

FILED

MAY 28 2013

Department of Real Estate
320 West Fourth Street, #350
Los Angeles, California 90013

(213) 576-6982

DEPARTMENT OF REAL ESTATE
BY: [Signature]

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) DRE No. H-38429 LA
)
SIMPLICITY REALTY 1,)
BRIAN JASON MORALES,) STIPULATION AND AGREEMENT
individually and as former)
designated officer of)
Simplicity Realty 1, and)
REINHARD SCHOENHOEFER,)
)
Respondents.)

It is hereby stipulated by and between Respondent
BRIAN JASON MORALES (hereinafter "Respondent") and his attorney
of record, Jozef G. Magyar, Esq., and the Complainant, acting by
and through Lissete Garcia, Counsel for the Department of Real
Estate, as follows for the purpose of settling and disposing of
the Accusation filed on September 20, 2012, in this matter:

1. All issues which were to be contested and all
evidence which was to be presented by Complainant and Respondent

1 at a formal hearing on the Accusation, which hearing was to be
2 held in accordance with the provisions of the Administrative
3 Procedure Act (APA), shall instead and in place thereof be
4 submitted solely on the basis of the provisions of this
5 Stipulation and Agreement (hereinafter "Stipulation").

6 2. Respondent has received, read and understands the
7 Statement to Respondent, the Discovery Provisions of the APA and
8 the Accusation filed by the Department of Real Estate in this
9 proceeding.

10 3. Respondent filed a Notice of Defense pursuant to
11 Section 11506 of the Government Code for the purpose of
12 requesting a hearing on the allegations in the Accusation.
13 Respondent hereby freely and voluntarily withdraws said Notice
14 of Defense. Respondent acknowledges that he understands that by
15 withdrawing said Notice of Defense he will thereby waive his
16 right to require the Commissioner to prove the allegations in
17 the Accusation at a contested hearing held in accordance with
18 the provisions of the APA and that he will waive other rights
19 afforded to him in connection with the hearing such as the right
20 to present evidence in defense of the allegations in the
21 Accusation and the right to cross-examine witnesses.

22 4. This Stipulation is based on the factual
23 allegations contained in the Accusation filed in this
24 proceeding. In the interest of expedience and economy,
25 Respondent chooses not to contest these factual allegations, but
26 to remain silent and understand that, as a result thereof, these
27 factual statements, will serve as a prima facie basis for the

1 disciplinary action stipulated to herein. The Real Estate
2 Commissioner shall not be required to provide further evidence
3 to prove such allegations.

4 5. This Stipulation and Respondent's decision not to
5 contest the Accusation are made for the purpose of reaching an
6 agreed disposition of this proceeding and are expressly limited
7 to this proceeding and any other proceeding or case in which the
8 Department of Real Estate, or another licensing agency of this
9 state, another state or if the federal government is involved
10 and otherwise shall not be admissible in any other criminal or
11 civil proceedings.

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

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

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DETERMINATION OF ISSUES

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


The acts and omissions of Respondent BRIAN JASON MORALES, as set forth above, are in violation of Section 10159.2 of the Business and Professions Code and Section 2725, Title 10, Chapter 6, California Code of Regulations, and are grounds for the suspension or revocation of the licenses and license rights of Respondent BRIAN JASON MORALES pursuant to Section 10177(h) of the Business and Professions Code.

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

The real estate broker license of Respondent BRIAN JASON MORALES is hereby publicly reprovod.

DATED: 5/7/2013



LISSETTE GARCIA, Counsel for
the Complainant, the Department
of Real Estate

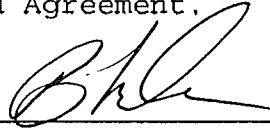
* * *

I have read the Stipulation and Agreement, have discussed it with my counsel, and its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California Administrative Procedure Act (including but not limited to Sections 11506,

1 11508, 11509 and 11513 of the Government Code), and I willingly,
2 intelligently and voluntarily waive those rights, including the
3 right of requiring the Commissioner to prove the allegations in
4 the Accusation at a hearing at which I would have the right to
5 cross-examine witnesses against me and to present evidence in
6 defense and mitigation of the charges.

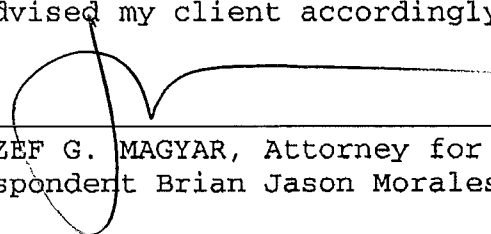
7 Respondent can signify acceptance and approval of the
8 terms and conditions of this Stipulation and Agreement by faxing
9 a copy of the signature page, as actually signed by Respondent,
10 to the Department at the following telephone/fax number: (213)
11 576-6917. Respondent agrees, acknowledges and understands that
12 by electronically sending to the Department a fax copy of his
13 actual signature as it appears on the Stipulation and Agreement,
14 that receipt of the faxed copy by the Department shall be as
15 binding on Respondent as if the Department had received the
16 original signed Stipulation and Agreement.

17
18 DATED: 4/25/13


19 BRIAN JASON MORALES
Respondent

20
21 I have reviewed the Stipulation and Agreement as to
22 form and content and have advised my client accordingly.

23 DATED: 4/30/13


24 JOZEF G. MAGYAR, Attorney for
25 Respondent Brian Jason Morales

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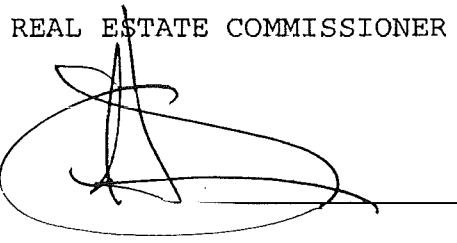
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The foregoing Stipulation and Agreement is hereby
adopted as my Decision in this matter and shall become effective
at 12 o'clock noon on June 17, 2013.

IT IS SO ORDERED May 16, 2013.

REAL ESTATE COMMISSIONER


By: Jeffrey Mason
Chief Deputy Commissioner