

FILED

AUG 02 2023

DEPT. OF REAL ESTATE

By _____

1 Department of Real Estate
2 320 West 4th Street, Suite 350
3 Los Angeles, California 90013-1105
4 Telephone: (213) 576-6982

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of:

12 JESUS FLORES,

13 Respondent.

DRE Case Nos. H-42577-LA and H-42578-LA
(Consolidated for All Matters)

STIPULATION AND AGREEMENT

15 In the Matter of the Accusation of:

16 JESUS FLORES,

17 Respondent.

19 It is hereby stipulated by and between Respondent JESUS FLORES (“Respondent”),
20 and the Complainant, acting by and through Laurence D. Haveson, Counsel for the Department of
21 Real Estate (“Department” or “DRE”), as follows for the purpose of settling and disposing of the
22 Statement of Issues in DRE Case No. H-42577-LA (“Statement of Issues”) and the Accusation in
23 DRE Case No. H-42578-LA (“Accusation”), both filed on March 21, 2023, and which cases have
24 been consolidated for all matters pursuant to Order of the Presiding Administrative Law Judge:

25 1. Respondent acknowledges that Respondent has received and read the Statement of
26 Issues and the Statement to Respondent filed by the Department in connection with Respondent’s
27 application for a real estate broker license. Respondent understands that the Real Estate
28 Commissioner (“Commissioner”) may hold a hearing on this Statement of Issues for the purpose of

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1 requiring further proof of Respondent's honesty and truthfulness and to prove other allegations
2 therein, or that he may in his discretion waive the hearing and grant Respondent a restricted real
3 estate broker license based upon this Stipulation and Agreement ("Stipulation"). Respondent also
4 understands that by filing the Statement of Issues in this matter the Commissioner is shifting the
5 burden to Respondent to make a satisfactory showing that Respondent meets all the requirements
6 for issuance of a real estate broker license. Respondent further understands that by entering into this
7 Stipulation, Respondent will be stipulating that the Commissioner has found that Respondent has
8 failed to make such a showing, thereby justifying the denial of the issuance to Respondent of an
9 unrestricted real estate broker license.

10 2. Respondent is aware that by signing this Stipulation, Respondent is waiving
11 Respondent's right to a hearing and the opportunity to present evidence at the hearing to establish
12 Respondent's rehabilitation in order to obtain an unrestricted real estate broker license if this
13 Stipulation and Agreement is accepted by the Commissioner. However, Respondent is not waiving
14 Respondent's right to a hearing and to further proceedings to obtain a restricted or unrestricted real
15 estate broker license if this Stipulation is not accepted by the Commissioner.

16 3. Respondent agrees that by signing this Stipulation, the conditions, limitations, and
17 restrictions imposed on Respondent's restricted real estate salesperson license, identified below,
18 may be removed only by filing a Petition for Removal of Restrictions ("Petition") with the
19 Commissioner, and that Respondent's Petition must follow the procedures set forth in Government
20 Code section 11522.

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

25 5. Respondent has received, read, and understands the Statement to Respondent, the
26 Discovery Provisions of the APA, and the Accusation filed by the Department in this proceeding.

27 6. Respondent filed his Notices of Defense to the Statement of Issues and the
28 Accusation pursuant to Government Code section 11506 for the purpose of requesting hearings on

1 the allegations in the Statement of Issues and the Accusation. Respondent hereby freely and
2 voluntarily withdraws said Notices of Defense. Respondent acknowledges that he understands that
3 by withdrawing said Notices of Defense Respondent will thereby waive his right to require the
4 Commissioner to prove the allegations in the Statement of Issues and the Accusation at a contested
5 hearing held in accordance with the provisions of the APA, and that Respondent will waive other
6 rights afforded to him in connection with the hearing such as the right to present evidence in defense
7 of the allegations in the Statement of Issues and the Accusation and the right to cross-examine
8 witnesses.

9 7. Respondent, pursuant to the limitations set forth below, hereby admits that the actual
10 allegations in the Statement of Issues and the Accusation filed in these proceedings are true and
11 correct and the Commissioner shall not be required to provide further evidence to prove such
12 allegations.

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

20 9. The Stipulation, Order, or any subsequent Order of the Commissioner made pursuant
21 to this Stipulation shall not constitute an estoppel, merger or bar to any further administrative or
22 civil proceedings by the Department with respect to any matters which were not specifically alleged
23 to be causes for Accusation in this proceeding.

