

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 04 2020

DEPT. OF REAL ESTATE

By 

7
8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)

No. H-41388 LA

12 PAUL AGUILAR, JR.)

STIPULATION

) AND

) AGREEMENT

13)
14)
15 Respondent.)
16)
17)

18 It is hereby stipulated by and between Respondent PAUL AGUILAR, JR.
19 (“AGUILAR”), represented by Jacob I. Mojarro, Esq./Mojarro Law, P.C., and the Complainant,
20 acting by and through Julie L. To, Counsel for the Department of Real Estate (“Department” or
21 “DRE”), as follows for the purpose of settling and disposing of the Accusation of PAUL
22 AGUILAR, JR. (“Accusation”) filed on June 20, 2019, in Case No. H-41388 LA, in this matter.

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

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

6 3. On July 9, 2019, Respondent timely filed his Notice of Defense pursuant to
7 Section 11506 of the Government Code for the purpose of requesting a hearing on the allegations
8 in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice of Defense.
9 Respondent acknowledges that he understands that by withdrawing said Notice of Defense he
10 thereby waives his right to require the Commissioner to prove the allegations in the Accusation at
11 a contested hearing held in accordance with the provisions of the APA and that he will waive
12 other rights afforded to him in connection with the hearing such as the right to present evidence
13 in his defense and the right to cross-examine witnesses.

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

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

25 6. It is understood by the parties that the Real Estate Commissioner may adopt
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ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

All licenses and licensing rights of Respondent PAUL AGUILAR, JR. under the Real Estate Law are revoked; provided, however, a restricted real estate salesperson license shall be issued to Respondent pursuant to Section 10156.5 of the Business and Professions Code if Respondent makes application therefor and pays to the Department of Real Estate the appropriate fee for the restricted license within ninety (90) days from the effective date of this Decision. The restricted license issued to Respondent shall be subject to all of the provisions of Section 10156.7 of the Business and Professions Code and to the following limitations, conditions and restrictions imposed under authority of that Code:

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

2. The restricted license issued to Respondent 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 this restricted license.

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

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

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1 certify:

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

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

7 5. Respondent shall, within nine (9) months from the effective date of this
8 Decision, present evidence satisfactory to the Real Estate Commissioner that Respondent has,
9 since the most recent issuance of an original or renewal real estate license, taken and
10 successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the
11 Real Estate Law for renewal of a real estate license. If Respondent fails to satisfy this condition,
12 the Respondent's real estate license shall automatically be suspended until Respondent presents
13 evidence satisfactory to the Commissioner of having taken and successfully completed the
14 continuing education requirements. Proof of completion of the continuing education courses
15 must be delivered to the Department of Real Estate, Flag Section at P.O. Box 137013,
16 Sacramento, CA 95813-7013.

17 6. Respondent shall, within twelve (12) months from the effective date of this
18 Decision, take and pass the Professional Responsibility Examination administered by the Bureau
19 including the payment of the appropriate examination fee. If Respondent fails to satisfy this
20 condition, the Commissioner may order suspension of Respondent's license until Respondent
21 passes the examination.

22 7. All licenses and licensing rights of Respondent AGUILAR are indefinitely
23 suspended unless or until Respondent pays the sum of \$4,027.33 (comprised of investigation
24 costs in the amount of \$2,972.68 and enforcement costs in the amount of \$1,054.65) for the
25 Commissioner's reasonable cost of the investigation and enforcement which led to this
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1 disciplinary action. Said payment shall be in the form of a cashier's check or certified check
2 made payable to the Department of Real Estate. The investigation and enforcement costs must
3 be delivered to: Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA
4 95813-7013, prior to the effective date of this Decision and Order.

5 DATED: 7-15-20



6 Julie L. To, Counsel for Complainant

7 * * *

8 EXECUTION OF THE STIPULATION

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

17 MAILING AND E-MAIL

18 Respondent shall send a hard copy of the original signed Stipulation and
19 Agreement to: Julie L. To, Department of Real Estate, 320 West Fourth Street, Suite 350, Los
20 Angeles, CA 90013. In the event of time constraints before an administrative hearing,
21 Respondent can signify acceptance and approval of the terms and conditions of this Stipulation
22 and Agreement by emailing a scanned copy of the signature page, as actually signed by
23 Respondent, to the Department of Real Estate counsel assigned to this case. Respondent agrees,
24 acknowledges and understands that by electronically sending the Department of Real Estate a
25 scan of Respondent's actual signature as it appears on the Stipulation and Agreement, that
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1 receipt of the scan by the Department of Real Estate shall be binding on Respondent as if the
2 Department of Real Estate had received the original signed Stipulation and Agreement.

3 DATED: 7-15-20

4 Paul Aguilar Jr.
PAUL AGUILAR, JR., Respondent
5 ***

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

8 DATED: 7-15-2020

9 Jacob I. Mojarro, Esq.
10 Attorney for Respondent PAUL AGUILAR, JR.
11 ***

12 The foregoing Stipulation and Agreement is hereby adopted as my Decision in
13 this matter and shall become effective at 12 o'clock noon on OCT -5 2020.

14 IT IS SO ORDERED 8.27.20

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17 REAL ESTATE COMMISSIONER

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19 Douglas R. McCauley
20 DOUGLAS R. McCAULEY
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