

FILED

OCT 15 2025

DEPT. OF REAL ESTATE

By at Delois

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

In the Matter of the Accusation against  
BENJAMIN M. HENRY,  
Respondent.

No. H-05267 SD

**STIPULATION AND AGREEMENT  
IN SETTLEMENT AND ORDER**

It is hereby stipulated by and between Respondent BENJAMIN M. HENRY ("Respondent") (license no. 01429298), and Complainant, acting by and through Judith Buranday, Counsel for the Department of Real Estate ("Department"), as follows for the purpose of settling and disposing of the First Amended Accusation filed on or about April 15, 2022, in this matter:

1. On April 15, 2022, the Department filed a First Amended Accusation against Respondent in Case No. H-05267 SD ("Accusation"), seeking discipline of Respondent's real estate broker license and mortgage loan originator ("MLO") license endorsement.

2. A hearing was held on September 8, 2022, by the Office of Administrative Hearings, before Abraham M. Levy, Administrative Law Judge ("ALJ") and on September 26, 2022, ALJ Levy issued a Proposed Decision which was adopted by the Real Estate Commissioner on October 18, 2022 ("Decision").

3. The Decision revoked Respondent's real estate broker license and MLO license endorsement, effective November 10, 2022.

4. On November 22, 2022, Respondent filed a petition for writ of administrative mandate in the San Diego County Superior Court (Case No. 37-2022-00044221-CU-WM-CTL) seeking, amongst other relief, to set aside the Decision. The court denied Respondent's request to stay the effective date of the revocation pending outcome of the hearing on the Petition.

5. The Petition was heard in the above-entitled court on September 21, 2023, at 1:30 p.m. in Department 72, before the Honorable Timothy Taylor.

1           6.     On January 5, 2024, the court entered an Order granting the Petition to the following  
2 extent: “the case is hereby remanded to the tribunal below, with the ALJ to reconsider only the  
3 discipline imposed on Mr. Henry in light of the testimony of Danny Yen that was not available to  
4 ALJ in the original proceedings.”

5           7.     On May 23, 2024, the Office of Administrative Hearings heard the matter on remand.

6           8.     On June 11, 2024, ALJ Levy issued a Proposed Decision on Remand, which was  
7 adopted by the Real Estate Commissioner on July 22, 2024, and effective August 15, 2024  
8 (“Decision No. 2.”). Decision No. 2, among other things, ordered in relevant part that all licenses  
9 and license rights of Respondent are revoked. However, a restricted broker license, with MLO  
10 endorsement as otherwise eligible, shall be issued to Respondent pursuant to section 10156.5 of  
11 the Business and Professions Code if Respondent makes application therefor and pays to the  
12 Department the appropriate fee for the restricted license and endorsement within 90 days from the  
13 effective date of Decision No. 2, subject to all of the provisions of section 10156.7 of the  
14 Business and Professions Code and to the various limitations, conditions, and restrictions  
15 imposed under the authority of section 10156.6. of the Code.

16           9.     On September 12, 2024, Respondent submitted a broker application and was issued a  
17 restricted broker license.

18           10.    As to the restricted MLO, Respondent submitted an application for an MLO license  
19 endorsement on April 8, 2025, more than 90 days from the effective date of August 15, 2024. The  
20 Department reviewed Respondent’s MLO application and determined it was not timely submitted  
21 pursuant to Decision No. 2 and Respondent’s MLO license endorsement remains in revoked  
22 status. Petitioner disputes that his application was untimely.

23           11.    On August 6, 2025, the Real Estate Commissioner issued an Order Nunc Pro Tunc  
24 Correcting Error (“Nunc Pro Tunc”), which changed the deadline for Respondent to apply for a  
25 restricted MLO license endorsement from 90 days to 15 months from the effective date of  
26 Decision No. 2 and added NMLS pre-licensing education and continuing education courses to be  
27 completed prior to the issuance of a restricted MLO license endorsement.

1           12. On August 14, 2025, Respondent filed in San Diego County Superior Court Case No.  
2 37-2022-00044221-CU-WM-CTL a Motion to Enforce Judgment and for Injunctive Relief,  
3 seeking to compel Respondent to comply with Decision No. 2. This motion is scheduled for  
4 hearing on November 7, 2025, in Department 72 before the Honorable Timothy Taylor.

