Department of Real Estate 320 W. 4th Street, Suite 350 Los Angeles, CA 90013-1105 Telephone: (213) 576-6982



OCT 0 5 2023 **DEPT. OF REAL ESTATE** 

# BEFORE THE DEPARTMENT OF REAL ESTATE

#### STATE OF CALIFORNIA

11

12

10

2

3

4

5

6

7

8

9

for XQB Management, Inc.;

XQB Management, Inc.;

KEITH STEVEN MYERS, individually and as former designated officer for

Respondents.

13 14

15

16 17

18

19 20

21

22

23

24

25

26

27

In the Matter of the Accusation of DRE No. H-42326 LA OAH No. 2022050353 XQB MANAGEMENT, INC.; PATRICIA ANN PETRALIA. individually and as designated officer

STIPULATION AND AGREEMENT IN SETTLEMENT AND ORDER

It is hereby stipulated by and between Respondents XQB MANAGEMENT, INC.; PATRICIA ANN PETRALIA, individually and as Designated Officer of XQB Management, Inc.; and KEITH STEVEN MYERS, individually and as former Designated

Officer for XQB Management, Inc. (sometimes collectively referred to as "Respondents"), acting

by and through their attorney, Mary E. Work, Esq., and the Complainant, acting by and through

Kathy Yi, Counsel for the Department of Real Estate, as follows for the purpose of settling and

disposing of the Accusation ("Accusation") filed on January 27, 2023, in this matter:

1. All issues which were to be contested and all evidence which was to be

- 2. Respondents have received, read and understand the Statement to Respondent,
  - ("Department") in this proceeding.
- 3. Respondents filed a Notice of Defense pursuant to Section 11506 of the Government Code for the purpose of requesting a hearing on the allegations in the Accusation. Respondents hereby freely and voluntarily withdraw said Notice of Defense. Respondents acknowledge that they understand that by withdrawing said Notice of Defense they thereby waive their right to require the Commissioner to prove the allegations in the Accusation at a contested hearing held in accordance with the provisions of the APA and that they will waive other rights afforded to them in connection with the hearing such as the right to present evidence in their defense, and the right to cross-examine witnesses.

the Discovery Provisions of the APA and the Accusation filed by the Department of Real Estate

- 4. This Stipulation is based on the factual allegations contained in the Accusation filed in this proceeding. In the interest of expedience and economy, Respondents choose not to contest these factual allegations, but to remain silent and understand that, as a result thereof, these factual statements, will serve as a prima facie basis for the disciplinary action stipulated to herein. The Real Estate Commissioner shall not be required to provide further evidence to prove such allegations.
- 5. This Stipulation is made for the purpose of reaching an agreed disposition of this proceeding and is expressly limited to this proceeding and not any other proceeding or case in which the Department, or another licensing agency of this state, another state, or the federal government is involved, and otherwise shall not be admissible in any criminal or civil proceeding.
  - 6. It is understood by the parties that the Real Estate Commissioner may adopt

forth in the Accusation, are in violation of Code section 10159.2 and Regulation section 2725

The conduct, acts or omissions of Respondent KEITH STEVEN MYERS, as set

26

	il entre de la companya de la compa
1	and are a basis for discipline of Respondent KEITH STEVEN MYERS's licenses and licensing
2	rights pursuant to Code sections 10177(d), 10177(g), and/or 10177(h).
3	<u>ORDER</u>
4	WHEREFORE, THE FOLLOWING ORDER is hereby made:
5	(XQB MANAGEMENT, INC.)
6	I. STAYED SUSPENSION OF REAL ESTATE LICENSE
7	All licenses and licensing rights of Respondent XQB MANAGEMENT, INC.
8	under the Real Estate Law are suspended for a period of sixty (60) days from the effective date
9	of this Decision; provided, however, that:
10	A. The initial thirty (30) days of said suspension shall be stayed upon the
11	following terms and conditions:
12	1. Respondent XQB MANAGEMENT, INC. shall pay a monetary
13	penalty, pursuant to Code section 10175.2, at the rate of \$100.00 per day for each of the thirty
14	(30) days of suspension for a total monetary penalty of \$3,000.00.
15	2. Said payment shall be in the form of a cashier's check made
16	payable to the Department of Real Estate. Said check must be delivered to the Department of
17	Real Estate, Flag Section, P.O. Box 137013, Sacramento, CA 95813-7013, prior to the
18	effective date of this Decision and Order.
19	3. No further cause for disciplinary action against the real estate
20	license of Respondent XQB MANAGEMENT, INC. occurs within two (2) years from the
21	effective date of the Decision in this matter.
22	4. If Respondent XQB MANAGEMENT, INC. fails to pay the
23	monetary penalty in accordance with the terms and conditions of the Decision and Order, the
24	suspension shall go into effect automatically. Respondent XQB MANAGEMENT, INC. shall
25	not be entitled to any repayment nor credit, prorated or otherwise, for money paid to the
26	Department under the terms of this Decision and Order.
27	

