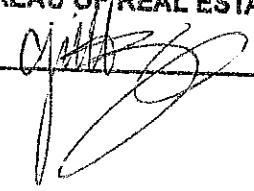


FILED

OCT 13 2016

BUREAU OF REAL ESTATE

By



1 BUREAU OF REAL ESTATE  
2 320 West 4th Street, Suite 350  
3 Los Angeles, California 90013-1105  
4 Telephone: (213) 576-6982

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7  
8 BEFORE THE BUREAU OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of ) CalBRE No. H-40209 LA  
12 ) OAH No. 2016080133  
13 RIVERSIDE INLAND REAL ESTATE, INC., )  
14 LUIS DANIEL DELGADO, SR., and ) STIPULATION AND AGREEMENT  
15 TERESA DELGADO, ) IN SETTLEMENT AND ORDER  
16 Respondents. )

16 It is hereby stipulated by and between Respondents RIVERSIDE INLAND REAL  
17 ESTATE, INC. ("REREI"), LUIS DANIEL DELGADO, SR., and TERESA DELGADO  
18 (collectively "Respondents"), and their attorneys, and Complainant, acting by and through  
19 Lissete Garcia, Counsel for the Bureau of Real Estate ("Bureau"), as follows for the purpose of  
20 settling and disposing the Accusation filed on April 19, 2016, with Bureau Case No. H-40209  
21 LA ("Accusation");

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

4           2. Respondents have received, read, and understand the Statement to Respondent,  
5 the Discovery Provisions of the APA, and Accusation filed by the Bureau in this proceeding.

6           3. Notices of Defense were filed by Respondents pursuant to Section 11505 of  
7 the Government Code for the purpose of requesting a hearing on the allegations in the  
8 Accusation. Respondents hereby freely and voluntarily withdraw said Notices of Defense.  
9 Respondents acknowledge they understand that by withdrawing said Notices of Defense they  
10 will thereby waive their rights to require the Real Estate Commissioner (“Commissioner”) to  
11 prove the allegations in the Accusation at a contested hearing held in accordance with the  
12 provisions of the APA and that they will waive other rights afforded to them in connection with  
13 the hearing such as the right to present evidence in defense of the allegations in the Accusation  
14 and the right to cross-examine witnesses.

15           4. Respondents, pursuant to the limitations set forth below, hereby admit that the  
16 factual allegations in Paragraphs 10 through 16 of the Accusation filed in this proceeding are true  
17 and correct and the Real Estate Commissioner shall not be required to provide further evidence  
18 of such allegations.

19           5. It is understood by the parties that the Real Estate Commissioner may adopt  
20 the Stipulation and Agreement as his Decision in this matter, thereby imposing the penalties and  
21 sanctions on Respondents’ real estate licenses and license rights as set forth in the below  
22 “Order”. In the event that the Commissioner in his discretion does not adopt the Stipulation and  
23 Agreement, it shall be void and of no effect, and Respondents shall retain the right to a hearing  
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1 and proceeding on the Accusation under all the provisions of the APA and shall not be bound by  
2 any admission or waiver made herein.

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

7 DETERMINATION OF ISSUES

8 I.

9 The conduct, acts and/or omissions of Respondents, as set forth in Paragraphs 10  
10 through 16 of the Accusation, constitute cause for the suspension or revocation of all real estate  
11 licenses and license rights of Respondents under the provisions of Business and Professions  
12 Code ("Code") Section 10177(g).

13 ORDER

14 I.

15 All licenses and license rights of Respondent REREI are suspended for a period  
16 of thirty (30) days from the effective date of this Decision and Order; provided, however, that  
17 thirty (30) days of said suspension shall be stayed for one (1) year upon the following terms and  
18 conditions:

- 19 1. Respondent REREI shall obey all laws, rules, and regulations governing the  
20 rights, duties and responsibilities of a real estate licensee in the State of  
21 California; and  
22 2. That no final subsequent determination be made, after hearing or upon  
23 stipulation, that cause for disciplinary action occurred within one (1) year of  
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1 the effective date of this Decision and Order. Should such a determination be  
2 made, the Commissioner may, in his discretion, vacate and set aside the stay  
3 order and reimpose all or a portion of the stayed suspension. Should no such  
4 determination be made, the stay imposed herein shall become permanent.

