

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

FILED

JAN - 9 2020

DEPT. OF REAL ESTATE
By 

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of
12 DANIEL JOHN YSAIS,
13 Respondent.

} DRE No. H-41339 LA
} **STIPULATION AND**
} **WAIVER**

14
15 It is hereby stipulated by and between, DANIEL JOHN YSAIS (“Respondent”) and
16 Respondent’s attorney, Robert F. Hahn, Esq., and the Complainant, acting by and through
17 Lissete Garcia, counsel for the Department of Real Estate (“Department”), as follows for the
18 purpose of settling and disposing of the Statement of Issues filed on April 4, 2019, in this matter:

19 Respondent acknowledges that Respondent has received and read the Statement of Issues
20 and the Statement to Respondent filed by the Department in connection with Respondent’s
21 application for a mortgage loan originator license endorsement (“MLO license endorsement”).
22 Respondent understands that the Real Estate Commissioner (“Commissioner”) may hold a
23 hearing on this Statement of Issues for the purpose of requiring further proof of Respondent’s
24 honesty and truthfulness and to prove other allegations therein, or that the Commissioner may in
25 his discretion waive the hearing and grant Respondent a restricted individual MLO license
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27

1 endorsement based upon this Stipulation and Waiver.

2 Respondent also understands that by filing the Statement of Issues in this matter the Real
3 Estate Commissioner is shifting the burden to Respondent to make a satisfactory showing that
4 Respondent meets all the requirements for issuance of a MLO license endorsement. Respondent
5 further understands that by entering into this Stipulation and Waiver Respondent will be
6 stipulating that the Real Estate Commissioner has found that Respondent has failed to make such
7 a showing, thereby justifying the denial of the issuance to Respondent of a MLO license
8 endorsement.

9
10 Respondent hereby admits that the allegations of the Statement of Issues filed against
11 Respondent are true and correct and requests that the Commissioner in his discretion issue a
12 restricted individual MLO license endorsement to Respondent under the authority of Section
13 2945.4 of Title 10, California Code of Regulations ("Regulations") and Sections 10156.5 and
14 10166.051 of the Business and Professions Code.

15 Respondent is aware that by signing this Stipulation and Waiver, Respondent is waiving
16 his right to a hearing and the opportunity to present evidence at the hearing if this Stipulation and
17 Waiver is accepted by the Real Estate Commissioner. However, Respondent is not waiving
18 Respondent's right to a hearing and to further proceedings to obtain a restricted or unrestricted
19 individual MLO license endorsement if this Stipulation and Waiver is not accepted by the
20 Commissioner.

21
22 This Stipulation and Respondents' decision not to contest the Statement of Issues are
23 made for the purpose of reaching an agreed disposition of this proceeding and are expressly
24 limited to this proceeding and any other proceeding or case in which the Department, or another
25 licensing agency of this state, another state or if the federal government is involved and
26 otherwise shall not be admissible in any other criminal or civil proceedings.
27

1 It is understood by the parties that the Real Estate Commissioner may adopt the
2 Stipulation and Waiver as the Commissioner's Decision in this matter, thereby imposing the
3 restrictions on Respondent's MLO real estate license endorsement and license rights as set forth
4 below. In the event that the Commissioner in his discretion does not adopt the Stipulation and
5 Waiver, it shall be void and of no effect, and Respondent shall retain the right to a hearing and
6 proceeding on the Statement of Issues under all the provisions of the APA and shall not be bound
7 by any admission or waiver made herein.
8

9 Respondent further understands that the following conditions, limitations and restrictions
10 will attach to a restricted individual MLO license endorsement issued by the Department of Real
11 Estate pursuant hereto:

12 1. The individual MLO license endorsement shall not confer any property right in
13 the privileges to be exercised including the right of renewal, and the Real Estate Commissioner
14 shall suspend the right to exercise any privileges granted under this restricted individual MLO
15 license endorsement in the event of:

16
17 1. Respondent's conviction (including a plea of nolo contendere) to a crime which bears a
18 substantial relationship to Respondent's fitness or capacity to hold a real estate license or
19 an individual MLO license endorsement; or

20 2. The receipt of evidence that Respondent has violated provisions of the California Real
21 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or
22 conditions attaching to this restricted individual MLO license endorsement.

23 3. Respondent shall not be eligible to apply for the issuance of an unrestricted individual
24 MLO license endorsement nor the removal of any of the conditions, limitations or
25 restrictions attaching to the restricted individual MLO license endorsement until three (3)
26 years have elapsed form the date of issuance of the restricted MLO license endorsement
27

1 to Respondent.

2 11/20/2019
3 Dated


4 LISSETE GARCIA, Counsel
5 Department of Real Estate

6 I have read the Stipulation and Waiver, have discussed it with my counsel, and its terms
7 are understood by me and are agreeable and acceptable to me. I understand that I am waiving
8 rights given to me by the California Administrative Proceedings Act (including but not limited to
9 Sections 11506, 11508, 11509, and 11513 of the Government Code), and I willingly
10 intelligently, and voluntarily waive those rights, including the right of a hearing on the Statement
11 of Issues at which I would have the right to cross-examine witnesses against me and to present
12 evidence in defense and mitigation of the charges.

13 Respondent can signify acceptance and approval of the terms and conditions of this
14 Stipulation by electronically e-mailing a copy of the signature page, as actually signed by
15 Respondent, to the Department. Respondent agrees, acknowledges, and understands that by
16 electronically sending to the Department an electronic copy of Respondent's actual signature, as
17 it appears on the Stipulation, that receipt of the emailed copy by the Department shall be as
18 binding on Respondent as if the Department had received the original signed Stipulation. By
19 signing this Stipulation, Respondent understands and agrees that Respondent may not withdraw
20 Respondent's agreement or seek to rescind the Stipulation prior to the time the Commissioner
21 considers and acts upon it or prior to the effective date of the Stipulation and Order.
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23
24 _____
25 Dated

Daniel John Ysais, Respondent

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

1 to Respondent.

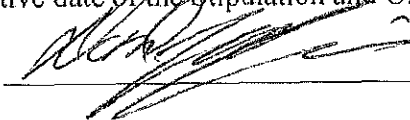
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3 Dated

LISSETE GARCIA, Counsel
Department of Real Estate

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23 11/20/19



24 Dated


Daniel John Ysais, Respondent

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11-25-19
Dated


Robert F. Hahn, Attorney for Respondent

I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by Respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and truthfulness of Respondent need not be called and that it will not be inimical to the public interest to issue a restricted mortgage loan originator license endorsement to Respondent.

Therefore, IT IS HEREBY ORDERED that a restricted mortgage loan originator license endorsement be issued to Respondent DANIEL JOHN YSAIS, if Respondent has otherwise fulfilled all of the statutory requirements for a mortgage loan originator license endorsement. The restricted mortgage loan originator license endorsement shall be limited, conditioned, and restricted as specified in the foregoing Stipulation and Waiver.

This Order is effective immediately.

IT IS SO ORDERED _____.

DANIEL SANDRI
REAL ESTATE COMMISSIONER

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This Order is effective immediately.

IT IS SO ORDERED 12/27/19

SANDRA KNAU
ACTING REAL ESTATE COMMISSIONER

