

By _____

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

4 3. On or about June 2, 2023, Respondents filed Notices of Defense pursuant to
5 Section 11506 of the Government Code for the purpose of requesting a hearing on the allegations in
6 the Accusation in Case No. H-42421 LA. Respondents hereby freely and voluntarily withdraw said
7 Notices of Defense. Respondents acknowledge that they understand that by withdrawing said
8 Notices of Defense they will thereby waive their rights to require the Commissioner to prove the
9 allegations in the Accusation at a contested hearing held in accordance with the provisions of the
10 APA and that they will waive other rights afforded to them in connection with the hearing such as
11 the right to present evidence in defense of the allegations in the Accusation and the right to cross-
12 examine witnesses.

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

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

23 6. It is understood by the parties that the Real Estate Commissioner may adopt the
24 Stipulation as her Decision in this matter, thereby imposing the penalty and sanctions on
25 Respondents' real estate licenses and license rights as set forth in the below "Order". In the event
26 that the Commissioner in her discretion does not adopt the Stipulation and Agreement, it shall be
27 void and of no effect, and Respondents shall retain the right to a hearing and proceeding on the

1 Accusation under all the provisions of the APA and shall not be bound by any admission or waiver
2 made herein.

3 7. The Order or any subsequent Order of the Real Estate Commissioner made
4 pursuant to this Stipulation shall not constitute an estoppel, merger or bar to any further
5 administrative or civil proceedings by the Department of Real Estate with respect to any matters
6 which were not specifically alleged to be causes for accusation in this proceeding.

7 **DETERMINATION OF ISSUES**

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

11 The conduct of Respondents, as described in the Accusation, are in violation of
12 California Business and Professions Code ("Code") 10159.5, 10163, 10232, 10232.4, 10232.45,
13 10232.5, 10236.4, 10240, and 10240.3, and Title 10, Chapter 6, California Code of Regulations
14 ("Regulations") Sections 2725, 2731, 2840, 2842, and 2846, and are grounds for the suspension or
15 revocation of all of the real estate license and license rights of Respondents under the provision of
16 Code Section 10177(d), 10177(g), and 10177(h) (as to HENDLER).

17 **ORDER**

18 WHEREFORE, THE FOLLOWING ORDER is hereby made:

19 I.

20 (HOWARD BRUCE HENDLER)

21 All licenses and license rights of Respondent HOWARD BRUCE HENDLER under
22 the Real Estate Law are suspended for a period of sixty (60) days from the effective date of this
23 Decision or, if the license is expired, upon renewal of the license;

24 A. Provided, however, that the initial thirty (30) days of said suspension shall be
25 stayed for two (2) years upon the following terms and conditions:

26 ///

27 ///

1 1. Respondent shall pay a monetary penalty pursuant to Code section 10175.2
2 at the rate of \$50.00 per day for each of the thirty (30) days of suspension for a total monetary
3 penalty of \$1,500.00.

4 2. 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, Flag
6 Section, P.O. Box 137013, Sacramento, CA 95813-7013, **prior to the effective date of this**
7 **Decision and Order or, if the license is expired, upon renewal of the license.**

8 3. No further cause for disciplinary action against the real estate license of
9 Respondent occurs within two (2) years from the effective date of the Decision or, if the license is
10 expired, upon the renewal of the license in this matter.

11 4. If Respondent fails to pay the monetary penalty in accordance with the
12 terms and conditions of the Decision, the suspension shall go into effect automatically with regard
13 to said Respondent. Respondent shall not be entitled to any repayment nor credit, prorated or
14 otherwise, for money paid to the Department under the terms of this Decision and Order.

15 5. All licenses and licensing rights of Respondent are indefinitely suspended
16 unless or until Respondent provides proof satisfactory to the Commissioner, of having taken and
17 successfully completed the continuing education course on trust fund accounting and handling
18 specified in paragraph (3) of subdivision (a) of Section 10170.5 of the Business and Professions
19 Code. Proof of satisfaction of these requirements includes evidence that Respondent has
20 successfully completed the trust fund account and handling continuing education courses, no earlier
21 than 120 days prior to the effective date of the Decision and Order in this matter. **Proof of**
22 **completion of the trust fund accounting and handling course must be delivered to the**
23 **Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013 or**
24 **by fax at 916-263-8758, prior to the effective date of this Decision and Order.**

25 6. If Respondent pays the monetary penalty, meets all the conditions set forth
26 above, and if no further cause for disciplinary action against the real estate license of Respondent
27 occurs within two (2) years from the effective date of the Decision, the stay hereby granted shall

1 become permanent.

