

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.  
14

) DRE No. H-42753 LA  
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**STIPULATION AND AGREEMENT**  
**IN SETTLEMENT AND ORDER**

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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

  
Kevin H. Sun, Counsel for  
Department of Real Estate

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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

MANUEL HIGUERA JR  
Respondent

11  
12 DATED: 11/1/2024

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

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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.

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

22 CHIKA SUNQUIST  
23 REAL ESTATE COMMISSIONER

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