24 10. Respondent understands that by agreeing to this Stipulation, Respondent agrees to
25 pay, pursuant to Code Section 10106, the Commissioner's cost of the investigation and enforcement
26 which resulted in the filing of the Accusation and the determination that Respondent committed the
27 violations found in the Determination of Issues. The amount of said investigation costs is \$1,033.64
28 and the amount of the enforcement costs is \$336.00, for a total of \$1,369.64.

1 DETERMINATION OF ISSUES

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

5 The conviction of Respondent as described in the Statement of Issues and the
6 Accusation, the allegations of which Respondent admits in Paragraph 7 above, bears a substantial
7 relationship under Section 2910, Title 10, Chapter 6, California Code of Regulations to the
8 qualifications, functions or duties of a real estate licensee, and constitutes cause (1) for the denial of
9 Respondent's application for a real estate broker license under Code sections 480(a)(1) and
10 10177(b), and (2) for the suspension or revocation of the license and license rights of Respondent
11 under Code sections 490 and 10177(b). In addition, the conduct, acts and/or omissions of
12 Respondent as described in the Accusation, the allegations of which Respondent admits in
13 Paragraph 7 above, are in violation of Code Section 10186.2, and are bases for the suspension or
14 revocation of the license and license rights of Respondent as a violation of the Real Estate Law
15 pursuant to Code Section 10177(d) and/or 10177(g).

16 ORDER

17 WHEREFORE, THE FOLLOWING ORDER is hereby made:

18 1. Respondent's application for a real estate broker license is denied. The earliest date
19 on which Respondent may reapply for a real estate broker license is one year from the effective date
20 of this Decision. If and when application is again made for this license, all competent evidence of
21 rehabilitation presented by the Respondent will be considered by the Commissioner.

22 2. All licenses and licensing rights of Respondent FLORES under the Real Estate Law
23 are revoked; provided, however, a restricted real estate salesperson license shall be issued to
24 Respondent FLORES pursuant to Section 10156.5 of the Code if Respondent makes application
25 therefore and pays to the Department the appropriate fee for a restricted license within ninety (90)
26 days from the effective date of this Decision and Order. The restricted license issued to Respondent
27 FLORES shall be subject to all of the provisions of Section 10156.7 of the Code and to the following
28 limitations, conditions and restrictions imposed under authority of Section 10156.6 of the Code:

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1 a. The restricted license issued to Respondent FLORES may be suspended prior
2 to hearing by Order of the Commissioner in the event of Respondent's conviction, or entry
3 of a plea of guilty or no contest, for a crime that is substantially related to the qualifications,
4 functions, or duties of a real estate licensee.

5 b. The restricted license issued to Respondent FLORES may be suspended prior
6 to hearing by Order of the Real Estate Commissioner on evidence satisfactory to the
7 Commissioner that Respondent has violated provisions of the California Real Estate Law,
8 the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions
9 attaching to the restricted licenses.

10 c. Respondent FLORES shall not be eligible to apply for the issuance of
11 unrestricted real estate licenses nor for removal of any of the conditions, limitations or
12 restrictions of a restricted license until one (1) year has elapsed from the effective date of
13 this Decision and Order.

14 d. Respondent FLORES shall submit with any application for license under an
15 employing broker, or any application for transfer to a new employing broker, a statement
16 signed by the prospective employing real estate broker, on a form approved by the
17 Department of Real Estate, which shall certify:

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

20 (2) That the employing broker will exercise close supervision over the
21 performance by the restricted licensee relating to activities for which a real estate
22 license is required.

23 e. Respondent FLORES shall notify the Commissioner in writing within 72
24 hours of any arrest by sending a certified letter to the Commissioner at the Department of
25 Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013. The letter shall
26 set forth the date of Respondent's arrest, the crime for which Respondent was arrested and
27 the name and address of the arresting law enforcement agency. Respondent's failure to

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1 timely file written notice shall constitute an independent violation of the terms of the
2 restricted license and shall be grounds for the suspension or revocation of that license.

