

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

**FILED**

SEP 29 2020

DEPT. OF REAL ESTATE

By 

7 BEFORE THE DEPARTMENT OF REAL ESTATE

8 STATE OF CALIFORNIA

9 \* \* \*

10 In the Matter of the Accusation of ) No. H-41108 LA  
11 DUSTIN VAUGHN LUCAS, )  
12 ) STIPULATION  
13 ) AND  
14 ) AGREEMENT  
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24 ) Respondent.

14 It is hereby stipulated by and between Respondent DUSTIN VAUGHN LUCAS  
15 (“LUCAS”), represented by Timothy S. Camarena, Esq./RELAW, APC and the Complainant,  
16 acting by and through Julie L. To, Counsel for the Department of Real Estate (“Department” or  
17 “DRE”), as follows for the purpose of settling and disposing of the Accusation (“Accusation”)  
18 filed on July 23, 2018, in Case No. H-41108 LA, in this matter.

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

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2 2. Respondent has received, read and understands the Statement to Respondent,  
3 the Discovery Provisions of the APA and the Accusation filed by the Department of Real Estate  
4 (“Department”) in this proceeding.

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

13 4. This Stipulation is based on the factual allegations contained in the Accusation.  
14 In the interest of expedience and economy, Respondent chooses not to contest these allegations,  
15 but to remain silent, and understands that, as a result thereof, these factual allegations, without  
16 being admitted or denied, will serve as a prima facie basis for the disciplinary action stipulated  
17 to herein. The Real Estate Commissioner shall not be required to provide further evidence to  
18 prove said factual allegations.

19 5. This Stipulation is made for the purpose of reaching an agreed disposition of  
20 this proceeding and is expressly limited to this proceeding and any other proceeding or case in  
21 which the Department or another licensing agency of this state, another state, or if the federal  
22 government is involved, and otherwise shall not be admissible in any other criminal or civil  
23 proceeding.

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

7. The Order or any subsequent Order of the Real Estate Commissioner made pursuant to this Stipulation shall not constitute an estoppel, merger or bar to any further administrative or civil proceedings by the Department of Real Estate with respect to any matters which were not specifically alleged to be causes for Accusation in this proceeding but do constitute a bar, estoppel and merger as to any allegations actually contained in the Accusations against Respondent herein.

8. Respondent understands that by agreeing to this Stipulation, Respondent agrees to pay, pursuant to Business and Professions Code ("Code") Section 10148, the cost of the audit which resulted in the determination that Respondent committed the violations found in the Determination of Issues. The amount of said costs for the original audits (SD160022 and SD160032) is \$6,728.85. Respondent agrees to pay, pursuant to Code Section 10148, the amount \$6,728.85 for the cost of Audit Nos. SD160022 and SD160032.

9. Respondent has received, read, and understands the "Notice Concerning Costs of Subsequent Audit." Respondent further understands that by agreeing to this Stipulation, the findings set forth below in the Determination of Issues become final, and the Commissioner may charge Respondent for the cost of any subsequent audit conducted pursuant to Code Section 10148 to determine if the violations have been corrected. The maximum cost of the follow-up audit will not exceed one-hundred twenty-five percent (125%) of the cost of the original audit; in

1 the instant case, the cost of the original audit is \$6,728.85 and the maximum cost of the follow-  
2 up audit will not exceed \$8,411.06. Therefore, Respondent may be charged a maximum of  
3 \$8,411.06 in the event of a subsequent audit.

4 10. Respondent understands that by agreeing to this Stipulation, Respondent  
5 agrees to pay, pursuant to Code Section 10106, the Commissioner's cost of the investigation and  
6 enforcement which resulted in the determination that Respondent committed the violations  
7 found in the Determination of Issues. The amount of said investigation and enforcement costs is  
8 \$3,216.80 (comprised of \$2,55184.40 in investigation costs plus \$1,032.40 in enforcement  
9 costs); therefore, Respondent agrees to pay, pursuant to Code Section 10106, the amount  
10 \$3,216.80 for the Commissioner's investigation and enforcement costs.

11 DETERMINATION OF ISSUES

12 By reason of the foregoing stipulations, admissions and waivers, and solely for  
13 the purpose of settlement of the pending Accusation without a hearing, it is stipulated and agreed  
14 that the following determination of issues shall be made:

15 The conduct, acts or omissions of Respondent LUCAS, as described in Paragraph  
16 4, herein above, are in violation of: Code Section 10145 and Title 10, Chapter 6, California Code  
17 of Regulations ("Regulation") 2832.1, 2950(g) and 2951; Code Section 10145 and Regulations  
18 28312, 2950(d) and 2951; Code Section 10145 and Regulations 2832 and 2951; Code Sections  
19 10145, 10176(i) and 10177(j) and Regulations 2950(g) and 2951; Code Section 10145 and  
20 Regulations 2726, 2834 and 2951; Code Section 10163 and Regulation 2715; Code Section  
21 10086(a) and Financial Code Section 17006(a)(4); Code Section 10177(h) and Regulation 2725,  
22 and are bases for the suspension or revocation of the license and license rights of Respondent  
23 LUCAS as violations of the Real Estate Law pursuant to Code Sections 10177(d) and 10177(g).

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ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

I.

