herein shall become permanent.

2 3. All licenses and licensing rights of ALL STATE are indefinitely suspended
3 unless or until ALL STATE, jointly and severally with DE LA TORRE, pays the sum of
4 \$4,746.55 for the Commissioner's reasonable cost of the investigation and enforcement which
5 led to this disciplinary action. Said payment shall be in the form of a cashier's check or certified
6 check made payable to the Department of Real Estate to the address specified above.

7 **II. As to DE LA TORRE**

8 All licenses and licensing rights of DE LA TORRE under the Real Estate Law are
9 suspended for a period of ninety (90) days from the effective date of this Order; provided,
10 however, that:

11 1. Forty-five (45) days of said suspension shall be stayed, upon the condition
12 that DE LA TORRE petitions pursuant to Section 10175.2 of the Code and pays a monetary
13 penalty pursuant to Section 10175.2 of the Code at a rate of \$50 for each day of the suspension
14 for a total monetary penalty of \$2,250.

15 a) Said payment shall be in the form of a cashier's check made payable to the
16 Department of Real Estate. If **prior to July 1, 2024**, the investigative and
17 enforcement costs must be delivered to the Department of Real Estate, Flag
18 Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the
19 effective date of this Order. If **after July 1, 2024**, the investigative and
20 enforcement costs must be delivered to the Department of Real Estate, Flag
21 Section at 651 Bannon Street, Suite 500-D, Sacramento, CA 95811, prior to
22 the effective date of this Order.


23 b) No further cause for disciplinary action against the real estate license of DE
24 LA TOREE occurs within two (2) years from the effective date of the
25 decision in this matter.
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- 1 c) If DE LA TORRE fails to pay the monetary penalty as provided above prior to
2 the effective date of this Order, the stay of the suspension shall be vacated as
3 to DE LA TORRE and the order of suspension shall be immediately executed,
4 under this Order, in which event DE LA TORRE shall not be entitled to any
5 repayment nor credit, prorated or otherwise, for the money paid to the
6 Department under the terms of this Order.
- 7 d) If DE LA TORRE pays the monetary penalty and any other moneys due under
8 this Stipulation and if no further cause for disciplinary action against the real
9 estate license of DE LA TORRE occurs within two (2) years from the
10 effective date of this Order, the entire stay hereby granted in this Order shall
11 become permanent.
- 12 2. Forty-five (45) days of said suspension shall be stayed for two (2) years upon
13 the following terms and conditions:
- 14 a) DE LA TORRE shall obey all laws, rules and regulations governing the rights,
15 duties and responsibilities of a real estate licensee in the State of California;
16 and,
17 b) That no final subsequent determination be made, after hearing or upon
18 stipulation that cause for disciplinary action occurred within two (2) years
19 from the effective date of this Order. Should such a determination be made,
20 the Commissioner may, in his discretion, vacate and set aside the stay order
21 and re-impose all or a portion of the stayed suspension. Should no such
22 determination be made, the stay imposed herein shall become permanent.
- 23 3. DE LA TORRE shall, within six (6) months from the effective date of this
24 Order, take and pass the Professional Responsibility Examination administered by the
25 Department, including the payment of the appropriate examination fee. If DE LA TORRE fails
26 to satisfy this condition, DE LA TORRE's real estate license shall automatically be suspended
27 until DE LA TORRE passes the examination.

1 4. DE LA TORRE shall notify the Commissioner in writing within seventy-two
2 (72) hours of any arrest by sending a certified letter to the Commissioner at the Department of
3 Real Estate at 651 Bannon Street, Suite 500-D, Sacramento, CA 95811. The letter shall set forth
4 the date of Respondent's arrest, the crime for which Respondent was arrested and the name and
5 address of the arresting law enforcement agency. Respondent's failure to timely file written
6 notice shall constitute an independent violation of the terms of the restricted license and shall be
7 grounds for the suspension or revocation of that license.

8 5. All licenses and licensing rights of DE LA TORRE are indefinitely suspended
9 unless or until DE LA TORRE, jointly and severally with ALL STATE, pays the sum of
10 \$4,746.55 for the Commissioner's reasonable cost of the investigation and enforcement which
11 led to this disciplinary action. Said payment shall be in the form of a cashier's check or certified
12 check made payable to the Department of Real Estate to the address specified above.

13
14 5/29/24
15 DATED

14 
15 ADRIANA Z. BADILAS, Counsel
16 DEPARTMENT OF REAL ESTATE

17 * * *

18 I have read the Stipulation and Agreement, discussed it with my counsel, and its
19 terms are understood by me and are agreeable and acceptable to me. I understand that I am
20 waiving rights given to me by the APA (including but not limited to Sections 11506, 11508,
21 11509, and 11513 of the Government Code), and I willingly, intelligently, and voluntarily
22 waive those rights, including the right of requiring the Commissioner to prove the allegations
23 in the Accusation at a hearing at which I would have the right to cross-examine witnesses
24 against me and to present evidence in defense and mitigation of the charges.