5           13. The Department disputes and denies any and all allegations made by Respondent in  
6 the Motion to Enforce Judgment and for Injunctive Relief. Respondent maintains his allegations  
7 are accurate. However, the Parties wish to settle this matter and all claims and causes of action  
8 relating, either directly or indirectly to the Petition, including the Motion to Enforce Judgment  
9 and for Injunctive Relief filed by Respondent.

10           14. This Stipulation and Agreement In Settlement and Order ("Stipulation") is based on  
11 the Factual Findings and Legal Conclusions set forth in Decision No. 2. In the interest of  
12 expedience and economy, Respondent chooses not to contest these findings and understands that,  
13 as a result thereof, they serve as the basis for the disciplinary action stipulated to herein.

14           15. It is understood by the Parties that the Real Estate Commissioner will adopt this  
15 Stipulation as her Decision in this matter, thereby imposing the penalties and sanctions on the real  
16 estate license and license rights as set forth in the below "Modified Order."

17           16. The Modified Order of the Real Estate Commissioner made pursuant to this  
18 Stipulation shall not constitute an estoppel, merger, or bar to any further administrative or civil  
19 proceedings by the Department with respect to any matters which were not specifically alleged to  
20 be causes for Accusation in this proceeding.

21           17. Attorney's Fees and Costs. Each Party shall bear their own attorney's fees and costs  
22 and expenses in connection with any of the matters that are a subject of the Stipulation upon  
23 which this Modified Order is based or the Petition referenced therein.

24           18. Notice of Settlement and Dismissal of the Action. 1) Within five (5) business days of  
25 execution by all Parties of the Stipulation, Respondent shall file a Notice of Settlement in the  
26 Action; and, 2) within five (5) business days of receipt of the Real Estate Commissioner's  
27 Modified Order, Respondent shall dismiss his pending Motion to Enforce Judgment and for  
28

1 Injunctive Relief and move to have San Diego County Superior Court Case No. 37-2022-  
2 00044221-CU-WM-CTL dismissed with prejudice.

3 DETERMINATION OF ISSUES

4 1. By reason of the foregoing stipulations, admissions, and waivers and solely for the  
5 purpose of settlement of the Petition for Writ of Administrative Mandamus and Accusation, it is  
6 stipulated and agreed that the following determination of issues shall be made:

7 2. The conduct, acts and omissions of Respondent BENJAMIN M. HENRY, as described  
8 in the Accusation and Decision No. 2, are grounds for the discipline of all the real estate licenses  
9 and license rights of Respondent pursuant to California Business and Professions Code sections  
10 10166.05(c), 10166.10(a), 10177(d), and 10177(j).

11 MODIFIED ORDER

12 A Modified Order to read as follows shall be entered by the Real Estate Commissioner  
13 within 14 business days of execution of the Stipulation by the Parties:

14 a) The August 6, 2025 Nunc Pro Tunc Order is hereby rescinded.

15 b) Issuance of a Restricted MLO Endorsement. Within five (5) business days of issuance  
16 of the Modified Order, the Department shall issue Respondent a Restricted Mortgage  
17 Loan Originator (MLO) endorsement. The Restricted MLO endorsement issued to  
18 Respondent shall be subject to all of the provisions of Section 10156.7 of the Code and  
19 to the limitations, conditions and restrictions imposed under authority of Section  
20 10156.6 of that Code.

21 c) Respondent understands that if a Restricted MLO endorsement is issued to Respondent  
22 prior to November 1, 2025, Respondent will hold the MLO endorsement through  
23 December 31, 2025, and will need to renew for the following calendar year by  
24 following renewal requirements for an MLO endorsement.

25 d) Payment of Enforcement Costs. Within thirty (30) days of the issuance of a restricted  
26 MLO license endorsement, Respondent shall pay enforcement costs to the Department  
27 in the amount of \$2,180.19.  
28

