

1 Department of Real Estate
2 320 West 4th Street, Room 350
3 Los Angeles, California 90013

FILED
JUN 16 2011
DEPARTMENT OF REAL ESTATE

By *[Signature]*

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8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12) NO. H-36692 LA
13 ROBERT ALAN KRASNEY and) L-2010090993
14 DAVID LARREA,)
15) STIPULATION AND AGREEMENT
16 Respondents.)

17 It is hereby stipulated by and between DAVID LARREA
18 ("Respondent"), who is representing himself in this matter, and
19 the Complainant, acting by and through Lissete Garcia, Counsel
20 for the Department of Real Estate, as follows for the purpose of
21 settling and disposing of the Accusation filed on June 23, 2010,
22 in this matter:

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

1 this Stipulation and Agreement.

2 2. Respondent has received, read and understands the
3 Statement to Respondent, the Discovery Provisions of the APA and
4 the Accusation filed by the Department of Real Estate in this
5 proceeding.

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

18 4. This Stipulation is based on the factual
19 allegations contained in the Accusation filed in this
20 proceeding. In the interest of expedience and economy,
21 Respondent chooses not to contest these factual allegations, but
22 to remain silent and understands that, as a result thereof,
23 these factual statements, will serve as a prima facie basis for
24 the disciplinary action stipulated to herein. The Real Estate
25 Commissioner shall not be required to provide further evidence
26 to prove such allegations.
27
28

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

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

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

26 DETERMINATION OF ISSUES

27 By reason of the foregoing stipulations and waivers
28 and solely for the purpose of settlement of the pending

1 Accusation without a hearing, it is stipulated and agreed that
2 the following determination of issues shall be made:

3 I

4 The conduct, acts and/or omissions of Respondent DAVID
5 LARREA, as set forth in the Accusation, constitute cause for the
6 suspension or revocation of all the real estate licenses and
7 license rights of Respondent DAVID LARREA under the provisions
8 of Section 10177(d) of the Business and Professions Code
9 ("Code") for violation of Code Sections 10130 and 10132.

10 ORDER

11 WHEREFORE, THE FOLLOWING ORDER is hereby made:

12 I

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

25 1. The restricted license issued to Respondent may
26 be suspended prior to hearing by Order of the Real Estate
27 Commissioner in the event of Respondent's conviction or plea
28

1 of nolo contendere to a crime which is substantially related
2 to Respondent's fitness or capacity as a real estate licensee.

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

9 3. Respondent shall not be eligible for the issuance
10 of an unrestricted real estate license nor for the removal of
11 any of the conditions, limitations or restrictions of the
12 restricted license until at least two (2) years have elapsed
13 from the effective date of this Decision.

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

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

22 (b) That the employing broker will exercise close
23 supervision over the performance by the restricted licensee
24 relating to activities for which a real estate license is
25 required.
26

27 5. Respondent shall, within nine (9) months from the
28 effective date of this Decision, present evidence satisfactory

1 to the Real Estate Commissioner that Respondent has, since the
2 most recent issuance of an original or renewal real estate
3 license, taken and successfully completed the continuing
4 education requirements of Article 2.5 of Chapter 3 of the Real
5 Estate Law for renewal of a real estate license. If Respondent
6 fails to satisfy this condition, the Commissioner may order the
7 suspension of the restricted license until the Respondent
8 presents such evidence. The Commissioner shall afford
9 Respondent the opportunity for a hearing pursuant to the APA to
10 present such evidence.

11
12 6. Respondent shall within six (6) months from the
13 effective date of this Decision, take and pass the Professional
14 Responsibility Examination administered by the Department
15 including the payment of the appropriate examination fee. If
16 Respondent fails to satisfy this condition, the Commissioner may
17 order suspension of Respondent's license until Respondent passes
18 the examination.

19 7. All licenses and licensing rights of Respondent
20 DAVID LARREA are indefinitely suspended unless or until
21 Respondent provides evidence satisfactory to the Real Estate
22 Commissioner by the effective date of this Decision, that he has
23 made payment of restitution in the amount of \$1,995 to Isabel
24 Meza.