3 f. Respondent FLORES shall pay the sum of \$1,369.64, for the Commissioner's
4 reasonable cost of the investigation and enforcement which led to the filing of the Accusation
5 in this disciplinary action, **within one-hundred and eighty (180) days from the effective**
6 **date of this Decision and Order.** Said payment shall be in the form of a cashier's check
7 made payable to the Department of Real Estate. **The investigative and enforcement costs**
8 **must be delivered to the Department of Real Estate, Flag Section at P.O. Box 137013,**
9 **Sacramento, CA 95813-7013. Payment of investigation and enforcement costs should**
10 **not be made until the Stipulation has been approved by the Commissioner.** If
11 Respondent fails to satisfy this condition in a timely manner as provided for herein,
12 Respondent's real estate license shall automatically be suspended until payment is made in
13 full, or until a decision providing otherwise is adopted following a hearing held pursuant to
14 this condition.

15 g. Respondent's signature indicates full agreement to the terms of this
16 Stipulation and Agreement and to the terms set forth herein.

17 June 27, 2023
18 DATED

Laurence D. Haveson

Digitally signed by Laurence D.
Haveson
Date: 2023.06.27 12:21:29 -07'00'

Laurence D. Haveson,
Counsel for Complainant

21 * * *

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23 EXECUTION OF THE STIPULATION

24 I have read the Stipulation and Agreement. I understand its terms and they are agreeable and
25 acceptable to me. I understand that I am waiving rights given to me by the California Administrative
26 Procedure Act (including but not limited to Sections 11506, 11508, 11509 and 11513 of the
27 Government Code), and I willingly, intelligently and voluntarily waive those rights, including the
28 right of (1) a hearing on the Statement of Issues at which I would have the right to cross-examine

STIPULATION AND AGREEMENT

1 witnesses against me and to present evidence in defense and mitigation of the charges, and (2)
2 requiring the Commissioner to prove the allegations in the Accusation at a hearing at which I would
3 have the right to cross-examine witnesses against me and to present evidence in defense and
4 mitigation of the charges.

5 Respondent can signify acceptance and approval of the terms and conditions of this
6 Stipulation by causing the Stipulation to be e-mailed with Respondent's digital signature to
7 Laurence Haveson, Real Estate Counsel at Laurence.Haveson@dre.ca.gov, or by sending a hard
8 copy of the original signed signature page of the Stipulation herein to Laurence D. Haveson,
9 Department of Real Estate, Legal Section, 320 W. Fourth St., Suite 350, Los Angeles, CA 90013-
10 1105. In the event of time constraints before an administrative hearing, Respondent can signify
11 acceptance and approval of the terms and conditions of this Stipulation and Agreement by faxing or
12 e-mailing a scanned copy of the signature page, as actually signed by Respondent, to the Department
13 counsel assigned to this case. Respondent agrees, acknowledges, and understands that by
14 electronically sending the Stipulation and Agreement to the Department with Respondent's digital
15 signature or a scan of Respondent's actual signature as it appears on the Stipulation and Agreement,
16 that receipt of the Stipulation and Agreement with Respondent's digital signature or a scan of his
17 actual signature by the Department shall be as binding on Respondent as if the Department had
18 received the original signed Stipulation and Agreement. By signing this Stipulation and Agreement,
19 Respondent understands and agrees that Respondent may not withdraw his agreement or seek to
20 rescind the Stipulation and Agreement prior to the time the Commissioner considers and acts upon
21 it or prior to the effective date of the Stipulation and Order.


22 MAILING

23 In the event that Respondent declines to digitally sign the Stipulation, Respondent
24 shall, within five (5) business days from signing the Stipulation, mail the original signed signature
25 page(s) of the Stipulation herein to Laurence Haveson, Attention: Legal Section, Department of
26 Real Estate, 320 W. Fourth St., Room 350, Los Angeles, California 90013-1105.

27 Respondent's signature below constitutes acceptance and approval of the terms and
28 conditions of this Stipulation. Respondent agrees, acknowledges, and understands that by signing

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

4
5 June 27, 2023


Jesus Flores (Jun 27, 2023 12:30 PDT)

6 DATED

JESUS FLORES, Respondent

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10 The foregoing Stipulation and Agreement is hereby adopted as my Decision as to
11 Respondent JESUS FLORES, and shall become effective at 12 o'clock noon on

12 August 22, 2023.

13 IT IS SO ORDERED 7.27.23

14 DOUGLAS R. McCAULEY
15 REAL ESTATE COMMISSIONER



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