

FILED

OCT 11 2022

DEPARTMENT OF REAL ESTATE

By RJ dew

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

Telephone: (916) 576-8700
Fax: (916) 263-3767

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of) No. H-12473 SF
)
VISION PROPERTY MANAGEMENT, INC.) STIPULATION AND AGREEMENT
and ARMANDO JERRY SANCHEZ,) IN SETTLEMENT AND ORDER
)
Respondent.)

It is hereby stipulated by and between ARMANDO JERRY SANCHEZ
(Respondent), represented by Joshua A. Rosenthal, and the Complainant, acting by and through
Megan Lee Olsen, Counsel for the Department of Real Estate (Department); as follows for the
purpose of settling and disposing of the Accusation filed on September 21, 2020, 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 (Stipulation).

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

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

10 4. This Stipulation is based on the factual allegations contained in the
11 Accusation. In the interest of expediency and economy, Respondent chooses not to contest these
12 factual allegations, but to remain silent and understands that, as a result thereof, these factual
13 statements will serve as a prima facie basis for the "Determination of Issues" and "Order" set
14 forth below. The Commissioner shall not be required to provide further evidence to prove such
15 allegations.

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

23 6. This Decision and Order or any subsequent Order of the Commissioner
24 made pursuant to this Stipulation shall not constitute an estoppel, merger, or bar to any further
25 administrative or civil proceedings by the Department with respect to any matters which were not
26 specifically alleged to be causes for Accusation in this proceeding.

27 ///

7. Respondent understands that by agreeing to this Stipulation, Respondent agrees to pay, pursuant to Section 10148 of the Business and Professions Code (Code), the cost of the audit which resulted in the violations found in the Determination of Issues. The amount of such costs is \$24,182.50.

DETERMINATION OF ISSUES

By reason of the foregoing stipulations, admissions and waivers, and solely for the purpose of settlement of the pending Accusation without a hearing, it is stipulated and agreed that the acts and/or omissions of Respondent, as described in the Accusation, constitute grounds for the suspension or revocation of the licenses and license rights of Respondent under the provisions of Sections 10177(d), 10177 (g) and (h) of the Code, in conjunction with Sections 10159.2 of the Code, and Section 2725 of Title 10 of the California Code of Regulations (Regulations).

ORDER

All licenses and licensing rights of ARMANDO JERRY SANCHEZ, under the Real Estate Law are suspended for a period of sixty (60) days from the effective date of this Order; provided, however, that:

1. Thirty (30) days of said suspension shall be stayed, upon the condition that Respondent petitions 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 \$50 for each day of the suspension for a total monetary penalty of \$1,500.00.

(a) Said payment shall be in the form of a cashier's check made payable to the Department of Real Estate. Said check must be delivered to the Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this Order.

(b) No further cause for disciplinary action against the real estate license of Respondent occurs within two (2) years from the effective date of the decision in this matter.

1 (c) If Respondent fails to pay the monetary penalty as provided above
2 prior to the effective date of this Order, the stay of the suspension shall be vacated as to
3 Respondent and the order of suspension shall be immediately executed, under this Order, in
4 which event that Respondent shall not be entitled to any repayment nor credit, prorated or
5 otherwise, for the money paid to the Department under the terms of this Order.

6 (d) If Respondent pays the monetary penalty and any other moneys due
7 under this Stipulation and if no further cause for disciplinary action against the real estate license
8 of said Respondent occurs within two (2) years from the effective date of this Order, the entire
9 stay hereby granted in this Order, as to Respondent only, shall become permanent.

10 2. Thirty (30) days of said suspension shall be stayed for two (2) years upon
11 the following terms and conditions:

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

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

20 3. All licenses and licensing rights Respondent are indefinitely suspended
21 unless or until Respondent provides proof satisfactory to the Commissioner, of having taken and
22 successfully completed the continuing education course on trust fund accounting and handling
23 specified in paragraph (3) of subdivision (a) of Section 10170.5 of the Code. Proof of
24 satisfaction of these requirements includes evidence that Respondent has successfully completed
25 the trust fund account and handling continuing education courses, no earlier than 120 days prior
26 to the effective date of the Decision and Order in this matter. Proof of completion of the trust
27 fund accounting and handling course must be delivered to the Department of Real Estate, Flag

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

3 4. Pursuant to Section 10148 of the Code, Respondent shall pay the sum of
4 \$24,182.50 for the Commissioner's cost of the audit which led to this disciplinary action.
5 Respondent shall pay such cost within sixty (60) days of receiving an invoice therefore from the
6 Commissioner. Payment of audit costs should not be made until Respondent receives the
7 invoice. If Respondent fails to satisfy this condition in a timely manner as provided for herein,
8 Respondent's real estate license shall automatically be suspended until payment is made in full,
9 or until a decision providing otherwise is adopted following a hearing held pursuant to this
10 condition.

11 5. All licenses and licensing rights of Respondent are indefinitely suspended
12 unless or until Respondent pays a sum of \$6,430.00 Commissioner's reasonable cost of the
13 investigation which led to this disciplinary action. Said payment shall be in the form of a
14 cashier's check made payable to the Department of Real Estate, Flag Section at P.O. Box
15 137013, Sacramento, CA 95813-7013, prior to the effective date of this Stipulation.

16 7/25/22

17 DATED

18 

19 MEGAN LEE OLSEN, Counsel
20 DEPARTMENT OF REAL ESTATE

21 * * *

22 I have read the Stipulation and Agreement In Settlement and Order, discussed it
23 with my counsel, and its terms are understood by me and are agreeable and acceptable to me. I
24 understand that I am waiving rights given to me by the California Administrative Procedure
25 Act (including but not limited to Sections 11506, 11508, 11509 and 11513 of the Government
26 Code), and I willingly, intelligently, and voluntarily waive those rights, including the right of
27 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.

1 and mitigation of the charges.

2 Respondent and Respondent attorney further agree to send the original signed
3 Stipulation by mail to the following address no later than one (1) week from the date the
4 Stipulation is signed by Respondent and Respondent' attorney: *Department of Real Estate,*
5 *Legal Section, P.O. Box 137007, Sacramento, California 95813-7007.* Respondent and
6 Respondent' attorney understand and agree that if they fail to return the original signed
7 Stipulation by the due date, Complainant retains the right to set this matter for hearing.

8
9 7/21/22
10 DATED

Armando Sanchez
11 ARMANDO JERRY SANCHEZ
12 Respondent

13 * * *

14 *I have reviewed the Stipulation and Agreement as to form and content and have*
15 *advised my clients accordingly.*

16 7/21/22

DATED

Joshua A. Rosenthal
17 JOSHUA A. ROSENTHAL
18 Attorney for Respondent

19 The foregoing Stipulation and Agreement In Settlement and Order is hereby
20 adopted by the Real Estate Commissioner as his Decision and Order and shall become effective
21 at 12 o'clock noon on NOV 08 2022

22 IT IS SO ORDERED

9.16.22

23 DOUGLAS R. McCAULEY
24 REAL ESTATE COMMISSIONER

25 Douglas R. McCauley
26
27