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FILED
JUN 22 2005

DEPARTMENT OF REAL ESTATE
P. O. Box 187007
Sacramento, CA 95818-7007
Telephone: (916) 227-0789

DEPARTMENT OF REAL ESTATE

By S. Reyes

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) No. H-4194 SAC
)
)
JONATHAN I. REYES,)
)
Respondent.)

It is hereby stipulated by and between Respondent JONATHAN I. REYES, acting by and through his attorney of record, Robert F. Hahn, and the Complainant, acting by and through Michael B. Rich, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on January 12, 2005, in this matter ("the Accusation"):

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

DRE No. H-4194 SAC

JONATHAN I. REYES

1 thereof be submitted solely on the basis of the provisions of
2 this Stipulation and Agreement.

3 2. Respondent has received, read and understands
4 the Statement to Respondent, the Discovery Provisions of the
5 APA and the Accusation filed by the Department of Real Estate
6 in this proceeding.

7 3. On January 25, 2005, Respondent filed a Notice
8 of Defense pursuant to Section 11505 of the Government Code for
9 the purpose of requesting a hearing on the allegations in the
10 Accusation. Respondent hereby freely and voluntarily withdraws
11 said Notice of Defense. Respondent acknowledges that
12 Respondent understands that by withdrawing said Notice of
13 Defense Respondent will thereby waive Respondent's right to
14 require the Commissioner to prove the allegations in the
15 Accusation at a contested hearing held in accordance with the
16 provisions of the APA and that Respondent will waive other
17 rights afforded to Respondent in connection with the hearing
18 such as the right to present evidence in defense of the
19 allegations in the Accusation and the right to cross-examine
20 witnesses.

21 4. Respondent, pursuant to the limitations set
22 forth below, hereby admits that the factual allegations in the
23 Accusation pertaining to Respondent are true and correct and
24 stipulates and agrees that the Real Estate Commissioner shall
25 not be required to provide further evidence of such
26 allegations.

27 5. It is understood by the parties that the Real

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

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

16 DETERMINATION OF ISSUES

17 By reason of the foregoing stipulations, admissions
18 and waivers and solely for the purpose of settlement of the
19 pending Accusation without hearing, it is stipulated and agreed
20 that the following Determination of Issues shall be made:

21 I

22 The acts and omissions of Respondent JONATHAN I.
23 REYES described in the Accusation are grounds for the
24 suspension or revocation of the licenses and license rights of
25 Respondent under the provisions of Sections 490 and 10177(b) of
26 the California Business and Professions Code.

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1 has violated provisions of the California Real
2 Estate Law, the Subdivided Lands Law,
3 Regulations of the Real Estate Commissioner or
4 conditions attaching to the restricted license.

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

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

19 (a) That the employing broker has read the

20 Decision of the Commissioner which granted
21 the right to a restricted license; and,

22 (b) That the employing broker will exercise close

23 supervision over the performance by the

24 restricted licensee relating to activities

25 for which a real estate license is required.

26 5. Respondent shall, within nine months from the
27 effective date of the Decision, present evidence

1 satisfactory to the Real Estate Commissioner
2 that Respondent has, since the most recent
3 issuance of an original or renewal real estate
4 license, taken and successfully completed the
5 continuing education requirements of Article 2.5
6 of Chapter 3 of the Real Estate Law for renewal
7 of a real estate license. If Respondent fails
8 to satisfy this condition, the Commissioner may
9 order the suspension of the restricted license
10 until the Respondent presents such evidence.
11 The Commissioner shall afford Respondent the
12 opportunity for a hearing pursuant to the
13 Administrative Procedure Act to present such
14 evidence.

- 15 6. Six months after the issuance of the restricted
16 license, and at six month intervals thereafter
17 during the term of any restricted license issued
18 pursuant to this Decision, Respondent shall
19 provide proof acceptable to the Real Estate
20 Commissioner that, during the preceding six
21 months, Respondent has, each and every week,
22 attended one or more sessions of Alcoholics
23 Anonymous, or that such attendance in any week
24 was impractical due to travel for work, the
25 illness of Respondent or a member of
26 Respondent's family, incarceration, residential
27 treatment for substance abuse, extreme personal

1 hardship for Respondent or a member of
2 Respondent's family, or family emergency. The
3 Commissioner may suspend the restricted license
4 issued to respondent pending a hearing held in
5 accordance with Section 11500, et seq., of the
6 Government Code, if such proof is not timely
7 submitted as provided for herein, or as provided
8 for in a subsequent agreement between the
9 Respondent and the Commissioner. The suspension
10 shall remain in effect until such proof is
11 submitted or until Respondent enters into an
12 agreement satisfactory to the Commissioner to
13 provide such proof, or until a decision
14 providing otherwise is adopted following a
15 hearing held pursuant to this condition.