25 DATED: May 16, 2011

Lisette Garcia
LISSETE GARCIA
Counsel for Complainant

27 * * *

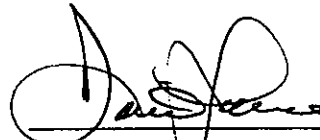
1 I have read the Stipulation and Agreement and its
2 terms are understood by us and are agreeable and acceptable to
3 me. I understand that I am waiving rights given to me by the
4 California Administrative Procedure Act (including but not
5 limited to Sections 11506, 11508, 11509 and 11513 of the
6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

12 Respondent can signify acceptance and approval of the
13 terms and conditions of this Stipulation and Agreement by faxing
14 a copy of his signature page, as actually signed by Respondent,
15 to the Department at the following fax number: (213) 576-6914.
16 Respondent agrees, acknowledges and understands that by
17 electronically sending to the Department a fax copy of his
18 actual signature as it appears on the Stipulation and Agreement,
19 that receipt of the faxed copy by the Department shall be as
20 binding on Respondent as if the Department had received the
21 original signed Stipulation and Agreement.

22 Further, if the Respondent is represented by counsel,
23 the Respondent's counsel can signify his agreement to the terms
24 and conditions of the Stipulation and Agreement by submitting
25 that signature via fax. The Commissioner has asked that
26 counsel's signature be under penalty of perjury that he will
27 concurrently or within 24 hours of obtaining Respondent's
28

1 signatures to the agreement by depositing in the mail the
2 original stipulation containing the original signatures of both
3 the Respondent and Respondent's counsel.

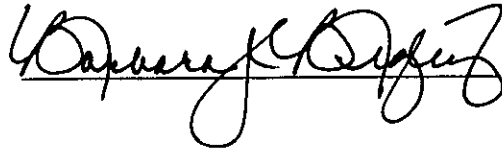
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5 DATED: 05-11-2011


6 DAVID LARREA
7 Respondent

8
9 The foregoing Stipulation and Agreement is hereby
10 adopted as my Decision in this matter and shall become effective
11 at 12 o'clock noon on July 6, 2011.

12 IT IS SO ORDERED 6/6, 2011.

13 Barbara J. Bigby
14 Acting Real Estate Commissioner

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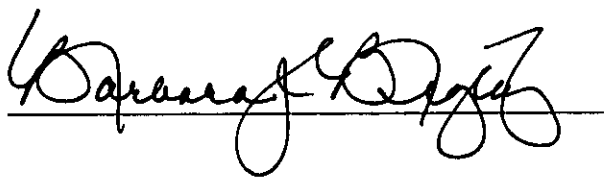
In the Matter of the Accusation of)	DRE No. H-36692 LA
)	OAH No. L-2010090993
<u>ROBERT ALAN KRASNEY</u> and)	
DAVID LARREA,)	
)	
Respondents.)	

DISMISSAL

The Accusation herein filed on June 23, 2010, against Respondent, ROBERT ALAN KRASNEY, only, is DISMISSED.

IT IS SO ORDERED this 6/16, 2011.

BARBARA J. BIGBY
Acting Real Estate Commissioner



1 LISSETE GARCIA, Counsel (SBN 211552)
2 Department of Real Estate
3 320 West 4th Street, Suite 350
4 Los Angeles, California 90013-1105

FILED
JUN 23 2010
DEPARTMENT OF REAL ESTATE

4 Telephone: (213) 576-6982
5 (Direct) (213) 576-6914

By C. Garcia

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

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11 In the Matter of the Accusation of)	No. H-36692 LA
12 ROBERT ALAN KRASNEY and)	<u>A C C U S A T I O N</u>
13 DAVID LARREA,)	
14 Respondents.)	

15
16 The Complainant, Maria Suarez, a Deputy Real Estate
17 Commissioner of the State of California, for cause of Accusation
18 against ROBERT ALAN KRASNEY and DAVID LARREA is informed and
19 alleges in her official capacity as follows:

20 1.

21 At all times mentioned herein, Respondent ROBERT ALAN
22 KRASNEY ("KRASNEY") was and still is licensed and/or has license
23 rights under the Real Estate Law (Part 1 of Division 4 of the
24 Business and Professions Code "Code") as a real estate broker.

25 2.

26 At all times mentioned herein, Respondent DAVID LARREA
27 ("LARREA") was licensed and/or has license rights under the Real

1 Estate Law (Part 1 of Division 4 of the Code) as a real estate
2 salesperson. Respondent LARREA's salesperson licensed expired
3 on October 17, 2009. Respondent LARREA has renewal rights under
4 Code Section 10201. The Department retains jurisdiction
5 pursuant Code Section 10103.