2 B. The remaining thirty (30) days of the sixty (60) day suspension shall be stayed for
3 two (2) years upon the following terms and conditions:

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

6 2. That no final subsequent determination be made after hearing or upon
7 stipulation, that cause for disciplinary action occurred within two (2) years from the effective date
8 of this Decision or, if the license is expired, upon the renewal of the license. Should such a
9 determination be made, the Commissioner may, in his discretion, vacate and set aside the stay order
10 and re-impose all or a portion of the stayed suspension. Should no such determination be made
11 under this section, the stay imposed herein shall become permanent.

12 II.

13 (JEREMY ETHAN FEINSTEIN)

14 All licenses and license rights of Respondent JEREMY ETHAN FEINSTEIN under
15 the Real Estate Law are suspended for a period of sixty (60) days from the effective date of this
16 Decision;

17 A. Provided, however, that the initial thirty (30) days of said suspension shall be
18 stayed for two (2) years upon the following terms and conditions:

19 1. Respondent shall pay a monetary penalty pursuant to Code section 10175.2
20 at the rate of \$50.00 per day for each of the thirty (30) days of suspension for a total monetary
21 penalty of \$1,500.00.

22 2. Said payment shall be in the form of a cashier's check made payable to the
23 Department of Real Estate. Said check must be delivered to the Department of Real Estate, Flag
24 Section, P.O. Box 137013, Sacramento, CA 95813-7013, **prior to the effective date of this**
25 **Decision and Order.**

26 3. No further cause for disciplinary action against the real estate license of
27 Respondent occurs within two (2) years from the effective date of the Decision in this matter.

1 4. If Respondent fails to pay the monetary penalty in accordance with the
2 terms and conditions of the Decision, the suspension shall go into effect automatically with regard
3 to said Respondent. Respondent shall not be entitled to any repayment nor credit, prorated or
4 otherwise, for money paid to the Department under the terms of this Decision and Order.

5 5. All licenses and licensing rights of Respondent are indefinitely suspended
6 unless or until Respondent provides proof satisfactory to the Commissioner, of having taken and
7 successfully completed the continuing education course on trust fund accounting and handling
8 specified in paragraph (3) of subdivision (a) of Section 10170.5 of the Business and Professions
9 Code. Proof of satisfaction of these requirements includes evidence that Respondent has
10 successfully completed the trust fund account and handling continuing education courses, no earlier
11 than 120 days prior to the effective date of the Decision and Order in this matter. **Proof of**
12 **completion of the trust fund accounting and handling course must be delivered to the**
13 **Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013 or**
14 **by fax at 916-263-8758, prior to the effective date of this Decision and Order.**

15 6. If Respondent pays the monetary penalty, meets all the conditions set forth
16 above, and if no further cause for disciplinary action against the real estate license of Respondent
17 occurs within two (2) years from the effective date of the Decision, the stay hereby granted shall
18 become permanent.

19 B. The remaining thirty (30) days of the sixty (60) day suspension shall be stayed for
20 two (2) years upon the following terms and conditions:

21 1. That Respondent shall obey all laws, rules and regulations governing the
22 rights, duties and responsibilities of a real estate licensee in the State of California; and

23 2. That no final subsequent determination be made after hearing or upon
24 stipulation, that cause for disciplinary action occurred within two (2) years from the effective date
25 of this Decision. Should such a determination be made, the Commissioner may, in his discretion,
26 vacate and set aside the stay order and re-impose all or a portion of the stayed suspension. Should
27 no such determination be made under this section, the stay imposed herein shall become permanent.

III.

(HOWARD BRUCE HENDLER and JEREMY ETHAN FEINSTEIN)


A. All licenses and licensing rights of Respondents are indefinitely suspended unless or until Respondents pay the sum of \$4,576.05 (\$2,952.45 investigation cost and \$1,623.60 for enforcement cost) for the Commissioner's reasonable costs of the investigation and enforcement which led to this disciplinary action. Said payment shall be in the form of a cashier's check made payable to the Department of Real Estate. **The payment for the investigative and enforcement costs 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 of this Decision and Order.** If Respondents fail to satisfy this condition, the Commissioner shall order suspension of Respondents' licenses and license rights until the sum is paid.

