

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



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7  
8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

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11 In the Matter of the Accusation against

12 GIRE, INC. and JASON GREGORY GIRE,  
13 individually and as designated officer for Gire,  
14 Inc.,

15 Respondents.

DRE No. H-05048 SD  
OAH No. 2019030557

**STIPULATION AND**  
**AGREEMENT IN SETTLEMENT**  
**AND ORDER**

16 It is hereby stipulated by and between Respondents GIRE, INC. and JASON GREGORY  
17 GIRE, individually, and as designated officer for Gire, Inc. (collectively "Respondents"), both  
18 represented by Jozef G. Magyar, Esq. and the Complainant, acting by and through Lissete  
19 Garcia, Counsel for the Department of Real Estate ("Department"), as follows for the purpose of  
20 settling and disposing the Accusation filed on February 11, 2019, with Department Case No.  
21 H-05048 SD ("Accusation") in this matter:

22 1. All issues which were to be contested and all evidence which was to be presented by  
23 Complainant and Respondents 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

Stipulation and Agreement  
H-05048 SD

1 instead and in place thereof be submitted on the basis of the provisions of this Stipulation and  
2 Agreement in Settlement and Order ("Stipulation").

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

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

14 4. Respondents, pursuant to the limitations set forth below, hereby admit that the factual  
15 allegations in the Accusation filed in this proceeding are true and correct and the Real Estate  
16 Commissioner shall not be required to provide further evidence of such allegations.

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

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

5 7. Respondents understand that by agreeing to this Stipulation, Respondents agree to pay  
6 the Department's investigative and enforcement costs of \$5,887.00 which led to this disciplinary  
7 action, pursuant to California Business and Professions Code ("Code") section 10106(a).

8 8. Respondents understand that by agreeing to this Stipulation, Respondents agree to  
9 pay, pursuant to Code section 10148, the cost of the audit which resulted in the determination  
10 that Respondent committed the violations found in the "Determination of Issues" below. The  
11 audit cost is \$11,025.45.

12 9. Respondents further understand that by agreeing to this Stipulation, the findings set  
13 forth below in the Determination of Issues become final, and the Commissioner may charge  
14 Respondents for the cost of any subsequent audit conducted pursuant to Code section 10148 to  
15 determine if the violations have been corrected. The maximum cost of the follow-up audit will  
16 not exceed one-hundred twenty-five percent (125%) of the cost of the original audit; in the  
17 instant case, the cost of the original audit is \$11,025.45, and the maximum cost of the follow-up  
18 audit will not exceed \$13,781.81. Therefore, Respondents may be charged a maximum of  
19 \$13,781.81 in the event of a subsequent audit.

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1 DETERMINATION OF ISSUES

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

5 I.

6 The conduct, acts and/or omissions of Respondent GIRE, INC. as set forth herein above  
7 in Paragraph 4, constitute cause for the suspension or revocation of all real estate licenses and  
8 license rights of Respondent GIRE, INC. under the provisions of Code sections 10176(e),  
9 10177(d), 10176(i), and 10177(g) for violation of Code section 10145 and Regulations of the  
10 Real Estate Commissioner, Title 10, Chapter 6, California Code of Regulations ("Regulations")  
11 2832.1, 2832, 2831, 2831.1, and 2831.2.

12 II.

13 The conduct, acts and/or omissions of Respondent GIRE as set forth herein above in  
14 Paragraph 4, constitute cause for the suspension or revocation of all real estate licenses and  
15 license rights of Respondent GIRE under the provisions of Code section 10177(h) for violation  
16 of Code sections 10159.2, 10177(h) and Regulation 2725.

17 ORDER

18 I.

19 All licenses and licensing rights of Respondent GIRE, INC. under the Real Estate Law  
20 are revoked; provided, however, a restricted real estate corporation license shall be issued to  
21 Respondent GIRE, INC. pursuant to Section 10156.5 of the Code if Respondent makes  
22 application therefor and pays to the Department the appropriate fee for the restricted license  
23 within 90 days from the effective date of this Decision and Order. The restricted license issued  
24 to Respondent GIRE, INC. shall be subject to all of the provisions of Section 10156.7 of the



1 Code and to the following limitations, conditions and restrictions imposed under authority of  
2 Section 10156.6 of that Code:

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

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

11 3. Respondent shall not be eligible to petition for the issuance of any unrestricted real  
12 estate license nor for removal of any of the conditions, limitations or restrictions of a restricted  
13 license until three (3) years have elapsed from the effective date of this Decision and Order.  
14 Respondent shall not be eligible to apply for any unrestricted licenses until all restrictions  
15 attaching to the license have been removed.

