

1 Department of Real Estate
2 320 W. 4th Street, Suite 350
3 Los Angeles, CA 90013-1105
4 Telephone: (213) 576-6982

FILED

NOV -6 2018

DEPT. 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

No. H-40976 LA

12 JP FINANCIAL GROUP INC,
13 JORGE ALFONSO POSADA,
14 individually and as designated officer of
JP Financial Group, Inc,

STIPULATION AND AGREEMENT

15 Respondents.

16
17 It is hereby stipulated by and between Respondents JP FINANCIAL GROUP
18 INC, and JORGE ALFONSO POSADA, individually and as designated officer of JP Financial
19 Group Inc, (sometimes collectively referred to as "Respondents"), acting by and through their
20 attorney, Candice Bryner, Esq., and the Complainant, acting by and through Judith B. Vasan,
21 Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing
22 of the Accusation ("Accusation") filed on March 19, 2018, in this matter:

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

STIPULATION AND AGREEMENT

1 2. Respondents have received, read and understand the Statement to Respondent,
2 the Discovery Provisions of the APA and the Accusation filed by the Department of Real Estate
3 ("Department") in this proceeding.

4 3. Respondents waive their right to require the Commissioner to prove the
5 allegations in the Accusation at a contested hearing held in accordance with the provisions of the
6 APA and that they will waive other rights afforded to them in connection with the hearing such
7 as the right to present evidence in their defense, and the right to cross-examine witnesses.

8 4. This Stipulation is based on the factual allegations contained in the
9 Accusation. Respondents, pursuant to the limitations set forth below, hereby admit that the
10 factual allegations contained in the Accusation filed in this proceeding are true and correct and
11 the Real Estate Commissioner shall not be required to provide further evidence of such
12 allegations.

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

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

24 7. Respondents understand that by agreeing to this Stipulation, Respondents
25 agree to pay jointly and severally, pursuant to Business and Professions Code ("Code") Section
26 10148, the costs of the audit which led to this disciplinary action. The amount of said costs is
27 \$4,325.70.

STIPULATION AND AGREEMENT

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DETERMINATION OF ISSUES

By reason of the foregoing, it is stipulated and agreed that the following determination of issues shall be made:

The conduct, acts or omissions of Respondent JP FINANCIAL GROUP INC., as set forth in the Accusation, are in violation of Code sections 10140.6 (notification of broker-escrow) and 10145 (trust fund handling), and Sections 2726 (broker-salesperson relationship agreement), 2831 (trust fund handling), 2831.2 (trust account reconciliation), 2832(e) (timely trust fund deposit), 2832.1 (trust fund balance), 2834 (trust account withdrawals), 2950(d) (trust account records), and 2951 (trust fund balance) of Title 10, Chapter 6 of the California Code of Regulations ("Regulations") and are a basis for discipline of Respondent JP FINANCIAL GROUP INC's licenses and license rights as violations of the Real Estate Law, Part 1 of Division 4 of the Code, pursuant to Code sections 10177(d) and 10177(g).

The conduct, acts or omissions of Respondent JORGE ALFONSO POSADA as set forth in the Accusation, are in violation of Code section 10159.2 (broker supervision) and Regulations section 2725 (broker supervision) and are a basis for discipline of Respondent POSADA's licenses and license rights as violations of the Real Estate Law, Part 1 of Division 4 of the Code, pursuant to Code sections 10177(d), 10177(g), and 10177(h).

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

I.

All licenses and licensed rights of Respondents JP FINANCIAL GROUP INC and JORGE ALFONSO POSADA, individually and as designated officer of JP Financial Group Inc, under the Real Estate Law are revoked; provided, however, a restricted real estate corporate broker license shall be issued to Respondent JP FINANCIAL GROUP INC, and a restricted real estate broker license shall be issued to Respondent JORGE ALFONSO POSADA pursuant to Code section 10156.5 if Respondents make application therefor and pay to the Department of Real Estate the appropriate fee for the restricted licenses within 90 days from the effective date

STIPULATION AND AGREEMENT

1 of this Decision. The restricted licenses issued to Respondents shall be subject to all of the
2 provisions of Section 10156.7 of the Business and Professions Code and to the following
3 limitations, conditions and restrictions imposed under authority of Section 10156.6 of that Code:

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

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

13 3. Respondents shall not be eligible to petition for the issuance of any
14 unrestricted real estate licenses nor for removal of any of the conditions, limitations or
15 restrictions of a restricted license until two (2) years have elapsed from the effective date of this
16 Decision and Order. Respondents shall not be eligible to apply for any unrestricted licenses until
17 all restrictions attaching to the license have been removed.

18 4. Respondents shall not conduct broker-escrow activities during the two (2) years
19 on a restricted real estate license.

20 II.

21 Pursuant to Code Section 10148, Respondents shall pay the Commissioner's
22 reasonable costs for the audit which led to this disciplinary action in the amount of \$4,325.70.
23 Respondents shall pay such costs within sixty (60) days of receiving an invoice therefore from
24 the Commissioner. Payment of the audit costs should not be made until Respondents receive the
25 invoice. Respondents are jointly and severally liable for the costs of the audit. If Respondents fail
26 to satisfy this condition in a timely manner as provided for herein, Respondents' real estate
27 licenses shall automatically be suspended until payment is made in full, or until a decision

STIPULATION AND AGREEMENT

1 providing otherwise is adopted following a hearing held pursuant to this condition.

