

1 Department of Real Estate
2 320 West 4th Street, Suite 350
3 Los Angeles, CA 90013-1105

4 (213)576-6982

FILED

JUL 27 2018

DEPARTMENT OF REAL ESTATE

By



8 BEFORE THE DEPARTMENT¹ OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation Against)
12 JORDAN D. McDONALD,)
13 Respondent.)

No. H-40999 LA
OAH No. 2018050355

STIPULATION AND AGREEMENT

14
15 It is hereby stipulated by and between JORDAN D. McDONALD
16 ("Respondent"), acting by and through attorney Mark Sherry of KOSZDIN, FIELDS,
17 SHERRY & KATZ, and the Complainant, acting by and through Amelia V. Vetrone, Counsel
18 for the Department of Real Estate, as follows for the purpose of settling and disposing of the
19 Accusation filed on or about April 9, 2018, in this matter:

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

25 2. Respondent has received, read and understands the Statement to Respondent,
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27 ¹ Between July 1, 2013, and July 1, 2018, the Department of Real Estate operated as the Bureau of Real Estate under the Department of Consumer Affairs.

1 the Discovery Provisions of the APA and the Accusation filed by the Department of Real
2 Estate in this proceeding.

3 3. On April 23, 2018, the Department of Real Estate received Respondent's
4 Notice of Defense pursuant to Section 11506 of the Government Code for the purpose of
5 requesting a hearing on the allegations in the Accusation. Respondent hereby freely and
6 voluntarily withdraws said Notice of Defense. Respondent acknowledges that he understands
7 that by withdrawing said Notice of Defense he will thereby waive his right to require the
8 Commissioner to prove the allegations in the Accusation at a contested hearing held in
9 accordance with the provisions of the APA and that he will waive other rights afforded to him
10 in connection with the hearing such as the right to present evidence in defense of the allegations
11 in the Accusation and the right to cross-examine witnesses.

12 4. Respondent, pursuant to the limitations set forth below, hereby admits that
13 the factual allegations in Paragraph 2 of the Accusation filed in this proceeding are true and
14 correct and the Real Estate Commissioner shall not be required to provide further evidence of
15 such allegations.

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

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

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

4 4. Respondent shall submit with any application for license under an employing
5 broker, or any application for transfer to a new employing broker, a statement signed by the
6 prospective employing real estate broker on a form approved by the Department of Real Estate
7 which shall certify:

8 (a) That the employing broker has read the Decision of the Commissioner which
9 granted the right to a restricted license; and

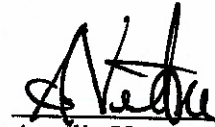
10 (b) That the employing broker will exercise close supervision over the
11 performance by the restricted licensee relating to activities for which a real estate
12 license is required.

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

22 6. Respondent shall notify the Commissioner in writing within 72 hours of any
23 arrest by sending a certified letter to the Commissioner at Department of Real Estate, Post
24 Office Box 137013, Sacramento, CA 95813-7013. The letter shall set forth the date of
25 Respondent's arrest, the crime for which Respondent was arrested, and the name and address of
26 the arresting law enforcement agency. Respondent's failure to timely file written notice shall
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1 constitute an independent violation of the terms of the restricted license and shall be grounds
2 for the suspension or revocation of that license.

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4
5 DATED: 7-18-18



Amelia V. Vetrone
Counsel for the
Department of Real Estate

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8 * * *

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

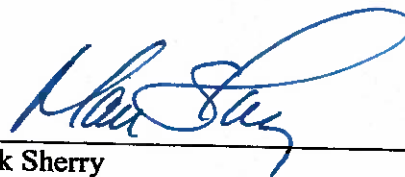
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17 DATED: 7/17/18



JORDAN D. McDONALD
Respondent

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20 *I have reviewed the Stipulation and Agreement as to form and content and have advised my*
21 *client accordingly.*

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23 DATED: 7/17/18



Mark Sherry
Attorney for Respondent

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IT IS SO ORDERED July 25, 2018

Daniel J. Sand