

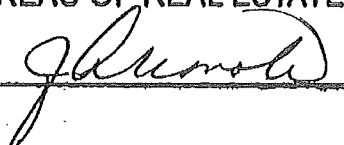
Bureau of Real Estate
P.O. Box 137007
Sacramento, CA 95813-7007

APR 21 2014

Telephone: (916) 263-8672

BUREAU OF REAL ESTATE

By



BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of

MAURICIO SALAZAR,

Respondent.

No. H-6002 SAC

STIPULATION AND
AGREEMENT

It is hereby stipulated by and between MAURICIO SALAZAR (Respondent), and his attorney S. Dean Ruiz, and the Complainant, acting by and through Truly Sughrue, Counsel for the Bureau of Real Estate (Bureau), as follows for the purpose of settling and disposing the Accusation filed on July 29, 2013 in this matter:

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

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

3. Respondent filed a Notice of Defense pursuant to Section 11505 of the Government Code for the purpose of requesting a hearing on the allegations in the Accusation.

Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent acknowledges that he understands that by withdrawing said Notice of Defense he will thereby waive his right to require the Real Estate Commissioner (Commissioner) to prove the allegations in the Accusation at a contested hearing held in accordance with the provisions of the APA, and that he will waive other rights afforded to him in connection with the hearing such as the right to present evidence in defense of the allegations in the Accusation and the right to cross-examine witnesses.

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

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

6. The Order or any subsequent Order of the Commissioner made pursuant to this Stipulation and Agreement shall not constitute an estoppel, merger or bar to any further administrative or civil proceedings by the Bureau with respect to any matters which were not specifically alleged to be causes for accusation in Accusation H-6002 SAC, and *People v. Salazar*, San Joaquin County Superior Court Case # SF126020 A.

7. Respondent understands that by agreeing to this Stipulation and Agreement, Respondent agrees to pay, pursuant to Section 10106 of the Business and Professions Code (Code), the cost of the investigation and enforcement which resulted in the determination that Respondents committed the violation(s) found in the Determination of Issues. The amount of said costs is \$3,884.30.

2 DETERMINATION OF ISSUES

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

6 I

7 The acts and omissions of Respondent as described in the First Amended
8 Accusation are grounds for the suspension or revocation of Respondent licenses and license
9 rights under Sections 10176(a) and 10176(i) of the Code.

10 * * *

11 ORDER

12 I

13 A. All real estate license(s) and license rights of Respondent MAURICIO SALAZAR are
14 revoked.

15 B. A restricted real estate salesperson license shall be issued to Respondent pursuant to
16 Section 10156.6 of the Code if within ninety (90) days of the effective date of the Order,
17 Respondent makes application therefore and pays to the Bureau the appropriate fee for said
18 license.

19 C. The restricted license issued to Respondent shall be subject to all of the provisions of
20 Section 10156.7 of the Code and to the following conditions and limitations imposed under
21 authority of Section 10156.6 of said Code:

22 1) The restricted license issued to Respondent may be suspended prior to hearing by
23 order of the Commissioner in the event of Respondent's conviction or plea of nolo
24 contendere to a crime which bears a substantial relationship to Respondent's fitness or
25 capacity as a real estate licensee, except for Respondent's plea entered as a
26 defendant pursuant to a negotiated settlement agreement with the People of the State
27 of California in San Joaquin County Superior Court Case No. SF126020 A.

The restricted license may be suspended prior to hearing by Order of the

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 Commissioner or conditions attaching to the restricted license.

- 3) Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license, nor the removal of any of the conditions of the restricted license, until four (4) years have elapsed from the effective date of this Order.

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

- (a) That the employing broker has read the Decision of the Commissioner which granted the right to a restricted license; and
- (b) That the employing broker will exercise close supervision over the performance by the restricted licensee relating to activities for which a real estate license is required.

E. Any restricted license issued to Respondent pursuant to this Decision shall be suspended for a period of one hundred and eighty (180) days from the issuance of the restricted license; provided, however, that:

- 1) Ninety (90) days of said suspension shall be stayed, upon the condition that Respondent petition pursuant to Section 10175.2 of the Code and pays a monetary penalty pursuant to Section 10175.2 of the Code at a rate of \$100 for each day of the suspension for a total monetary penalty of \$9,000.

- a) Said payment shall be in the form of a cashier's check or certified check made payable to the Consumer Recovery Account of the Real Estate Fund. Said check must be delivered to the Bureau prior to the effective date of the Order in this matter.

Respondent occurs within two (2) years from the effective date of the decision in this matter.

c) If Respondent fails to pay the monetary penalty as provided above prior to the

effective date of this Order, the stay of the suspension shall be vacated as to that Respondent and the order of suspension shall be immediately executed, under this Order, in which event the said Respondent shall not be entitled to any repayment nor credit, prorated or otherwise, for the money paid to the Bureau under the terms of this Order.

d) If said Respondent pays the monetary penalty and any other moneys due under this

Stipulation and Agreement and if no further cause for disciplinary action against the real estate license of said Respondent occurs within two (2) years from the effective date of this Order, the entire stay hereby granted this Order, as to said Respondent only, shall become permanent.

2) Respondent shall be required to serve the remaining ninety (90) days of said suspension.

F. Respondent shall, within nine (9) months from the effective date of this Order, present

evidence satisfactory to the Commissioner that Respondent has, since the most recent issuance of an original or renewal real estate license, taken and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate license. If Respondent fails to satisfy this condition, Respondent's real estate license shall automatically be suspended until Respondent presents evidence satisfactory to the Commissioner of having taken and successfully completed the continuing education requirement.

G. Respondent shall, within six (6) months from the effective date of this Decision, take and pass the Professional Responsibility Examination administered by the Bureau 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

H. All licenses and licensing rights of Respondent are indefinitely suspended unless or until

Respondent pays the sum of \$3,884.30 for the Commissioner's reasonable cost of the investigation and enforcement which led to this disciplinary action. Said payment shall be in the form of a cashier's check or certified check made payable to the Real Estate Fund.

I. Respondent shall notify the Commissioner in writing within 72 hours of any arrest by sending a certified letter to the Commissioner at the Bureau of Real Estate, Post Office Box 137000, Sacramento, CA 95813-7000. 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 license and shall be grounds for the suspension or revocation of that license.

30-Jan-14

DATED

TRULY SUGHRUE
Counsel for Complainant

I have read the Stipulation and Agreement, have discussed it with my counsel, and 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 APA, and I 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 I would have the right to cross-examine witnesses against me and to present evidence in defense and mitigation of the charges.

01/24/14

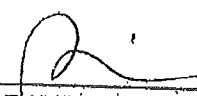
DATED

MATRICIO SALAZAR
Respondent

2 I have reviewed the Stipulation and Agreement as to form and content and have
3 advised my client accordingly.

4
5
6 DATED

1/27/14


S. DEAN RUIZ
Attorney for Respondent

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8 * * *

9 The foregoing Stipulation and Agreement is hereby adopted as my Decision and
10 shall become effective at 12 o'clock noon on MAY 12 2014.

11 IT IS SO ORDERED

APR 08 2014

12 Real Estate Commissioner
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By: JEFFREY MASON
Chief Deputy Commissioner