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OCT 15 2012

1 Department of Real Estate
2 320 West Fourth Street, #350
3 Los Angeles, California 90013
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6
7
8 Telephone: (213) 576-6982

DEPARTMENT OF REAL ESTATE
BY: James B. Demus

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

11	In the Matter of the Accusation of)	DRE No: H-37695 LA
12)	OAH No: 2011120950
13	CALIFORNIA FINANCE GROUP)	
14	INCORPORATED; and <u>JULIO ENRIQUE</u>)	<u>STIPULATION AND</u>
15	<u>GONZALEZ JR.</u> , individually and)	<u>AGREEMENT</u>
16	formerly as designated officer of)	
	California Finance Group)	
	Incorporated,)	
)	
	Respondents.)	

17
18 It is hereby stipulated by and between JULIO ENRIQUE
19 GONZALEZ, JR., and his attorney of record, Frank M. Buda, and the
20 Complainant, acting by and through James A. Demus, Counsel for
21 the Department of Real Estate, as follows for the purpose of
22 settling and disposing of the Accusation in this matter, filed on
23 November 28, 2011:

24 1. All issues which were to be contested and all
25 evidence which was to be presented by Complainant and Respondent
26 at a formal hearing on the Accusation, which hearing was to be
27 held in accordance with the provisions of the Administrative

1 Procedure Act (APA), shall instead and in place thereof be
2 submitted solely on the basis of the provisions of this
3 Stipulation and Agreement (Stipulation).

4 2. Respondent has received, read and understands the
5 Statement to Respondent, the Discovery Provisions of the APA and
6 the Accusation filed by the Department of Real Estate in this
7 proceeding.

8 3. Respondent filed a Notice of Defense pursuant to
9 Section 11506 of the Government Code for the purpose of
10 requesting a hearing on the allegations in the Accusation.
11 Respondent hereby freely and voluntarily withdraws said Notice of
12 Defense. Respondent acknowledges that he understands that by
13 withdrawing said Notice of Defense, he thereby waives his right
14 to require the Commissioner to prove the allegations in the
15 Accusation at a contested hearing held in accordance with the
16 provisions of the APA and that he will waive other rights
17 afforded to him in connection with the hearing such as the right
18 to present evidence in his defense and the right to cross-examine
19 witnesses.

20 4. This Stipulation is based on the factual
21 allegations contained in the Accusation. In the interest of
22 expedience and economy, Respondent chooses not to contest these
23 allegations, but to remain silent and understands that, as a
24 result thereof, these factual allegations, without being admitted
25 or denied, will serve as a prima facie basis for the disciplinary
26 action stipulated to herein. The Real Estate Commissioner shall
27

1 not be required to provide further evidence to prove said factual
2 allegations.

3 5. This Stipulation is based on Respondent's decision
4 not to contest the allegations set forth in the Accusation as a
5 result of the agreement negotiated between the parties. This
6 Stipulation is expressly limited to this proceeding and any
7 further proceeding initiated by or brought before the Department
8 of Real Estate based upon the factual allegations in the
9 Accusation and is made for the sole purpose of reaching an agreed
10 disposition of this proceeding. The decision of Respondent not
11 to contest the allegations contained in the "Order" herein below,
12 is made solely for the purpose of effectuating this Stipulation.
13 It is the intent and understanding of the parties that this
14 Stipulation shall not be binding or admissible against
15 Respondents in any action against Respondent by third parties.

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

26 7. The Order or any subsequent Order of the Real
27 Estate Commissioner made pursuant to this Stipulation shall not

1 of JULIO ENRIQUE GONZALEZ, JR.'s license and license rights
2 pursuant to Sections 10085 and 10177(d) of the Code.

3 ORDER

4 WHEREFORE THE FOLLOWING ORDER IS MADE PURSUANT TO THE
5 WRITTEN STIPULATION OF THE PARTIES:

6 I.

7 All licenses and licensing rights of Respondent
8 JULIO ENRIQUE GONZALEZ, JR. under the Real Estate Law are
9 suspended for a period of ninety (90) days from the effective
10 date of this Decision; provided, however, that sixty (60) days
11 of said suspension, shall be stayed for two (2) years upon the
12 following terms and conditions:

13 1. Respondent shall obey all laws, rules and
14 regulations governing the rights, duties and responsibilities of
15 a real estate licensee in the State of California; and

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

24 II.

25 If Respondent JULIO ENRIQUE GONZALEZ, JR. petitions, an
26 additional 30 days shall be stayed upon condition that:
27

1 1. Respondent pays a monetary penalty pursuant to
2 Section 10175.2 of the Code at the rate of \$40 for each day of
3 the suspension for a total monetary penalty of \$1,200.

4 2. Said payment shall be in the form of a cashier's
5 check or certified check made payable to the Recovery Account of
6 the Real Estate Fund. Said check must be received by the
7 Department prior to the effective date of the Decision in this
8 matter.

9 3. No further cause for disciplinary action against
10 the real estate license of Respondent occurs within two years
11 from the effective date of the Decision in this matter.

12 4. If Respondent fails to pay the monetary penalty in
13 accordance with the terms and conditions of the Decision, the
14 Commissioner may, without a hearing, order the immediate
15 execution of all or any part of the stayed suspension in which
16 event the Respondent shall not be entitled to any repayment nor
17 credit, prorated or otherwise, for money paid to the Department
18 under the terms of this Decision.

