

FILED

JUN 17 2015

BUREAU OF REAL ESTATE
P. O. Box 137007
Sacramento, CA 95813-7007

BUREAU OF REAL ESTATE

By S. Black

Telephone: (916) 263-8670

BEFORE THE
BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of)
)
JOSE MAURICIO GONZALEZ,)
)
Respondent.)

NO. H-11542 SF

STIPULATION AND AGREEMENT
IN SETTLEMENT AND ORDER

It is hereby stipulated by and between Respondent JOSE MAURICIO GONZALEZ ("Respondent") and the Complainant, acting by and through John W. Barron, Counsel for the Bureau of Real Estate ("the Bureau"), as follows for the purpose of settling and disposing of the Accusation filed on April 11, 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 in Settlement and Order.

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

1 3. A Notice of Defense was filed on April 25, 2013, by Respondent, pursuant to
2 Section 11505 of the Government Code for the purpose of requesting a hearing on the
3 allegations in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice
4 of Defense. Respondent acknowledges that he understands that by withdrawing said Notice of
5 Defense, he will thereby waive his right to require the Real Estate Commissioner
6 (“Commissioner”) to prove the allegations in the Accusation at a contested hearing held in
7 accordance with the provisions of the APA and that he will waive other rights afforded to him
8 in connection with the hearing such as the right to present evidence in defense of the
9 allegations in the Accusation and the right to cross-examine witnesses.

10 4. This Stipulation and Agreement in Settlement and Order is based on the
11 factual allegations contained in the Accusation. In the interests of expedience and economy,
12 Respondent chooses not to contest these allegations at hearing, but rather understands that, as a
13 result thereof, these allegations, without being admitted or denied, will serve as a prima facie
14 basis for the disciplinary action stipulated to herein. The Commissioner shall not be required
15 to provide further evidence to prove said factual allegations.

16 5. This Stipulation and Respondent’s decision not to contest the Accusation are
17 made for the purpose of reaching an agreed disposition of this proceeding and are expressly
18 limited to this proceeding and any other proceeding or case in which the Bureau, the state or
19 federal government, an agency of this state, or an agency of another state is involved.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

1. Sixty (60) days of said suspension shall be stayed, upon the condition that:

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 Order. Should such a determination be made, the Commissioner shall, in his discretion, vacate and set aside the stay order and re-impose all or a portion of the stayed suspension. Should no such determination be made, the stay imposed herein shall become permanent.

2. Respondent shall, within six (6) months from the effective date of this Order, 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.

3. Notwithstanding any other provision of this Order, all licenses and licensing rights of Respondent are indefinitely suspended unless and until he provides proof satisfactory to the Commissioner that he has taken and successfully completed the continuing education course on Trust Fund Accounting and Handling specified in Section 10170.5(a)(3) of the Code. The course must have been completed no earlier than one hundred twenty (120) days prior to the effective date of this Order.

4. Respondent shall, within nine (9) months from the effective date of this Decision, 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, the Commissioner may order the suspension of Respondent's license until the Respondent presents such evidence. The Commissioner shall afford Respondent the opportunity for hearing pursuant

1 to the APA to present such evidence.

2 5. Respondent shall pay the sum of \$2,500.00 for the Commissioner's cost of
3 the audit which led to this disciplinary action. Respondent shall pay such cost within sixty (60)
4 days of receiving an invoice therefore from the Commissioner. Respondent's real estate
5 license and license rights shall automatically be suspended until payment is made in full or
6 until Respondent enters into an agreement satisfactory to the Commissioner to provide for
7 payment, or until a decision providing otherwise is adopted following a hearing held pursuant
8 to this condition.

9 6. Respondent shall pay the Commissioner's costs, not to exceed \$2,500.00,
10 of any audit conducted pursuant to Section 10148 of the Code to determine if Respondent has
11 corrected the violations described in the Determination of Issues, above, and any other
12 violations found in the audit which led to this disciplinary action. In calculating the amount of
13 the Commissioner's reasonable cost, the Commissioner may use the estimated average hourly
14 salary for all persons performing audits of real estate brokers, and shall include an allocation
15 for travel time to and from the auditor's place of work. Respondent shall pay such cost within
16 sixty (60) days of receiving an invoice therefore from the Commissioner detailing the activities
17 performed during the audit and the amount of time spent performing those activities. If
18 Respondent fails to pay such cost within the sixty (60) days, the Commissioner shall
19 automatically suspend all licenses and licensing rights of Respondent under the Real Estate
20 Law until payment is made in full or until Respondent enters into an agreement satisfactory to
21 the Commissioner to provide for payment, or until a decision providing otherwise is adopted
22 following a hearing held pursuant to this condition. Upon full payment, the indefinite
23 suspension provided for in this paragraph shall be stayed.

24
25 4/14/15
26 DATED


27

JOHN W. BARRON, Counsel
BUREAU OF REAL ESTATE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

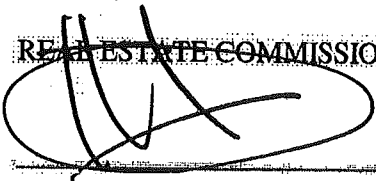
I have read the Stipulation and Agreement in Settlement and Order and its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California APA (including but not limited to Sections 11506, 11508, 11509 and 11513 of the Government Code), 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.

4/14/15
DATED


JOSE MAURICIO GONZALEZ
Respondent

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
JUL 08 2015

IT IS SO ORDERED June 16, 2015

REAL ESTATE COMMISSIONER

By: JEFFREY MASON
Chief Deputy Commissioner