

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

FILED

FEB 02 2021

DEPT. OF REAL ESTATE

By *Zoe G*

7
8 **BEFORE THE DEPARTMENT OF REAL ESTATE**

9 **STATE OF CALIFORNIA**

10 * * *

11 In the Matter of the Accusation of) No. H-41672 LA
12)
13) STIPULATION
14) AND
15) AGREEMENT
16) (Public Repraval)
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16 It is hereby stipulated by and between Respondent MULHEARN REALTORS
17 INC ("MRI"), represented by Mary E. Work, Esq. and the Complainant, acting by and through
18 Julie L. To, Counsel for the Department of Real Estate ("Department" or "DRE"), as follows for
19 the purpose of settling and disposing of the Accusation of MULHEARN REALTORS INC
20 ("Accusation") filed on May 18, 2020, in Case No. H-41672 LA, in this matter.

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

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

4 3. On June 9, 2020, Respondent timely filed its Notice of Defense pursuant to
5 Section 11506 of the Government Code for the purpose of requesting a hearing on the allegations
6 in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice of Defense.
7 Respondent acknowledges that it understands that by withdrawing said Notice of Defense it
8 thereby waives the right to require the Commissioner to prove the allegations in the Accusation
9 at a contested hearing held in accordance with the provisions of the APA and that it waives other
10 rights afforded to it in connection with the hearing such as the right to present evidence in its
11 defense and the right to cross-examine witnesses.

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

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

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

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

11 DETERMINATION OF ISSUES

12 By reason of the foregoing stipulations, admissions and waivers, and solely for the
13 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 and/or omissions of Respondent MULHEARN REALTORS
16 INC, as described in Paragraph 4, herein above, are in violation of: Code Section 10177(g)
17 (negligence) and is basis for the discipline of the license and license rights of Respondent as a
18 violation of the Real Estate Law.

19 ORDER

20 WHEREFORE, THE FOLLOWING ORDER is hereby made:

21 Respondent real estate corporation MULHEARN REALTORS INC is publicly
22 reproved. The public reproof of Respondent's license is subject to the following limitations,
23 conditions and restrictions:

24 1. All licenses and licensing rights of Respondent are indefinitely suspended
25 unless or until Respondent pays the sum of \$2,518.71 (comprised of investigation costs in the
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1 amount of \$1,650.96 and enforcement costs in the amount of \$867.75) for the Commissioner's
2 reasonable cost of the investigation and enforcement which led to this disciplinary action. Said
3 payment shall be in the form of a cashier's check or certified check made payable to the
4 Department of Real Estate. The investigation and enforcement costs must be delivered to:
5 Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior
6 to the effective date of this Decision and Order.

7 2. Respondent agrees to pay an administrative fine, not to exceed \$2,500.00,
8 pursuant to the authority provided by Section 10080.9 of the Business and Professions Code
9 ("Code"), in conjunction with Sections 2907.1, 2907.2, and 2907.4 of Title 10, Chapter 6 of the
10 Code of Regulations ("Regulations"), for its violation of: Code Section 10177(g) (negligence).

11 3. Respondent's signature [by its authorized representative/designated real estate
12 broker of record] indicates full agreement to the terms of this Stipulation and to the terms set
13 forth herein. Respondent expressly agrees not to contest any aspect of the citation(s), pursuant to
14 Section 2907.3 of the Regulations.

15 4. Respondent agrees to remit payment of the administrative fine in the form of a
16 cashier's check made payable to the Department of the Real Estate, within thirty (30) days of the
17 date of the citation(s). The payment should include a reference to the citation number. The
18 payment shall be delivered to the Department of Real Estate, Flag Section at P.O. Box 137013,
19 Sacramento, CA 95813-7013.

20 5. Respondent further acknowledges that failure to remit timely payment of the
21 administrative fine imposed in the citation, or to comply with any of the conditions in this
22 Stipulation, will result in further formal disciplinary action by the Department, including, but not
23 limited to the continued prosecution of Accusation.

24 6. Respondent shall not be entitled to any repayment nor credit, prorated or
25 otherwise, for money paid to the Department under the terms of this Stipulation and the
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DRE Stipulation & Agreement – MULHEARN REALTORS INC

1 citation(s). In the event that Respondent does not comply with the terms of this and/or the
2 citation(s), this Stipulation shall be void and of no effect, and Respondent shall retain the right to
3 a hearing and proceeding on the Accusation under all provisions of the APA, and shall not be
4 bound by any admission or waiver made herein.

5 DATED: 1-7-21


Julie L. To, Counsel for Complainant

EXECUTION OF THE STIPULATION

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

MAILING AND E-MAIL

19 Respondent/Respondent's authorized representative shall send a hard copy of the
20 original signed Stipulation and Agreement to: Julie L. To, Department of Real Estate, 320 West
21 Fourth Street, Suite 350, Los Angeles, CA 90013. In the event of time constraints before an
22 administrative hearing, Respondent/Respondent's authorized representative can signify
23 acceptance and approval of the terms and conditions of this Stipulation and Agreement by
24 emailing a scanned copy of the signature page, as actually signed by Respondent's authorized
25 representative, to the Department of Real Estate counsel assigned to this case. Respondent

1 agrees, acknowledges and understands that by electronically sending the Department of Real
2 Estate a scan of Respondent's authorized representative's actual signature as it appears on the
3 Stipulation and Agreement, that receipt of the scan by the Department of Real Estate shall be
4 binding on Respondent as if the Department of Real Estate had received the original signed
5 Stipulation and Agreement.

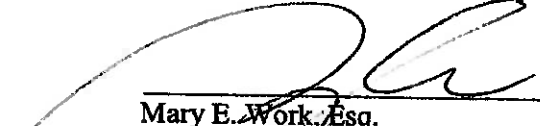
6 DATED: 1-5-2021



Dennis Allen Rosas, Designated Officer of Record
for Respondent MULHEARN REALTORS INC

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

12 1/6/2021
13 Dated

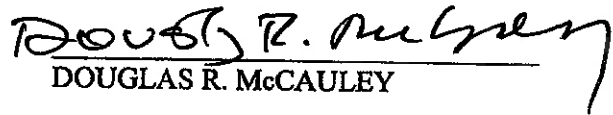


Mary E. Work, Esq.
Attorney for Respondent
MULHEARN REALTORS INC

16 The foregoing Stipulation and Agreement is hereby adopted as my Decision in
17 this matter and shall become effective at 12 o'clock noon on MAR 04 2021.

18 IT IS SO ORDERED 1-28-21

21 REAL ESTATE COMMISSIONER

23 
24 DOUGLAS R. McCAULEY