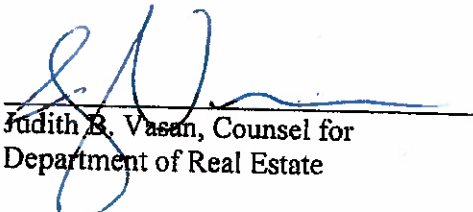
2 III.

3 Pursuant to Code Section 10148 of the Code, Respondents shall pay the
4 Commissioner's reasonable costs, not to exceed \$5,407.13, for a subsequent audit to determine if
5 Respondents have corrected the violations found in the Determination of Issues. In calculating
6 the amount of the Commissioner's reasonable costs, the Commissioner may use the estimated
7 average hourly salary for all persons performing audits of real estate brokers, and shall include
8 an allocation for travel time to and from the auditor's place of work. Respondents shall pay such
9 costs within sixty (60) days of receiving an invoice therefor from the Commissioner. Payment of
10 the audit costs should not be made until Respondents receive the invoice. Respondents are jointly
11 and severally liable for the costs of the subsequent audit. If Respondents fail to satisfy this
12 condition in a timely manner as provided for herein, Respondents' real estate licenses shall
13 automatically be suspended until payment is made in full, or until a decision providing otherwise
14 is adopted following a hearing held pursuant to this condition.

15 IV.

16 All licenses and licensing rights of Respondents are indefinitely suspended
17 unless or until Respondents pay the sum of \$5,677.10 for the Commissioner's reasonable costs
18 of the investigation and enforcement, which led to this disciplinary action. Respondents are
19 jointly and severally liable for the costs of the investigation and enforcement. Said payment
20 shall be in the form of a cashier's check made payable to the Department of Real Estate. The
21 investigative and enforcement costs must be delivered to the Department of Real Estate, Flag
22 Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this
23 Decision and Order.

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25 DATED: 10-16-2018

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Judith B. Vasan, Counsel for
Department of Real Estate

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EXECUTION OF THE STIPULATION

We have read the Stipulation, have discussed it with our counsel, and its terms are understood by us and are agreeable and acceptable to us. We understand that we are waiving rights given to us by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509 and 11513 of the Government Code), and we 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 we would have the right to cross-examine witnesses against us and to present evidence in defense and mitigation of the charges.

Respondents shall mail the original signed signature page of the stipulation herein to Judith B. Vasan, Attention: Legal Section, Department of Real Estate, 320 W. Fourth St., Suite 350, Los Angeles, California 90013-1105.

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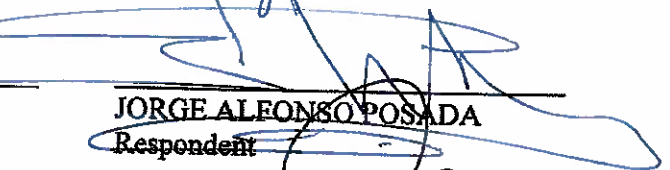
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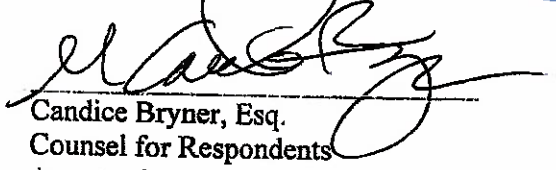
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STIPULATION AND AGREEMENT

1 Respondents' signatures below constitute acceptance and approval of the terms
2 and conditions of this Stipulation. Respondents agree, acknowledge and understand that by
3 signing this Stipulation, Respondents are bound by its terms as of the date of such signatures and
4 that this agreement is not subject to rescission or amendment at a later date except by a separate
5 Decision and Order of the Real Estate Commissioner.

6
7 DATED: 10/08/18 
8 JP FINANCIAL GROUP INC
9 Respondent
By: Jorge Posada

10
11 DATED: 10/08/18 
12 JORGE ALFONSO POSADA
13 Respondent

14
15 DATED: 10/8/18 
16 Candice Bryner, Esq.
17 Counsel for Respondents
18 Approved as to Form

19 ***

20 The foregoing Stipulation and Agreement is hereby adopted as my Decision as to
21 Respondents JP FINANCIAL GROUP INC, and JORGE ALFONSO POSADA, individually
22 and as designated officer of JP Financial Group Inc, and shall become effective at 12 o'clock
23 noon on _____.

24 IT IS SO ORDERED _____.

25 DANIEL J. SANDRI
26 ACTING REAL ESTATE COMMISSIONER
27 _____

STIPULATION AND AGREEMENT

1 Respondents' signatures below constitute acceptance and approval of the terms
2 and conditions of this Stipulation. Respondents agree, acknowledge and understand that by
3 signing this Stipulation, Respondents are bound by its terms as of the date of such signatures and
4 that this agreement is not subject to rescission or amendment at a later date except by a separate
5 Decision and Order of the Real Estate Commissioner.

6
7 DATED: _____

8 JP FINANCIAL GROUP INC
Respondent
9 By: _____

10 DATED: _____

11 JORGE ALFONSO POSADA
Respondent
12

13 DATED: _____

14 Candice Bryner, Esq.
15 Counsel for Respondents
16 Approved as to Form

17 * * *

18 The foregoing Stipulation and Agreement is hereby adopted as my Decision as to
19 Respondents JP FINANCIAL GROUP INC, and JORGE ALFONSO POSADA, individually
20 and as designated officer of JP Financial Group Inc, and shall become effective at 12 o'clock
21 noon on NOV 26 2018

22 IT IS SO ORDERED October 26, 2018

23
24 DANIEL J. SANDRI
25 ACTING REAL ESTATE COMMISSIONER

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STIPULATION AND AGREEMENT