16 4. Respondents shall pay, jointly or severally, the sum of \$5,887.00 for the  
17 Commissioner's reasonable cost of the investigation and enforcement which led to this  
18 disciplinary action. Said payment shall be in the form of a cashier's check made payable to the  
19 Department of Real Estate. **The investigative and enforcement costs must be delivered to the**  
20 **Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013,**  
21 **within 180 days from effective date of this Decision and Order.** Payment of investigation  
22 and enforcement costs should not be made until the Stipulation has been approved by the  
23 Commissioner.  
24

1       5. Pursuant to Section 10148 of the Code, Respondents shall pay, jointly or severally, the  
2 sum of \$11,025.45 for the Commissioner's cost of the audit which led to this disciplinary action.

3 **Respondents shall pay such cost within one hundred and eighty (180) days of receiving an**  
4 **invoice therefore from the Commissioner. Payment of audit costs should not be made until**  
5 **Respondents receive the invoice.** If Respondents fail to satisfy this condition in a timely  
6 manner as provided for herein, Respondents' real estate licenses shall automatically be  
7 suspended until payment is made in full, or until a decision providing otherwise is adopted  
8 following a hearing held pursuant to this condition.

9       6. Pursuant to Section 10148 of the Code, Respondents shall pay, jointly or severally, the  
10 Commissioner's reasonable costs for any subsequent audit (said costs may not to exceed a  
11 maximum of \$13,781.81) to determine if Respondents have corrected the violations found in the  
12 Determination of Issues. In calculating the amount of the Commissioner's reasonable cost, the  
13 Commissioner may use the estimated average hourly salary for all persons performing audits of  
14 real estate brokers, and shall include an allocation for travel time to and from the auditor's place  
15 of work. **Respondents shall pay such cost within sixty (60) days of receiving an invoice**  
16 **therefore from the Commissioner. Payment of the audit costs should not be made until**  
17 **Respondent receives the invoice.** If Respondents fail to satisfy this condition in a timely  
18 manner as provided for herein, Respondents' real estate license shall automatically be suspended  
19 until payment is made in full, or until a decision providing otherwise is adopted following a  
20 hearing held pursuant to this condition.

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II.

All licenses and licensing rights of Respondent JASON GREGORY GIRE ("GIRE")  
under the Real Estate Law are revoked; provided, however, a restricted real estate salesperson  
license shall be issued to Respondent GIRE pursuant to Section 10156.5 of the Code if  
Respondent makes application therefor and pays to the Department the appropriate fee for the  
restricted license within 90 days from the effective date of this Decision and Order. The  
restricted license issued to Respondent GIRE shall be subject to all of the provisions of Section  
10156.7 of the Code and to the following limitations, conditions and restrictions imposed under  
authority of Section 10156.6 of that Code:

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

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

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

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

4           (a) That the employing broker has read the Decision and Order of the  
5               Commissioner which granted the right to a restricted license; and

6           (b) That the employing broker will exercise close supervision over the  
7               performance by the restricted licensee relating to activities for which a real  
8               estate license is required.

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

19       6. Respondent GIRE shall, within six (6) months from the effective date of this  
20 Decision and Order, take and pass the Professional Responsibility Examination administered by  
21 the Department including the payment of the appropriate examination fee. If Respondent fails  
22 to satisfy this condition, Respondent's real estate license shall automatically be suspended until  
23 Respondent passes the examination.  
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1       7. Respondents shall pay, jointly or severally, the sum of \$5,887.00 for the  
2 Commissioner's reasonable cost of the investigation and enforcement which led to this  
3 disciplinary action. Said payment shall be in the form of a cashier's check made payable to the  
4 Department of Real Estate. **The investigative and enforcement costs must be delivered to the**  
5 **Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013,**  
6 **within 180 days from the effective date of this Decision and Order.** Payment of  
7 investigation and enforcement costs **should not be made** until the Stipulation has been  
8 approved by the Commissioner.