5 II.

6 All licenses and license rights of Respondent LUIS DANIEL DELGADO, SR. are  
7 suspended for a period of sixty (60) days from the effective date of this Decision and Order;  
8 provided, however, that if Respondent LUIS DANIEL DELGADO, SR. petitions, the initial  
9 thirty (30) days of said sixty (60) day suspension shall be stayed upon condition that:

- 10 1. Respondent pays a monetary penalty pursuant to Section 10175.2 of the  
11 Business and Professions Code at the rate of \$100 for each day of  
12 suspension for a total monetary penalty of \$3,000.
- 13 2. Said payment shall be in the form of a cashier's check made payable  
14 to the Bureau of Real Estate. Said check must be delivered to the  
15 Bureau of Real Estate, Flag Section at P.O. Box 137013, Sacramento,  
16 CA 95813-7013, prior to the effective date of this Decision and Order.
- 17 3. No further cause for disciplinary action against the Real Estate licenses of  
18 Respondent occurs within two (2) years from the effective date of the  
19 Decision and Order in this matter.
- 20 4. If Respondent fails to pay the monetary penalty in accordance with the  
21 terms and conditions of this Decision and Order, the suspension shall go  
22 into effect automatically. Respondent shall not be entitled to any  
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1 repayment nor credit, prorated or otherwise, for money paid to the  
2 Bureau under the terms of this Decision and Order

3 5. If Respondent pays the monetary penalty and any other moneys due under  
4 this Stipulation and Agreement and if no further cause for disciplinary  
5 action against the real estate license of said Respondent occurs within two  
6 (2) years from the effective date of this Decision and Order, the entire stay  
7 hereby granted pursuant to this Decision and Order, as to said Respondent  
8 only, shall become permanent.

9 6. Respondent shall, **within six (6) months from the effective date of this**  
10 **Decision and Order**, take and pass the Professional Responsibility  
11 Examination administered by the Bureau including the payment of the  
12 appropriate examination fee. If Respondent fails to satisfy this condition,  
13 Respondent's real estate license shall automatically be suspended until  
14 Respondent passes the examination.

15 7. Respondent shall, **within nine (9) months from the effective date of this**  
16 **Decision and Order**, present evidence satisfactory to the Commissioner  
17 that Respondent has, since the most recent issuance of an original or  
18 renewal real estate license, taken and successfully completed the  
19 continuing education requirements of Article 2.5 of Chapter 3 of the Real  
20 Estate Law for renewal of a real estate license. If Respondent fails to  
21 satisfy this condition, Respondent's real estate license shall automatically  
22 be suspended until Respondent presents evidence satisfactory to the  
23 Commissioner of having taken and successfully completed the continuing  
24

1 education requirements. **Proof of completion of the continuing**  
2 **education courses must be delivered to the Bureau of Real Estate,**  
3 **Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013.**

4 All licenses and license rights of Respondent LUIS DANIEL DELGADO, SR. are  
5 suspended for a period of sixty (60) days from the effective date of this Decision and Order;  
6 provided, however, that the latter thirty (30) days of said suspension shall be stayed for two (2)  
7 years upon the following terms and conditions:

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

11 2. That no final subsequent determination be made, after hearing or upon  
12 stipulation, that cause for disciplinary action occurred within two (2) years  
13 of the effective date of this Decision and Order. Should such a  
14 determination be made, the Commissioner may, in his discretion, vacate  
15 and set aside the stay order and reimpose all or a portion of the stayed  
16 suspension. Should no such determination be made, the stay imposed  
17 herein shall become permanent.

18 III.

19 All licenses and license rights of Respondent TERESA DELGADO are suspended  
20 for a period of sixty (60) days from the effective date of this Decision and Order; provided,  
21 however, that if Respondent TERESA DELGADO petitions, the initial thirty (30) days of said  
22 sixty (60) day suspension shall be stayed upon condition that:

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1. Respondent pays a monetary penalty pursuant to Section 10175.2 of the Business and Professions Code at the rate of \$100 for each day of suspension for a total monetary penalty of \$3,000.

2. Said payment shall be in the form of a cashier's check made payable to the Bureau of Real Estate. Said check must be delivered to the Bureau of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this Decision and Order.