25 Respondents and Respondents' attorney further agree to send the original signed
26 Stipulation by mail to the following address no later than one (1) week from the date the
27 Stipulation is signed by Respondents and Respondents' attorney: *Department of Real Estate,*

1 *Legal Section, P.O. Box 137007, Sacramento, California 95813-7007 or if after July 1, 2024, to*
2 *651 Bannon Street, Suite 500-D, Sacramento, CA 95811.*

3 Respondents and Respondents' attorney understand and agree that if they fail to
4 return the original signed Stipulation by the due date, Complainant retains the right to set this
5 matter for hearing.

6
7 5-30-24
8 DATED


9 ALL STATE HOMES, INC.
By: Isidro De La Torre, Designated Officer
Respondent

10 5-30-24
11 DATED


12 ISIDRO DE LA TORRE
Respondent

13 * * *

14 *I have reviewed the Stipulation and Agreement as to form and content and*
15 *have advised my clients accordingly.*

16 6-5-24
17 DATED



18 FRANK M. BUDA
Attorney for Respondents

19 The foregoing Stipulation and Agreement is hereby adopted by the Real Estate
20 Commissioner as her Decision and Order and shall become effective at 12 o'clock noon on

21 AUG 21 2024

22 IT IS SO ORDERED 7/29/2024

23 CHIKA SUNQUIST
24 REAL ESTATE COMMISSIONER

25 
26 By: Marcus L. McCarther
27 Chief Deputy Real Estate Commissioner

1 Department of Real Estate
2 P.O. Box 137007
3 Sacramento, CA 95818-7007
4 Telephone: (916) 576-8700
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DEPARTMENT OF REAL ESTATE
By J. Taggart

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8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *
11 In the Matter of the Accusation of:) No. H-3424 FR
12 ALL STATE HOMES, INC., ISIDRO DE LA)
13 TORRE, and RAMON ORTIZ,) STIPULATION AND AGREEMENT
Respondents.) IN SETTLEMENT AND ORDER

14 It is hereby stipulated by and between RAMON ORTIZ (“Respondent”)
15 represented by Jeffrey Kravitz, and the Complainant, acting by and through Adriana Z. Badilas,
16 Counsel for the Department of Real Estate (“Department”), as follows for the purpose of settling
17 and disposing of the Accusation filed on December 29, 2022, in this matter:

18 1. All issues which were to be contested and all evidence which was to be
19 presented by Complainant and Respondent at a formal hearing on the Accusation, which hearing
20 was to be held in accordance with the provisions of the Administrative Procedure Act (“APA”),
21 shall instead and in place thereof be submitted solely on the basis of the provisions of this
22 Stipulation and Agreement In Settlement and Order (“Order”).

23 2. Respondent has received, read, and understands the Statement to
24 Respondent, the Discovery Provisions of the APA and the Accusation filed by the Department in
25 this proceeding.

26 ///

1 3. Respondent filed a Notice of Defense pursuant to Section 11505 of the
2 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.
3 Respondent hereby freely and voluntarily withdraws, said Notice of Defense. Respondent
4 acknowledges that Respondent will thereby waive Respondent's right to require the Real Estate
5 Commissioner ("Commissioner") to prove the allegations in the Accusation at a contested
6 hearing held in accordance with the provisions of the APA and that Respondent will waive other
7 rights afforded to Respondent in connection with the hearing, such as the right to present
8 evidence in defense of the allegations in the Accusation and the right to cross-examine witnesses.

9 4. This Order is based on the factual allegations contained in the Accusation.
10 In the interest of expediency and economy, Respondent chooses not to contest these factual
11 allegations, but to remain silent and understands that, as a result thereof, these factual statements
12 will serve as a prima facie basis for the "Determination of Issues" and "Order" set forth below.
13 The Commissioner shall not be required to provide further evidence to prove such allegations.

14 5. It is understood by the parties that the Commissioner may adopt the
15 Stipulation and Agreement as her Decision and Order in this matter thereby imposing the penalty
16 and sanctions on Respondent's real estate license and license rights as set forth in the below
17 "Order." If the Commissioner in her discretion does not adopt the Stipulation and Agreement, it
18 shall be void and of no effect, and Respondent shall retain the right to a hearing and proceeding
19 on the Accusation under all the provisions of the APA and shall not be bound by any admission
20 or waiver made herein.

21 6. This Decision and Order or any subsequent Order of the Commissioner
22 made pursuant to this Stipulation and Agreement shall not constitute an estoppel, merger, or bar
23 to any further administrative or civil proceedings by the Department with respect to any matters
24 which were not specifically alleged to be causes for accusation in this proceeding.

25 7. Respondent understands that by agreeing to this Order, Respondent agrees
26 to pay, pursuant to Section 10106 of the Business and Professions Code ("Code"), half of the
27 costs of the investigation and enforcement, which resulted in the determination that Respondent

1 committed the violations found in the Determination of Issues and the subsequent disciplinary
2 filing and litigation. The total amount of the investigation costs plus the enforcement costs is
3 \$9,493.10. Respondent shall only be obligated to pay half of the total amount of the
4 investigation and enforcement costs, a total of \$4,746.55.

