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**FILED**

AUG 29 2023

DEPT. OF REAL ESTATE

By- [REDACTED]

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\*\*\*

In the Matter of the Accusation against: ) DRE NO. H-05706 SD  
ANTONIO AGUILAR, ) OAH No. 2023040117  
Respondent. )  
\_\_\_\_\_ )

ORDER NUNC PRO TUNC

It having been called to the attention of the Real Estate Commissioner that there is a mistake in NMLS ID number cited and in the terms of the Order of the Stipulation and Agreement in Settlement and Order dated May 26, 2023, effective July 10, 2023, and good cause appearing therefor, the Order is amended as follows:

Page 3, Paragraph 1 of Section I, Suspension of Mortgage Loan Origination Endorsement, Line 17, is amended to read as follows:

“All MLO license endorsements, including any Broker Sole Proprietorship Company endorsements, and endorsement rights of Respondent ANTONIO AGUILAR under the Real Estate Law are suspended for a period of one hundred and eighty (180) days from the Effective Date or the reinstatement of an MLO license endorsement or the issuance of a new MLO license endorsement.”

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1 Page 5, Section III, Stayed Suspension of Real Estate License, Line No. 3, is  
2 amended to read as follows:

3 "All licenses and licensing rights of Respondent ANTONIO AGUILAR  
4 under the Real Estate Law, with the exception of the Respondent's MLO license  
5 endorsement(s) referenced in Section I above, are suspended for a period of  
6 ninety (90) days from the Effective Date of this Decision; provided, however, that  
7 all ninety (90) days of said suspension shall be stayed for one (1) year upon the  
8 following terms and conditions: . . ."

9 This Order shall become effective immediately.

10 IT IS SO ORDERED 8/22/23.

11  
12 DOUGLAS R. McCAULEY  
13 REAL ESTATE COMMISSIONER

14   
15 By: Marcus L. McCarther  
16 Chief Deputy Real Estate Commissioner  
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1 Department of Real Estate  
2 320 W. 4th Street, Suite 350  
3 Los Angeles, CA 90013-1105  
4 Telephone: (213) 576-6982

**FILED**

JUN 09 2023

DEPT. OF REAL ESTATE

By. 

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation against ) DRE No. H-05706 SD  
12 ) OAH No. 2023040117  
13 ANTONIO AGUILAR, ) STIPULATION AND AGREEMENT  
14 ) IN SETTLEMENT AND ORDER  
15 Respondent. )  
\_\_\_\_\_ )

16  
17 It is hereby stipulated by and between Respondent ANTONIO AGUILAR  
18 (“Respondent”), representing himself in this matter, and the Complainant, acting by and  
19 through Lissete Garcia, Counsel for the Department of Real Estate (“Department”), as follows,  
20 for the purpose of settling and disposing of the First Amended Accusation (“Accusation”) filed  
21 on December 30, 2022, in this matter:

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

27 2. Respondent has received, read and understands the Statement to Respondent, the

1 Discovery Provisions of the APA, and the Accusation filed by the Department of Real Estate in  
2 this proceeding.

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

12           4.       This Stipulation is based on the factual allegations contained in the Accusation  
13 filed in this proceeding. In the interest of expedience and economy, Respondent chooses not to  
14 contest these factual allegations, but to remain silent and understands that, as a result thereof,  
15 these factual statements, will serve as a prima facie basis for the disciplinary action stipulated  
16 to herein. The Real Estate Commissioner shall not be required to provide further evidence to  
17 prove such allegations.

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

25           6.       The Order or any subsequent Order of the Real Estate Commissioner made  
26 pursuant to this Stipulation shall not constitute an estoppel, merger or bar to any further  
27 administrative or civil proceedings by the Department with respect to any matters which were

1 not specifically alleged to be causes for accusation in this proceeding.

2 DETERMINATION OF ISSUES

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

6 The conduct, acts, or omissions of Respondent ANTONIO AGUILAR, as described in  
7 the Accusation, are a basis for discipline of Respondent's real estate license, mortgage loan  
8 originator ("MLO") license endorsement(s), and license rights pursuant to Real Estate Law,  
9 Part 1 Division 4 of the California Business and Professions Code ("Code") sections  
10 10166.05(c), 10166.051(a), 10166.051(b), 10177(d), 10177(g) and/or 10177(j).

11 ORDER

12 WHEREFORE, THE FOLLOWING ORDER is hereby made:

13 I. SUSPENSION OF MLO LICENSE ENDORSEMENT

14 1. All MLO license endorsements, including any Broker Sole Proprietorship  
15 Company endorsements, and endorsement rights of Respondent ANTONIO AGUILAR under  
16 the Real Estate Law are suspended for a period of one hundred and eighty (180) days from the  
17 Effective Date of the reinstatement of an MLO license endorsement or the issuance of a new  
18 MLO license endorsement.

19 2. Respondent further agrees that Respondent must satisfy the Education and  
20 Administrative Penalty provisions prior to reinstatement of their MLO license endorsement or  
21 issuance of new MLO license endorsement.

