

*fact*

**FILED**

1 Department of Real Estate  
2 320 W. 4<sup>TH</sup> Street, Suite 350  
3 Los Angeles, CA 90013-1105

APR - 9 2013

4 Telephone: (213) 576-6982

DEPARTMENT OF REAL ESTATE  
BY: *[Signature]*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )  
12 2000 POWER REALTY INC., as a )  
13 corporation and doing business )  
14 as Power Realty; and ISIDORO P. )  
15 JIMENEZ, individually, as )  
16 designated officer of 2000 Power )  
17 Realty Inc. and doing business as )  
18 Power Realty; )  
19 Respondents. )

No. H-37548 LA  
L-2012031143

STIPULATION  
AND  
AGREEMENT

18 In the Matter of the Accusation of )  
19 EZ J FINANCING INC.; and )  
20 ISIDORO P. JIMENEZ, individually, )  
21 as designated officer of EZ J )  
22 Financing Inc. and doing business )  
23 as EZ Financing; )  
24 Respondents. )

No. H-37462 LA  
L-2012060251

24 It is hereby stipulated by and between Respondent  
25 ISIDORO P. JIMENEZ ("JIMENEZ"), individually and as designated  
26 officer of 2000 Power Realty Inc., and EZ J Financing Inc., and  
27

1 doing business as EZ Financing, and as Power Realty (sometimes  
2 referred to as "Respondent"), and his attorney of record, John  
3 M. Gerro of LAW OFFICES OF JOHN M. GERRO, and the Complainant,  
4 acting by and through Amelia V. Vetrone, Counsel for the  
5 Department of Real Estate, as follows for the purpose of  
6 settling and disposing of the Accusations ("Accusation") filed  
7 on August 22, 2011(H-37462 LA), and on September 22, 2011(H-  
8 37548 LA), in this matter:

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

16           2. Respondent has received, read and understands the  
17 Statement to Respondent, the Discovery Provisions of the APA and  
18 the Accusations filed by the Department of Real Estate in this  
19 proceeding.

20           3. Respondent filed a Notice of Defense pursuant to  
21 Section 11506 of the Government Code for the purpose of  
22 requesting a hearing on the allegations in the Accusations.  
23 Respondent hereby freely and voluntarily withdraws said Notice of  
24 Defense. Respondent acknowledges that they understand that by  
25 withdrawing said Notice of Defense he thereby waives his right to  
26 require the Commissioner to prove the allegations in the  
27 Accusations at a contested hearing held in accordance with the

1 provisions of the APA and that he will waive other rights  
2 afforded to him in connection with the hearing such as the right  
3 to present evidence in his defense and the right to cross-examine  
4 witnesses.

5           4. This Stipulation is based on the factual  
6 allegations contained in the Accusations. In the interest of  
7 expedience and economy, Respondent chooses not to contest these  
8 allegations, but to remain silent and understand that, as a  
9 result thereof, these factual allegations, without being admitted  
10 or denied, will serve as a prima facie basis for the disciplinary  
11 actions stipulated to herein. The Real Estate Commissioner shall  
12 not be required to provide further evidence to prove said factual  
13 allegations.

14           5. This Stipulation is made for the purpose of  
15 reaching an agreed disposition of this proceeding and is  
16 expressly limited to this proceeding and any other proceeding or  
17 case in which the Department of Real Estate ("Department"), or  
18 another licensing agency of this state, another state or the  
19 federal government is involved, and otherwise shall not be  
20 admissible in any other criminal or civil proceeding.

21           6. It is understood by the parties that the Real  
22 Estate Commissioner may adopt this Stipulation as his Decision in  
23 this matter thereby imposing the penalty and sanctions on  
24 Respondent's real estate licenses and license rights as set forth  
25 in the below "Order". In the event that the Commissioner in his  
26 discretion does not adopt the Stipulation, the Stipulation shall  
27 be void and of no effect and Respondent shall retain the right to

1 a hearing and proceeding on the Accusation under the provisions  
2 of the APA and shall not be bound by any stipulation or waiver  
3 made herein.

4 7. The Order or any subsequent Order of the Real  
5 Estate Commissioner made pursuant to this Stipulation shall not  
6 constitute an estoppel, merger or bar to any further  
7 administrative or civil proceedings by the Department of Real  
8 Estate with respect to any matters which were not specifically  
9 alleged to be causes for accusation in this proceeding.