B. Pursuant to Code Sections 10148, Respondents shall pay the Commissioner's reasonable costs for the audit which led to this disciplinary action in the amount of \$5,889.00, or show proof of payment. Respondents shall pay such costs within sixty (60) days of receiving an invoice therefore from the Commissioner. Payment of the audit costs should not be made until Respondents receive the invoice. If Respondents fails to satisfy this condition in a timely manner as provided for herein, Respondents' real estate licenses shall automatically be suspended until payment is made in full, or until a decision providing otherwise is adopted following a hearing held pursuant to this condition.

C. Pursuant to Code section 10148 of the Code, Respondents shall pay the Commissioner's reasonable costs, not to exceed \$7,361.25, for a subsequent audit to determine if Respondents has corrected the violations found in the Determination of Issues. In calculating the amount of the Commissioner's reasonable costs, the Commissioner may use the estimated average hourly salary for all persons performing audits of real estate brokers, and shall include an allocation for travel time to and from the auditor's place of work. Respondents shall pay such costs within sixty (60) days of receiving an invoice therefore from the Commissioner. Payment of the audit costs should not be made until Respondents receive the invoice. If Respondents fail to satisfy this

1 condition in a timely manner as provided for herein, Respondents' real estate licenses shall
2 automatically be suspended until payment is made in full, or until a decision, providing otherwise,
3 is adopted following a hearing held pursuant to this condition.

4
5 DATED: 3/21/2024

6 
7 Kevin H. Sun, Counsel for
8 Department of Real Estate

9 * * *

10 **EXECUTION OF THE STIPULATION**

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

18 Respondents shall mail the original signed signature page of the stipulation herein to
19 Kevin H. Sun, Attention: Legal Section, Department of Real Estate, 320 W. Fourth St., Suite 350,
20 Los Angeles, California 90013-1105.

21 In the event of time constraints before an administrative hearing, Respondents can
22 signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by
23 emailing a scanned copy of the signature page, as actually signed by Respondents, to the
24 Department counsel assigned to this case. Respondents agree, acknowledge and understand that by
25 electronically sending the Department a scan of Respondents' actual signature as it appears on the
26 Stipulation and Agreement that receipt of the scan by the Department shall be binding on
27 Respondents as if the Department had received the original signed Stipulation. Respondents shall
also mail the original signed signature page of this Stipulation to the Department counsel.

1 Respondents' signatures below constitute acceptance and approval of the terms and
2 conditions of this Stipulation. Respondents agree, acknowledge and understand that by signing this
3 Stipulation, Respondents are bound by its terms as of the date of such signatures and that this
4 agreement is not subject to rescission
5 and Order of the Real Estate Commission

6
7 DATED: 3/20/24

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9
10 DATED: _____

JEREMY ETHAN FEINSTEIN
Respondent

11
12 DATED: 3/21/24

Joshua A. Rosenthal
Hargrave Rosenthal
Counsel for Respondents
Approved as to Form

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16 * * *

17 The foregoing Stipulation and Agreement is hereby adopted as my Decision as to
18 Respondents HOWARD BRUCE HENDLER and JEREMY ETHAN FEINSTEIN in this matter
19 and shall become effective at 12 o'clock noon on _____,
20 2024.

21 IT IS SO ORDERED _____, 2024.

22
23 CHIKA SUNQUIST
REAL ESTATE COMMISSIONER

24
25
26 By: Marcus L. McCarther
Chief Deputy Real Estate Commissioner
27

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

6
7 DATED: _____

HOWARD BRUCE HENDLER
Respondent

8
9 DATED: 3/20/24

JEREMY ETHAN FEINSTEIN
Respondent

11
12 DATED: _____

Joshua A. Rosenthal
Hargrave Rosenthal
Counsel for Respondents
Approved as to Form

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16 * * *

17 The foregoing Stipulation and Agreement is hereby adopted as my Decision as to
18 Respondents HOWARD BRUCE HENDLER and JEREMY ETHAN FEINSTEIN in this matter
19 and shall become effective at 12 o'clock noon on JUL 03 2024
20 2024.

21 IT IS SO ORDERED 5/23/2024, 2024.

22 CHIKA SUNQUIST
23 REAL ESTATE COMMISSIONER

24
25
26 By: Marcus L. McCarther
Chief Deputy Real Estate Commissioner
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