INC.' real estate licenses shall automatically be suspended until payment is made in full, or until

a decision proving otherwise is adopted following a hearing pursuant to this condition.

2 ||

Pursuant to Code section 10148, Respondent XQB MANAGEMENT, INC. shall, jointly and severally with Respondents PATRICIA ANN PETRALIA and KEITH STEVEN MYERS, pay the Commissioner's reasonable costs for the audit which led to this disciplinary action in the amount of \$28,159.66. Respondents shall pay such costs within sixty (60) days of receiving an invoice therefor from the Commissioner. Payment of the audit costs should not be made until Respondents receive the invoice. If Respondent XQB MANAGEMENT, INC. fails to satisfy this condition in a timely manner as provided for herein, Respondent XQB MANAGEMENT, INC.'s real estate licenses shall automatically be suspended until payment is made in full, or until a decision providing otherwise is adopted following a hearing held pursuant to this condition.

III. AUDIT COSTS

### IV. SUBSEQUENT AUDIT COSTS

Pursuant to Code section 10148, Respondent XQB MANAGEMENT, INC. shall pay the Commissioner's reasonable costs, not to exceed \$35,199.58, for a subsequent audit to determine if Respondent XQB MANAGEMENT, INC. has corrected the violations found in the Determination of Issues. In calculating the amount of the Commissioner's reasonable costs, the Commissioner may use the estimated average hourly salary for all persons performing audits of real estate brokers, and shall include an allocation for travel time to and from the auditor's place of work. Respondent XQB MANAGEMENT, INC. shall pay such costs within sixty (60) days of receiving an invoice therefor from the Commissioner. If Respondent XQB MANAGEMENT, INC. fails to satisfy this condition in a timely manner as provided for herein, Respondent XQB MANAGEMENT, INC.'s real estate licenses shall automatically be suspended until payment is made in full, or until a decision providing otherwise is adopted following a hearing held pursuant to this condition.

27 || ///

///

### 

# 

# 

### 

# 

# 

## 

# 

# 

## 

# 

### 

# 

# 

# 

# 

### 

# 

## 

///

### (PATRICIA ANN PETRALIA)

### I. STAYED SUSPENSION OF REAL ESTATE LICENSE

All licenses and licensing rights of Respondent PATRICIA ANN PETRALIA under the Real Estate Law are suspended for a period of **sixty (60) days** from the effective date of this Decision; provided, however, that:

- A. The initial thirty (30) days of said suspension shall be stayed upon the following terms and conditions:
- 1. Respondent PATRICIA ANN PETRALIA shall pay a monetary penalty, pursuant to Code section 10175.2, at the rate of \$100.00 per day for each of the thirty (30) days of suspension for a total monetary penalty of \$3,000.00.
- 2. Said payment shall be in the form of a cashier's check made payable to the Department of Real Estate. Said check must be delivered to the Department of Real Estate, Flag Section, P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this Decision and Order.
- 3. No further cause for disciplinary action against the real estate license of Respondent PATRICIA ANN PETRALIA occurs within two (2) years from the effective date of the Decision in this matter.
- 4. If Respondent PATRICIA ANN PETRALIA fails to pay the monetary penalty in accordance with the terms and conditions of the Decision and Order, the suspension shall go into effect automatically. Respondent PATRICIA ANN PETRALIA shall not be entitled to any repayment nor credit, prorated or otherwise, for money paid to the Department under the terms of this Decision and Order.
- 5. If Respondent PATRICIA ANN PETRALIA pays the monetary penalty and if no further cause for disciplinary action occurs within two (2) years from the effective date of the Decision, the entire stay hereby granted pursuant to this Decision and Order shall become permanent.

