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DEPARTMENT OF REAL ESTATE
P. O. Box 137007
Sacramento, CA 95813-7007

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FILED
AUG 05 2024
DEPARTMENT OF REAL ESTATE
By J. Laagard

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of)	DRE No. H-3515 FR
)	
JORGE JIMINEZ RODRIGUEZ,)	
)	<u>STIPULATION AND AGREEMENT</u>
Respondent.)	<u>IN SETTLEMENT AND ORDER</u>
)	

It is hereby stipulated by and between JORGE JIMINEZ RODRIGUEZ (Respondent), his Counsel, Jeff Kravitz, and the Complainant, acting by and through Richard K. Uno, Counsel for the Department of Real Estate; as follows for the purpose of settling and disposing of the First Amended Accusation filed on February 6, 2024, in this matter:

- 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 First Amended 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 In Settlement and Order (Order).
- Respondent has received, read, and understands the Statement to Respondent, the Discovery Provisions of the APA and the Accusation filed by the Department of Real Estate in this proceeding.

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 he understands that by withdrawing said Notice of Defense he will thereby
5 waive his right to require the Real Estate Commissioner (Commissioner) to prove the allegations
6 in the First Amended Accusation at a contested hearing held in accordance with the provisions of
7 the APA and that he will waive other rights afforded to him in connection with the hearing such
8 as the right to present evidence in defense of the allegations in the First Amended Accusation
9 and the right to cross-examine witnesses.

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

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

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

26 7. Respondent understands that by agreeing to this Order, Respondent agrees
27 to pay, pursuant to Section 10106 of the Business and Professions Code (Code), the cost of the

1 investigation and enforcement which resulted in the determination that Respondent committed
2 the violations found in the Determination of Issues. The amount of said costs is \$2,733.85.

3 DETERMINATION OF ISSUES

4 By reason of the foregoing stipulations, admissions and waivers, and solely for
5 the purpose of settlement of the pending Accusation without a hearing, it is stipulated and agreed
6 that the acts and/or omissions of Respondent, as described in the Accusation, constitute grounds
7 for the suspension or revocation of the licenses and license rights of Respondent under the
8 provisions of Section 10177(g) of the Code.

9 ORDER

10 All licenses and licensing rights of Respondent, under the Real Estate Law are
11 revoked; provided, however, a restricted real estate salesperson license shall be issued to
12 Respondent, pursuant to Section 10156.5 of the Code, if Respondent makes application therefore
13 and pays to the Department of Real Estate the appropriate fee for the restricted license within 90
14 days from the effective date of this Decision. The restricted license issued to Respondent shall
15 be subject to all of the provisions of Section 10156.7 of the Code and to the following
16 limitations, conditions, and restrictions imposed under authority of Section 10156.6 of the Code:

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

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

26 3. Respondent shall not be eligible to apply for the issuance of any
27 unrestricted real estate license nor the removal of any of the conditions, limitations, or

1 restrictions of a restricted license until two (2) years have elapsed from the effective date of this
2 Decision and Order. Respondent shall not be eligible to apply for any unrestricted licenses until
3 all restrictions attaching to the license have been removed.

4 4. Respondent shall submit with any application for license under an
5 employing broker, or any application for transfer to a new employing broker, a statement signed
6 by the prospective employing real estate broker on a form approved by the Department which
7 shall certify:

8 (1) That the employing broker has read the Decision which is the basis
9 for the issuance of a restricted license; and

10 (2) That the employing broker will carefully review all transaction
11 documents prepared by the restricted licensee and otherwise exercise close supervision over the
12 licensee's performance of acts for which a license is required.

13 5. Respondent shall, within nine (9) months from the effective date of this
14 Order, present evidence satisfactory to the Commissioner that Respondent has, since the most
15 recent issuance of an original or renewal real estate license, taken and successfully completed the
16 continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal
17 of a real estate license. If Respondent fails to satisfy this condition, Respondent's real estate
18 license shall automatically be suspended until Respondent presents evidence satisfactory to the
19 Commissioner of having taken and successfully completed the continuing education
20 requirements. Proof of completion of the continuing education courses must be delivered to the
21 Department of Real Estate, Flag Section, at P.O. Box 137013, Sacramento, CA 95813-7013 prior
22 to July 1, 2024, and to 651 Bannon Street, Suite 500-D, Sacramento California 95811, afterward.

23 6. All licenses and licensing rights of Respondent are indefinitely suspended
24 unless or until Respondent pays the sum of \$2,733.85 for the Commissioner's reasonable cost of
25 the investigation which led to this disciplinary action. Said payment shall be in the form of a
26 cashier's check made payable to the Department of Real Estate. The investigative and
27

1 enforcement costs must be delivered to the Department of Real Estate, Flag Section at P.O. Box
2 137013, Sacramento, CA 95813-7013, prior to the effective date of this Decision and Order.

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

8 8. Respondent shall notify the Commissioner in writing within 72 hours of
9 any arrest by sending a certified letter to the Commissioner at the Department of Real Estate,
10 Post Office Box 137013, Sacramento, CA 95813-7013, prior to July 1, 2024 and to 651 Bannon
11 Street Suite 500-D, Sacramento, California 95811, after July 1. The letter shall set forth the
12 date of Respondent's arrest, the crime for which Respondent was arrested and the name and
13 address of the arresting law enforcement agency. Respondent's failure to timely file written
14 notice shall constitute an independent violation of the terms of the restricted license and shall be
15 ground for the suspension or revocation of that license.

16
17 6/3/24

DATED

18 

RICHARD K. UNO, Counsel III
DEPARTMENT OF REAL ESTATE

19
20 * * *

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

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of the charges.

04/10/24

DATED

Jorge Jimenez Rodriguez
(Real Estate Broker License No. 10, 1024 Title-AT)

JORGE JIMINEZ RODRIGUEZ

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

4-10-24

DATED

Jeff Kravitz
JEFF KRAVITZ
Attorney for Respondent

The foregoing Stipulation and Agreement In Settlement and Order is hereby adopted by the Real Estate Commissioner as his Decision and Order and shall become effective at 12 o'clock noon on AUG 26 2024

IT IS SO ORDERED 8/15/2024

CHIKA SUNQUIST
REAL ESTATE COMMISSIONER



By: MARCUS L. McCARTHER
Chief Deputy Real Estate Commissioner