

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

4 Telephone: (213) 576-6982

FILED

SEP 10 2020

DEPT. OF REAL ESTATE

By 

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) No. H-41570 LA
12 MARCO VIDAL,)
13 Respondent.) STIPULATION AND
14) AGREEMENT

15 It is hereby stipulated by and between Respondent MARCO VIDAL
16 ("Respondent"), both represented by Joe Estrada, Esq., and the Complainant, acting by and
17 through Diane Lee, Counsel for the Department of Real Estate, as follows for the purpose of
18 settling and disposing of the Accusation ("Accusation") filed on or about January 6, 2020, in this
19 matter:

20 1. All issues which were to be contested and all evidence which were to be
21 presented by Complainant and Respondent at a formal hearing on the Accusation, which hearing
22 was to be held in accordance with the provisions of the California 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 ("Stipulation").

25 2. Respondent has received and read, and understands the Statement to
26 Respondent, the Discovery Provisions of the APA, and the Accusation filed by the Department of
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1 Real Estate in this proceeding.

2 3. Respondent filed a Notice of Defense pursuant to California Government Code
3 section 11506 for the purpose of requesting a hearing on the allegations in the Accusation.

4 Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent
5 acknowledges that he understands that by withdrawing said Notice of Defense, he thereby waives
6 his right to require the Commissioner to prove the allegations in the Accusation at a contested
7 hearing held in accordance with the provisions of the APA and that Respondent will waive other
8 rights afforded to him in connection with the hearing, such as the right to present evidence in his
9 defense and the right to cross-examine witnesses.

10 4. This Stipulation is based on the factual allegations contained in the Accusation.
11 Respondent chooses not to contest these allegations, but to remain silent and understands that, as
12 a result thereof, these factual allegations, will serve as a prima facie basis for the disciplinary
13 action stipulated to herein. The Real Estate Commissioner shall not be required to provide
14 further evidence to prove said factual allegations.

15 5. It is understood by the parties that the Real Estate Commissioner may adopt
16 this Stipulation as her Decision in this matter thereby imposing the penalties and sanctions on the
17 real estate license and license rights of Respondent as set forth in the below "Order." In the
18 event that the Commissioner in her discretion does not adopt this Stipulation, it shall be void and
19 of no effect, and Respondent shall retain the right to a hearing and proceeding on the Accusation
20 under the provisions of the APA and shall not be bound by this Stipulation herein.

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

7. Respondent understands that by agreeing to this Stipulation, Respondent agrees to pay, pursuant to California Business and Professions Code section 10106, the cost of the investigation and enforcement. The amount of investigation and enforcement cost is \$3,910.90.

8. Respondent understands that by agreeing to this Stipulation and Agreement, Respondent agrees to pay \$8,950.00 in restitution to Rosa Alonzo.

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, as described in the Accusation and Paragraph 4, above, are a basis for discipline of Respondent's license and license rights as violation of the Real Estate Law pursuant to California Business and Professions Code sections 10137, 10176(a), 10176(i), 10177(d), 10177(g), and 10177(j) and Title 10, Chapter 6, California Code of Regulations sections 2715, 2725, 2830, 2831, 2831.1, 2835(b), 2931.2, 2832.1, 2950(d), 2950(g), 2950(d), 2950(g), 2950(h), and 2951.

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

(RESTRICTED BROKER LICENSE)

I.

All license and licensing rights of Respondent, under the Real Estate Law are revoked; provided, however, a restricted real estate broker license shall be issued to Respondent pursuant to California Business and Professions Code section 10156.5 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 California Business and Professions Code section 10156.7 and to the following limitations, conditions, and restrictions

1 imposed under authority of the California Business and Professions Code:

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

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

11 3. Respondent shall not be eligible to apply for the issuance of an unrestricted
12 real estate license nor for the removal of any of the conditions, limitations, or restrictions of a
13 restricted license until three (3) years have elapsed from the date of issuance of the restricted
14 license to Respondent.

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

22 5. Respondent shall notify the Real Estate Commissioner in writing within 72
23 hours of any civil complaint filed against Respondent by sending a certified letter to the Real
24 Estate Commissioner at the Department of Real Estate, Post Office Box 137013, Sacramento,
25 CA 95813-7013. The letter shall set identify the court in which the complaint is filed, the date
26 on which the complaint was filed, and the case number. Respondent's failure to timely file
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1 written notice shall constitute an independent violation of the terms of the restricted license and
2 shall be grounds for the suspension or revocation of that license.