10 8. Respondent JIMENEZ understands that by agreeing to  
11 this Stipulation, Respondent agrees to pay, pursuant to Business  
12 and Professions Code Section 10148, the cost of the audits which  
13 led to these disciplinary actions. The amount of said cost is  
14 \$5,171.10 for audit number LA 090004 (EZ J Financing Inc.) and  
15 \$5,130.00 for audit number LA 100114 (2000 Power Realty Inc.) for  
16 a combined total of \$10,301.10.

17 9. Respondent JIMENEZ has received, read, and  
18 understands the "Notice Concerning Costs of Subsequent Audit."  
19 Respondent further understands that by agreeing to this  
20 Stipulation, the findings set forth below in the Determination of  
21 Issues become final, and the Commissioner may charge Respondent  
22 for the cost of any subsequent audit conducted pursuant to  
23 Business and Professions Code Section 10148 to determine if the  
24 violations have been corrected. The maximum cost of the  
25 subsequent audit will not exceed \$10,301.10.

26 ///

27 ///



1 and the following limitations, conditions and restrictions  
2 imposed under authority of Section 10156.6 of that Code.

3 1. The restricted license issued to Respondent JIMENEZ  
4 may be suspended prior to hearing by Order of the Real Estate  
5 Commissioner in the event of Respondent JIMENEZ's conviction or  
6 plea of nolo contendere to a crime which is substantially related  
7 to Respondent's fitness or capacity as a real estate licensee.

8 2. The restricted license issued to Respondent may be  
9 suspended prior to hearing by Order of the Real Estate  
10 Commissioner on evidence satisfactory to the Commissioner that  
11 Respondents have violated provisions of the California Real  
12 Estate Law, the Subdivided Lands Law, Regulations of the Real  
13 Estate Commissioner or conditions attaching to the restricted  
14 licenses.

15 3. Respondent shall not be eligible to apply for the  
16 issuance of an unrestricted real estate license nor for the  
17 removal of any of the conditions, limitations or restrictions of  
18 a restricted license until two (2) years have elapsed from the  
19 effective date of the issuance of the restricted license.

20 II.

21 Respondent shall submit proof satisfactory to the  
22 Commissioner of having taken and successfully completed the  
23 continuing education course on trust fund accounting and handling  
24 specified in paragraph (3) of subdivision (a) of Section 10170.5  
25 of the Business and Professions Code. Proof of satisfaction of  
26 this requirement includes evidence that Respondent has  
27 successfully completed the trust fund account and handling

1 continuing education course within 120 days prior to the  
2 effective date of this Decision. If Respondent fails to satisfy  
3 this condition, the Commissioner may order the suspension of  
4 Respondent's restricted license until the Respondent presents  
5 such evidence. The Commissioner shall afford Respondent the  
6 opportunity for a hearing pursuant to the Administrative  
7 Procedure Act to present such evidence.

8 III.

9 1. Respondent JIMENEZ shall, within nine (9) months  
10 from the effective date of this Decision, present evidence  
11 satisfactory to the Real Estate Commissioner that Respondent has,  
12 since the most recent issuance of an original or renewal real  
13 estate license, taken and successfully completed the continuing  
14 education requirements of Article 2.5 of Chapter 3 of the Real  
15 Estate Law for renewal of a real estate license. If Respondent  
16 fails to satisfy this condition, the Commissioner may order the  
17 suspension of Respondent's restricted license until the  
18 Respondent presents such evidence. The Commissioner shall afford  
19 Respondent the opportunity for a hearing pursuant to the  
20 Administrative Procedure Act to present such evidence.

21 2. Respondent JIMENEZ shall within six (6) months from  
22 the effective date of the Decision herein, take and pass the  
23 Professional Responsibility Examination administered by the  
24 Department including the payment of the appropriate examination  
25 fee. If Respondent fails to satisfy this condition, the  
26 Commissioner may order suspension of Respondent's license until  
27 the Respondent passes the examination. The Commissioner shall

1 afford Respondent the opportunity for a hearing pursuant to the  
2 Administrative Procedure Act to present such evidence.