19 5. If Respondent pays the monetary penalty and if no
20 further cause for disciplinary action against the real estate
21 license of Respondent occurs within two years from the effective
22 date of the Decision, the stay hereby granted shall become
23 permanent.

24 III.

25 Pursuant to Section 10148 of the Business and
26 Professions Code, Respondent shall pay the Commissioner's
27 reasonable cost for: a) the audit which led to this disciplinary

1 action and b) a subsequent audit to determine if Respondent has
2 corrected the trust fund violations found in the Determination of
3 Issues. In calculating the amount of the Commissioner's
4 reasonable cost, the Commissioner may use the estimated average
5 hourly salary for all persons performing audits of real estate
6 brokers, and shall include an allocation for travel costs,
7 including mileage, time to and from the auditor's place of work
8 and per diem. Respondent shall pay such costs within 60 days of
9 receiving an invoice from the Commissioner detailing the
10 activities performed during the audit and the amount of time
11 spent performing those activities. The Commissioner may, in his
12 discretion, vacate and set aside the stay order, if payment is
13 not timely made as provided for herein, or as provided for in a
14 subsequent agreement between the Respondent and the Commissioner.
15 The vacation and the set aside of the stay shall remain in effect
16 until payment is made in full, or until Respondent enters into an
17 agreement satisfactory to the Commissioner to provide for
18 payment.

19 IV.

20 All licenses and licensing rights of Respondent JULIO
21 ENRIQUE GONZALEZ JR. are indefinitely suspended unless or until
22 Respondent provides proof satisfactory to the Commissioner, of
23 having taken and successfully completed the continuing education
24 course on trust fund accounting and handling specified in
25 paragraph (3) of subdivision (a) of Section 10170.5 of the
26 Business and Professions Code. Proof of satisfaction of this
27 requirement includes evidence that respondent has successfully

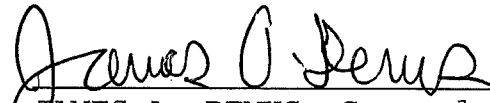
1 completed the trust fund account and handling continuing
2 education course within 120 days prior to the effective date of
3 the Decision in this matter.

4 V.

5 All proof of payment and completed coursework shall be
6 submitted to Department Counsel James A. Demus, Attention: Legal
7 Section, Department of Real Estate, 320 W. Fourth St., Suite 350,
8 Los Angeles, California 90013-1105, on or before the dates set
9 forth above.

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11
12
13 DATED:

8/13/12




14 JAMES A. DEMUS, Counsel for
the Department of Real Estate

15 EXECUTION OF THE STIPULATION


16 I have read the Stipulation and discussed it with my
17 counsel. Its terms are understood by me and are agreeable and
18 acceptable to me. I understand that I am waiving rights given to
19 me by the California Administrative Procedure Act (including but
20 not limited to Sections 11506, 11508, 11509 and 11513 of the
21 Government Code), and I willingly, intelligently and voluntarily
22 waive those rights, including the right of requiring the
23 Commissioner to prove the allegations in the Accusation at a
24 hearing at which I would have the right to cross-examine
25 witnesses against me and to present evidence in defense and
26 mitigation of the charges.
27

1 Respondent can signify acceptance and approval of the
 2 terms and conditions of this Stipulation by faxing a copy of the
 3 signature page, as actually signed by Respondents, to the
 4 Department at the following telephone/fax number: James A. Demus
 5 at (213) 576-6917. Respondent agrees, acknowledges and
 6 understands that by electronically sending to the Department a
 7 fax copy of Respondent's actual signature as it appears on the
 8 Stipulation, that receipt of the faxed copy by the Department
 9 shall be as binding on Respondent as if the Department had
 10 received the original signed Stipulation.

11
 12 DATED: 08-13-12


 13 JULIO ENRIQUE GONZALEZ, JR.,
 14 Respondent

15 DATED: 8-13-12


 16 FRANK M. BUDA,
 17 Attorney for Respondent

18 ***

19 The foregoing Stipulation and Agreement is hereby
 20 adopted as my Decision as to Respondent JULIO ENRIQUE GONZALEZ,
 21 JR. and shall become effective at 12 o'clock noon on
 22 _____, 2012.

23 IT IS SO ORDERED _____, 2012

24 Real Estate Commissioner
 25
 26
 27 _____

1 Respondent can signify acceptance and approval of the
2 terms and conditions of this Stipulation by faxing a copy of the
3 signature page, as actually signed by Respondents, to the
4 Department at the following telephone/fax number: James A. Demus
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10 received the original signed Stipulation.

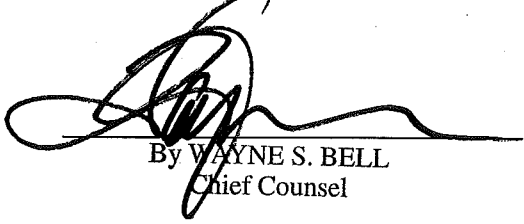
11
12 DATED: _____
13 JULIO ENRIQUE GONZALEZ, JR.,
14 Respondent

15 DATED: _____
16 FRANK M. BUDA,
17 Attorney for Respondent

18 ***

18 The foregoing Stipulation and Agreement is hereby
19 adopted as my Decision as to Respondent JULIO ENRIQUE GONZALEZ,
20 JR. and shall become effective at 12 o'clock noon on
21 NOV 15 2012, 2012.

22 IT IS SO ORDERED 9/10, 2012
23 Real Estate Commissioner

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25
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27 By  WAYNE S. BELL
Chief Counsel