16
17 June 7, 2005
18 DATED

Michael B. Rich
MICHAEL B. RICH, Counsel
Department of Real Estate

19 * * *

20 I have read the Stipulation and Agreement and its
21 terms are understood by me and are agreeable and acceptable to
22 me. I understand that I am waiving rights given to me by the
23 California Administrative Procedure Act (including but not
24 limited to Sections 11506, 11508, 11509, and 11513 of the
25 Government Code), and I willingly, intelligently, and
26 voluntarily waive those rights, including the right of
27

1 requiring the Commissioner to prove the allegations in the
2 Accusation at a hearing at which I would have the right to
3 cross-examine witnesses against me and to present evidence in
4 defense and mitigation of the charges.

5
6 5/24/05
7 DATED

Jonathan I. Reyes
JONATHAN I. REYES
Respondent

8
9 I have reviewed the Stipulation and Agreement as to
10 form and content and have advised my client accordingly.

11
12 5/26/05
13 DATED

Robert F. Hahn
ROBERT F. HAHN
Attorney for Respondents

14 * * *

15 The foregoing Stipulation and Agreement is hereby
16 adopted by as my Decision in this matter as to Respondent
17 JONATHAN I. REYES and shall become effective at 12 o'clock noon
18 on JUL 12, 2005.

19 IT IS SO ORDERED June 13, 2005.

20
21 JEFF DAVI
22 Real Estate Commissioner

23
24 John R. Liberator
25
26 BY: John R. Liberator
27 Chief Deputy Commissioner

1 MICHAEL B. RICH, Counsel
2 State Bar No. 84257
3 Department of Real Estate
4 P.O. Box 187007
5 Sacramento, CA 95818-7007

6 Telephone: (916) 227-0789

FILED
JAN 12 2005

DEPARTMENT OF REAL ESTATE

By SEE

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 JONATHAN I. REYES,)
13 Respondent.)

NO. H-4194 SAC

ACCUSATION

14
15 The Complainant, CHARLES W. KOENIG, a Deputy Real
16 Estate Commissioner of the State of California, for cause of
17 Accusation against JONATHAN I. REYES (hereinafter "Respondent"),
18 is informed and alleges as follows:

19 I

20 Respondent is presently licensed and/or has
21 license rights under the Real Estate Law (Part 1 of Division 4
22 of the Business and Professions Code) (Code) as a real estate
23 salesperson.

24 II

25 The Complainant, CHARLES W. KOENIG, a Deputy Real
26 Estate Commissioner of the State of California, makes this
27 Accusation in his official capacity.

1 III

2 On or about March 23, 2004, in the Superior Court,
3 County of San Joaquin, State of California, Respondent was
4 convicted of a violation of Section 23152(b) of the California
5 Vehicle Code (Driving under the influence while having a blood
6 alcohol level of .08% or more) subject to Section 23540 of the
7 California Vehicle Code (Mandatory jail sentence for violating §
8 23152 with prior conviction for violating §§ 23103.5, 23152, or
9 23153 within seven years), a crime involving moral turpitude
10 and/or a crime which bears a substantial relationship under
11 Section 2910, Title 10, California Code of Regulations, to the
12 qualifications, functions, or duties of a real estate licensee.

13 IV

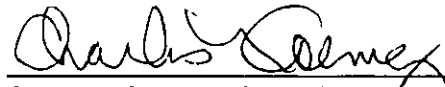
14 MATTER IN AGGRAVATION

15 On or about December 18, 2000, in the Superior Court,
16 County of San Joaquin, State of California, Respondent was
17 convicted of a violation of Section 23152(b) of the California
18 Vehicle Code (Driving with a Blood Alcohol Level of .08% or
19 More), a crime involving moral turpitude and/or a crime which
20 bears a substantial relationship under Section 2910, Title 10,
21 California Code of Regulations, to the qualifications,
22 functions, or duties of a real estate licensee.

23 V

24 The facts alleged above constitute cause under
25 Sections 490 and/or 10177(b) of the Code for suspension or
26 revocation of all licenses and license rights of Respondent
27 under the Real Estate Law.

1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations of this Accusation and that upon
3 proof thereof, a decision be rendered imposing disciplinary
4 action against all licenses and license rights of Respondent
5 under the Real Estate Law (Part 1 of Division 4 of the Business
6 and Professions Code), and for such other and further relief as
7 may be proper under the provisions of law.

8
9 
10 CHARLES W. KOENIG
11 Deputy Real Estate Commissioner

12 Dated at Sacramento, California,
13 this 20th day of December, 2004
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