- 1 e) Said payment shall be in the form of a cashier's check made payable to the Department  
2 of Real Estate. The enforcement costs must be delivered to the Department of Real  
3 Estate, Flag Section, at 651 Bannon Street, Suite 504, Sacramento, CA 95811.
- 4 f) If Respondent fails to pay the enforcement costs in accordance with the terms and  
5 conditions of the Stipulation upon which this Modified Order is based, all licenses,  
6 endorsements, and licensing rights of Respondent shall be indefinitely suspended unless  
7 or until Respondent pays the enforcement costs.
- 8 g) In any event, Respondent shall not be eligible to apply for the issuance of an  
9 unrestricted MLO endorsement, nor for the removal of any of the conditions, limitations  
10 or restrictions of a restricted MLO endorsement, until three years from the effective date  
11 of Decision No. 2. Respondent shall not be eligible to apply for any unrestricted  
12 endorsement until all restrictions attaching to the restricted license and endorsement  
13 have been removed.
- 14 h) Dismissal of the Action. Within five (5) business days of receipt of the Real Estate  
15 Commissioner's Modified Order, Respondent shall dismiss his pending Motion to  
16 Enforce Judgment and for Injunctive Relief and move to have San Diego County  
17 Superior Court Case No. 37-2022-00044221-CU-WM-CTL dismissed with prejudice,  
18 and serve a copy of same on counsel for the Department. If Respondent fails to do so,  
19 all licenses, endorsements, and licensing rights of Respondent shall be indefinitely  
20 suspended unless or until Respondent provides proof of dismissal.
- 21 i) The terms of the Stipulation upon which this Modified Order is based does not waive  
22 any of the additional requirements set forth in the June 11, 2024 Proposed Decision of  
23 ALJ Levy adopted by Real Estate Commissioner Chika Sunquist that are not addressed  
24 and revised herein and they remain in full force and effect in addition to the negotiated  
25 and agreed upon terms of the Stipulation upon which this Modified Order is based.
- 26 j) The restricted MLO endorsement issued to Respondent may be suspended prior to  
27 hearing by Order of the Real Estate Commissioner in the event of Respondent's  
28 conviction or plea of nolo contendere to a crime which is substantially related to

Respondent's fitness or capacity as a real estate licensee.

- k) The restricted MLO endorsement 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 this restricted MLO endorsement.
- l) Respondent shall notify the Real Estate Commissioner in writing within 72 hours of any arrest by sending a certified letter to the Real Estate Commissioner at the Department of Real Estate, 651 Bannan St., Ste. 504, Sacramento, CA 95811. The letter shall set forth the date of Respondent's arrest, the crime for which Respondent was arrested, and the name and address of the arresting law enforcement agency. Respondent's failure to timely file written notice shall constitute an independent violation of the terms of the restricted MLO endorsement and shall be grounds for the suspension or revocation of that license.

DATED: 10/3/2025

  
JUDITH BURANDAY, Counsel for  
Department of Real Estate

\* \* \*

#### EXECUTION OF THE STIPULATION

I, BENJAMIN M. HENRY, have read the Stipulation. 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 APA (including, but not limited to, California Government Code sections 11506, 11508, 11509, and 11513), and I willingly, intelligently, and voluntarily waive those rights.

#### MAILING

Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by mailing the original signed signature page of this Stipulation

1 herein to Department of Real Estate, Attention: Legal Section – Judith Buranday, 320 West  
2 Fourth Street, Suite 350, Los Angeles, California 90013-1105.

3 Respondent's signature below constitutes acceptance and approval of the terms and  
4 conditions of this Stipulation and Agreement. By signing this Stipulation and Agreement,  
5 Respondent agrees, acknowledges, and understands that Respondent may not withdraw  
6 Respondent's agreement or seek to rescind the Stipulation and Agreement prior to the time the  
7 Commissioner considers and acts upon it or prior to the effective date of the Stipulation and  
8 Agreement and Modified Order.

9  
10  
11 DATED: 10-6-25

B. M. Henry  
BENJAMIN M. HENRY, Pro Per

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13  
14 The foregoing Stipulation and Agreement is hereby adopted by me as my Decision in this  
15 matter as to Respondent BENJAMIN M. HENRY and shall become effective upon Respondent's  
16 dismissal with prejudice of Respondent's Petition, including the Motion to Enforce Judgment and  
17 for Injunctive Relief in San Diego County Superior Court Case No. 37-2022-00044221-CU-WM-  
18 CTL.

19  
20 IT IS SO ORDERED 10/14/2025

21 CHIKA SUNQUIST  
22 REAL ESTATE COMMISSIONER

23 Marcus McCarther  
24 By: Marcus L. McCarther  
25 Chief Deputy Real Estate Commissioner

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