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

FILED
JUN 16 2011
DEPARTMENT OF REAL ESTATE
By

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of ROBERT ALAN KRASNEY and DAVID LARREA, Respondents.	NO. H-36692 LA L-2010090993 STIPULATION AND AGREEMENT

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

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

this Stipulation and Agreement.

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

3. Respondent 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. Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent acknowledges that he understands that by withdrawing said Notice of Defense he will thereby waive his 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 he will waive other rights afforded to him in connection with the hearing such as the right to present evidence in defense of the allegations in the Accusation and the right to cross-examine witnesses.

4. This Stipulation is based on the factual allegations contained in the Accusation filed in this proceeding. In the interest of expedience and economy, Respondent chooses not to contest these factual allegations, but to remain silent and understands 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 and Respondent's decision not to contest the Accusation are made for the purpose of reaching an agreed disposition of this proceeding and are expressly limited to this proceeding and any other proceeding or case in which the Department of Real Estate ("Department"), or another licensing agency of this state, another state or if the federal government is involved and otherwise shall not be admissible in any other criminal or civil proceedings.

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

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

DETERMINATION OF ISSUES

By reason of the foregoing stipulations 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:

I

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

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

I

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

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

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

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

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

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

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

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

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

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

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

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

DATED: May 16, 2011

LISSETE GARCIA
Counsel for Complainant

* * *

I have read the Stipulation and Agreement and its terms are understood by us and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509 and 11513 of the Government Code), and I 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 I would have the right to cross-examine witnesses against me and to present evidence in defense and mitigation of the charges.

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

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

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

DATED: 05-11-2011

DAVID LARREA
Respondent

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

IT IS SO ORDERED 6/6, 2011.

Barbara J. Bigby
Acting Real Estate Commissioner

SAC

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DEPARTMENT OF REAL ESTATE
By

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

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

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

LISSETE GARCIA, Counsel (SBN 211552)
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* * * * *

In the Matter of the Accusation of ROBERT ALAN KRASNEY and DAVID LARREA, Respondents.	No. H-36692 LA A C C U S A T I O N

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

1.

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

2.

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

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

3.

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

4.

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

5.

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

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6.

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

FIRST CAUSE OF ACCUSATION

(Use of Unauthorized Fictitious Business Name or Branch Office)

7.

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

8.

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

9.

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

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

10.

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

11.

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

requiring the issuance of a real estate license.

12.

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

SECOND CAUSE OF ACCUSATION

(Employment of Unlicensed Persons)

13.

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

14.

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

15.

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

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

16.

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

17.

The conduct, acts and/or omissions of Respondent KRASNEY, in employing or compensating Respondent LARREA and Robert Velasquez to conduct activities requiring a real estate license when they were not licensed under the employ of Respondent KRASNEY or licensed in any capacity by the Department is in violation of Code Section 10137 and is cause to revoke or suspend the license and license rights of Respondent KRASNEY 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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22.

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 21st day of June, 2010.

MARIA SUAREZ
Deputy Real Estate Commissioner

cc: Robert Alan Krasney
David Larrea
Maria Suarez
Sacto.