3 6. Respondent shall not be the designated officer of any corporation that he is not
4 the one-hundred (100) percent owner of.

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6 (INVESTIGATION AND ENFORCEMENT COSTS)

7 III.

8 Respondent shall, by January 5, 2022, pay the sum of \$3,910.90 for the
9 Commissioner's reasonable cost for investigation and enforcement which led to this disciplinary
10 action. Said payment shall be in the form of a cashier's check made payable to the Department
11 of Real Estate. The investigative and enforcement costs must be delivered to the Department of
12 Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013 by January 5, 2022.
13 If the costs of investigation and enforcement are not paid by January 5, 2022, the licenses and
14 license rights of Respondent shall automatically be suspended until full payment is made.

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16 (RESTITUTION)


17 IV.

18 Respondent shall, within ninety days (90) days from the effective date of this
19 Decision, pay \$8,950.00 in restitution to Rosa Alonzo, and send proof satisfactory to the
20 Commissioner that restitution has been made. Such proof of restitution shall be sent to the
21 Department of Real Estate at: Department of Real Estate, Flag Section, P.O. Box 137013,
22 Sacramento, CA 95813-7013. If Respondent fails to satisfy this condition, the Commissioner
23 shall order suspension of Respondent's license until Respondent pays restitution and provides
24 proof thereof.

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1 DATED: 06/23/2020


2 DIANE LEE, Counsel for
3 Department of Real Estate

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5 EXECUTION OF THE STIPULATION

6 I, MARCO VIDAL have read the Stipulation and discussed it with my attorney,
7 Joe Estrada, Esq. Its terms are understood by me, and are agreeable and acceptable to me. I
8 understand that I am waiving rights given to me by the California APA (including, but not
9 limited to, California Government Code sections 11506, 11508, 11509, and 11513), and I
10 willingly, intelligently, and voluntarily waive those rights, including, but not limited to, the right
11 of requiring the Commissioner to prove the allegations in the Accusation at a hearing at which I
12 would have the right to cross-examine witnesses against me, and to present evidence in defense
13 and mitigation of the charges.

14 MAILING AND FACSIMILE

15 Respondent (1) shall mail the original signed signature page of this Stipulation
16 herein to Department of Real Estate, Attention: Legal Section – Diane Lee, 320 West Fourth
17 Street, Suite 350, Los Angeles, California 90013-1105. Respondent shall also (2) facsimile a
18 copy of signed signature page, to the Department of Real Estate at the following telephone/fax
19 number: (213) 576-6917, Attention: Diane Lee.

20 A facsimile constitutes acceptance and approval of the terms and conditions of
21 this Stipulation. Respondent agrees, acknowledges, and understands that by electronically
22 sending to the Department of Real Estate a facsimile copy of Respondent's actual signature of as
23 it appears on the Stipulation that receipt of the facsimile copy by the Department of Real Estate
24 shall be as binding on Respondent as if the Department of Real Estate had received the original
25 signed Stipulation.

1 DATED: 06/19/2020

2 MARCO VIDAL

3
4 DATED: 06/19/2020

5 JOE ESTRADA, ESQ.
6 Attorney for Respondent MARCO VIDAL.
7 ***

8 The foregoing Stipulation and Agreement is hereby adopted as my Decision as to
9 Respondent MARCO VIDAL, and shall become effective at 12 o'clock noon on
10 _____, 2020.

11 IT IS SO ORDERED _____, 2020.

12 DOUGLAS R. McCAULEY
13 REAL ESTATE COMMISSIONER
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1 DATED: _____

MARCO VIDAL

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4 DATED: _____

JOE ESTRADA, ESQ.

Attorney for Respondent MARCO VIDAL

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8 The foregoing Stipulation and Agreement is hereby adopted as my Decision as to
9 Respondent MARCO VIDAL, and shall become effective at 12 o'clock noon on

10 October 09, 2020.

11 IT IS SO ORDERED 8.27.20, 2020.

12 DOUGLAS R. McCAULEY
13 REAL ESTATE COMMISSIONER

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15 Douglas R. McCauley
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