

By _____

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1 2. Respondents have received, read, and understand the Statement to Respondent, the
2 Discovery Provisions of the APA, and the Accusation filed by the Department of Real Estate in this
3 proceeding.

4 3. On June 2 and 4, 2021, Respondents DE ANDA and AEI, respectively, filed Notices
5 of Defense pursuant to section 11506 of the Government Code for the purpose of requesting a
6 hearing on the allegations in the Accusation. Respondents hereby freely and voluntarily withdraw
7 said Notices of Defense. Respondents acknowledge that Respondents understand that by
8 withdrawing said Notices of Defense, Respondents will thereby waive Respondents' right to
9 require the Real Estate Commissioner ("Commissioner") to prove the allegations in the Accusation
10 at a contested hearing held in accordance with the provisions of the APA and that Respondents will
11 waive other rights afforded to Respondents in connection with the hearing such as the right to
12 present evidence in defense of the allegations in the Accusation and the right to cross-examine
13 witnesses.

14 4. Respondents, pursuant to the limitations set forth below, hereby admit that the
15 factual allegations (or findings of fact as set forth below) in Paragraphs 3-5, 8, 10, 12-22, and 24-25
16 of the Accusation filed in this proceeding are true and correct and the Real Estate Commissioner
17 shall not be required to provide further evidence of such allegations.

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

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

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7. Respondents AEI and DE ANDA understand that by agreeing to this Stipulation, Respondents AEI and DE ANDA agree to pay, pursuant to Business and Professions Code Section 10106, the cost of the investigation and enforcement of this matter. The amount of the investigation costs is \$4,038.00 and the amount of the enforcement costs is \$777.60, for total costs of costs of \$4,815.60. AEI and DE ANDA understand that they are jointly and severally responsible for payment of the sum total of \$4,815.60 in costs.

DETERMINATION OF ISSUES

By reason of the foregoing stipulations, admissions, and waivers, and solely for the purpose of settlement of the pending Accusation without a hearing, it is stipulated and agreed that the following Determination of Issues shall be made:

I.

The conduct, acts, and/or omissions of Respondent AEI as described in the Accusation, constitute cause for the suspension or revocation of all real estate licenses and license rights of Respondent AEI under California Business and Professions Code (“Code”) sections 10130, 10141.6, 10159.5, 10086(a), and 10177(d) and/or 10177(g), California Financial Code section 17006(a)(4), and Title 10, Chapter 6, California Code of Regulations (“Regulations”) section 2731.

II.

The conduct, acts, and/or omissions of Respondent DE ANDA, as described in the Accusation, constitute cause for the suspension or revocation of all real estate licenses and license rights of Respondent DE ANDA under Code Sections 10159.2, 10177(h), and 10177(d) and/or 10177(g), and Title 10, Chapter 6, California Code of Regulations (“Regulations”) section 2725.

ORDER

I.

All licenses and licensing rights of Respondent AEI under the Real Estate Law are suspended for a period of ninety (90) days from the effective date of this Decision and Order; provided, however, that:

1. Thirty (30) days of said suspension shall be stayed upon the condition that Respondent AEI petitions pursuant to Code Section 10175.2 and pays a monetary penalty pursuant

1 to Code Section 10175.2 at a rate of one hundred dollars (\$100.00) for each day of the suspension
2 for a total monetary penalty of \$3,000 (\$100.00 per day X thirty (30) days = \$3,000), and upon the
3 following terms and conditions:

4 a. Said payment shall be in the form of a cashier's check made payable to the
5 Department of Real Estate. Said check must be delivered to the Department of Real Estate,
6 Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date
7 of this Decision and Order. **Payment of said monetary penalty should not be made until**
8 **the Stipulation has been approved by the Commissioner.**

9 b. Respondent AEI shall obey all laws, rules and regulations governing the
10 rights, duties and responsibilities of a real estate licensee in the State of California;

11 c. No further cause for disciplinary action against the Real Estate license(s) of
12 Respondent AEI occurs within one (1) years from the effective date of the Decision and
13 Order in this matter.

