

DEPT. OF REAL ESTATE
Carl Selous

1 ("Department") in this proceeding.

2 3. On April 7, 2020, Respondent filed a Notice of Defense pursuant to Section
3 11506 of the Government Code for the purpose of requesting a hearing on the allegations in the
4 Accusation. Respondent hereby freely and voluntarily withdraws said Notice of Defense.
5 Respondent acknowledges that he understands that by withdrawing said Notice of Defense
6 Respondent thereby waives his right to require the Commissioner to prove the allegations in the
7 Accusation at a contested hearing held in accordance with the provisions of the APA and that
8 Respondent will waive other rights afforded to him in connection with the hearing such as the
9 right to present evidence in his defense, and the right to cross-examine witnesses.

10 4. Respondent, pursuant to the limitation set forth below, hereby admits that the
11 factual allegations as set forth in the Accusation, in Case No. H-05139 SD, filed in this
12 proceeding are true and correct and the Real Estate Commissioner shall not be required to
13 provide further evidence of such allegations.

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

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

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1 Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted
2 license.

3 3. Respondent shall not be eligible to petition for the issuance of any unrestricted
4 real estate license nor for removal of any of the conditions, limitations or restrictions of a
5 restricted license until two (2) years have elapsed from the effective date of this Decision and
6 Order. Respondent shall not be eligible to apply for any unrestricted licenses until all restrictions
7 attaching to the license have been removed

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

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

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

17 II.

18 Respondent shall notify the Commissioner in writing within seventy-two (72)
19 hours of any arrest by sending a certified letter to the Commissioner at the Department of Real
20 Estate, P.O. Box 137013, Sacramento, CA 95813-7013. The letter shall set forth the date of
21 Respondent's arrest, the crime for which Respondent was arrested and the name and address of
22 the arresting law enforcement agency. Respondent's failure to timely file written notice shall
23 constitute an independent violation of the terms of the restricted license and shall be grounds for
24 the suspension and revocation of that license.

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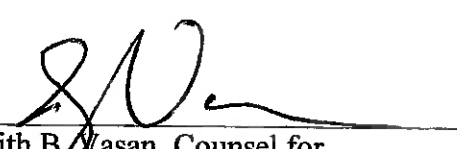
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III.

All licenses and licensing rights of Respondent are indefinitely suspended unless or until Respondent pays the sum of \$1,028.40 for the Commissioner's reasonable costs of the investigation (\$493.40) and enforcement (\$535.00), 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.

DATED: 9-18-2020


Judith B. Vasan, Counsel for
Department of Real Estate

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EXECUTION OF THE STIPULATION

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


Respondent shall mail the original signed signature page of the stipulation herein to Judith B. Vasan, Attention: Legal Section, Department of Real Estate, 320 W. Fourth St., Suite 350, Los Angeles, California 90013-1105.

In the event of time constraints before an administrative hearing, Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by emailing a scanned copy of the signature page, as actually signed by Respondent, to the Department counsel assigned to this case. Respondent agrees, acknowledges, and understands

1 that by electronically sending the Department a scan of Respondent's actual signature as it
2 appears on the Stipulation and Agreement that receipt of the scan by the Department shall be
3 binding on Respondent as if the Department had received the original signed Stipulation and
4 Agreement.


5 Respondent's signature below constitutes acceptance and approval of the terms
6 and conditions of this Stipulation. Respondent agrees, acknowledges and understands that by
7 signing this Stipulation, Respondent is bound by its terms as of the date of such signatures and
8 that this agreement is not subject to rescission or amendment at a later date except by a separate
9 Decision and Order of the Real Estate Commissioner.

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12 DATED: 9/17/2020



ASTON C. ORIHUELA
Respondent

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15 DATED: 9/17/20



Frank M. Buda
Respondent's Counsel
Approved as to Form and Content

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19 The foregoing Stipulation and Agreement is hereby adopted as my Decision as to
20 Respondent ASTON C. ORIHUELA and shall become effective at 12 o'clock noon on

21 DEC 22 2020

22 IT IS SO ORDERED 11.4.20

23
24 DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER

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STIPULATION AND AGREEMENT IN SETTLEMENT AND ORDER