

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

FILED

JUL 20 2023

DEPT. OF REAL ESTATE
By 

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation against

RJW PROPERTIES, INC., and

ROBERT JOEL WEINBERGER, individually and
as Designated Officer for RJW Properties, Inc.,

Respondents.

DRE No. H-05350 SD
OAH No. 2023050265

STIPULATION AND
AGREEMENT IN SETTLEMENT
AND ORDER

It is hereby stipulated by and between Respondents RJW PROPERTIES, INC. and
ROBERT JOEL WEINBERGER (collectively "Respondents"), represented by Jeffrey S.
Kravitz, Esq., in this matter, and the Complainant, acting by and through Lissete Garcia, Counsel
for the Department of Real Estate ("Department"), as follows for the purpose of settling and
disposing the Accusation filed on February 22, 2023, with Department Case No. H-05350 SD
("Accusation") in this matter:

1. All issues which were to be contested and all evidence which was to be presented by
Complainant and Respondents at a formal hearing on the Accusation, which hearing was to be

1 held in accordance with the provisions of the Administrative Procedure Act ("APA"), shall
2 instead and in place thereof be submitted on the basis of the provisions of this Stipulation and
3 Agreement in Settlement and Order ("Stipulation").

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

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

15 4. This Stipulation is based on the factual allegations contained in the Accusation filed in
16 this proceeding. In the interest of expedience and economy, Respondents choose not to contest
17 these factual allegations, but to remain silent and understand that, as a result thereof, these
18 factual statements, will serve as a prima facie basis for the disciplinary action stipulated to
19 herein. The Real Estate Commissioner shall not be required to provide further evidence to prove
20 such allegations.

21 5. This Stipulation and Respondents' decision not to contest the Accusation are made for
22 the purpose of reaching an agreed disposition of this proceeding and are expressly limited to this
23 proceeding and any other proceeding or case in which the Department, or another licensing
24 agency of this state, another state or if the federal government is involved and otherwise shall not

1 be admissible in any other criminal or civil proceedings.

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

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

13 DETERMINATION OF ISSUES

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

17 I.

18 The conduct, acts and/or omissions of Respondent RJW PROPERTIES, INC. as set forth
19 herein above in Paragraph 4, constitute cause for the suspension or revocation of all real estate
20 licenses and license rights of Respondent RJW PROPERTIES, INC. pursuant to the provisions
21 of Business and Professions Code ("Code") section 10176, subdivision (f), and Code section
22 10177, subdivisions (d) and (g), for violation of Code sections 10176(f), 10145, 10130, 10137,
23 10161.8 and Regulations of the Real Estate Commissioner, Title 10, Chapter 6, California Code
24 of Regulations ("Regulations") 2834.

1 II.

2 The conduct, acts and/or omissions of Respondent ROBERT JOEL WEINBERGER as
3 set forth herein above in Paragraph 4, constitute cause for the suspension or revocation of all real
4 estate licenses and license rights of Respondent ROBERT JOEL WEINBERGER pursuant to the
5 provisions of Code section 10176, subdivision (f), and Code section 10177, subdivision (h), for
6 violation of Code sections 10176(f), 10159.2 and Regulation 2725.

7 ORDER

8 I.

9 All licenses and licensing rights of Respondent RJW PROPERTIES, INC. ("RJWPI")
10 under the Real Estate Law are suspended for a period of fifteen (15) days from the effective date
11 of this Decision and Order; provided, however, that:

12 1. Fifteen (15) days of said suspension shall be stayed for two (2) years upon the
13 following terms and conditions:

14 a) Respondent shall obey all laws, rules and regulations governing the rights, duties
15 and responsibilities of a real estate licensee in the State of California; and,

16 b) That no final subsequent determination be made, after hearing or upon stipulation,
17 that cause for disciplinary action occurred within two (2) years from the effective date of this
18 Decision and Order. Should such a determination be made, the Commissioner may, in his
19 discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed
20 suspension. Should no such determination be made, the stay imposed herein shall become
21 permanent.

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II.