3. No further cause for disciplinary action against the Real Estate licenses of Respondent occurs within two (2) years from the effective date of the Decision and Order in this matter.

4. If Respondent fails to pay the monetary penalty in accordance with the terms and conditions of this Decision and Order, the suspension shall go into effect automatically. Respondent shall not be entitled to any repayment nor credit, prorated or otherwise, for money paid to the Bureau under the terms of this Decision and Order

5. If Respondent pays the monetary penalty and any other moneys due under this Stipulation and Agreement and if no further cause for disciplinary action against the real estate license of said Respondent occurs within two (2) years from the effective date of this Decision and Order, the entire stay hereby granted pursuant to this Decision and Order, as to said Respondent only, shall become permanent.

6. Respondent shall, within six (6) months from the effective date of this Decision and Order, take and pass the Professional Responsibility

1 Examination administered by the Bureau including the payment of the  
2 appropriate examination fee. If Respondent fails to satisfy this condition,  
3 Respondent's real estate license shall automatically be suspended until  
4 Respondent passes the examination.

5 7. Respondent shall, within nine (9) months from the effective date of this

6 **Decision and Order**, present evidence satisfactory to the Commissioner  
7 that Respondent has, since the most recent issuance of an original or  
8 renewal real estate license, taken and successfully completed the  
9 continuing education requirements of Article 2.5 of Chapter 3 of the Real  
10 Estate Law for renewal of a real estate license. If Respondent fails to  
11 satisfy this condition, Respondent's real estate license shall automatically  
12 be suspended until Respondent presents evidence satisfactory to the  
13 Commissioner of having taken and successfully completed the continuing  
14 education requirements. **Proof of completion of the continuing**  
15 **education courses must be delivered to the Bureau of Real Estate,**  
16 **Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013.**

17 All licenses and license rights of Respondent TERESA DELGADO are suspended

18 for a period of sixty (60) days from the effective date of this Decision and Order; provided,  
19 however, that the latter thirty (30) days of said suspension shall be stayed for two (2) years upon  
20 the following terms and conditions:

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

4 2. That no final subsequent determination be made, after hearing or upon  
5 stipulation, that cause for disciplinary action occurred within two (2) years  
6 of the effective date of this Decision and Order. Should such a  
7 determination be made, the Commissioner may, in his discretion, vacate  
8 and set aside the stay order and reimpose all or a portion of the stayed  
9 suspension. Should no such determination be made, the stay imposed  
10 herein shall become permanent.

11 IV.

12 All licenses and licensing rights of Respondents REREI, LUIS DANIEL

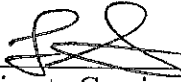
13 DELGADO, SR., and TERESA DELGADO are indefinitely suspended unless or until  
14 Respondents provides proof satisfactory to the Commissioner, of having paid, either jointly or  
15 severally, the total amount of \$7,500.00 as restitution to Ernest and Nicole Lucas ("the  
16 Lucases"). Proof of satisfaction of this requirement includes: a certified copy of the satisfaction  
17 of judgment; a letter from an attorney or certified public accountant testifying under penalty of  
18 perjury to the fact that said judgment has been paid by any of the Respondents; a copy of a  
19 cancelled check to the Lucases, and/or a letter from the Lucases attesting that repayment of  
20 funds has been received. **Proof of payment must be delivered to the Bureau of Real Estate,**  
21 **Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013 or by fax at 916-263-8758,**  
22 **prior to the effective date of this Decision and Order.**

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1 IV.

2 All licenses and licensing rights of Respondents REREI, LUIS DANIEL  
3 DELGADO, SR., and TERESA DELGADO are indefinitely suspended unless or until  
4 Respondents pay, either jointly or severally, the total sum of \$4,577.25 for the Commissioner's  
5 reasonable cost of the investigation and enforcement which led to this disciplinary action. Said  
6 payment shall be in the form of a cashier's check made payable to the Bureau of Real Estate.  
7 **The investigative and enforcement costs must be delivered to the Bureau of Real Estate,**  
8 **Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of**  
9 **this Decision and Order.**

