

FILED

APR 20 2021

DEPT. OF REAL ESTATE

By



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

9 BEFORE THE DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of

No. H-41659 LA

13 SARINANA, INC. dba Century 21 A Better
Service Realty;

14 DAVID SARINANA, individually and as
designated officer of Sarinana, Inc.;

15 ROMAN ARIEL MEZA; and

16 CARLOS ALBERTO OTERO,

17 Respondents.

18 STIPULATION AND
19 AGREEMENT FOR
20 SARINANA, INC. AND
21 DAVID SARINANA

22 It is hereby stipulated by and between Respondents SARINANA, INC. ("SI") and
23 DAVID SARINANA ("D. SARINANA"), both represented by Andrew L. Leff, Esq., and the
24 Complainant, acting by and through Diane Lee, Counsel for the Department of Real Estate, as
25 follows for the purpose of settling and disposing of the Accusation ("Accusation") filed on or
26 about May 8, 2020, in this matter:

27 1. All issues which were to be contested and all evidence which were to be
presented by Complainant and Respondents SI and D. SARINANA at a formal hearing on the
Accusation, which hearing was to be held in accordance with the provisions of the California

1 Administrative Procedure Act ("APA"), shall instead and in place thereof be submitted solely on
2 the basis of the provisions of this Stipulation and Agreement ("Stipulation").

3 2. Respondents SI and D. SARINANA have received and read, and understand
4 the Statement to Respondent, the Discovery Provisions of the APA, and the Accusation filed by
5 the Department of Real Estate in this proceeding.

6 3. Respondents SI and D. SARINANA each filed a Notice of Defense pursuant to
7 California Government Code section 11506 for the purpose of requesting a hearing on the
8 allegations in the Accusation. Respondents SI and D. SARINANA hereby freely and voluntarily
9 withdraw said Notices of Defense. Respondents SI and D. SARINANA acknowledge that they
10 understand that by withdrawing said Notices of Defense, they thereby waive their right to require
11 the Commissioner to prove the allegations in the Accusation at a contested hearing held in
12 accordance with the provisions of the APA and that Respondents SI and D. SARINANA will
13 waive other rights afforded to them in connection with the hearing such as the right to present
14 evidence in their defense and the right to cross-examine witnesses.

15 4. This Stipulation is based on the factual allegations contained in the
16 Accusation. In the interest of expedience and economy, Respondents SI and D. SARINANA
17 choose not to contest these allegations, but to remain silent, and understand that, as a result
18 thereof, these factual allegations, without being admitted or denied, will serve as a prima facie
19 basis for the disciplinary action stipulated to herein. The Real Estate Commissioner shall not be
20 required to provide further evidence to prove said factual allegations.

21 5. This Stipulation and Respondents SI's and D. SARINANA's decision not to
22 contest the Accusation are made for the purpose of reaching an agreed disposition of this
23 proceeding, and are expressly limited to this proceeding and any other proceeding or case in
24 which the Department, the state of federal government, or an agency of this state, another state,
25 or federal government is involved, and otherwise shall not be admissible in any other criminal or
26 civil proceedings, including, but not limited to, Case No. 17STPB05671.

27 6. It is understood by the parties that the Real Estate Commissioner may adopt

1 SARINANA's license and license rights as violation of the Real Estate Law pursuant to
2 California Business and Professions Code sections 10159.2, 10177(g), and 10177(h) and Title
3 10, Chapter 6, California Code of Regulations section 2725.

4
5 ORDER

6 WHEREFORE, THE FOLLOWING ORDER is hereby made:

7 (SARINANA, INC.: SUSPENSION)

8 I.

9 All licenses and licensing rights of Respondent SI under the Real Estate Law are
10 suspended for a period of ninety (90) days from the effective date of this Decision:

11 A. Provided, however, that the initial thirty (30) days of said suspension shall be
12 stayed upon condition that:

13 1. Respondent SI pays a monetary penalty pursuant to California Business and
14 Professions Code section 10175.2 at the rate of \$100.00 per day for a monetary penalty of
15 \$3,000.00 total.

16 2. Said payment shall be in the form of a cashier's check or certified check made
17 payable to the Recovery Account of the Real Estate Fund. Said check must be received by the
18 Department of Real Estate prior to the effective date of the Decision in this matter.

19 3. No further cause for disciplinary action against the real estate license of
20 Respondent SI occurs within three (3) years from the effective date of the Decision in this matter.

21 4. If Respondent SI fails to pay the monetary penalty in accordance with the terms
22 of the Decision, the Commissioner may, without a hearing, order the immediate execution of all
23 or any part of the stayed suspension, in which event Respondent SI shall not be entitled to any
24 repayment nor credit, prorated or otherwise, for money paid to the Department of Real Estate
25 under the terms of this Decision.

26 5. If Respondent SI pays the monetary penalty and if no further cause for
27 disciplinary action against the real estate license of Respondent SI occurs within three (3) years

1 from the effective date of the Decision, the stay hereby granted shall become permanent.

2 B. The remaining sixty (60) days of the ninety (90) day suspension shall be stayed
3 for three (3) years upon the following terms and conditions:

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

6 2. That no final subsequent determination be made after hearing or upon
7 stipulation, that cause for disciplinary action occurred within three (3) years from the effective
8 date of this Decision. Should such a determination be made, the Commissioner may, in his
9 discretion, vacate, and set aside the stay order and re-impose all or a portion of the stayed
10 suspension. Should no such determination be made, the stay imposed herein shall become
11 permanent.

12
13 (DAVID SARINANA: SUSPENSION)

14 II.

15 All licenses and licensing rights of Respondent D. SARINANA under the Real
16 Estate Law are suspended for a period of ninety (90) days from the effective date of this
17 Decision:

18 A. Provided, however, that the initial thirty (30) days of said suspension shall be
19 stayed upon condition that:

20 1. Respondent D. SARINANA pays a monetary penalty pursuant to California
21 Business and Professions Code section 10175.2 at the rate of \$100.00 per day for a monetary
22 penalty of \$3,000.00 total.

23 2. Said payment shall be in the form of a cashier's check or certified check made
24 payable to the Recovery Account of the Real Estate Fund. Said check must be received by the
25 Department of Real Estate prior to the effective date of the Decision in this matter.

26 3. No further cause for disciplinary action against the real estate license of
27 Respondent D. SARINANA occurs within three (3) years from the effective date of the Decision

1 in this matter.

2 4. If Respondent D. SARINANA fails to pay the monetary penalty in accordance
3 with the terms of the Decision, the Commissioner may, without a hearing, order the immediate
4 execution of all or any part of the stayed suspension, in which event Respondent D. SARINANA
5 shall not be entitled to any repayment nor credit, prorated or otherwise, for money paid to the
6 Department of Real Estate under the terms of this Decision.

7 5. If Respondent D. SARINANA pays the monetary penalty and if no further
8 cause for disciplinary action against the real estate license of Respondent SI occurs within three
9 (3) years from the effective date of the Decision, the stay hereby granted shall become
10 permanent.

11 B. The remaining sixty (60) days of the ninety (90) day suspension shall be stayed
12 for three (3) years upon the following terms and conditions:

13 1. Respondent D. SARINANA shall obey all laws, rules, and regulations
14 governing the rights, duties, and responsibilities of a real estate licensee in the State of
15 California; and

16 2. That no final subsequent determination be made after hearing or upon
17 stipulation, that cause for disciplinary action occurred within three (3) years from the effective
18 date of this Decision. Should such a determination be made, the Commissioner may, in his
19 discretion, vacate, and set aside the stay order and re-impose all or a portion of the stayed
20 suspension. Should no such determination be made, the stay imposed herein shall become
21 permanent.

22 3. Respondent D. SARINANA shall notify the Commissioner in writing within
23 72 hours of any arrest by sending a certified letter to the Commissioner at the Department of
24 Real Estate, P.O. Box 137013, Sacramento, CA 95813-7013. The letter shall set forth the date
25 of Respondent D. SARINANA's arrest, the crime for which Respondent D. SARINANA was
26 arrested, and the name and address of the arresting law enforcement agency. Respondent D.
27 SARINANA's failure to timely file written notice shall constitute an independent violation of

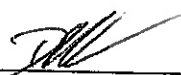
1 the terms of the restricted license and shall be grounds for the suspension or revocation of that
2 license.

3
4 (SI AND D. SARINANA: INVESTIGATION AND ENFORCEMENT COSTS)

5 III.

6 Respondents SI AND D. SARINANA shall, within thirty (30) days from the
7 effective date of this Decision and Order, pay the sum of \$5,301.00 for the Commissioner's
8 reasonable cost for investigation and enforcement which led to this disciplinary action with joint
9 and several liability. Said payment shall be in the form of a cashier's check made payable to the
10 Department of Real Estate. The investigative and enforcement costs must be delivered to the
11 Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013,
12 within six (6) months from the effective date of this Decision and Order. If the costs of
13 investigation and enforcement are not paid within six (6) months from the effective date of this
14 Decision and Order, the licenses and license rights of Respondents SI AND D. SARINANA shall
15 automatically be suspended until full payment is made.

16
17 DATED: 03/15/2021

18 
19 _____
20 DIANE LEE, Counsel for
21 Department of Real Estate

22 * * *

23 EXECUTION OF THE STIPULATION

24 I, DAVID SARINANA, individually and as designated officer of SARINANA,
25 INC., have read the Stipulation and discussed it with our attorney, Andrew L. Leff, Esq. Its
26 terms are understood by SI and me, and are agreeable and acceptable to SI and me. I understand
27 that SI and I are waiving rights given to SI and me by the California APA (including, but not
limited to, California Government Code sections 11506, 11508, 11509, and 11513), and SI and I
willingly, intelligently, and voluntarily waive those rights, including, but not limited to, the right

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

5 MAILING AND FACSIMILE

6 Respondents SI AND D. SARINANA (1) shall mail the original signed signature
7 page of this Stipulation herein to Department of Real Estate, Attention: Legal Section – Diane
8 Lee, 320 West Fourth Street, Suite 350, Los Angeles, California 90013-1105. Respondents SI
9 AND D. SARINANA shall also (2) facsimile a copy of signed signature page, to the Department
10 of Real Estate at the following telephone/fax number: (213) 576-6917, Attention: Diane Lee.

11 A facsimile constitutes acceptance and approval of the terms and conditions of
12 this Stipulation. Respondents SI AND D. SARINANA agree, acknowledge, and understand that
13 by electronically sending to the Department of Real Estate a facsimile copy of the actual
14 signature of D. SARINANA, individually and as designated officer of SI, as it appears on the
15 Stipulation that receipt of the facsimile copy by the Department of Real Estate shall be as binding
16 on Respondents SI AND D. SARINANA as if the Department of Real Estate had received the
17 original signed Stipulation.

18
19 DATED: 03-12-2021



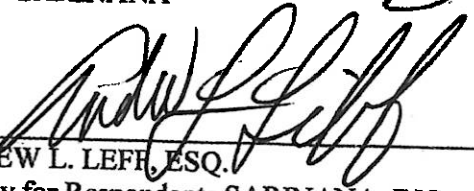
SARINANA, INC., by David Sarinana (designated officer)

20
21 DATED: 03-12-2021



DAVID SARINANA

22
23
24 DATED: 3-12-21



ANDREW L. LEFF, ESQ.
Attorney for Respondents SARINANA, INC. and DAVID
SARINANA

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The foregoing Stipulation and Agreement is hereby adopted as my Decision as to Respondents SARINANA, INC. and DAVID SARINANA, and shall become effective at 12 o'clock noon on May 20, 2021

IT IS SO ORDERED 4.12.21, 2021.

DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER

Douglas R. McCauley