

FILED

DEC 07 2022

DEPT. OF REAL ESTATE

By _____

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

4 Telephone: (213) 576-6982

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7
8 **BEFORE THE DEPARTMENT OF REAL ESTATE**

9 **STATE OF CALIFORNIA**

10 * * *

11 In the Matter of the Accusation of) No. H-42134 LA
12 TRILLIANT;)
13 CHRISTIAN ALEXANDER MARDELLI,) STIPULATION AND
14 individually and as designated officer of) AGREEMENT FOR
15 Trilliant; and) CHRISTIAN ALEXANDER
16 MASSIEH SAYED HASHIMI, individually) MARDELLI
17 and as designated officer of Trilliant,)
18 Respondents.)

19 It is hereby stipulated by and between Respondents CHRISTIAN ALEXANDER
20 MARDELLI (“MARDELLI”), individually and as designated officer of Trilliant, represented
21 by Frank Buda, Esq., and the Complainant, acting by and through Diane Lee, Counsel for
22 the Department of Real Estate, as follows for the purpose of settling and disposing of the First
23 Amended Accusation filed on or about May 4, 2022, in this matter:

24 1. All issues which were to be contested and all evidence which were to be
25 presented by Complainant and Respondent MARDELLI at a formal hearing on the Accusation,
26 which hearing was to be held in accordance with the provisions of the California Administrative
27

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

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

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

15 4. This Stipulation is based on the factual allegations contained in the First
16 Amended Accusation. In the interest of expedience and economy, Respondent MARDELLI
17 chooses 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. It is understood by the parties that the Real Estate Commissioner may adopt
22 this Stipulation as his Decision in this matter thereby imposing the penalties and sanctions on
23 the real estate license(s) and license rights of Respondent MARDELLI as set forth in the
24 below "Order." In the event that the Commissioner in his discretion does not adopt this
25 Stipulation, it shall be void and of no effect, and Respondent MARDELLI shall retain the right to
26 a hearing and proceeding on the Accusation under the provisions of the APA and shall not be
27 bound by this Stipulation herein.

1 6. The Order or any subsequent Order of the Real Estate Commissioner made
2 pursuant to this Stipulation herein shall not constitute an estoppel, merger, or bar to any further
3 administrative or civil proceedings by the Department of Real Estate with respect to any matters
4 which were not specifically alleged to be causes for Accusation in this proceeding, but do
5 constitute a bar, estoppel, and merger as to any allegations specifically and actually contained in
6 the First Amended Accusation against Respondent MARDELLI herein.

7 7. Respondent MARDELLI understands that by agreeing to this Stipulation,
8 Respondent MARDELLI agrees to pay, pursuant to California Business and Professions Code
9 section 10106, half the cost of the investigation and enforcement. Half the cost of investigation
10 and enforcement is \$1,946.20. (Cost of investigation and enforcement is \$3,892.40.)

11 8. Respondent MARDELLI understands that by agreeing to this
12 Stipulation, Respondent MARDELLI agrees to pay, pursuant to California Business and
13 Professions Code section 10148, one-third of the cost of the audits which led to this disciplinary
14 action. One-third of amount of the original audit (LA200109) is \$3,340.83. (The amount of the
15 original audit costs is \$10,022.50.)

16
17 DETERMINATION OF ISSUES

18 By reason of the foregoing, it is stipulated and agreed that the following
19 determination of issues shall be made:

20 The conduct, acts, or omissions of Respondent MARDELLI, as described in the
21 First Amended Accusation and Paragraph 4, above, are a basis for discipline of Respondent
22 MARDELLI's license(s) and license rights pursuant to California Business and Professions
23 Code section 10145 and Title 10, Chapter 6 of the California Code of Regulations, sections 2831
24 and 2832.

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1 ORDER

2 WHEREFORE, THE FOLLOWING ORDER is hereby made:

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4 (SUSPENSION)

5 I.

6 All license(s) and licensing rights of Respondent MARDELLI under the Real
7 Estate Law are suspended for a period of fifteen (15) days from the effective date of this
8 Decision; provided, however, fifteen (15) days shall be stayed for two (2) years upon the
9 following terms and conditions:

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

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

18
19 (INVESTIGATION AND ENFORCEMENT COSTS)

20 III.

21 Respondent MARDELLI shall, within thirty (30) days from the effective date of
22 this Decision and Order, pay the sum of \$1,946.20 toward the Commissioner's reasonable cost
23 for investigation and enforcement which led to this disciplinary action. Said payment shall be in
24 the form of a cashier's check made payable to the Department of Real Estate. The investigative
25 and enforcement costs must be delivered to the Department of Real Estate, Flag Section at P.O.
26 Box 137013, Sacramento, CA 95813-7013, within thirty (30) days from the effective date of this
27 Decision and Order. If the costs of investigation and enforcement are not paid within thirty (30)

1 days from the effective date of this Decision and Order, the license(s) and license rights of
2 Respondent MARDELLI shall automatically be suspended until full payment is made.

