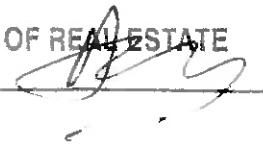


FILED

JUN 17 2020

DEPT. OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation against) DRE No. H-41630 LA
)
ROBERTO D. MELCHOR,) STIPULATION AND AGREEMENT
)
Respondent.)
_____)

It is hereby stipulated by and between Respondent ROBERTO D. MELCHOR ("Respondent") and the Complainant, acting by and through Lissete Garcia, Counsel for the Department of Real Estate ("Department"), as follows for the purpose of settling and disposing of the Accusation filed on March 10, 2020 ("Accusation") in this matter:

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

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

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

10 4. Respondent, pursuant to the limitations set forth below, hereby admits
11 that the factual allegations in the Accusation filed in this proceeding are true and correct and
12 the Commissioner shall not be required to provide further evidence to prove such allegations.

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

20 6. The Order or any subsequent Order of the Commissioner made pursuant
21 to this Stipulation shall not constitute an estoppel, merger or bar to any further administrative or
22 civil proceedings by the Department with respect to any matters which were not specifically
23 alleged to be causes for the Accusation in this proceeding.

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The conduct, acts, or omissions of Respondent ROBERTO D. MELCHOR, as described in the Accusation, constitute cause for the suspension or revocation of all real estate licenses and license rights of Respondent ROBERTO D. MELCHOR under California Business and Professions Code ("Code") sections 10186.2 and 10177(d).

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1 3. Respondent shall not be eligible to apply for the issuance of an
2 unrestricted real estate license, including designated officer or mortgage loan originator
3 endorsement, nor for the removal of any of the conditions, limitations or restrictions of a
4 restricted license until two (2) years have elapsed from the effective date of this Decision and
5 Order. Respondent withdraws all pending license applications.

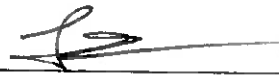
6 4. All licenses and licensing rights of Respondent are indefinitely
7 suspended unless or until Respondent pays the sum of \$1,710.10 for the Commissioner's
8 reasonable cost of the investigation and enforcement which led to this disciplinary action. Said
9 payment shall be in the form of a cashier's check made payable to the Department of Real
10 Estate. **The investigative and enforcement costs must be delivered to the Department of**
11 **Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the**
12 **effective date of this Decision and Order.** **Payment of investigation and enforcement costs**
13 **should not be made until the Stipulation has been approved by the Commissioner.** If
14 Respondent fails to satisfy this condition in a timely manner as provided for herein,
15 Respondent's real estate license shall automatically be suspended until payment is made in full,
16 or until a decision providing otherwise is adopted following a hearing held pursuant to this
17 condition.

18 5. Respondent shall, **within thirty (30) days from the effective date of**
19 **this Decision and Order** present evidence satisfactory to the Commissioner that Respondent
20 has taken and successfully completed the continuing education course on trust fund accounting
21 and handling specified in paragraph (3) of subdivision (a) of Section 10170.5 of the Business
22 and Professions Code. Proof of satisfaction of this requirement includes evidence that
23 Respondent has successfully completed the trust fund account and handling continuing
24 education course, no earlier than 120 days prior to the effective date of the Decision and Order
25 in this matter. **Proof of completion of the trust fund accounting and handling course must**
26 **be delivered to the Department of Real Estate, Flag Section at P.O. Box 137013,**
27 **Sacramento, CA 95813-7013 or by fax at 916-263-8758, prior to the effective date of this**

1 **Decision and Order.** If Respondent fails to satisfy this condition, Respondent's real estate
2 license shall automatically be suspended until Respondent presents evidence satisfactory to the
3 Commissioner of having taken and successfully completed the course requirement.

4 6. Respondent ROBERTO D. MELCHOR shall, **within twelve (12)**
5 **months from the effective date of this Decision and Order**, take and pass the Professional
6 Responsibility Examination administered by the Department including the payment of the
7 appropriate examination fee. If Respondent fails to satisfy this condition, Respondent's real
8 estate license shall automatically be suspended until Respondent passes the examination.

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10 DATED: May 5, 2020


11 Lissete Garcia, Counsel
12 Department of Real Estate

13 * * *

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

21 Respondent can signify acceptance and approval of the terms and conditions of this
22 Stipulation and Agreement by electronically e-mailing a copy of the signature page, as actually
23 signed by Respondent, to the Department. Respondent agrees, acknowledges, and understands
24 that by electronically sending to the Department an electronic copy of Respondent's actual
25 signature, as it appears on the Stipulation, that receipt of the emailed copy by the Department
26 shall be as binding on Respondent as if the Department had received the original signed
27

1 Stipulation. By signing this Stipulation, Respondent understands and agrees that Respondent
2 may not withdraw Respondent's agreement or seek to rescind the Stipulation prior to the time
3 the Commissioner considers and acts upon it or prior to the effective date of the Stipulation and
4 Order.

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6 DATED: 4/24/20


Respondent ROBERTO D. MELCHOR

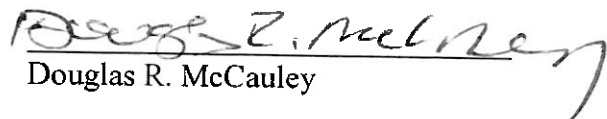
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10 The foregoing Stipulation and Agreement in Settlement and Order is hereby
11 adopted by me as my Decision in this matter and shall become effective at 12 o'clock noon on

12 July 17, 2020.

13 IT IS SO ORDERED 5.20, 2020.

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15 REAL ESTATE COMMISSIONER

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18 Douglas R. McCauley
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