

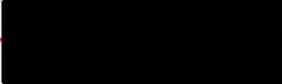
1 Department of Real Estate
2 320 W. 4th Street, Suite 350
3 Los Angeles, CA 90013-1105

4 Telephone: (213) 576-6982

FILED

FEB 20 2025

DEPT. OF REAL ESTATE

By 

8 **DEPARTMENT OF REAL ESTATE**
9 **STATE OF CALIFORNIA**

10 ***

11 In the Matter of the Accusation of

12 MANUEL HIGUERA JR,

13 Respondent.

) DRE No. H-42753 LA

) **STIPULATION AND AGREEMENT**
) **IN SETTLEMENT AND ORDER**

14
15
16 It is hereby stipulated by and between Respondent MANUEL HIGUERA JR
17 (“Respondent”) and his attorney of record, Marta Stitcher, Esq., and the Complainant, acting by
18 and through Kevin H. Sun, Counsel for the Department of Real Estate, as follows for the purpose of
19 settling and disposing of the Accusation filed on January 9, 2024, in this matter (Case No. H-42753
20 LA):

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

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

4 3. On or about January 29, 2024, Respondent filed a Notice 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. Respondent hereby freely and voluntarily withdraws said Notice of Defense.
7 Respondent acknowledges that he understands that by withdrawing said Notice of Defense he will
8 thereby waive his rights to require the Commissioner to prove the allegations in the Accusation at a
9 contested hearing held in accordance with the provisions of the APA and that he will waive other
10 rights afforded to him in connection with the hearing such as the right to present evidence in
11 defense of the allegations in the Accusation 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, but
14 to remain silent, and understands that, as a result thereof, these factual allegations, without being
15 admitted or denied, will serve as a prima facie basis for the disciplinary action stipulated to herein.
16 The Real Estate Commissioner shall not be required to provide further evidence to prove said
17 factual allegations.

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

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

1 made herein.

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

6 **DETERMINATION OF ISSUES**

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

10 The conduct of Respondent, as described in the Accusation, is in violation of
11 California Business and Professions Code ("Code") Section 490 and is ground for the suspension or
12 revocation of the real estate license and license rights of Respondent under the provision of Code
13 Sections 10177(b) and 10186.2.

14 **ORDER**

15 WHEREFORE, THE FOLLOWING ORDER is hereby made:

16 All licenses and licensing rights of Respondent MANUEL HIGUERA JR under the
17 Real Estate Law are hereby revoked; provided, however, a restricted real estate salesperson license
18 and a restricted Mortgage Loan Originator ("MLO") endorsement shall be issued to Respondent
19 pursuant to Section 10156.5 of the Business and Professions Code if Respondent makes application
20 therefor and pays to the Department of Real Estate the appropriate fee for said license within ninety
21 (90) days from the effective date of this Decision. The restricted license issued to Respondent shall
22 be subject to all of the provisions of Section 10156.7 of the Business and Professions Code and to
23 the following limitations, conditions and restrictions imposed under authority of Section 10156.6 of
24 that Code:

25 1. The restricted license issued to Respondent may be suspended prior to hearing by
26 Order of the Real Estate Commissioner in the event of Respondent's conviction or plea
27 of nolo contendere to a crime which is substantially related to Respondent's fitness or capacity as a

1 real estate licensee.

2 2. The restricted license may be suspended prior to hearing by Order of the Real
3 Estate Commissioner on evidence satisfactory to the Commissioner that Respondent has violated
4 provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real
5 Estate Commissioner or conditions attaching to said restricted license.

6 3. Respondent shall not be eligible for the issuance of any unrestricted real estate
7 license nor for the removal of any of the conditions, limitations or restrictions of the restricted
8 license until at least four (4) years have elapsed from the effective date of this Decision.
9 Respondent shall not be eligible to apply for any unrestricted licenses until all restrictions attaching
10 to the license have been removed.