10 Sept. 8, 2016  
11 DATED

10   
11 Lissete Garcia, Counsel  
12 Bureau of Real Estate

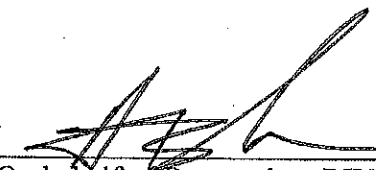
12 \* \* \*

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

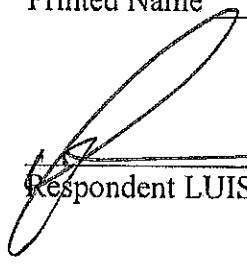
20 Respondents can signify acceptance and approval of the terms and conditions of this  
21 Stipulation and Agreement by electronically emailing a copy of the signature page, as actually  
22 signed by Respondents, to the Bureau's counsel. Respondents agree, acknowledge, and  
23 understand that by electronically sending to the Bureau an electronic copy of Respondents'  
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1 actual signatures, as they appear on the Stipulation, that receipt of the emailed copy by the  
2 Bureau shall be as binding on Respondents as if the Bureau had received the original signed  
3 Stipulation. By signing this Stipulation, Respondents understand and agree that Respondents  
4 may not withdraw their agreement or seek to rescind the Stipulation prior to the time the  
5 Commissioner considers and acts upon it or prior to the effective date of the Stipulation and  
6 Order.

7 DATED: 24 August 2016

  
On behalf of Respondent RIVERSIDE INLAND  
REAL ESTATE, INC.  
Printed Name H. D. Benton

11 DATED: August 24, 2016

  
Respondent LUIS DANIEL DELGADO, SR.

14 DATED: August 24, 2016

  
Respondent TERESA DELGADO

16 *I have reviewed the Stipulation and Agreement as to form and content and have advised*  
17 *my clients accordingly.*

18 DATED: \_\_\_\_\_


\_\_\_\_\_  
Attorney for Respondents

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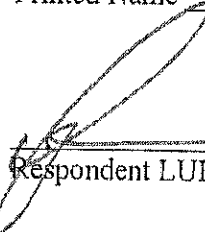
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1 actual signatures, as they appear on the Stipulation, that receipt of the emailed copy by the  
2 Bureau shall be as binding on Respondents as if the Bureau had received the original signed  
3 Stipulation. By signing this Stipulation, Respondents understand and agree that Respondents  
4 may not withdraw their agreement or seek to rescind the Stipulation prior to the time the  
5 Commissioner considers and acts upon it or prior to the effective date of the Stipulation and  
6 Order.

7  
8 DATED: 24 August 2016

  
On behalf of Respondent RIVERSIDE INLAND  
REAL ESTATE, INC.  
Printed Name H. D. Benton

11 DATED: August 24, 2016

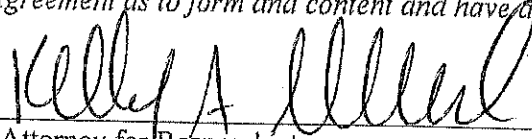
  
Respondent LUIS DANIEL DELGADO, SR.

14 DATED: August 24, 2016

  
Respondent TERESA DELGADO

16 *I have reviewed the Stipulation and Agreement as to form and content and have advised  
17 my clients accordingly.*

18 DATED: 9/1/16

  
Attorney for Respondents

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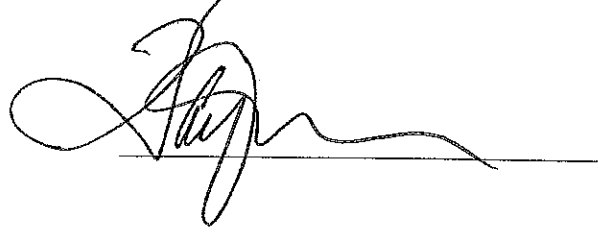
The foregoing Stipulation and Agreement in Settlement and Order is hereby

adopted by me as my Decision in this matter and shall become effective at 12 o'clock noon on

NOV - 2 2016, 2016.

IT IS SO ORDERED October 7, 2016.

WAYNE S. BELL  
REAL ESTATE COMMISSIONER



A handwritten signature in cursive, appearing to read "Wayne S. Bell", is written over a horizontal line. The signature is fluid and extends to the right of the line.