14 d. That no final subsequent determination be made, after hearing or upon
15 stipulation, that cause of disciplinary action occurred within one (1) year from the effective
16 date of this Decision and Order. Should such a determination be made, the Commissioner
17 may, in his discretion, vacate and set aside the stay order and reimpose all or a portion of
18 the stayed suspension. Should no such determination be made, the stay imposed herein
19 shall become permanent.

20 e. If Respondent AEI fails to pay the monetary penalty in accordance with the
21 terms and conditions of this Decision and Order, the suspension shall go into effect
22 automatically. Respondent AEI shall not be entitled to any repayment nor credit, prorated
23 or otherwise, for money paid to the Department under the terms of this Decision and Order.

24 f. If Respondent AEI pays the monetary penalty under this Stipulation and
25 Agreement and if no further cause for disciplinary action against the Real Estate license(s)
26 of Respondent AEI occurs within one (1) years from the effective date of this Decision and
27 Order, the entire stay hereby granted pursuant to this Decision and Order, shall become
28 permanent.

1 2. The remaining sixty (60) days of said suspension shall be stayed for one (1) year
2 upon the following terms and conditions:

3 a. Respondent AEI shall obey all laws, rules and regulations governing the
4 rights, duties and responsibilities of a real estate licensee in the State of California;

5 b. No further cause for disciplinary action against the Real Estate license(s) of
6 Respondent AEI occurs within one (1) year from the effective date of the Decision and
7 Order in this matter; and,

8 c. That no final subsequent determination be made, after hearing or upon
9 stipulation, that cause of disciplinary action occurred within one (1) year from the effective
10 date of this Decision and Order. Should such a determination be made, the Commissioner
11 may, in his discretion, vacate and set aside the stay order and reimpose all or a portion of
12 the stayed suspension. Should no such determination be made, the stay imposed herein
13 shall become permanent.

14 3. Respondent AEI shall pay, severally or jointly with Respondent DE ANDA, the sum
15 total of \$4,815.60, amounting to the Commissioner's reasonable cost of the investigation and
16 enforcement which led to this disciplinary action, **within one-hundred and eighty (180) days**
17 **from the effective date of this Decision and Order.** Said payment shall be in the form of a
18 cashier's check made payable to the Department of Real Estate. **The investigative and**
19 **enforcement costs must be delivered to the Department of Real Estate, Flag Section at P.O.**
20 **Box 137013, Sacramento, CA 95813-7013. Payment of investigation and enforcement costs**
21 **should not be made until the Stipulation has been approved by the Commissioner.** If
22 Respondents fail to satisfy this condition in a timely manner as provided for herein, Respondents'
23 real estate licenses shall automatically be suspended until payment is made in full, or until a
24 decision providing otherwise is adopted following a hearing held pursuant to this condition.

25 4. Within sixty (60) days of the effective date of this Decision and Order, Respondent
26 AEI shall provide written proof, satisfactory to the Commissioner, that Respondent AEI has
27 refunded the third-party escrow fees totaling \$11,784.00 to the buyers and sellers charged such
28 third-party escrow fees by AEI, for performing broker escrows under AEI's unlicensed fictitious

business name "Executive Escrow Group, Inc.," without being a party to the transactions, as follows:

- a. Refund of \$2,648 (divided evenly between buyer and seller) for third-party escrow fees charged in Escrow #12598;
- b. Refund of \$3,640 (divided evenly between buyer and seller) for third-party escrow fees charged in Escrow #12609;
- c. Refund of \$1,996 (divided evenly between buyer and seller) for third-party escrow fees charged in Escrow #12618;
- d. Refund of \$3,500 (divided evenly between buyer and seller) for third-party escrow fees charged in Escrow #12619.

Such proof must be delivered to the Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013. If Respondent AEI fails to satisfy this condition in a timely manner as provided for herein, Respondent AEI's real estate license shall automatically be suspended until such written proof as described above in Paragraph 4(a) through (d) is provided, or until a decision providing otherwise is adopted following a hearing held pursuant to this condition.

II.

All licenses and licensing rights of Respondent DE ANDA under the Real Estate Law are suspended for a period of ninety (90) days from the effective date of this Decision and Order; provided, however, that:

1. Thirty (30) days of said suspension shall be stayed upon the condition that Respondent DE ANDA petitions pursuant to Code Section 10175.2 and pays a monetary penalty pursuant to Code Section 10175.2 at a rate of one hundred dollars (\$100.00) for each day of the suspension for a total monetary penalty of \$3,000 (\$100.00 per day X thirty (30) days = \$3,000), and upon the following terms and conditions:

- a. Said payment shall be in the form of a cashier's check made payable to the Department of Real Estate. Said check must be delivered to the Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date

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2 of this Decision and Order. **Payment of said monetary penalty should not be made until**
3 **the Stipulation has been approved by the Commissioner.**

4 b. Respondent DE ANDA shall obey all laws, rules and regulations governing
5 the rights, duties and responsibilities of a real estate licensee in the State of California;

6 c. No further cause for disciplinary action against the Real Estate license(s) of
7 Respondent DE ANDA occurs within one (1) years from the effective date of the Decision
8 and Order in this matter.

9 d. That no final subsequent determination be made, after hearing or upon
10 stipulation, that cause of disciplinary action occurred within one (1) year from the effective
11 date of this Decision and Order. Should such a determination be made, the Commissioner
12 may, in his discretion, vacate and set aside the stay order and reimpose all or a portion of
13 the stayed suspension. Should no such determination be made, the stay imposed herein
14 shall become permanent.

15 e. If Respondent DE ANDA fails to pay the monetary penalty in accordance
16 with the terms and conditions of this Decision and Order, the suspension shall go into effect
17 automatically. Respondent DE ANDA shall not be entitled to any repayment nor credit,
18 prorated or otherwise, for money paid to the Department under the terms of this Decision
19 and Order.

20 f. If Respondent DE ANDA pays the monetary penalty under this Stipulation
21 and Agreement and if no further cause for disciplinary action against the Real Estate
22 license(s) of Respondent DE ANDA occurs within one (1) years from the effective date of
23 this Decision and Order, the entire stay hereby granted pursuant to this Decision and Order,
24 shall become permanent.

25 2. The remaining sixty (60) days of said suspension shall be stayed for one (1) year
26 upon the following terms and conditions:

27 a. Respondent DE ANDA shall obey all laws, rules and regulations governing
28 the rights, duties and responsibilities of a real estate licensee in the State of California;

1 b. No further cause for disciplinary action against the Real Estate license(s) of
2 Respondent DE ANDA occurs within one (1) year from the effective date of the Decision
3 and Order in this matter; and,

4 c. That no final subsequent determination be made, after hearing or upon
5 stipulation, that cause of disciplinary action occurred within one (1) year from the effective
6 date of this Decision and Order. Should such a determination be made, the Commissioner
7 may, in his discretion, vacate and set aside the stay order and reimpose all or a portion of
8 the stayed suspension. Should no such determination be made, the stay imposed herein
9 shall become permanent.

10 3. Respondent DE ANDA shall pay, severally or jointly with Respondent AEI, the sum
11 total of \$4,815.60, amounting to the Commissioner's reasonable cost of the investigation and
12 enforcement which led to this disciplinary action, **within one-hundred and eighty (180) days**
13 **from the effective date of this Decision and Order.** Said payment shall be in the form of a
14 cashier's check made payable to the Department of Real Estate. **The investigative and**
15 **enforcement costs must be delivered to the Department of Real Estate, Flag Section at P.O.**
16 **Box 137013, Sacramento, CA 95813-7013. Payment of investigation and enforcement costs**
17 **should not be made until the Stipulation has been approved by the Commissioner.** If
18 Respondents fail to satisfy this condition in a timely manner as provided for herein, Respondents'
19 real estate licenses shall automatically be suspended until payment is made in full, or until a
20 decision providing otherwise is adopted following a hearing held pursuant to this condition.