3 IV.

4 Pursuant to Section 10148 of the Business and  
5 Professions Code, Respondent JIMENEZ shall pay the Commissioner's  
6 reasonable cost for (a) the audits which led to this disciplinary  
7 action and (b) a subsequent audit to determine if Respondents are  
8 now in compliance with the Real Estate Law. The cost of the  
9 audits which led to this action is \$10,301.10. In calculating  
10 the amount of the Commissioner's reasonable cost, the  
11 Commissioner may use the estimated average hourly salary for all  
12 persons performing audits of real estate brokers, and shall  
13 include an allocation for travel time to and from the auditor's  
14 place of work. Said amount for the prior and subsequent audits  
15 combined shall not exceed \$20,602.20.

16 Respondent JIMENEZ shall pay such cost within 60 days  
17 of receiving an invoice from the Commissioner detailing the  
18 activities performed during the audit and the amount of time  
19 spent performing those activities. The Commissioner may suspend  
20 the license of Respondent pending a hearing held in accordance  
21 with Section 11500, et seq., of the Government Code, if payment  
22 is not timely made as provided for herein, or as provided for in  
23 a subsequent agreement between Respondent and the Commissioner.  
24 The suspension shall remain in effect until payment is made in  
25 full or until said Respondent enters into an agreement  
26 satisfactory to the Commissioner to provide for payment, or until  
27 a decision providing otherwise is adopted following a hearing



1 held pursuant to this condition.

2 V.

3 During the term of the restricted license, Respondent  
4 JIMENEZ is prohibited from licensure as the Designated Officer of  
5 any licensed real estate corporate broker unless Respondent  
6 provides proof satisfactory to the Commissioner that Respondent  
7 owns 100% percent of the shares of such licensed real estate  
8 corporation.

9 VI.

10 All licenses and licensing rights of Respondent JIMENEZ  
11 are indefinitely suspended unless or until Respondent provides  
12 proof satisfactory to the Commissioner that restitution of  
13 advance fees paid by borrowers Arias (\$1,500), Estrada (\$2,500),  
14 Rodriguez (\$2,250), Lerin (\$2,500), Amaya (\$4000), Torres (\$900),  
15 and Giron (\$2,000) as described in the Accusations, has been made  
16 in full or that such borrowers cannot be located as set forth  
17 below.

18 Respondent shall make a diligent effort to locate and  
19 repay each of the above-named borrowers beginning upon the  
20 execution of this Agreement and prior to the effective date of  
21 this Decision. (1) Respondent shall mail the payments by  
22 certified mail, return receipt requested to each borrower's last  
23 address on file with or known to Respondent. (2) If any payments  
24 are returned by the post office marked "unable to deliver" or  
25 "unknown", Respondent shall employ a locator service (that may be  
26 limited to or include or be limited to the Internet or other  
27 database retrieval search) to try to locate said borrowers.

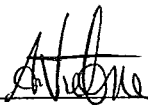
1 Repayments shall then be made to the address(es) recommended by  
2 the locator service. (3) If Respondent is still unable to effect  
3 payment after using a locator service, Respondent shall provide  
4 proof satisfactory to the Commissioner of his efforts to comply  
5 with the provisions of this paragraph. (4) If the Commissioner  
6 determines that proof to be unsatisfactory, the Commissioner  
7 shall so advise Respondent, and indicate what additional  
8 reasonable efforts should be made to locate and repay such  
9 borrowers. (5) If the Commissioner determines that reasonable  
10 efforts have been made to locate any borrower without success,  
11 then that borrower's refund shall escheat to the State of  
12 California as unclaimed property. (6) If the Commissioner  
13 determines that proof to be unsatisfactory and that reasonable  
14 efforts have not been made to locate the borrower, the  
15 Commissioner may, by separate order, suspend Respondent's  
16 restricted license until such efforts are made and such proof is  
17 provided. (7) All proof shall be submitted to the attention of  
18 Department Counsel Amelia V. Vetrone, 320 W. 4th Street, Suite  
19 350, Los Angeles, CA 90013-1105 on or before the effective date  
20 of this Decision.