#### I. STAYED SUSPENSION OF REAL ESTATE LICENSE

All licenses and licensing rights of Respondent KEITH STEVEN MYERS under the Real Estate Law are suspended for a period of sixty (60) days from the effective date of this Decision; provided, however, that:

- A. The initial thirty (30) days of said suspension shall be stayed upon the following terms and conditions:
  - 1. Respondent KEITH STEVEN MYERS shall pay a monetary penalty,

22

23

24

25

portion of the stayed suspension. Should no such determination be made under this section, the stay imposed herein shall become permanent.

### II. <u>INVESTIGATION AND ENFORCEMENT COSTS</u>

Respondent KEITH STEVEN MYERS shall pay, jointly and severally with Respondents XQB MANAGEMENT, INC. and PATRICIA ANN PETRALIA, the sum of \$10,793.05, which is the Commissioner's reasonable cost of the investigation (\$9,245.05) and enforcement (\$1,548.00) that led to this disciplinary action. Said payment shall be in the form of a cashier's check made payable to the Department of Real Estate. The investigative and enforcement costs must be delivered to the Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this Decision and Order. Payment of investigation and enforcement costs should not be made until the Stipulation has been approved by the Commissioner. If Respondent KEITH STEVEN MYERS fails to satisfy this condition in a timely manner as provided for herein, Respondent KEITH STEVEN MYERS' real estate license shall automatically be suspended until payment is made in full, or until a decision proving otherwise is adopted following a hearing pursuant to this condition.

#### III. AUDIT COSTS

Pursuant to Code section 10148, Respondent KEITH STEVEN MYERS shall, jointly and severally with Respondents XQB MANAGEMENT, INC. and PATRICIA ANN PETRALIA, pay the Commissioner's reasonable costs for the audit which led to this disciplinary action in the amount of \$28,159.66. Respondents shall pay such costs within sixty (60) days of receiving an invoice therefor from the Commissioner. Payment of the audit costs should not be made until Respondents receive the invoice. If Respondent KEITH STEVEN MYERS fails to satisfy this condition in a timely manner as provided for herein, Respondent KEITH STEVEN MYERS' real estate licenses shall automatically be suspended until payment is made in full, or until a decision providing otherwise is adopted following a hearing held pursuant to this condition.

1///

### IV. PROFESSIONAL RESPONSIBILITY EXAMINATION

Respondent KEITH STEVEN MYERS shall, within six (6) months from the effective date of this Decision and Order, present evidence satisfactory to the Real Estate Commissioner that he has, since the most recent issuance of an original or renewal real estate license, taken and successfully passed the Professional Responsibility Examination administered by the Department of Real Estate. If Respondent KEITH STEVEN MYERS fails to satisfy this condition, Respondent KEITH STEVEN MYERS' real estate license shall be automatically suspended until he presents evidence satisfactory to the Commissioner of having taken and successfully passing the Professional Responsibility Examination. Proof of completing and passing the Professional Responsibility Examination must be delivered to the Department of Real Estate, Flag Section, P.O. Box 137013, Sacramento, CA 95813-7013.

DATED: August 29, 2023

Kathy Yi, Counsel for Department of Real Estate

. .

### **EXECUTION OF THE STIPULATION**

Respondents have read the Stipulation, have discussed it with their counsel, and its terms are understood by Respondents and are agreeable and acceptable to Respondents. Respondents understand that Respondents are waiving rights given to them by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509 and 11513 of the Government Code), and Respondents willingly, intelligently and voluntarily waive those rights, including the right of requiring the Commissioner to prove the allegations in the Accusation at a hearing at which Respondents would have the right to cross-examine witnesses against them and to present evidence in defense and mitigation of the charges.