All licenses and licensing rights of Respondent ROBERT JOEL WEINBERGER ("WEINBERGER") under the Real Estate Law are suspended for a period of fifteen (15) days from the effective date of this Decision and Order; provided, however, that:

1. Fifteen (15) 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 for 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. All licenses and licensing rights of Respondent WEINBERGER are indefinitely suspended unless or until Respondent WEINBERGER provides proof satisfactory to the Commissioner, of having taken and successfully completed the continuing education course on trust fund accounting and handling specified in paragraph (3) of subdivision (a) of Section 10170.5 of the Business and Professions Code. Proof of satisfaction of these requirements includes evidence that Respondent has successfully completed the trust fund account and handling continuing education courses, no earlier than 120 days prior to the effective date of the Decision and Order in this matter. **Proof of completion of the trust fund accounting and handling course must be delivered to the Department of Real Estate, Flag Section at P.O.**

1 **Box 137013, Sacramento, CA 95813-7013 or by fax at 916-263-8758, prior to the effective**
2 **date of this Decision and Order.**

3 III.

4 All licenses and licensing rights of Respondents RJWPI and WEINBERGER are
5 indefinitely suspended unless or until Respondents RJWPI and WEINBERGER pay, severally or
6 jointly, the total sum of \$3,805.30 for the Commissioner's reasonable cost of the investigation
7 and enforcement which led to this disciplinary action. Said payment shall be in the form of a
8 cashier's check made payable to the Department of Real Estate. **The investigative and**
9 **enforcement costs must be delivered to the Department of Real Estate, Flag Section at P.O.**
10 **Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this Decision and**
11 **Order. Payment of investigation and enforcement costs should not be made until the**
12 **Stipulation has been approved by the Commissioner.**

13 IV.

14 Pursuant to Section 10148 of the Code, Respondents RJWPI and WEINBERGER shall
15 pay, severally or jointly, the total sum of \$6,132.52 for the Commissioner's cost of the audit
16 which led to this disciplinary action. **Respondents shall pay such cost within sixty (60) days**
17 **of receiving an invoice therefore from the Commissioner. Payment of audit costs should**
18 **not be made until Respondents receive the invoice.** If Respondents fail to satisfy this
19 condition in a timely manner as provided for herein, Respondents' real estate licenses shall
20 automatically be suspended until payment is made in full, or until a decision providing otherwise
21 is adopted following a hearing held pursuant to this condition.

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V.

Pursuant to Section 10148 of the Code, Respondents RJWPI and WEINBERGER shall pay, severally or jointly, the Commissioner's reasonable costs for any subsequent audit (said costs may not exceed a maximum of \$7,665.65) to determine if Respondents have corrected the violations found in the Determination of Issues. In calculating the amount of the Commissioner's reasonable cost, the Commissioner may use the estimated average hourly salary for all persons performing audits of real estate brokers, and shall include an allocation for travel time to and from the auditor's place of work. **Respondents shall pay such cost within sixty (60) days of receiving an invoice therefore from the Commissioner. Payment of the audit costs should not be made until Respondents receive the invoice.** If Respondents fail to satisfy this condition in a timely manner as provided for herein, Respondents' real estate licenses shall automatically be suspended until payment is made in full, or until a decision providing otherwise is adopted following a hearing held pursuant to this condition.

DATED: 05/25/2023


Lisette García, Counsel
Department of Real Estate

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EXECUTION OF THE STIPULATION

We have read this Stipulation and its terms are understood by us and are agreeable and acceptable to us. We understand that we are waiving rights given to us by the California APA (including, but not limited to, sections 11506, 11508, 11509, and 11513 of the Government Code), and we 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 we would have the right to cross-examine witnesses against us and to present evidence in defense and mitigation of the charges.

1 Respondents can signify acceptance and approval of the terms and conditions of this
2 Stipulation and Agreement by electronically e-mailing a copy of the signature pages, as actually
3 signed by Respondents, to the Department. Respondents agree, acknowledge, and understand
4 that by electronically sending to the Department an electronic copy of Respondents' actual
5 signatures, as they appear on the Stipulation, that receipt of the emailed copy by the Department
6 shall be as binding on Respondents as if the Department had received the original signed
7 Stipulation. By signing this Stipulation, Respondents understand and agree that Respondents
8 may not withdraw their agreement or seek to rescind the Stipulation prior to the time the
9 Commissioner considers and acts upon it or prior to the effective date of the Stipulation and
10 Order.

11
12 DATED: 5/23/23


Respondent RJW PROPERTIES, INC.

13 By (Printed Name): 

14 Title: President

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16 DATED: 5/23/23


Respondent ROBERT JOEL WEINBERGER

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18 DATED: 5/24/23


Jeffrey S. Kravitz, Attorney for Respondents
RJW Properties, Inc. and Robert Joel Weinberger
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

8/21/2023

IT IS SO ORDERED

7.12.23

REAL ESTATE COMMISSIONER


DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER