

1 Bureau of Real Estate
320 West Fourth Street, #350
2 Los Angeles, California 90013

3 (213) 576-6982

FILED

JUL 24 2014

BUREAU OF REAL ESTATE

By *J. Amador*

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8 BEFORE THE BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) CalBRE No. H-38166 LA
12) OAH No. 2012120635
13 SOLARO FINANCIAL INCORPORATED,)
14 JOHN MATTHEW SOLARO,) STIPULATION AND AGREEMENT
15 individually and as former)
16 designated officer of)
Solaro Financial Incorporated,)
and JULIAN MARK GOMEZ,)
Respondents.)

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18 It is hereby stipulated by and between SOLARO
19 FINANCIAL INCORPORATED and JOHN MATTHEW SOLARO (collectively
20 "Respondents") and their attorney of record, Steven Gourley, and
21 the Complainant, acting by and through Lissete Garcia, Counsel
22 for the Bureau of Real Estate, as follows for the purpose of
23 settling and disposing of the Accusation filed on May 25, 2012,
24 in this matter:

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

8 2. Respondents have received, read and understand the
9 Statement to Respondent, the Discovery Provisions of the APA and
10 the Accusation filed by the Bureau of Real Estate in this
11 proceeding.

12 3. Respondents filed a Notice of Defense pursuant to
13 Section 11506 of the Government Code for the purpose of
14 requesting a hearing on the allegations in the Accusation.
15 Respondents hereby freely and voluntarily withdraw said Notice
16 of Defense. Respondents acknowledge that they understand that
17 by withdrawing said Notice of Defense they will thereby waive
18 their right to require the Commissioner to prove the allegations
19 in the Accusation at a contested hearing held in accordance with
20 the provisions of the APA and that they will waive other rights
21 afforded to them in connection with the hearing such as the
22 right to present evidence in defense of the allegations in the
23 Accusation and the right to cross-examine witnesses.

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1 4. Respondents, pursuant to the limitations set forth
2 below, hereby admit that the factual allegations of the
3 Accusation filed in this proceeding are true and correct and the
4 Real Estate Commissioner shall not be required to provide
5 further evidence of such allegations.

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

16 6. The Order or any subsequent Order of the Real
17 Estate Commissioner made pursuant to this Stipulation and
18 Agreement shall not constitute an estoppel, merger or bar to any
19 further administrative or civil proceedings by the Bureau of
20 Real Estate with respect to any matters which were not
21 specifically alleged to be causes for accusation in this
22 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:

1. The conduct of Respondents, as set forth in the Accusation, constitutes grounds for suspension or revocation of all of the real estate licenses and license rights of Respondents under the provisions of Section 10177(d) of the Business and Professions Code ("Code") for violation of Code Section 10145 and Regulations 2831, 2831.1, 2831.2, 2832, and 2840 of the Regulations of the Real Estate Commissioner, Title 10, Chapter 6, California Code of Regulations.

2. The overall conduct of Respondent JOHN MATTHEW SOLARO, as set forth in the Accusation, constitutes a violation of Code Section 10159.2 and is cause for the suspension or revocation of the real estate license and license rights of JOHN MATTHEW SOLARO pursuant to the provisions of Code Section 10177(h).

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ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

1. All licenses and licensing rights of Respondent SOLARO FINANCIAL CORPORATION and JOHN MATTHEW SOLARO, under the Real Estate Law are suspended for a period of sixty (60) days from the effective date of this Decision; provided, however, that thirty (30) days of said suspension, shall be stayed for one (1) year upon the following terms and conditions:

- A. Respondents shall obey all laws, rules and regulations governing the rights, duties and responsibilities of a real estate licensee in the State of California; and
- B. That no final subsequent determination is made, after hearing or upon stipulation that cause for disciplinary action occurred within one (1) year of the effective date of this Decision. Should such a determination be made, the Commissioner shall vacate and set aside the stay order and reimpose all or a portion of the stayed suspension. Should no such determination be made, the stay imposed herein shall become permanent.

1 2. If either Respondent SOLARO FINANCIAL CORPORATION
2 and JOHN MATTHEW SOLARO petitions, an additional thirty (30)
3 days shall be stayed upon condition that:

4 A. Respondent(s) pay a monetary penalty pursuant to
5 Section 10175.2 of the Code at the rate of \$100
6 for each day of the suspension for a total
7 monetary penalty of \$3,000, for each Respondent.

8 B. Said payment(s) shall be in the form of a
9 cashier's check or certified check made payable
10 to the Recovery Account of the Real Estate Fund.
11 Said check(s) must be received by the Bureau
12 prior to the effective date of the Decision in
13 this matter.

14 C. No further cause for disciplinary action against
15 the real estate licenses of Respondent(s) occur
16 within one (1) year from the effective date of
17 the Decision in this matter.

18 D. If Respondent(s) fail to pay the monetary penalty
19 in accordance with the terms and conditions of
20 the Decision, the Commissioner may, without a
21 hearing, order the immediate execution of all or
22 any part of the stayed suspension in which event
23 the Respondent(s) shall not be entitled to any
24 repayment nor credit, prorated or otherwise, for

1 money paid to the Bureau under the terms of this
2 Decision.

3 E. If Respondent(s) pay the monetary penalty and if
4 no further cause for disciplinary action against
5 the real estate licenses of Respondent(s) occurs
6 within one year from the effective date of the
7 Decision, the stay hereby granted shall become
8 permanent.

9 3. Pursuant to Section 10148 of the Business and
10 Professions Code, Respondents shall pay the Commissioner's
11 reasonable cost for (a) the audit which led to this disciplinary
12 action and (b) a subsequent audit, if one is completed, to
13 determine if Respondents are now in compliance with the Real
14 Estate Law. The cost of the audit which led to this
15 disciplinary action is \$4,014.50. In calculating the amount of
16 the Commissioner's reasonable cost, the Commissioner may use the
17 estimated average hourly salary for all persons performing
18 audits of real estate brokers, and shall include an allocation
19 for travel time to and from the auditor's place of work. Said
20 amount for the subsequent audit shall not exceed \$4,014.50. The
21 total cost for the audit which led to the disciplinary action
22 and any subsequent audit shall not exceed \$8,029.00.

23 A. Respondents shall pay such costs within 60 days
24 of receiving an invoice from the Commissioner

1 detailing the activities performed during the
2 audit and the amount of time spent performing
3 those activities.

4 B. The Commissioner shall suspend the licenses of
5 Respondents pending a hearing held in accordance
6 with Section 11500, et seq., of the Government
7 Code, if payment is not timely made as provided
8 for herein, or as provided for in a subsequent
9 agreement between the Respondents and the
10 Commissioner. The suspension shall remain in
11 effect until payment is made in full or until
12 Respondents enter into an agreement satisfactory
13 to the Commissioner to provide for payment, or
14 until a decision providing otherwise is adopted
15 following a hearing held pursuant to this
16 condition.

17 4. All licenses and licensing rights of Respondent

18 JOHN MATTHEW SOLARO are indefinitely suspended unless or until
19 Respondent JOHN MATTHEW SOLARO provides proof satisfactory to
20 the Commissioner, of having taken and successfully completed the
21 continuing education course on trust fund accounting and
22 handling specified in paragraph (3) of subdivision (a) Section
23 10170.5 of the Business and Professions Code. Proof of
24 satisfaction of this requirement includes evidence that

1 Respondent JOHN MATTHEW SOLARO has successfully completed the
2 trust fund account and handling continuing education course
3 within 120 days prior to the effective date of the Decision in
4 this matter.

5 5. Respondent JOHN MATTHEW SOLARO shall, within nine
6 (9) months from the effective date of this Decision, present
7 evidence satisfactory to the Real Estate Commissioner that
8 Respondent has, since the most recent issuance of an original or
9 renewal real estate license, taken and successfully completed
10 the continuing education requirement of Article 2.5 of Chapter 3
11 of the Real Estate Law for renewal of a real estate license. If
12 Respondent fails to satisfy this condition, the Commissioner
13 shall order the suspension of the restricted license until the
14 Respondent presents such evidence. The Commissioner shall
15 afford Respondent the opportunity for a hearing pursuant to the
16 Administrative Procedure Act to present such evidence.

17 6. Pursuant to California Business and Professions
18 Code Section 10106, Respondents SOLARO FINANCIAL INCORPORATED
19 and JOHN MATTHEW SOLARO shall, jointly or severally, pay the
20 Commissioner's reasonable costs for enforcement of the matter.
21 The enforcement costs which led to this disciplinary action
22 total \$1,691.00. Said payment shall be made within ninety (90)
23 days from the effective date of this Decision.


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1 A. The Commissioner shall suspend the license of
2 Respondents pending a hearing held in accordance
3 with California Government Code Section 11500, et
4 seq., if payment is not timely made as provided
5 for herein, or as provided for in a subsequent
6 agreement between the Respondents and the
7 Commissioner. The suspension shall remain in
8 effect until payment is made in full or until
9 Respondents enter into an agreement satisfactory
10 to the Commissioner to provide for payment, or
11 until a decision providing otherwise is adopted
12 following a hearing held pursuant to this
13 condition.

14 B. A copy of all proofs of payment and completed
15 coursework shall be submitted to Bureau Counsel
16 Lissete Garcia, Attention: Legal Section, Bureau
17 of Real Estate, 320 W. Fourth St., Suite 350, Los
18 Angeles, California 90013-1105, on or before the
19 dates set forth above.

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21 DATED:

11/01/2013



LISSETE GARCIA Counsel for Complainant

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23 * * *

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

12 Respondents can signify acceptance and approval of the
13 terms and conditions of this Stipulation and Agreement by faxing
14 a copy of the signature page, as actually signed by Respondents,
15 to the Bureau at fax number (213) 576-6917. Respondents agree,
16 acknowledge and understand that by electronically sending to the
17 Bureau a fax copy of their actual signature as they appear on
18 the Stipulation and Agreement, that receipt of the faxed copy by
19 the Bureau shall be as binding on Respondents as if the Bureau
20 had received the original signed Stipulation and Agreement.

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23 DATED: _____

JOHN MATTHEW SOLARO, Respondent

11/01/2013 15:53 31837
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1 We have read the Stipulation and Agreement, have
 2 discussed it with our counsel, and its terms are understood by
 3 us and are agreeable and acceptable to us. We understand that
 4 we are waiving rights given to us by the California
 5 Administrative Procedure Act (including but not limited to
 6 Sections 11506, 11508, 11509 and 11513 of the Government Code),
 7 and we willingly, intelligently and voluntarily waive those
 8 provisions that otherwise would have the right to cross examine witnesses against us and
 9 to present evidence in defense and mitigation of the charges.

10 Respondents can signify acceptance and approval of the
 11 terms and conditions of this Stipulation and Agreement by faxing
 12 a copy of the signature page, as actually signed by Respondents,
 13 to the Bureau at fax number (313) 576-6917. Respondents agree,
 14 acknowledge and understand that by electronically sending to the
 15 Bureau a fax copy of their actual signature as they appear on
 16 the Stipulation and Agreement, that receipt of the faxed copy by
 17 the Bureau shall be as binding on Respondents as if the Bureau
 18 had received the original signed Stipulation and Agreement.

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11-13
12:00 pm


 JOHN MATTHEW SOLARE Respondent

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PAGE 02/03

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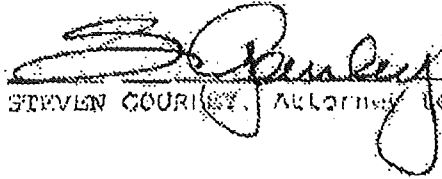
SCHEID FINANCIAL INCORPORATED
BY: JOHN MATTHEW SOBRERO

12:00 pm

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

DATED: Nov. 1, 2013


STEVEN COURLET, Attorney for Respondents

The foregoing stipulation and agreement is hereby adopted as my Decision in this matter and shall become effective at 12 o'clock noon on _____.

IT IS SO ORDERED _____

REAL ESTATE COMMISSIONER

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DATED: _____

SOLARO FINANCIAL INCORPORATED
By: JOHN MATTHEW SOLARO

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

DATED: _____

STEVEN GOURLEY, Attorney for Respondents

* * *

The foregoing Stipulation and Agreement is hereby
adopted as my Decision in this matter and shall become effective

at 12 o'clock noon on AUG 14 2014.

IT IS SO ORDERED JUL 21 2014.

REAL ESTATE COMMISSIONER



By: JEFFREY MASON
Chief Deputy Commissioner