

1 Department of Real Estate  
2 320 West 4th Street, Ste. 350  
3 Los Angeles, California 90013-1105  
4 Telephone: (213) 576-6982

**FILED**

**MAR 15 2021**

**DEPT. OF REAL ESTATE**

By *Zoi Ju*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of ) No. H-05161 SD  
12 JUSTIN CARL BRENNAN, )  
13 ) STIPULATION  
14 Respondent. ) AND  
AGREEMENT

15 It is hereby stipulated by and between Respondent JUSTIN CARL BRENNAN  
16 ("BRENNAN"), represented by Mary E. Work, Esq., and the Complainant, acting by and through  
17 Julie L. To, Counsel for the Department of Real Estate ("Department" or "DRE"), as follows for  
18 the purpose of settling and disposing of the First Amended Accusation ("Accusation") filed on  
19 January 28, 2021<sup>1</sup> in Case No. H-05161 SD, in this matter.

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

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26 <sup>1</sup> The original Accusation was filed on June 23, 2020.

1 Stipulation and Agreement (“Stipulation”).

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

5           3. On July 1, 2020, Respondent timely filed his Notice of Defense pursuant to  
6 Section 11506 of the Government Code for the purpose of requesting a hearing on the allegations  
7 in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice of Defense.  
8 Respondent acknowledges that he understands that by withdrawing said Notice of Defense he  
9 thereby waives his right to require the Commissioner to prove the allegations in the Accusation at  
10 a contested hearing held in accordance with the provisions of the APA and that he will waive  
11 other rights afforded to him in connection with the hearing such as the right to present evidence  
12 in his defense and the right to cross-examine witnesses.

13           4. This Stipulation is based on the factual allegations contained in the Accusation.  
14 In the interest of expedience and economy, Respondent chooses not to contest these allegations,  
15 but to remain silent, and understands that, as a result thereof, these factual allegations, without  
16 being admitted or denied, will serve as a prima facie basis for the disciplinary action stipulated to  
17 herein. The Real Estate Commissioner shall not be required to provide further evidence to prove  
18 said factual allegations.

19           5. This Stipulation is made for the purpose of reaching an agreed disposition of  
20 this proceeding and is expressly limited to this proceeding and any other proceeding or case in  
21 which the Department or another licensing agency of this state, another state, or if the federal  
22 government is involved, and otherwise shall not be admissible in any other criminal or civil  
23 proceeding.

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

6 7. The Order or any subsequent Order of the Real Estate Commissioner made  
7 pursuant to this Stipulation shall not constitute an estoppel, merger or bar to any further  
8 administrative or civil proceedings by the Department of Real Estate with respect to any matters  
9 which were not specifically alleged to be causes for Accusation in this proceeding but do  
10 constitute a bar, estoppel and merger as to any allegations actually contained in the Accusations  
11 against Respondent herein.

12 8. Respondent understands that by agreeing to this Stipulation, Respondent agrees  
13 to pay, pursuant to Code Section 10106, the Commissioner's cost of the investigation and  
14 enforcement which resulted in the determination that Respondent committed the violations found  
15 in the Determination of Issues. The amount of said investigation and enforcement costs is  
16 \$4,142.70 (comprised of \$3,301.65 in investigation costs plus \$841.05 in enforcement costs);  
17 therefore, Respondent agrees to pay, pursuant to Code Section 10106, the amount \$4,142.70 for  
18 the Commissioner's investigation and enforcement costs.

19 DETERMINATION OF ISSUES

20 By reason of the foregoing stipulations, admissions and waivers, and solely for the  
21 purpose of settlement of the pending Accusation without a hearing, it is stipulated and agreed  
22 that the following determination of issues shall be made:

23 The conduct, acts or omissions of Respondent as described in Paragraph 4, herein  
24 above, are in violation of: Code Sections 10176(i) and 10177(j) and are bases for the suspension  
25 or revocation of the license and license rights of Respondent as violations of the Real Estate Law.  
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ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

I.

