

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

FILED

JUL 19 2023

DEPT. OF REAL ESTATE

By _____

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of
12 JORGE MICHAEL CALLACNA,
13 Respondent.

No. H-05344-SD

**STIPULATION AND AGREEMENT
IN SETTLEMENT AND ORDER**

14
15 It is hereby stipulated and agreed by and between Respondent JORGE MICHAEL
16 CALLACNA ("Respondent" or "CALLACNA") and his attorney of record, Marisol Ocampo, Esq.,
17 and the Complainant, acting by and through Laurence D. Haveson, Counsel for the Department of
18 Real Estate ("Department"), as follows for the purpose of settling and disposing of the Accusation
19 filed on September 13, 2022 ("Accusation") in this matter:

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

25 2. Respondent has received, read, and understands the Statement to Respondent, the
26 Discovery Provisions of the APA, and the Accusation filed by the Department of Real Estate in this
27 proceeding.

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1 3. On November 8, 2022, Respondent filed a Notice of Defense pursuant to section
2 11506 of the Government Code for the purpose of requesting a hearing on the allegations in the
3 Accusation. Respondent hereby freely and voluntarily withdraws said Notice of Defense.
4 Respondent acknowledges that Respondent understands that by withdrawing said Notice of
5 Defense, Respondent will thereby waive Respondent's right to require the Real Estate
6 Commissioner ("Commissioner") to prove the allegations in the Accusation at a contested hearing
7 held in accordance with the provisions of the APA and that Respondent will waive other rights
8 afforded to Respondent in connection with the hearing such as the right to present evidence in
9 defense of the allegations in the Accusation and the right to cross-examine witnesses.

10 4. This Stipulation is based on the factual allegations contained in the Accusation filed
11 in this proceeding. In the interest of expedience and economy, Respondent neither admits nor denies
12 these factual allegations, and understands that, as a result thereof, these factual allegations will serve
13 as a prima facie basis for the disciplinary action stipulated to herein. The Real Estate Commissioner
14 shall not be required to provide further evidence to prove such allegations.

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

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

25 DETERMINATION OF ISSUES

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

1 The conduct, acts or omissions of Respondent CALLACNA, as set forth in the Accusation,
2 are a basis for discipline of Respondent's real estate license, mortgage loan originator ("MLO")
3 license endorsement, and license rights pursuant to the Real Estate Law, Part 1 of Division 4 of the
4 California Business and Professions Code ("Code") sections 10166.05(c), 10166.051(a),
5 10166.051(b), 10177(d), 10177(g) and/or 10177(j).

6 ORDER

7 WHEREFORE, THE FOLLOWING ORDER is hereby made:

8 I. SUSPENSION OF MLO LICENSE ENDORSEMENT

9 1. All MLO license endorsements and endorsement rights of Respondent under the
10 Real Estate Law are suspended for a period of one hundred and eighty (180) days from the
11 Effective Date of this Decision and Order.

12 2. Respondent further agrees that Respondent must satisfy the Education and
13 Administrative Penalty provisions prior to reinstatement of their MLO license endorsement or
14 issuance of another MLO license endorsement.

15 II. MORTGAGE LOAN ORIGINATION EDUCATION

16 1. Respondent shall, within ninety (90) days from the Effective Date of this Decision
17 and Order, take and complete the following mortgage loan originator education requirements:

18 a. Twenty (20) hours of NMLS approved pre-licensure education ("PE"),
19 which shall consist of fourteen (14) hours of federal law curriculum, three (3) hours of
20 ethics curriculum, and three (3) hours of non-traditional mortgage lending curriculum.

21 None of these twenty (20) hours of PE may be state-specific curriculum;

22 b. Eight (8) hours of continuing education ("CE"), which shall consist of four
23 (4) hours of federal law curriculum, two (2) hours of ethics curriculum, and two (2) hours
24 of non-traditional mortgage lending curriculum. None of these eight (8) hours of CE may
25 be state-specific curriculum.

26 2. Respondent may not take any of the PE provided for in Paragraph 1(a) of this
27 Section in an online self-study format ("OSS"). Respondent may take the CE provided for in
28 Paragraph 1(b) in any format.

1 3. For a period of three (3) years from the Effective Date of this Order, Respondent is
2 required to complete any additional PE and/or CE required under the SAFE Act in a format other
3 than OSS. If Respondent fails to comply with this condition, the renewal application or new
4 application of Respondent will be deemed incomplete by the Department.

5 4. If Respondent fails to timely satisfy the education provided for in Paragraph 1 of
6 this section, Respondent's MLO license endorsement shall be suspended until Respondent
7 presents evidence satisfactory to the Commissioner of having taken and successfully completed
8 the education requirements.

9 5. Respondent agrees that the CE provided for in Paragraph 1 of this section is in
10 addition to any NMLS education required for licensure under the SAFE Act. The CE provided for
11 in Paragraph 1 will not count toward satisfying 2023 or 2024 standard SAFE Act CE
12 requirements.

13 6. Respondent further agrees that the Department may exercise its examination or
14 investigative authority pursuant to the normal process for such authorized under the Real Estate
15 Law and Commissioner's Regulations in the instance a determination is made wherein
16 Respondent is found to be in violation of the education requirements under this section.

17 III. ADMINISTRATIVE PENALTY

18 All licenses and licensing rights of Respondent are indefinitely suspended unless or until
19 Respondent pays an administrative penalty of \$1,500.00. Said payment shall be in the form of a
20 cashier's check made payable to the Department of Real Estate. The payment must be delivered to
21 the Department of Real Estate, Flag Section, at P.O. Box 137013, Sacramento, CA 95813-7013,
22 prior to the Effective Date of this Decision and Order.

23 IV. STAYED SUSPENSION OF REAL ESTATE LICENSE

24 All licenses and licensing rights of Respondent under the Real Estate Law, with the
25 exception of the MLO license endorsement (NMLS ID 1246596) referenced in Section I above, are
26 suspended for a period of ninety (90) days from the Effective Date of this Decision; provided,
27 however, that all ninety (90) days of said suspension shall be stayed for one (1) year upon the
28 following terms and conditions:

Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by electronically e-mailing a copy of the signature pages, as actually signed by Respondent, to the Department. Respondent agrees, acknowledges, and understands that by electronically sending to the Department an electronic copy of Respondent's actual signature, as it appears on the Stipulation, that receipt of the emailed copy by the Department shall be as binding on Respondent as if the Department had received the original signed Stipulation. By signing this Stipulation, Respondent understands and agrees that Respondent may not withdraw her agreement or seek to rescind the Stipulation prior to the time the Commissioner considers and acts upon it or prior to the effective date of the Stipulation and Order.

MAILING

Respondent and his counsel shall, within five (5) business days from signing the Stipulation, mail the original signed signature page(s) of the Stipulation herein to Laurence Haveson, Attention: Legal Section, Department of Real Estate, 320 W. Fourth St., Room 350, Los Angeles, California 90013-1105.

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

DATED: June 8, 2023


JorgeCallacna (Jun 8, 2023 17:06 PDT)

Respondent JORGE MICHAEL CALLACNA

DATED: June 8, 2023


Marisol Ocampo, Esq.
Attorney for Respondent
Approved as to Form

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

Aug. 8, 2023

IT IS SO ORDERED

7.12.23

DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER

