

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

FILED

OCT 11 2023

DEPARTMENT OF REAL ESTATE
By B. N. Charles

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of

CURT HAROLD FELIX,

Respondent.

No. H-12669 SF

STIPULATION AND
AGREEMENT

It is hereby stipulated by and between CURT HAROLD FELIX (Respondent), and the Complainant, acting by and through Truly Sughrue, Counsel for the Department of Real Estate (Department), as follows for the purpose of settling and disposing of the Accusation filed on May 30, 2023, 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, the Discovery Provisions of the APA and the Accusation filed by the Department 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.

1 Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent
2 acknowledges that Respondent will thereby waive Respondent's right to require the Real Estate
3 Commissioner (Commissioner) to prove the allegations in the Accusation at a contested hearing
4 held in accordance with the provisions of the APA and that Respondent will waive other rights
5 afforded to Respondent in connection with the hearing such as the right to present evidence in
6 defense of the allegations in the Accusation and the right to cross-examine witnesses.

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

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

17 6. This Decision and Order or any subsequent Order of the Commissioner
18 made pursuant to this Stipulation and Agreement shall not constitute an estoppel, merger or bar
19 to any further administrative or civil proceedings by the Department with respect to any matters
20 which were not specifically alleged in Accusation H-12669 SF.

21 DETERMINATION OF ISSUES

22 By reason of the foregoing stipulations, admissions, and waivers and solely for
23 the purpose of settlement of the pending Accusation without hearing, it is stipulated and agreed
24 that the following Determination of Issues shall be made:

25 ///

26 I

1 The acts and/or omissions of Respondent as described in the Accusation violate
2 Sections 490, 10177(b), and 10186.2 of the Business and Professions Code (Code).

3 ORDER

4 All licenses and licensing rights of Respondent CURT HAROLD FELIX under
5 the Real Estate Law are revoked; provided, however, a restricted real estate broker license shall
6 be issued to Respondent pursuant to Section 10156.5 of the Code if Respondent makes
7 application therefor and pays to the Department the appropriate fee for the restricted license
8 within 90 days from the effective date of this Decision and Order. The restricted license issued
9 to Respondent shall be subject to all of the provisions of Section 10156.7 of the Code and to the
10 following limitations, conditions and restrictions imposed under authority of Section 10156.6 of
11 that Code:

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

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

21 3. Respondent shall not be eligible to apply for the issuance of an
22 unrestricted real estate license nor for removal of any of the conditions, limitations or restrictions
23 of a restricted license until four (4) years have elapsed from the effective date of this Decision
24 and Order. Respondent shall not be eligible to apply for any unrestricted licenses until all
25 restrictions attaching to the license have been removed.

26 4. Respondent shall, within nine (9) months from the effective date of this
27 Decision and Order, present evidence satisfactory to the Commissioner that Respondent has,

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

7 5. Respondent shall notify the Commissioner in writing within 72 hours of
8 any arrest by sending a certified letter to the Commissioner at the Department of Real Estate,
9 Post Office Box 137000, Sacramento, CA 95813-7000. The letter shall set forth the date of
10 Respondent's arrest, the crime for which Respondent was arrested and the name and address of
11 the arresting law enforcement agency. Respondent's failure to timely file written notice shall
12 constitute an independent violation of the terms of the restricted license and shall be grounds for
13 the suspension or revocation of that license.

14 6. All licenses and licensing rights of Respondent are indefinitely suspended
15 unless or until Respondent pays the sum of \$783.75 for the Commissioner's reasonable cost of
16 the investigation and enforcement which led to this disciplinary action. Said payment shall be
17 in the form of a cashier's check made payable to the Department of Real Estate. The
18 investigative and enforcement costs must be delivered to the Department of Real Estate, Flag
19 Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this
20 Decision and Order.

21
22 10 August 2023

23 DATED

21 
22 _____
23 TRULY SUGHRUE, Counsel
24 DEPARTMENT OF REAL ESTATE

24 * * *

25 I have read the Stipulation and Agreement, and its terms are understood by me
26 and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the
27

1 California Administrative Procedure Act, and I willingly, intelligently and voluntarily waive
2 those rights, including the right of requiring the Commissioner to prove the allegations in the
3 Accusation at a hearing at which I would have the right to cross-examine witnesses against me
4 and to present evidence in defense and mitigation of the charges.

5 Respondent further agrees to send the original signed Stipulation by mail to the
6 following address no later than one (1) week from the date the Stipulation is signed by
7 Respondent and Respondent's attorney: *Department of Real Estate, Legal Section, P.O. Box*
8 *137007, Sacramento, California 95813-7007*. Respondent understands and agree that if they fail
9 to return the original signed Stipulation by the due date, Complainant retains the right to set this
10 matter for hearing.

11 **8/6/23**

12 DATED

13 CURT HAROLD FELIX
14 Respondent

15 ***

16 The foregoing Stipulation and Agreement is hereby adopted by the Real Estate
17 Commissioner as his Decision and Order and shall become effective at 12 o'clock noon on

18 **NOV 01 2023**

19 IT IS SO ORDERED

20 9/26/23

21 DOUGLAS R. McCAULEY
22 REAL ESTATE COMMISSIONER