

FILED

JUL 23 2018

DEPARTMENT OF REAL ESTATE

By *Angela Danner*

BUREAU OF REAL ESTATE
320 West 4th Street, Suite 350
Los Angeles, California 90013-1105
Telephone: (213) 576-6982

BEFORE THE BUREAU OF REAL ESTATE

DEPARTMENT OF CONSUMER AFFAIRS

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation against

DAVID L. COOPER,

Respondent.

) CalBRE No. H-40912 LA

) OAH No. 2018020658

) STIPULATION AND AGREEMENT IN
) SETTLEMENT AND ORDER

It is hereby stipulated by and between Respondent DAVID L. COOPER ("Respondent"), acting by and through his attorney, Rizza Gonzales, and Complainant, acting by and through Lissete Garcia, Counsel for the Bureau of Real Estate ("Bureau"), as follows for the purpose of settling and disposing the Accusation filed on January 17, 2018, with Bureau Case No. H-40912 LA ("Accusation") 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 on the basis of the provisions of this Stipulation and

Stipulation and Agreement
H-40912 LA

1 Agreement in Settlement and Order ("Stipulation").

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

4 3. Respondent filed a Notice of Defense pursuant to Section 11506 of the Government
5 Code for the purpose of requesting a hearing on the allegations in the Accusation. Respondent
6 hereby freely and voluntarily withdraws said Notice of Defense. Respondent acknowledges and
7 understands that by withdrawing said Notice of Defense, Respondent will thereby waive
8 Respondent's rights to require the Real Estate Commissioner ("Commissioner") to prove the
9 allegations in the Accusation at a contested hearing held in accordance with the provisions of the
10 APA and that Respondent will waive other rights afforded to Respondent in connection with the
11 hearing such as the right to present evidence in defense of the allegations in the Accusation and
12 the right to cross-examine witnesses.

13 4. Respondent, pursuant to the limitations set forth below, hereby admits that the factual
14 allegations in Paragraph 4 of the Accusation filed in this proceeding are true and correct and the
15 Real Estate Commissioner shall not be required to provide further evidence of such allegations.

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

23 ///

24

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

7. Respondent understands that by agreeing to this Stipulation, Respondent agrees to pay, pursuant to Section 10106(a) of the Code, investigative and enforcement costs of \$2,290.85 which led to this disciplinary action.

DETERMINATION OF ISSUES

By reason of the foregoing stipulation and agreement and solely for the purpose of settlement of the pending Accusation without a hearing, it is stipulated and agreed that the following determination of issues shall be made:

The 2015 misdemeanor conviction of Respondent DAVID L. COOPER as set forth in Paragraph 4 of the Accusation, constitutes cause for the suspension or revocation of all real estate licenses and license rights of Respondent under the provisions of Sections 10177(b) and 490 of the Business and Professions Code ("Code"), as set forth in Paragraphs 5 and 6 of the Accusation.

///

///

///

///

///

///

///

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24

9
10
11
12
13
14
15
16
17
18
19
20
21

12
13
14
15
16

17
18
19
20
21

22

23

24

1 4. Respondent shall notify the Commissioner in writing within 72 hours of any
2 arrest by sending a certified letter to the Commissioner at the Department¹ of Real Estate, Post
3 Office Box 137000, Sacramento, CA 95813-7000. The letter shall set forth the date of
4 Respondent's arrest, the crime for which Respondent was arrested and the name and address of
5 the arresting law enforcement agency. Respondent's failure to timely file written notice shall
6 constitute an independent violation of the terms of the restricted license and shall be grounds for
7 the suspension or revocation of that license.

8 5. Any restricted real estate license issued to Respondent pursuant to this Decision
9 shall be suspended for a period of 30 days from the effective date of this Decision and Order;
10 provided, however, that:

11 a. 30 days of said suspension shall be stayed, upon the condition that
12 Respondent petition pursuant to Section 10175.2 of the Code and pays a monetary penalty
13 pursuant to Section 10175.2 of the Code at a rate of \$50 for each day of the suspension for a total
14 monetary penalty of \$1,500.

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

19 i. No further cause for disciplinary action against the Real Estate licenses of
20 Respondent occurs within two (2) years from the effective date of the Decision and Order
21 in this matter.

22 ///

23
24 ¹ The Bureau of Real Estate will become the Department of Real Estate effective July 1, 2018.

1 ii. If Respondent fails to pay the monetary penalty in accordance with the
2 terms and conditions of this Decision and Order, the suspension shall go into effect
3 automatically. Respondent shall not be entitled to any repayment nor credit, prorated or
4 otherwise, for money paid to the Bureau under the terms of this Decision and Order.