21

22

23

24 DATED: 2-15-13

  
\_\_\_\_\_  
AMELIA V. VETRONE, Counsel for  
Department of Real Estate

25

26

///

27

1 \* \* \*

2 EXECUTION OF THE STIPULATION

3  
4 I have read the Stipulation, and have discussed it with  
5 my counsel. Its terms are understood by me and are agreeable and  
6 acceptable to me. I understand that I am waiving rights given to  
7 me by the California Administrative Procedure Act (including but  
8 not limited to Sections 11506, 11508, 11509 and 11513 of the  
9 Government Code), and I willingly, intelligently and voluntarily  
10 waive those rights, including the right of requiring the  
11 Commissioner to prove the allegations in the Accusations at a  
12 hearing at which I would have the right to cross-examine  
13 witnesses against me and to present evidence in defense and  
14 mitigation of the charges.

15 MAILING AND FACSIMILE

16 Respondent (1) shall mail the original signed signature  
17 page of the stipulation herein to Amelia V. Vetrone: Attention:  
18 Legal Section, Department of Real Estate, 320 W. Fourth St.,  
19 Suite 350, Los Angeles, California 90013-1105. Respondents shall  
20 also (2) facsimile a copy of signed signature page, to the  
21 Department at the following telephone/fax number: (213) 576-6917,  
22 Attention: Amelia V. Vetrone.

23 A facsimile constitutes acceptance and approval of the  
24 terms and conditions of this stipulation. Respondent agrees,  
25 acknowledges and understands that by electronically sending to  
26 the Department a facsimile copy of Respondent's actual signature  
27 as it appears on the stipulation that receipt of the facsimile

1 copy by the Department shall be as binding on Respondent as if  
2 the Department had received the original signed stipulation.

3

4 DATED: 11-30-12

*Isidoro P. Jimenez*  
ISIDORO P. JIMENEZ

5

6

7 DATED: \_\_\_\_\_

\_\_\_\_\_  
JOHN M. GERRO,  
Attorney for Respondent  
Approved as to form

8

9

10

\* \* \*

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

The foregoing Stipulation and Agreement is hereby  
adopted as my Decision as to Respondent ISIDORO P. JIMENEZ,  
individually and as designated officer of 2000 Power Realty Inc.,  
and EZ J Financing Inc., and doing business as EZ Financing, and  
as Power Realty and shall become effective at 12 o'clock noon on

IT IS SO ORDERED \_\_\_\_\_


Real Estate Commissioner  
  
\_\_\_\_\_

1 copy by the Department shall be as binding on Respondent as if  
2 the Department had received the original signed stipulation.

3  
4 DATED: 11-30-12

  
ISIDORO P. JIMENEZ

5  
6 DATED: 11-30-12

  
JOHN M. GERRO,  
Attorney for Respondent  
Approved as to form

9  
10 \* \* \*

11 The foregoing Stipulation and Agreement is hereby  
12 adopted as my Decision as to Respondent ISIDORO P. JIMENEZ,  
13 individually and as designated officer of 2000 Power Realty Inc.,  
14 and EZ J Financing Inc., and doing business as EZ Financing, and  
15 as Power Realty and shall become effective at 12 o'clock noon on  
16

17  
18 IT IS SO ORDERED \_\_\_\_\_

19  
20 Real Estate Commissioner  
21  
22 \_\_\_\_\_

1 copy by the Department shall be as binding on Respondent as if  
2 the Department had received the original signed stipulation.

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

DATED: \_\_\_\_\_  
ISIDORO P. JIMENEZ

DATED: \_\_\_\_\_  
JOHN M. GERRO,  
Attorney for Respondent  
Approved as to form

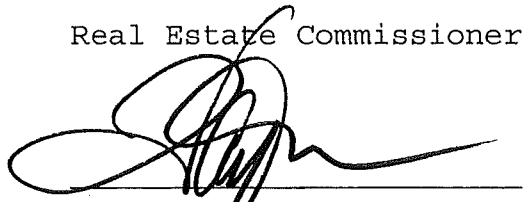
\* \* \*

The foregoing Stipulation and Agreement is hereby  
adopted as my Decision as to Respondent ISIDORO P. JIMENEZ,  
individually and as designated officer of 2000 Power Realty Inc.,  
and EZ J Financing Inc., and doing business as EZ Financing, and  
as Power Realty and shall become effective at 12 o'clock noon on

May 9, 2013

IT IS SO ORDERED 3/14/2013

Real Estate Commissioner

  
WAYNE S. BELL