22 II. MORTGAGE LOAN ORIGINATION EDUCATION

23 1. No MLO license endorsement or Broker Sole Proprietorship Company  
24 endorsement shall be issued to Respondent ANTONIO AGUILAR, unless Respondent takes  
25 and completes, prior to the reinstatement of his MLO license endorsement or the issuance of a  
26 new MLO license endorsement, the following mortgage loan originator education  
27 requirements:

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- a) Twenty (20) hours of NMLS approved pre-licensure education (“PE”), which shall consist of fourteen (14) hours of federal law curriculum, three (3) hours of ethics curriculum, and three (3) hours of non-traditional mortgage lending curriculum. None of these twenty (20) hours of PE may be state-specific curriculum;
- b) Eight (8) hours of continuing education (“CE”), which shall consist of four (4) hours of federal law curriculum, two (2) hours of ethics curriculum, and two (2) hours of non-traditional mortgage lending curriculum. None of these eight (8) hours of CE may be state-specific curriculum.

2. Respondent may not take any of the PE provided for in Paragraph 1(a) of this Section in an online self-study format (“OSS”). Respondent may take the CE provided for in Paragraph 1(b) in any format.

3. For a period of three (3) years from the Effective Date of this Order, Respondent shall be required to complete any additional PE and/or CE required under the SAFE Act in a format other than OSS. If Respondent fails to comply with this condition, the renewal application or new application of Respondent will be deemed incomplete by the Department.

4. If Respondent fails to timely satisfy the education provided for in Paragraph 1 of this section, Respondent’s MLO license endorsements shall remain suspended until Respondent presents evidence satisfactory to the Commissioner of having taken and successfully completed the education requirements.

5. Respondent agrees that the CE provided for in Paragraph 1 of this section is in addition to any NMLS education required for licensure under the SAFE Act. The CE provided for in Paragraph 1 will not count toward satisfying 2024 standard SAFE Act CE requirements.

6. Respondent further agrees that the Department may exercise its examination or investigative authority pursuant to the normal process for such authorized under the Real Estate Law and Commissioner’s Regulations in the instance a determination is made wherein Respondent is found to be in violation of the education requirements under this section.

1 III. STAYED SUSPENSION OF REAL ESTATE LICENSE

2 All licenses and licensing rights of Respondent ANTONIO AGUILAR under the Real  
3 Estate Law, with the exception of the MLO license endorsement (NMLS ID 300262)  
4 referenced in Section I above, are suspended for a period of ninety (90) days from the Effective  
5 Date of this Decision; provided, however, that all ninety (90) days of said suspension shall be  
6 stayed for one (1) year upon the following terms and conditions:

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

9 2. That no final subsequent determination be made, after hearing or upon  
10 stipulation, that cause for 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 may,  
12 in his discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed  
13 suspension. Should no such determination be made, the stay imposed herein shall become  
14 permanent.

15 IV. ADMINISTRATIVE PENALTY


16 All licenses, license endorsements, and license rights of Respondent are indefinitely  
17 suspended unless or until Respondent pays an administrative penalty of \$1,500.00. Said  
18 payment shall be in the form of a cashier's check made payable to the Department of Real  
19 Estate. The payment must be delivered to the Department of Real Estate, Flag Section at  
20 P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this Decision and  
21 Order.

22 V. INVESTIGATION AND ENFORCEMENT COSTS

23 All licenses and licensing rights of Respondent are indefinitely suspended unless or  
24 until Respondent pays the sum of \$1,776.35 for the Commissioner's reasonable cost of the  
25 investigation and enforcement which led to this disciplinary action. Said payment shall be in  
26 the form of a cashier's check made payable to the Department of Real Estate. The payment of  
27 the investigative and enforcement costs must be delivered to the Department of Real Estate,

1 Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of  
2 this Decision and Order.

3 DATED: 5/16/23

4   
Lissete Garcia, Counsel  
Department of Real Estate

5 \* \* \*

6 EXECUTION OF THE STIPULATION

7 I have read the Stipulation and its terms are understood by me and are agreeable and  
8 acceptable to me. I understand that I am waiving rights given to me by the California  
9 Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509 and  
10 11513 of the Government Code), and I willingly, intelligently and voluntarily waive those  
11 rights, including the right of requiring the Commissioner to prove the allegations in the  
12 Accusation at a hearing at which I would have the right to cross-examine witnesses against me  
13 and to present evidence in defense and mitigation of the charges.

14 I agree, acknowledge, and understand that I cannot rescind or amend this Stipulation  
15 and Agreement.

16 Respondent shall mail the original signed signature page of the stipulation herein to  
17 Lissete Garcia, Attention: Legal Section, Department of Real Estate, 320 W. Fourth St., Suite  
18 350, Los Angeles, California 90013-1105.

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

27 Respondent's signature below constitutes acceptance and approval of the terms and



1 conditions of this Stipulation. Respondent agrees, acknowledges and understands that by  
2 signing this Stipulation, Respondent is bound by its terms as of the date of such signatures and  
3 that this agreement is not subject to rescission or amendment at a later date except by a separate  
4 Decision and Order of the Real Estate Commissioner.

5   
6 DATED: 5/12/23   
7 ANTONIO AGUILAR  
8 Respondent

8 \* \* \*

9 The foregoing Stipulation and Agreement is hereby adopted by me as my Decision in  
10 this matter as to Respondent ANTONIO AGUILAR, and shall become effective at 12 o'clock  
11 noon on 7/10/2023.

12 IT IS SO ORDERED 5.26.23

13 DOUGLAS R. McCAULEY  
14 REAL ESTATE COMMISSIONER

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