3
4 (AUDIT COSTS)

5 IV.


6 Pursuant to California Business and Professions Code section 10148, Respondent
7 MARDELLI shall pay \$3,340.83 toward the Commissioner's reasonable cost of audit which led
8 to this disciplinary action. Respondent MARDELLI shall pay this \$3,340.83 within thirty (30)
9 days of receiving an invoice therefore from the Commissioner. Payment of audit costs should
10 not be made until Respondent MARDELLI receives the invoice. If Respondent MARDELLI
11 fails to satisfy this condition in a timely manner as provided for herein, the real estate license(s)
12 and license rights of Respondent MARDELLI shall automatically be suspended until payment is
13 made in full, or until a decision providing otherwise is adopted following a hearing held pursuant
14 to this condition.

15
16 (TRUST FUND COURSE)

17 V.

18 Respondent MARDELLI shall, within three (3) months from the effective date of
19 this Decision and Order, provide proof satisfactory to the Commissioner, of having taken and
20 successfully completed the continuing education course on trust fund accounting and handling
21 specified in California Business and Professions Code section 10170.5(a)(3). Proof of
22 satisfaction of this requirements includes evidence that Respondent MARDELLI has
23 successfully completed the trust fund account and handling continuing education courses, no
24 earlier than 120 days prior to the effective date of the Decision and Order in this matter. Proof of
25 completion of the trust fund accounting and handling course must be delivered to the Department
26 of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013 or by fax
27 at (916) 263-8758, within three (3) months from the effective date of this Decision and Order.

1 DATED: 11/09/2022


2 DIANE LEE,
3 Counsel for Department of Real Estate

4 * * *

5 EXECUTION OF THE STIPULATION

6 I, CHRISTIAN ALEXANDER MARDELLI, have read the Stipulation and
7 discussed it with my attorney, Frank Buda, Esq. Its terms are understood by me, and are
8 agreeable and acceptable to me. I understand that I am waiving rights given to me by the
9 California APA (including, but not limited to, California Government Code sections 11506,
10 11508, 11509, and 11513), and I willingly, intelligently, and voluntarily waive those rights,
11 including, but not limited to, the right of requiring the Commissioner to prove the allegations in
12 the First Amended Accusation at a hearing at which I would have the right to cross-examine
13 witnesses against me and to present evidence in defense and mitigation of the charges.


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15 MAILING AND E-MAIL

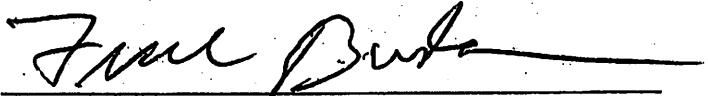
16 Respondent MARDELLI shall mail the original signed signature page of
17 this Stipulation herein to Department of Real Estate, Attention: Legal Section – Diane Lee, 320
18 West Fourth Street, Suite 350, Los Angeles, California 90013-1105.

19 In the event of time constraints before an administrative hearing, Respondent
20 MARDELLI can signify acceptance and approval of the terms and conditions of this Stipulation
21 and Agreement by emailing a scanned copy of the signature page, as actually signed by
22 Respondent MARDELLI, to the Department counsel assigned to this case. Respondent
23 MARDELLI agrees, acknowledges, and understands that by electronically sending the
24 Department a scan of Respondent MARDELLI's actual signature as it appears on the Stipulation
25 and Agreement that receipt of the scan by the Department shall be binding on Respondent
26 MARDELLI as if the Department had received the original signed Stipulation.

1 Respondents MARDELLI's signature below constitute acceptance and approval
2 of the terms and conditions of this Stipulation. Respondent MARDELLI agrees, acknowledges,
3 and understands that by signing this Stipulation, Respondent MARDELLI is bound by its terms
4 as of the date of such signatures and that this agreement is not subject to rescission or
5 amendment at a later date except by a separate Decision and Order of the Real Estate
6 Commissioner.

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8 DATED: 11/8/22


CHRISTIAN ALEXANDER MARDELLI

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11 DATED: 11-9-22 

FRANK BUDA, ESQ.
Attorney for Respondent CHRISTIAN ALEXANDER
MARDELLI
Approved as to Form

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14 * * *

15 The foregoing Stipulation and Agreement is hereby adopted as my Decision as to
16 Respondents CHRISTIAN ALEXANDER MARDELLI, and shall become effective at 12
17 o'clock noon on _____.

18 IT IS SO ORDERED _____

19
20 DOUGLAS R. McCAULEY
21 REAL ESTATE COMMISSIONER
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1 Respondents MARDELLI's signature below constitute acceptance and approval
2 of the terms and conditions of this Stipulation. Respondent MARDELLI agrees, acknowledges,
3 and understands that by signing this Stipulation, Respondent MARDELLI is bound by its terms
4 as of the date of such signatures and that this agreement is not subject to rescission or
5 amendment at a later date except by a separate Decision and Order of the Real Estate
6 Commissioner.

7
8 DATED: _____
9 CHRISTIAN ALEXANDER MARDELLI

10
11 DATED: _____
12 FRANK BUDA, ESQ.
13 Attorney for Respondent CHRISTIAN ALEXANDER
14 MARDELLI
15 *Approved as to Form*

16 * * *

17 The foregoing Stipulation and Agreement is hereby adopted as my Decision as to
18 Respondents CHRISTIAN ALEXANDER MARDELLI, and shall become effective at 12
19 o'clock noon on December 27, 2022.

20 IT IS SO ORDERED 12.27.22.

21 DOUGLAS R. McCAULEY
22 REAL ESTATE COMMISSIONER

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