

**FILED**

**FEB 27 2023**

**DEPARTMENT OF REAL ESTATE**

By J. Traeger

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

4 Telephone: (916) 576-8700  
5 Email: Richard.Uno@dre.ca.gov

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8 **BEFORE THE DEPARTMENT OF REAL ESTATE**  
9 **STATE OF CALIFORNIA**

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11  
12 In the Matter of the Accusation of ) DRE No. H-12550 SF  
13 )  
14 DERRICK KWASHI D'ACOLATSE, )  
15 ) Respondent. ) STIPULATION AND AGREEMENT  
 ) IN SETTLEMENT AND ORDER

16 It is hereby stipulated by and between DERRICK KWASHI D'ACOLATSE  
17 (Respondent), his counsel, Ted Greene and the Complainant, acting by and through Richard K.  
18 Uno, Counsel for the Department of Real Estate (Department); as follows for the purpose of  
19 settling and disposing of the Accusation filed on August 18, 2021, in this matter:

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

25 2. Respondent has received, read, and understands the Statement to  
26 Respondent, the Discovery Provisions of the APA and the Accusation filed by the Department of  
27 Real Estate 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 that he understands that by withdrawing said Notice of Defense he will thereby  
5 waive his right to require the Real Estate Commissioner (Commissioner) to prove the allegations  
6 in the Accusation at a contested hearing held in accordance with the provisions of the APA and  
7 that he will waive other rights afforded to him in connection with the hearing such as the right to  
8 present evidence in defense of the allegations in the Accusation and the right to cross-examine  
9 witnesses.

10                   4.       This Stipulation is based on the factual allegations contained in the  
11 Accusation. In the interest of expediency and economy, Respondent choses not to contest these  
12 factual allegations, but to remain silent and understands that, as a result thereof, these factual  
13 statements will serves 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  
21 Accusation under all the provisions of the APA and shall not be bound by any admission or  
22 waiver made herein.

23                   6.       The Order or any subsequent Order of the Commissioner made pursuant to  
24 this Stipulation shall not constitute an estoppel, merger, or bar to any further administrative or  
25 civil proceedings by the Department of Real Estate with respect to any matters which were not  
26 specifically alleged to be causes for accusation in this proceeding.  
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1           1.       The restricted license issued to Respondent may be suspended prior to  
2 hearing by Order of the Commissioner in the event of Respondent's conviction or plea of nolo  
3 contendere to a crime which is substantially related to Respondent's fitness or capacity as a real  
4 estate licensee.

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

9           3.       Respondent shall not be eligible to apply for the issuance of any  
10 unrestricted real estate license nor the removal of any of the conditions, limitations, or  
11 restrictions of a restricted until two (2) years have elapsed from the effective date of this  
12 Stipulation. Respondent shall not be eligible to apply for any unrestricted licenses until all  
13 restrictions attaching to the license have been removed.

14           4.       Respondent shall, within nine (9) months from the effective date of this  
15 Stipulation, present evidence satisfactory to the Commissioner that Respondent has, since the  
16 most recent issuance of an original or renewal real estate license, taken and successfully  
17 completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate  
18 Law for renewal of a real estate license. If Respondent fails to satisfy this condition,  
19 Respondent's real estate license shall automatically be suspended until Respondent presents  
20 evidence satisfactory to the Commissioner of having taken and successfully completed the  
21 continuing education requirements. Proof of completion of the continuing education courses  
22 must be delivered to the Department of Real Estate, Flag Section, at P.O. Box 137013,  
23 Sacramento, CA 95813-7013.

24           5.       Pursuant to Section 10148 of the Code, Respondent shall pay the sum of  
25 \$14,071 for the Commissioner's cost of the audit which led to this disciplinary action.  
26 Respondent shall pay such cost within sixty (60) days of receiving an invoice therefore from the  
27 Commissioner. Payment of audit costs should not be made until Respondent receives the

1 invoice. If Respondent fails to satisfy this condition in a timely manner as provided for herein,  
2 Respondent's real estate licenses shall automatically be suspended until payment is made in full,  
3 or until a decision providing otherwise is adopted following a hearing held pursuant to this  
4 condition.

5           6. Pursuant to Section 10148 of the Code, Respondent shall pay the  
6 Commissioner's reasonable cost, not to exceed \$17,588.75, for an audit to determine if  
7 Respondent has corrected the violation(s) found in the "Determination of Issues". In calculating  
8 the amount of the Commissioner's reasonable cost, the Commissioner may use the estimated  
9 average hourly salary for all persons performing audits of real estate brokers, and shall include  
10 an allocation for travel time to and from the auditor's place of work. Respondent shall pay such  
11 cost within sixty (60) days of receiving an invoice therefore from the Commissioner. Payment of  
12 the audit costs should not be made until Respondent receives the invoice. If Respondent fails to  
13 satisfy this condition in a timely manner as provided for herein, Respondent's real estate licenses  
14 shall automatically be suspended until payment is made in full, or until a decision providing  
15 otherwise is adopted following a hearing held pursuant to this condition.

16           7. All licenses and licensing rights of Respondent are indefinitely suspended  
17 unless or until Respondent pays the sum of \$1,858.15 for the Commissioner's reasonable cost  
18 of the investigation which led to this disciplinary action. Said payment shall be in the form of a  
19 cashier's check made payable to the Department of Real Estate. The investigative  
20 and enforcement costs must be delivered to the Department of Real Estate, Flag Section at P.O.  
21 Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this Stipulation.

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24 11/1/22

25 DATED

26 Richard K. Uno

27 RICHARD K. UNO, Counsel III  
DEPARTMENT OF REAL ESTATE

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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 Administrative Procedure Act (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. I understand that I must sign and return this Stipulation by fax to (916) 263-3767 or by email to [Richard.Uno@dre.ca.gov](mailto:Richard.Uno@dre.ca.gov). I further agree to mail the original Stipulation no later than five days after signing it to: Department of Real Estate, Legal Section, P.O. Box 137007, Sacramento, California 95813-7007. I understand that failure to mail the original back may result in this matter going to hearing.


10-26-22  
DATED

  
DERRICK KWASHI D'ACOLATSE

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*I have reviewed this Stipulation and Agreement as to form and content and have advised my client accordingly.*

26 OCT 22  
DATED

  
TED GREENE  
Attorney for Respondent

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The foregoing Stipulation and Agreement in Settlement and Order is hereby adopted by the Real Estate Commissioner as his Decision and Order and shall become effective at 12 o'clock noon on MAR 20 2023.

IT IS SO ORDERED 2-8-23.

DOUGLAS R. McCAULEY  
REAL ESTATE COMMISSIONER

Douglas R. McCauley