6 3.

7 At all times mentioned herein, Direct Home Savers
8 ("DHS") was a fictitious business name registered to Respondent
9 KRASNEY in San Bernardino County, California. Respondent
10 KRASNEY is not listed as doing business under any fictitious
11 business name under his real estate broker license. DHS was
12 never licensed by the Department of Real Estate ("Department")
13 in any capacity.

14 4.

15 Robert Velasquez, aka Roberto Velasquez ("Velasquez"),
16 is not now, and has never been, licensed by the Department in
17 any capacity.

18 5.

19 IMLA Corporation ("IMLA") is not now, and has never
20 been, licensed by the Department in any capacity. IMLA is a
21 California corporation conducting mortgage lending and other
22 activities that require a real estate license. Robert Velasquez
23 is the Chief Executive Officer, Secretary, Chief Financial
24 Officer, and agent for service of process for IMLA. IMLA's
25 corporate status was suspended on March 3, 2008, by the
26 California Franchise Tax Board.

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1 6.

2 Whenever reference is made in an allegation in this
3 Accusation to an act or omission of "Respondents", such
4 allegation shall be deemed to mean the act or omission of each
5 of the Respondents named in the caption hereof and DHS, Robert
6 Velasquez, and IMLA, acting individually, jointly, and
7 severally.

8 FIRST CAUSE OF ACCUSATION

9 (Use of Unauthorized Fictitious Business Name or Branch Office)

10 7.

11 Use of a fictitious business name for activities
12 requiring the issuance of a real estate license requires the
13 filing of an application for the use of such name with the
14 Department in accordance with the provisions of Code Section
15 10159.5.

16 8.

17 A real estate broker who seeks to maintain more than
18 one place of business within the State shall apply for and
19 procure an additional license for each branch so maintained by
20 submitting an application with the Department in accordance with
21 the provisions of Code Section 10163.

22 9.

23 In or around September, 2008, Isabel Meza was referred
24 to DHS for loan modification services. Mrs. Meza visited the
25 office of DHS located at 3333 E. Concourse, Bldg. 9, Suite 101,
26 Ontario, California, and met with Respondent LARREA who
27 solicited DHS' loan modification and negotiation services to

1 Mrs. Meza. Mrs. Meza was charged an advance fee of \$1,995 and
2 entered into a written agreement with DHS for loan modification,
3 short sale, and refinance services for Mrs. Meza's real property
4 located at 11958 Weeping Willow Lane, Fontana, California. Mrs.
5 Meza paid the \$1,995 advance fee through a credit card charge in
6 the sum of \$1,416 paid to IMLA and a debit payment of \$579 to
7 IMLA on September 10, 2008. Mrs. Meza believed Respondent
8 LARREA would be handling her file.

9 10.

10 Mrs. Meza waited several months for Respondent LARREA
11 to give her the status on DHS' modification of her mortgage loan
12 with her lender. Mrs. Meza's repeated telephone calls to
13 Respondent LARREA were not returned. Mrs. Meza called her
14 lender to learn the status of DHS' effort to modify her
15 mortgage. In or around June of 2009, Roberto Velasquez
16 contacted Mrs. Meza and claimed to be the president of DHS.
17 Roberto Velasquez demanded an additional \$1,500 to continue
18 assisting Mrs. Meza with the modification of her mortgage. Mrs.
19 Meza objected to the additional sum that DHS was charging and
20 was subsequently told by Roberto Velasquez that her file with
21 DHS was closed. DHS failed to perform the services promised or
22 obtain a mortgage loan on better terms for borrower, Isabel
23 Meza.

24 11.

25 Respondent KRASNEY acted without Department
26 authorization in using the fictitious business names "Direct
27 Home Savers" and/or "IMLA Corporation" to engage in activities

1 requiring the issuance of a real estate license.

2 12.

3 The conduct, acts and/or omissions of Respondent
4 KRASNEY, as set forth in Paragraphs 9 and 10, above, violate
5 Code Sections 10159.5 and 10163 and Section 2731 of the
6 Regulations of the Real Estate Commissioner (Title 10,
7 Chapter 6, of the California Code of Regulations "Regulations"),
8 and are cause for the suspension or revocation of the licenses
9 and license rights of Respondent KRASNEY pursuant to Code
10 Sections 10165, 10177(d) and/or 10177(g).