All licenses and licensing rights of Respondent DUSTIN VAUGHN LUCAS under the Real Estate Law are revoked; provided, however: a restricted real estate broker license shall be issued to Respondent LUCAS, to be issued pursuant to Section 10156.5 of the Code if Respondent LUCAS makes respective application therefore and pays to the Department the appropriate fee for the restricted license within ninety (90) days from the effective date of this Decision and Order. The restricted license issued to Respondent LUCAS shall be subject to all of the provisions of Section 10156.7 of the Code and to the following limitations, conditions and restrictions imposed under authority of Section 10156.6 of the Code:

1. The restricted license issued to Respondent LUCAS may be suspended prior to hearing by Order of the Commissioner in the event of Respondent LUCAS' conviction or plea of *nolo contendere* to a crime which is substantially related to Respondent LUCAS' fitness or capacity as a real estate licensee.

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

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

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2 4. All license and licensing rights of Respondent LUCAS are indefinitely  
3 suspended unless or until Respondent provides evidence satisfactory to the Commissioner or  
4 having taken and successfully completed the continuing education course on trust fund  
5 accounting and handling specified in paragraph (3) of subdivision (a) of Section 10170.5 of the  
6 Business and Professions Code. Proof of satisfaction of these requirements includes evidence  
7 that Respondent has successfully completed the trust fund account and handling continuing  
8 education courses, no earlier than one hundred and twenty (120) days prior to the effective date  
9 of the Decision and Order in this matter. Proof of completion of the trust fund accounting and  
10 handling course must be delivered to the Department of Real Estate, Flag Section at P.O. Box  
11 137013, Sacramento, CA 95813-7013.

12 5. All licenses and licensing rights of Respondent LUCAS are indefinitely  
13 suspended unless or until Respondent pays the sum of \$3,216.80 for the Commissioner's  
14 reasonable cost of the investigation and enforcement which led to this disciplinary action. Said  
15 payment shall be in the form of a cashier's check or certified check made payable to the  
16 Department of Real Estate. The investigation and enforcement costs must be delivered to the  
17 Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013,  
18 prior to the effective date of this Decision and Order.

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2 6. Pursuant to Section 10148 of the Code, Respondent LUCAS shall pay the sum  
3 of \$6,728.85 for the Commissioner's cost of the audits (SD160022 and SD 160032) which led to  
4 this disciplinary action. Respondent LUCAS shall pay such cost within sixty (60) days of  
5 receiving an invoice therefore from the Commissioner. Payment of audit costs should not be  
6 made until Respondent receives the invoice. If Respondent fails to satisfy this condition in a  
7 timely manner as provided for herein, Respondent's real estate license shall automatically be  
8 suspended until payment is made in full, or until a decision providing otherwise is adopted  
9 following a hearing held pursuant to this condition.

9 7. Pursuant to Section 10148 of the Code, Respondent LUCAS shall pay the  
10 Commissioner's reasonable cost, not to exceed \$8,411.06 [or, 125% of the original audit cost],  
11 for a subsequent audit to determine if Respondent has corrected the violations found in the  
12 Determination of Issues. In calculating the amount of the Commissioner's reasonable cost, the  
13 Commissioner may use the estimated average hourly salary for all persons performing audits of  
14 real estate brokers, and shall include an allocation for travel time to and from the auditor's place  
15 of work. Respondent shall pay such cost within sixty (60) days of receiving an invoice [for said  
16 subsequent audit] therefore from the Commissioner. Payment of the [subsequent] audit costs  
17 should not be made until Respondent receives the invoice. If Respondent fails to satisfy this  
18 condition in a timely manner as provided for herein, Respondent's real estate license shall  
19 automatically be suspended until payment is made in full, or until a decision providing otherwise  
20 is adopted following a hearing held pursuant to this condition.

20 DATED: 8-17-20



Julie L. To, Counsel for  
Department of Real Estate

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EXECUTION OF THE STIPULATION

I have read the Stipulation and Agreement. 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 Administrative Procedure Act (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.

MAILING AND FACSIMILE

Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by sending a hard copy of the original signed signature page of the Stipulation herein to Julie L. To, Legal Section, Department of Real Estate, 320 W. Fourth St., Suite 350, Los Angeles, California 90013-1105. In the event of time constraints before an administrative hearing, Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by e-mailing a scanned copy of the signature page, as actually signed by Respondent, to the Department counsel assigned to this case. Respondent agrees, acknowledges, and understands that by electronically sending to the Department a scan of Respondent's actual signature as it appears on the Stipulation and Agreement, that receipt of the scan by the Department shall be binding on Respondent as if the Department had received the original signed Stipulation and Agreement.

DATED: 8/10/2020

  
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DUSTIN VAUGHN LUCAS, Respondent

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

DATED: 8/10/20



Timothy S. Camarena, Esq./RELAW, APC  
Attorney for Respondent DUSTIN VAUGHN LUCAS

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The foregoing Stipulation and Agreement is hereby adopted as my Decision as to Respondent DUSTIN VAUGHN LUCAS, and shall become effective at 12 o'clock noon on OCT 29 2020, 2020.

IT IS SO ORDERED 9.24.20, 2020.

REAL ESTATE COMMISSIONER

  
DOUGLAS R. McCAULEY