5 DETERMINATION OF ISSUES

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

9 1. The acts and/or omissions of Respondent as described in the Accusation
10 violate Sections 10130, 10137, 10140.6, 10166.02(b), 10166.03(c), 10176(a), 10177(d), and
11 10177(g) of the Code, in conjunction with Section 2773 of Title 10, California Code of
12 Regulations.

13 ORDER

14 All licenses and licensing rights of Respondent under the Real Estate Law are
15 revoked; provided, however, a restricted real estate broker license shall be issued to Respondent
16 pursuant to Section 10156.5 of the Code if Respondent makes application therefore for the
17 restricted license within ninety (90) days from the effective date of this Decision and Order. The
18 restricted license issued to Respondent shall be subject to all of the provisions of Section 10156.7
19 of the Code and to the following limitations, conditions and restrictions imposed under authority
20 of Section 10156.6 of that Code:

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

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

5 3. Respondent shall not be eligible to petition for the issuance of any unrestricted
6 real estate license nor for removal of any of the conditions, limitations or restrictions of a
7 restricted license until four (4) years have elapsed from the effective date of this Decision and
8 Order. Respondent shall not be eligible to apply for any unrestricted license until all restrictions
9 attaching to the license have been removed.

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

15 5. Respondent shall notify the Commissioner in writing within 72 hours of any
16 arrest by sending a certified letter to the Commissioner at the Department of Real Estate at 651
17 Bannon Street, Suite 500-D, Sacramento, CA 95811. The letter shall set forth the date of
18 Respondent's arrest, the crime for which Respondent was arrested and the name and address of
19 the arresting law enforcement agency. Respondent's failure to timely file written notice shall
20 constitute an independent violation of the terms of the restricted license and shall be grounds for
21 the suspension or revocation of that license.

22 6. All licenses and licensing rights of Respondent are indefinitely suspended
23 unless or until Respondent pays the sum of \$4,746.55 for the Commissioner's reasonable costs of
24 the investigation and enforcement which led to this disciplinary action. Said payment shall be in
25 the form of a cashier's check or certified check made payable to the Department. If **prior to July**
26 **1, 2024**, the investigative and enforcement costs must be delivered to the Department of Real
27 Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date

1 of this Order. If **after July 1, 2024**, the investigative and enforcement costs must be delivered to
2 the Department of Real Estate, Flag Section at 651 Bannon Street, Suite 500-D, Sacramento, CA
3 95811, prior to the effective date of this Order.

4
5
6 5/29/24
DATED


ADRIANA Z. BADILAS, Counsel
Department of Real Estate

8 * * *

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

16 Respondent and Respondent's attorney further agree to send the original signed
17 Stipulation and Agreement by mail to the following address no later than one (1) week from the
18 date the Stipulation and Agreement is signed by Respondent and Respondent's attorney:
19 *Department of Real Estate, Legal Section, P.O. Box 137007, Sacramento, California 95813-*
20 *7007, or if **after July 1, 2024**, to 651 Bannon Street, Suite 500-D, Sacramento, CA 95811.*

21 Respondent and Respondent's attorney understand and agree that if they fail to
22 return the original signed Stipulation and Agreement by the due date, Complainant retains the
23 right to set this matter for hearing.

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26 _____
DATED

RAMON ORTIZ
Respondent

1 of this Order. If **after July 1, 2024**, the investigative and enforcement costs must be delivered to
2 the Department of Real Estate, Flag Section at 651 Bannon Street, Suite 500-D, Sacramento, CA
3 95811, prior to the effective date of this Order.

4
5
6 6/11/2024
DATED

Adriana Z. Badilas for
ADRIANA Z. BADILAS, Counsel
Department of Real Estate

8 * * *

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

16 Respondent and Respondent's attorney further agree to send the original signed
17 Stipulation and Agreement by mail to the following address no later than one (1) week from the
18 date the Stipulation and Agreement is signed by Respondent and Respondent's attorney:
19 *Department of Real Estate, Legal Section, P.O. Box 137007, Sacramento, California 95813-*
20 *7007, or if **after July 1, 2024**, to 651 Bannon Street, Suite 500-D, Sacramento, CA 95811.*

21 Respondent and Respondent's attorney understand and agree that if they fail to
22 return the original signed Stipulation and Agreement by the due date, Complainant retains the
23 right to set this matter for hearing.

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26 _____
DATED

Ramon Ortiz
RAMON ORTIZ
Respondent

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I have reviewed the Stipulation and Agreement as to form and content and have advised my client accordingly.

6-3-24

[Handwritten Signature]

DATED

JEFFREY KRAVITZ
Attorney for Respondent

The foregoing Stipulation and Agreement is hereby adopted by the Real Estate Commissioner as her Decision and Order and shall become effective at 12 o'clock noon on **AUG 21 2024**

IT IS SO ORDERED 7/29/2024

CHIKA SUNQUIST
REAL ESTATE COMMISSIONER



By: Marcus L. McCarther
Chief Deputy Real Estate Commissioner