11 SECOND CAUSE OF ACCUSATION

12 (Employment of Unlicensed Persons)

13 13.

14 There is hereby incorporated in this Second, separate
15 and distinct Cause of Accusation, all of the allegations
16 contained in Paragraphs 1 through 12, of the First Cause of
17 Accusation with the same force and effect as if herein fully set
18 forth.

19 14.

20 At all times herein mentioned, Respondents for or in
21 expectation of compensation engaged in the business of, acted in
22 the capacity of, advertised or assumed to act as real estate
23 brokers for others in the State of California within the meaning
24 of Code Sections 10131(a) and (d).

25 15.

26 The activities described in Paragraphs 9 and 10,
27 above, require a real estate license under Code Sections

1 10131(a) and (d) and 10131.2. In or around September, 2008,
2 through November, 2008, for or in expectation of compensation,
3 Respondent LARREA performed some or all of the services for
4 Respondents alleged in Paragraphs 9 and 10 above, during a time
5 when Respondent LARREA was not licensed under the employ of
6 Respondent KRASNEY. From June 11, 2007, until December 3, 2008,
7 Respondent LARREA was licensed as a real estate salesperson
8 under the employ of Mortgages Incorporated. Respondent LARREA's
9 real estate salesperson license was listed as no business
10 activity from December 4, 2008, until it expired on October 17,
11 2009.

12 16.

13 In or around September, 2008, through June, 2009, for
14 or in expectation of compensation, Robert Velasquez was employed
15 or compensated for the loan modification services alleged in
16 Paragraphs 9 and 10 above, during a time when Robert Velasquez
17 was not licensed in any capacity by the Department.

18 17.

19 The conduct, acts and/or omissions of Respondent
20 KRASNEY, in employing or compensating Respondent LARREA and
21 Robert Velasquez to conduct activities requiring a real estate
22 license when they were not licensed under the employ of
23 Respondent KRASNEY or licensed in any capacity by the Department
24 is in violation of Code Section 10137 and is cause to revoke or
25 suspend the license and license rights of Respondent KRASNEY
26 pursuant to Code Section 10177(d) and/or 10177(g).

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18.

The conduct, acts and/or omissions of Respondent LARREA as alleged in Paragraphs 9 and 15, above, are in violation of Code Sections 10130 and 10132 and are grounds for the suspension or revocation of Respondent LARREA's license under Code Sections 10177(d) and/or 10177(g).

THIRD CAUSE OF ACCUSATION

(Advance Fees)

19.

There is hereby incorporated in this Third, separate and distinct Cause of Accusation, all of the allegations contained in Paragraphs 1 through 18, of the First and Second Causes of Accusation with the same force and effect as if herein fully set forth.

20.

Respondents collected the advance fees described in Paragraph 9 above, pursuant to the provisions of a written agreement which constitutes an advance fee agreement within the meaning of Code Section 10085.

21.

Respondents failed to submit the written agreement referred to in Paragraph 9, above, to the Commissioner ten days before using it, in violation of Code Section 10085 and Section 2970 of the Regulations.

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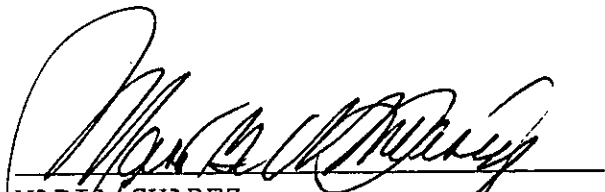
Respondents failed to deposit the advance fees described in Paragraph 9, above, in a trust account pursuant to the provisions of Code Section 10146.

23.

The conduct, acts and/or omissions of Respondent KRASNEY, as set forth above, are in violation of Code Sections 10085 and 10146 and Section 2970 of the Regulations and constitute cause for the suspension or revocation of the license and license rights of Respondent KRASNEY pursuant to Code Sections 10177(d) and/or 10177(g).

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against all licenses and/or license rights of Respondent ROBERT ALAN KRASNEY and Respondent DAVID LARREA under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code), and for such other and further relief as may be proper under other applicable provisions of law.

Dated at Los Angeles, California
this 2nd day of June, 2010.



MARIA SUAREZ
Deputy Real Estate Commissioner

cc: Robert Alan Krasney
David Larrea
Maria Suarez
Sacto.