Respondents agree, acknowledge, and understand that Respondents cannot rescind or amend this Stipulation and Agreement. By signing this Stipulation, Respondents

27

1 understand and agree that Respondents may not withdraw Respondents' agreement or seek to rescind the Stipulation prior to the time the Commissioner considers and acts upon it or prior to 3 the effective date of the Stipulation and Order. 4 Respondents can signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by electronically e-mailing a copy of the signature page, as actually signed by Respondents, to the Department. Respondents agree, acknowledge, and 7 understand that by electronically sending to the Department an electronic copy of Respondents' 8 actual signatures, as they appear on the Stipulation, that receipt of the emailed copy by the 9 Department shall be as binding on Respondents as if the Department had received the original 10 signed Stipulation. Alternatively, Respondents can signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by mailing the original signed Stipulation and 11 12 Agreement to: Kathy Yi, Department of Real Estate, 320 West 4th Street, Suite 350, Los 13 Angeles, California 90013-1105. 14 DocuSigned by: 8/28/2023 | 12:44 PM PDT Patricia (Patti) Petralia Dated: 15 XOB MANAGEMENT, INC. 16 Respondent Patricia (Patti) Petralia By: 17 18 8/28/2023 | 12:44 PM PDT Patricia (Patti) Petralia Dated: 19 PATRICIA ANN PETRALIA Respondent 20 21 Dated: 22 KEITH STEVEN MYERS 23 Respondent 24 25 Dated: Mary E. Work, Esq. 26 Counsel for Respondents

Approved as to Form

1 understand and agree that Respondents may not withdraw Respondents' agreement or seek to 2 rescind the Stipulation prior to the time the Commissioner considers and acts upon it or prior to 3 the effective date of the Stipulation and Order. 4 Respondents can signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by electronically e-mailing a copy of the signature page, as actually signed by Respondents, to the Department. Respondents agree, acknowledge, and 7 understand that by electronically sending to the Department an electronic copy of Respondents' 8 actual signatures, as they appear on the Stipulation, that receipt of the emailed copy by the 9 Department shall be as binding on Respondents as if the Department had received the original signed Stipulation. Alternatively, Respondents can signify acceptance and approval of the terms 10 11 and conditions of this Stipulation and Agreement by mailing the original signed Stipulation and 12 Agreement to: Kathy Yi, Department of Real Estate, 320 West 4th Street, Suite 350, Los Angeles, California 90013-1105. 13 14 15 Dated: XQB MANAGEMENT, INC. Respondent By:\_\_\_\_ 17 18 Dated: 19 PATRICIA ANN PETRALIA Respondent 20 21 8/28/2023 | 2:27 PM PDT Dated: 22 KEITH STEVEN MY SES 1CDD495 Respondent 23 24 Dated: Mary E. Work, Esq. 26 Counsel for Respondents 27 Approved as to Form

- 1	
1	understand and agree that Respondents may not withdraw Respondents' agreement or seek to
2	rescind the Stipulation prior to the time the Commissioner considers and acts upon it or prior to
3	the effective date of the Stipulation and Order.
4	Respondents can signify acceptance and approval of the terms and conditions of
5	this Stipulation and Agreement by electronically e-mailing a copy of the signature page, as
6	actually signed by Respondents, to the Department. Respondents agree, acknowledge, and
7	understand that by electronically sending to the Department an electronic copy of Respondents'
8	actual signatures, as they appear on the Stipulation, that receipt of the emailed copy by the
9	Department shall be as binding on Respondents as if the Department had received the original
10	signed Stipulation. Alternatively, Respondents can signify acceptance and approval of the terms
11	and conditions of this Stipulation and Agreement by mailing the original signed Stipulation and
12	Agreement to: Kathy Yi, Department of Real Estate, 320 West 4th Street, Suite 350, Los
13	Angeles, California 90013-1105.
14	
15	Dated:
16	XQB MANAGEMENT, INC. Respondent
17	By:
18	
19	Dated:
20	PATRICIA ANN PETRALIA Respondent
21	
22	Dated:
23	KEITH STEVEN MYERS Respondent
24	
25	8/28/2023
26	Dated: Mary E. Work, Esq.
27	Counsel for Respondents Approved as to Form

1	The foregoing Stipulation and Agreement is hereby adopted as my Decision as to
2	Respondents XQB MANAGEMENT, INC., PATRICIA ANN PETRALIA, individually and as
3	Designated Officer of XQB Management, Inc., and KEITH STEVEN MYERS, individually and
4	as former Designated Officer of XQB Management, Inc., and shall become effective at 12 o'clock noon on 0CT 2 6 2023
6	IT IS SO ORDERED 9/18/23
7	TI IS SO ORDERED
8	DOUGLAS R. McCAULEY REAL ESTATE COMMISSIONER
9	
10	
11	for Dang McConly
12	45 Daily Michaely
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
26	
27	