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

10 6. All licenses and licensing rights of Respondent are indefinitely suspended unless
11 or until Respondent pays the sum of \$2,290.85 for the Commissioner's reasonable cost of the
12 investigation and enforcement which led to this disciplinary action. Said payment shall be in the
13 form of a cashier's check made payable to the Department of Real Estate. **The investigative and**
14 **enforcement costs must be delivered to the Department of Real Estate, Flag Section at P.O.**
15 **Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this Decision and**
16 **Order. Payment of investigation and enforcement costs should not be made until the**
17 **Stipulation has been approved by the Commissioner.**

18 7. Respondent shall, within six (6) months from the effective date of this Decision
19 **and Order,** take and pass the Professional Responsibility Examination administered by the
20 Bureau including the payment of the appropriate examination fee. If Respondent fails to satisfy
21 this condition, Respondent's real estate license shall automatically be suspended until
22 Respondent passes the examination.

23 ///

8. Respondent shall, **within nine (9) months from the effective date of this**

Decision and Order, present evidence satisfactory to the Commissioner that Respondent has, since the most recent issuance of an original or renewal real estate license, taken and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate license. If Respondent fails to satisfy this condition, Respondent's real estate license shall automatically be suspended until Respondent presents evidence satisfactory to the Commissioner of having taken and successfully completed the continuing education requirements. **Proof of completion of the continuing education courses must be delivered to the Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013.**

DATED: 7-3-2018


Lissete Garcia, Counsel
Bureau of Real Estate

* * *

I have read this Stipulation, have discussed it with my counsel, 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 APA (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.

Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by electronically e-mailing a copy of the signature page, as actually signed by Respondent, to the Bureau. Respondent agrees, acknowledges, and understands that

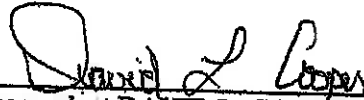
1 by electronically sending to the Bureau an electronic copy of Respondent's actual signature, as it
2 appears on the Stipulation, that receipt of the emailed copy by the Bureau shall be as binding on
3 Respondent as if the Bureau had received the original signed Stipulation. By signing this
4 Stipulation, Respondent understands and agrees that Respondent may not withdraw
5 Respondent's agreement or seek to rescind the Stipulation prior to the time the Commissioner
6 considers and acts upon it or prior to the effective date of the Stipulation and Order.

7
8 MAILING

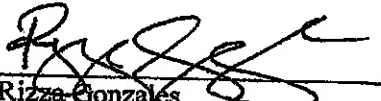
9 Respondent shall mail the original signed signature page of the stipulation herein to
10 Lissete Garcia: Attention: Legal Section, Bureau of Real Estate, 320 W. Fourth St., Suite 350,
11 Los Angeles, California 90013-1105.

12 Respondent's signature below constitutes acceptance and approval of the terms and
13 conditions of this Stipulation. Respondent agrees, acknowledges and understands that by signing
14 this Stipulation Respondent is bound by its terms as of the date of such signature and that this
15 agreement is not subject to rescission or amendment at a later date except by a separate Decision
16 and Order of the Real Estate Commissioner.

17 DATED: July 3, 2018


Respondent DAVID L. COOPER

18 DATED: July 3, 2018


Rizza Gonzales
Counsel for Respondent
Approved as to Form

19 ***

20 ///

21 ///

1 by electronically sending to the Bureau an electronic copy of Respondent's actual signature, as it
2 appears on the Stipulation, that receipt of the emailed copy by the Bureau shall be as binding on
3 Respondent as if the Bureau had received the original signed Stipulation. By signing this
4 Stipulation, Respondent understands and agrees that Respondent may not withdraw
5 Respondent's agreement or seek to rescind the Stipulation prior to the time the Commissioner
6 considers and acts upon it or prior to the effective date of the Stipulation and Order.

7
8 MAILING

9 Respondent shall mail the original signed signature page of the stipulation herein to
10 Lissete Garcia: Attention: Legal Section, Bureau of Real Estate, 320 W. Fourth St., Suite 350,
Los Angeles, California 90013-1105.

11 Respondent's signature below constitutes acceptance and approval of the terms and
12 conditions of this Stipulation. Respondent agrees, acknowledges and understands that by signing
13 this Stipulation Respondent is bound by its terms as of the date of such signature and that this
14 agreement is not subject to rescission or amendment at a later date except by a separate Decision
15 and Order of the Real Estate Commissioner.

16 DATED: _____

Respondent DAVID L. COOPER

17
18 DATED: _____

Rizza Gonzales
Counsel for Respondent
Approved as to Form

19
20
21 * * *

22
23 ///

24 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

The foregoing Stipulation and Agreement in Settlement and Order is hereby adopted as
my Decision in this matter as to Respondent DAVID L. COOPER and shall become effective at
12 o'clock noon on **AUG 13 2018**, 2018.

IT IS SO ORDERED July 18, 2018.

DANIEL J. SANDRI
ACTING REAL ESTATE COMMISSIONER