11 4. Respondent shall submit with any application for license under an employing
12 broker, or any application for transfer to a new employing broker, a statement signed by the
13 prospective employing real estate broker on a form approved by the Department of Real Estate
14 which shall certify:

15 (a) That the employing broker has read the Decision
16 of the Commissioner which granted the right to a restricted license; and

17 (b) That the employing broker will exercise close supervision over the performance
18 by the restricted licensee relating to activities for which a real estate license is required.

19 5. All licenses and licensing rights of Respondent are indefinitely suspended
20 unless or until Respondent pays the sum of **\$1,393.80** for the Commissioner's reasonable cost of
21 the investigation and enforcement which led to this disciplinary action. Said payment shall be in
22 the form of a cashier's check made payable to the Department of Real Estate. The investigative and
23 enforcement costs must be delivered to the Department of Real Estate, Flag Section at 651 Bannan
24 Street, Suite 504, Sacramento, CA 95811, prior to the effective date of this Order.

25 6. Respondent shall, within nine (9) months from the effective date of this Order,
26 present evidence satisfactory to the Commissioner that Respondent has, since the most recent
27 issuance of an original or renewal real estate license, taken and successfully completed the

1 continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal
2 of a real estate license. If Respondent fails to satisfy this condition, Respondent's real estate
3 license shall automatically be suspended until Respondent presents evidence satisfactory to the
4 Commissioner of having taken and successfully completed the continuing education requirements.
5 Proof of completion of the continuing education courses must be delivered to the Department of
6 Real Estate, Flag Section at 651 Bannon Street, Suite 504, Sacramento, CA 95811.

7
8 DATED: 11/1/24 
9 Kevin H. Sun, Counsel for
10 Department of Real Estate

11 * * *

12 **EXECUTION OF THE STIPULATION**

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

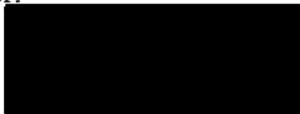
20 Respondent shall mail the original signed signature page of the stipulation herein to
21 Kevin H. Sun, Attention: Legal Section, Department of Real Estate, 320 W. Fourth St., Suite 350,
22 Los Angeles, California 90013-1105.

23 In the event of time constraints before an administrative hearing, Respondent can
24 signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by
25 emailing a scanned copy of the signature page, as actually signed by Respondent, to the
26 Department counsel assigned to this case. Respondent agrees, acknowledges and understands that
27 by electronically sending the Department a scan of Respondent's actual signature as it appears on

1 the Stipulation and Agreement that receipt of the scan by the Department shall be binding on
2 Respondent as if the Department had received the original signed Stipulation. Respondent shall also
3 mail the original signed signature page of this Stipulation to the Department counsel.

4 Respondent's signatures below constitute acceptance and approval of the terms and
5 conditions of this Stipulation. Respondent agrees, acknowledges and understands that by signing
6 this Stipulation, Respondent is bound by its terms as of the date of such signatures and that this
7 agreement is not subject to rescission or amendment at a later date except by a separate Decision
8 and Order of the Real Estate Commissioner.

9
10 DATED: 11/1/2024


11 MANUEL HIGUERA JR
Respondent

12 DATED: 11/1/2024

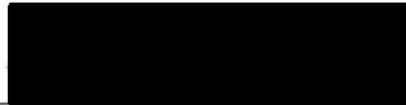

13 Marta Stitcher, Esq.
14 Counsel for Respondent
Approved as to Form

15 * * *

16
17 The foregoing Stipulation and Agreement is hereby adopted as my Decision as to
18 Respondent MANUEL HIGUERA JR in this matter and shall become effective at 12 o'clock noon
19 on 03-24-2025, 2024.

20
21 IT IS SO ORDERED 11/7/2025, 2024.

22 CHIKA SUNQUIST
23 REAL ESTATE COMMISSIONER

24

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