21
22 DATED: 1/20/2022



Laurence D. Haveson
Counsel for Complainant

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26 EXECUTION OF THE STIPULATION

27 We have read this Stipulation and its terms are understood by us and are agreeable and
28 acceptable to us. We understand that we are waiving rights given to us by the California APA

1 (including, but not limited to, sections 11506, 11508, 11509, and 11513 of the Government Code),
2 and we willingly, intelligently, and voluntarily waive those rights, including the right of requiring
3 the Commissioner to prove the allegations in the Accusation at a hearing at which we would have
4 the right to cross-examine witnesses against us and to present evidence in defense and mitigation of
5 the charges.

6 Respondents can signify acceptance and approval of the terms and conditions of this
7 Stipulation and Agreement by electronically e-mailing a copy of the signature pages, as actually
8 signed by Respondents, to the Department. Respondents agree, acknowledge, and understand that
9 by electronically sending to the Department an electronic copy of Respondents' actual signatures,
10 as they appear on the Stipulation, that receipt of the emailed copy by the Department shall be as
11 binding on Respondents as if the Department had received the original signed Stipulation. By
12 signing this Stipulation, Respondents understand and agree that Respondents may not withdraw
13 their agreement or seek to rescind the Stipulation prior to the time the Commissioner considers and
14 acts upon it or prior to the effective date of the Stipulation and Order.

15 MAILING

16 Respondents and their counsel shall, within five (5) business days from signing the
17 Stipulation, mail the original signed signature page(s) of the Stipulation herein to Laurence
18 Haveson, Attention: Legal Section, Department of Real Estate, 320 W. Fourth St., Room 350, Los
19 Angeles, California 90013-1105.

20 Respondents' signatures below constitute acceptance and approval of the terms and
21 conditions of this Stipulation. Respondents agree, acknowledge, and understand that by signing
22 this Stipulation Respondents are bound by its terms as of the date of such signature and that this
23 agreement is not subject to rescission or amendment at a later date except by a separate Decision
24 and Order of the Real Estate Commissioner.

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1 DATED: Jan 20, 2022

Efren de Anda
Efren de Anda (Jan 20, 2022 10:54 PST)

Respondent AZTEC EMPIRE INCORPORATED.

2
3 By (Printed Name): Efren de Anda

4 Title: CEO/Broker

5
6 DATED: Jan 20, 2022

Efren de Anda
Efren de Anda (Jan 20, 2022 10:54 PST)

Respondent EFREN DE ANDA

7
8
9 DATED: January 20, 2022

Edna Fok

Edna Fok
Attorney for Respondents AZTEC EMPIRE
INCORPORATED and EFREN DE ANDA
Approved as to Form

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12 * * *

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14
15 The foregoing Stipulation and Agreement in Settlement and Order is hereby adopted by me
16 as my Decision in this matter and shall become effective at 12 o'clock noon on
17 _____, 2022.

18
19 IT IS SO ORDERED _____, 2022.

20
21 DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER

22
23
24 _____

1 DATED: _____

Respondent AZTEC EMPIRE INCORPORATED.

2
3 By (Printed Name): _____

4 Title: _____

5
6
7 DATED: _____

Respondent EFREN DE ANDA

8
9
10 DATED: January 20, 2022

Edna Fok
Edna Fok (Jan 20, 2022 12:47 PST)

Edna Fok
Attorney for Respondents AZTEC EMPIRE
INCORPORATED and EFREN DE ANDA
Approved as to Form

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16 The foregoing Stipulation and Agreement in Settlement and Order is hereby adopted by me
17 as my Decision in this matter and shall become effective at 12 o'clock noon on
18 May 25, 2022.

19 IT IS SO ORDERED 4.29.22, 2022.

20
21 DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER

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23
24 Douglas R. McCauley