9       8. Pursuant to Section 10148 of the Code, Respondents shall pay, jointly or severally, the  
10 sum of \$11,025.45 for the Commissioner's cost of the audit which led to this disciplinary action.  
11 **Respondents shall pay such cost within one hundred eighty (180) days of receiving an**  
12 **invoice therefore from the Commissioner.** Payment of audit costs **should not be made until**  
13 **Respondents receive the invoice.** If Respondents fail to satisfy this condition in a timely  
14 manner as provided for herein, Respondents' real estate licenses shall automatically be  
15 suspended until payment is made in full, or until a decision providing otherwise is adopted  
16 following a hearing held pursuant to this condition.

17       9. Pursuant to Section 10148 of the Code, Respondents shall pay, jointly or severally, the  
18 Commissioner's reasonable costs for any subsequent audit (said costs may not to exceed a  
19 maximum of \$13,781.81) to determine if Respondents have corrected the violations found in the  
20 Determination of Issues. In calculating the amount of the Commissioner's reasonable cost, the  
21 Commissioner may use the estimated average hourly salary for all persons performing audits of  
22 real estate brokers, and shall include an allocation for travel time to and from the auditor's place  
23 of work. **Respondents shall pay such cost within sixty (60) days of receiving an invoice**  
24 **therefore from the Commissioner. Payment of the audit costs should not be made until**

1 **Respondent receives the invoice.** If Respondents fail to satisfy this condition in a timely  
2 manner as provided for herein, Respondents' real estate license shall automatically be suspended  
3 until payment is made in full, or until a decision providing otherwise is adopted following a  
4 hearing held pursuant to this condition.

5  
6 DATED: 8/23/2019

  
Lissete Garcia, Counsel  
Department of Real Estate

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

16 Respondents can signify acceptance and approval of the terms and conditions of this  
17 Stipulation and Agreement by electronically e-mailing a copy of the signature page, as actually  
18 signed by Respondents, to the Department. Respondents agree, acknowledge, and understand  
19 that by electronically sending to the Department an electronic copy of Respondents' actual  
20 signatures, as they appear on the Stipulation, that receipt of the emailed copy by the Department  
21 shall be as binding on Respondents as if the Department had received the original signed  
22 Stipulation. By signing this Stipulation, Respondents understand and agree that Respondents  
23 may not withdraw Respondents' agreement or seek to rescind the Stipulation prior to the time the  
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1 Commissioner considers and acts upon it or prior to the effective date of the Stipulation and  
2 Order.

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4 DATED: 8/21/2019

  
Respondent GIRE, INC.

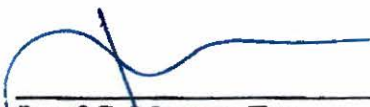
5 By (Printed Name): JASON GIRE

6 Title: President

7  
8 DATED: 8/21/2019

  
Respondent JASON GREGORY GIRE

9  
10 DATED: 8/23/19

  
Jozef G. Magyar, Esq.  
Counsel for Respondents  
Approved as to Form

13 \* \* \*

14 The foregoing Stipulation and Agreement in Settlement and Order is hereby adopted by  
15 me as my Decision in this matter and shall become effective at 12 o'clock noon on  
16 \_\_\_\_\_, 2019.

17 IT IS SO ORDERED \_\_\_\_\_, 2019.

18 DANIEL J. SANDRI  
19 ACTING REAL ESTATE COMMISSIONER  
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1 Commissioner considers and acts upon it or prior to the effective date of the Stipulation and  
2 Order.

3  
4 DATED: \_\_\_\_\_

Respondent GIRE, INC.

5 By (Printed Name): \_\_\_\_\_

6 Title: \_\_\_\_\_

7  
8 DATED: \_\_\_\_\_

Respondent JASON GREGORY GIRE

9  
10 DATED: \_\_\_\_\_

11 Jozef G. Magyar, Esq.  
12 Counsel for Respondents  
13 Approved as to Form

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

16 OCT 22 2019, 2019.

17 IT IS SO ORDERED September 30, 2019.

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19 DANIEL J. SANDRI  
20 ACTING REAL ESTATE COMMISSIONER

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