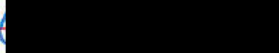


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DEPT. OF REAL ESTATE

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Department of Real Estate
320 W. 4th Street, Suite 350
Los Angeles, CA 90013-1105
Telephone: (213) 576-6982

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation Against

GEORGE NAJERA,

Respondent.

) DRE No. H-42898 LA
) OAH No. 2024080471

) STIPULATION AND AGREEMENT
) IN SETTLEMENT AND ORDER

It is hereby stipulated by and between Respondent GEORGE NAJERA (sometimes referred to as "Respondent") and the Complainant, acting by and through Judith A. Buranday, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation ("Accusation") filed on July 10, 2024, in this matter:

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

2. Respondent has received, read and understands the Statement to Respondent, the Discovery Provisions of the APA and the Accusation filed by the Department of Real Estate

1 ("Department") in this proceeding.

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

11 4. Respondent hereby admits that the factual allegations of the Accusation filed
12 in this proceeding are true and correct and the Real Estate Commissioner shall not be required to
13 provide further evidence of such allegations.

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

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

26 7. The Order or any subsequent Order of the Real Estate Commissioner made
27 pursuant to this Agreement shall not constitute an estoppel, merger or bar to any further

1 administrative or civil proceedings by the Department with respect to any matters which were
2 not specifically alleged to be causes for accusation in this proceeding.

3 DETERMINATION OF ISSUES

4 By reason of the foregoing, it is stipulated and agreed that the following
5 determination of issues shall be made:

6 The conduct, acts or omissions of Respondent, as set forth in the Accusation, are
7 in violation of California Business and Professions Code ("Code") sections 490, 10177(b), and
8 10186.2 and are a basis for discipline of Respondent's licenses and licensing rights.

9 ORDER

10 WHEREFORE, THE FOLLOWING ORDER is hereby made:

11 I.

12 All licenses and licensing rights of Respondent GEORGE NAJERA under the
13 Real Estate Law are revoked; provided, however, a restricted real estate broker license shall be
14 issued to Respondent pursuant to Section 10156.5 of the Code if Respondent makes application
15 therefor and pays to the Department the appropriate fee for the restricted license within ninety
16 (90) days from the effective date of this Decision and Order. The restricted license issued to
17 Respondent shall be subject to all of the provisions of Section 10156.7 of the Code and to the
18 following limitations, conditions and restrictions imposed under authority of Section 10156.6 of
19 that Code:

20 1. The restricted license issued to Respondent may be suspended prior to hearing
21 by Order of the Commissioner in the event of Respondent's conviction or plea of nolo
22 contendere to a crime which is substantially related to Respondent's fitness or capacity as a real
23 estate licensee.

24 2. The restricted license issued to Respondent may be suspended prior to hearing
25 by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that
26 Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands
27

1 Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted
2 license.

3 3. Respondent shall not be eligible to petition for the issuance of any unrestricted
4 real estate license nor for removal of any of the conditions, limitations or restrictions of a
5 restricted license until three (3) years have elapsed from the effective date of this Decision and
6 Order. Respondent shall not be eligible to apply for any unrestricted licenses until all restrictions
7 attaching to the license have been removed.

8 4. Respondent shall submit with any application for a license under an employing
9 broker, or any application for transfer to a new employing broker, or if employed as a broker-
10 associate, a statement signed by the prospective employing real estate broker on a form approved
11 by the Department which shall certify:

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

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

17 5. Respondent shall, within nine (9) months from the effective date of this
18 Decision, present evidence satisfactory to the Real Estate Commissioner that Respondent has,
19 since the most recent issuance of an original or renewal real estate license, taken and successfully
20 completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate
21 Law for renewal of a real estate license. If Respondent fails to satisfy this condition, the
22 Commissioner may order the suspension of the restricted license until the Respondent presents
23 such evidence. Proof of completion of the continuing education courses must be delivered to the
24 Department of Real Estate, Flag Section at 651 Bannon Street, Suite 504, Sacramento, CA
25 95811.

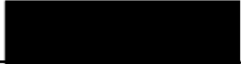
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1 II.

2 All licenses and licensing rights of Respondent are indefinitely suspended unless
3 or until Respondent pays the sum of \$1,746.80 for the Commissioner's reasonable costs of the
4 investigation (\$862.40) and enforcement (\$884.40), which led to this disciplinary action. Said
5 payment shall be in the form of a cashier's check made payable to the Department of Real Estate.
6 The investigative and enforcement costs must be delivered to the Department of Real Estate,
7 Flag Section, at 651 Bannon Street, Suite 504, Sacramento, CA 95811, prior to the effective date
8 of this Decision and Order.

9
10 DATED: 10/4/2024


11 Judith A. Buranday, Counsel for
12 Department of Real Estate

13 EXECUTION OF THE STIPULATION

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


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

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

1 sending the Department a scan of Respondent's actual signature as it appears on the Stipulation
2 and Agreement that receipt of the scan by the Department shall be binding on Respondent as if
3 the Department had received the original signed Agreement.

4 Respondent's signature below constitutes acceptance and approval of the terms and
5 conditions of this Agreement. Respondent agrees, acknowledges and understands that by signing
6 this Agreement, 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: 10/4/2024


11 GEORGE NAJERA
12 Respondent

13 The foregoing Stipulation and Agreement is hereby adopted as my Decision as to
14 Respondent GEORGE NAJERA and shall become effective at 12 o'clock noon on
15 DEC - 9 2024.

16 IT IS SO ORDERED 10/29/2024

17 CHIKA SUNQUIST
18 REAL ESTATE COMMISSIONER

19 
20 By: Marcus L. McCarther
21 Chief Deputy Real Estate Commissioner