

1 DEPARTMENT OF REAL ESTATE
2 320 West 4th Street, Suite 350
3 Los Angeles, California 90013-1105
4 Telephone: (213) 559-5990

FILED

DEC 17 2025

DEPT. OF REAL ESTATE

By



5
6
7
8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * *

11 In the Matter of the Accusation against

12 FERNANDO COTA,

13 Respondent.

DRE No. H-05839 SD

OAH No. 2025010550

STIPULATION AND
AGREEMENT IN SETTLEMENT
AND ORDER

14
15
16 It is hereby stipulated by and between Respondent FERNANDO COTA (“Respondent”),
17 representing himself in this matter, and the Complainant, acting by and through Lissete Garcia,
18 Counsel for the Department of Real Estate (“Department”), as follows for the purpose of settling
19 and disposing the Accusation (“Accusation”) filed on October 25, 2024, with Department Case
20 No. H-05839 SD (“Accusation”) in this matter:

21 1. All issues which were to be contested and all evidence which was to be presented
22 by Complainant and Respondent at a formal hearing on the Accusation, which hearing was to be
23 held in accordance with the provisions of the Administrative Procedure Act (“APA”), shall
24

1 instead and in place thereof be submitted on the basis of the provisions of this Stipulation and
2 Agreement in Settlement and Order ("Stipulation").

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

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

14 4. Respondent, pursuant to the limitations set forth below, hereby admits that the
15 factual allegations in the Accusation filed in this proceeding are true and correct and the Real
16 Estate Commissioner shall not be required to provide further evidence of such allegations.

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

24 ///

1 1. The restricted license issued to Respondent may be suspended prior to hearing by
2 Order of the Commissioner in the event of Respondent's conviction or plea of nolo contendere to
3 a crime which is substantially related to Respondent's fitness or capacity as a real estate licensee.

4 2. The restricted license issued to Respondent may be suspended prior to hearing by
5 Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that
6 Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands
7 Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted
8 license.

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

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

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

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

23 ///

24 ///

1 5. Respondent shall pay the sum of \$5,658.80 for the Commissioner's reasonable
2 cost of the investigation and enforcement which led to this disciplinary action. Said payment
3 shall be in the form of a cashier's check made payable to the Department of Real Estate. The
4 **investigative and enforcement costs must be delivered to the Department of Real Estate,**
5 **Flag Section at 651 Bannon Street, Suite 504, Sacramento, CA 95811, within thirty (30)**
6 **days from the effective date of this Decision and Order.** Payment of investigation and
7 **enforcement costs should not be made until the Stipulation has been approved by the**
8 **Commissioner.** If Respondent fails to satisfy this condition in a timely manner as provided for
9 herein, Respondent's real estate license shall automatically be suspended until payment is made
10 in full, or until a decision providing otherwise is adopted following a hearing held pursuant to
11 this condition.

12 6. Respondent shall, **within six (6) months from the effective date of this**
13 **Decision and Order,** take and pass the Professional Responsibility Examination administered
14 by the Department including the payment of the appropriate examination fee. If Respondent
15 fails to satisfy this condition, Respondent's real estate license shall automatically be suspended
16 until Respondent passes the examination.

17 7. Respondent shall, **within nine (9) months from the effective date of this**
18 **Decision and Order,** present evidence satisfactory to the Commissioner that Respondent has,
19 since the most recent issuance of an original or renewal real estate license, taken and successfully
20 completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate
21 Law for renewal of a real estate license. If Respondent fails to satisfy this condition,
22 Respondent's real estate license shall automatically be suspended until Respondent presents
23 evidence satisfactory to the Commissioner of having taken and successfully completed the
24 continuing education requirements. **Proof of completion of the continuing education courses**

1 must be delivered to: Department of Real Estate, Attn: Flag Section, 651 Bannon Street,
2 Suite 504, Sacramento, CA 95811.

3 * * *

4 DATED: 11/12/2025


Lissete Garcia, Counsel
Department of Real Estate

6 * * *

7 I have read this Stipulation and its terms are understood by me and are agreeable and
8 acceptable to me. I understand that I am waiving rights given to me by the California APA
9 (including, but not limited to, Sections 11506, 11508, 11509, and 11513 of the Government
10 Code), and I willingly, intelligently, and voluntarily waive those rights, including the right of
11 requiring the Commissioner to prove the allegations in the Accusation at a hearing at which I
12 would have the right to cross-examine witnesses against me and to present evidence in defense
13 and mitigation of the charges.

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

24

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

6
7 DATED: 11-10-2025

8 
Respondent FERNANDO COTA

9 * * *

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

12 JAN 16 2026

13 IT IS SO ORDERED December 10, 2025

14 Chika Sunquist
15 REAL ESTATE COMMISSIONER

16 By: 