All licenses and licensing rights of Respondent JUSTIN CARL BRENNAN under the Real Estate Law are suspended for a period of thirty (30) days from the effective date of this Decision and Order; provided, however, that:

1. All thirty (30) days of said suspension shall be stayed for two (2) years upon the following terms and conditions:


a) Respondent 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 of disciplinary action occurred within two (2) years from the effective date of this Decision and Order. Should such a determination be made, the Commissioner may, in his discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed suspension. Should no such determination be made, the stay imposed herein shall become permanent.

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

1                   3. All licenses and licensing rights of Respondent are indefinitely suspended  
2 unless or until Respondent pays the sum of \$4,142.70 for the Commissioner's reasonable cost of  
3 the investigation and enforcement which led to this disciplinary action. Said payment shall be in  
4 the form of a cashier's check or certified check made payable to the Department of Real Estate.  
5 The investigation and enforcement costs must be delivered to the Department of Real Estate,  
6 Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this  
7 Decision and Order.

8  
9 DATED: 2-18-21

  
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Julie L. To, Counsel for  
Department of Real Estate

11                   \* \* \*

12                   EXECUTION OF THE STIPULATION

13                   I have read the Stipulation and Agreement. Its terms are understood by me and  
14 are agreeable and acceptable to me. I understand that I am waiving rights given to me by the  
15 California Administrative Procedure Act (including but not limited to Sections 11506, 11508,  
16 11509 and 11513 of the Government Code), and I willingly, intelligently and voluntarily waive  
17 those rights, including the right of requiring the Commissioner to prove the allegations in the  
18 Accusation at a hearing at which I would have the right to cross-examine witnesses against me  
19 and to present evidence in defense and mitigation of the charges.

20                   MAILING AND FACSIMILE

21                   Respondent can signify acceptance and approval of the terms and conditions of  
22 this Stipulation and Agreement by sending a hard copy of the original signed signature page of  
23 the Stipulation herein to Julie L. To, Legal Section, Department of Real Estate, 320 W. Fourth  
24 St., Suite 350, Los Angeles, California 90013-1105. In the event of time constraints before an  
25 administrative hearing, Respondent can signify acceptance and approval of the terms and  
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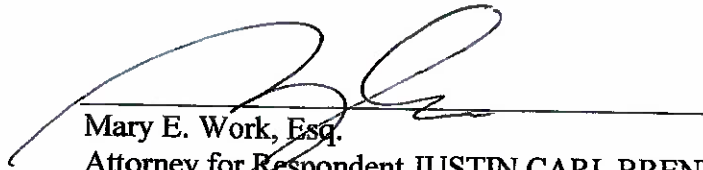
1 conditions of this Stipulation and Agreement by e-mailing a scanned copy of the signature page,  
2 as actually signed by Respondent, to the Department counsel assigned to this case. Respondent  
3 agrees, acknowledges, and understands that by electronically sending to the Department a scan of  
4 Respondent's actual signature as it appears on the Stipulation and Agreement that receipt of the  
5 scan by the Department shall be binding on Respondent as if the Department had received the  
6 original signed Stipulation and Agreement.

7 DATED: 2/11/21

  
JUSTIN CARL BRENNAN, Respondent

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10 *I have reviewed the Stipulation and Agreement as to form and have advised my*  
11 *client accordingly.*

12 2/8/2021  
13 Dated

  
14 Mary E. Work, Esq.  
15 Attorney for Respondent JUSTIN CARL BRENNAN

16 \* \* \*

17 The foregoing Stipulation and Agreement is hereby adopted as my Decision as to  
18 Respondent JUSTIN CARL BRENNAN, and shall become effective at 12 o'clock noon on  
19 APR 14 2021, 2021.

20 IT IS SO ORDERED 3.9.21, 2021.

21  
22 REAL ESTATE COMMISSIONER

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24   
25 DOUGLAS R. McCAULEY