SACTO Flag

FILED

AUG 30 2011

DEPARTMENT OF REAL ESTATE
BY: Dustin Valenzi

Department of Real Estate
320 W. 4TH Street, Suite 350
Los Angeles, CA 90013-1105

Telephone: (213) 576-6982

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of REAL ESTATE DREAMHOMES INC, INTERLAKEN EQUITES, BRIAN PAUL LOPICCOLO, individually and formerly as designated officer of Real Estate Dreamhomes Inc and presently as designated officer of Interlaken Equites, MINERVA BARAL and EDILBERT G RIVERAL, Respondents.	No. H-36888 LA L-2010120192 STIPULATION AND AGREEMENT

It is hereby stipulated by and between Respondent BRIAN PAUL LOPICCOLO, represented by Steven C. Vondran, Esq. and the Complainant, acting by and through James A. Demus, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation ("Accusation") filed on October 28, 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 ("Stipulation").

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 timely 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 thereby waives the 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 his 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. In the interest of expedience and economy, Respondent chooses not to contest these

allegations, but to remain silent and understand that, as a result thereof, these factual allegations, without being admitted or denied, 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 said factual 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 any other proceeding or case in which the Department of Real Estate ("Department"), the state or federal government, or any agency of this state, another state or federal government is a party.

6. It is understood by the parties that the Real Estate Commissioner may adopt this Stipulation as her Decision in this matter thereby imposing the penalty and sanctions on Respondent's real estate license and license rights as set forth in the "Order" herein below. In the event that the Commissioner in her discretion does not adopt the Stipulation, it shall be void and of no effect and Respondent shall retain the right to a hearing and proceeding on the Accusation under 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 matters which were not specifically alleged to be causes for Accusation in this proceeding but do constitute a bar, estoppel and merger as to any allegations actually contained in the Accusation against Respondent herein.

8. Respondent understands that by agreeing to this Stipulation, Respondent agrees to pay, pursuant to Business and Professions Code Section 10148, the cost of the audit which led to this disciplinary action. The cost of said audit was $4,448.

9. Respondent has received, read, and understands the "Notice Concerning Costs of Subsequent Audit." Respondent further understands that by agreeing to this Stipulation, the findings set forth below in the Determination of Issues become final, and the Commissioner may charge Respondent for the cost of any subsequent audit conducted pursuant to Business and Professions Code Section 10148 to determine if the violations have been corrected.

DETERMINATION OF ISSUES

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

The conduct of BRIAN PAUL LOPICCOLO as described in Paragraph 4 above, is a basis for discipline of Respondent's license and license rights as violations of the Real Estate law pursuant to Business and Professions Code ("Code") Sections 10145, 10085, 10177(d), 10177(g) and 10177(h).

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

I.

All licenses and licensing rights of Respondent BRIAN PAUL LOPICCOLO under the Real Estate Law are suspended for a period of ninety (90) days from the effective date of this Decision; provided, however, that sixty (60) days of said suspension, shall be stayed for one (1) year upon the following terms and conditions:

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

2. That no final subsequent determination be 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 may, in his discretion, 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.

II.

If Respondent petitions, an additional 30 days shall be stayed upon condition that:

1. Respondent pays a monetary penalty pursuant to Section 10175.2 of the Code at the rate of $50 for each day of

the suspension for a total monetary penalty of $1,500.

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

3. No further cause for disciplinary action against the real estate license of Respondent occurs within one year from the effective date of the Decision in this matter.

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

5. If Respondent pays the monetary penalty and if no further cause for disciplinary action against the real estate license of Respondent occurs within two years from the effective date of the Decision, the stay hereby granted shall become permanent.

III.

Pursuant to Section 10148 of the Business and Professions Code, Respondent shall pay the Commissioner's reasonable cost for: a) the audit which led to this disciplinary

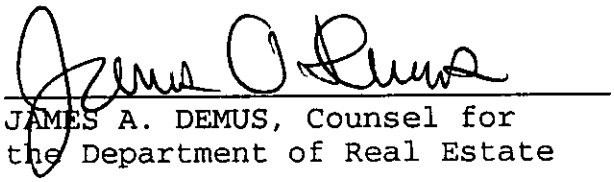
action and b) a subsequent audit to determine if Respondent has corrected the trust fund violations found in the Determination of Issues. In calculating the amount of the Commissioner's reasonable cost, the Commissioner may use the estimated average hourly salary for all persons performing audits of real estate brokers, and shall include an allocation for travel costs, including mileage, time to and from the auditor's place of work and per diem. Respondent shall pay such costs within 60 days of receiving an invoice from the Commissioner detailing the activities performed during the audit and the amount of time spent performing those activities. The Commissioner may, in his discretion, vacate and set aside the stay order, if payment is not timely made as provided for herein, or as provided for in a subsequent agreement between the Respondent and the Commissioner. The vacation and the set aside of the stay shall remain in effect until payment is made in full, or until Respondent enters into an agreement satisfactory to the Commissioner to provide for payment.

IV.

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

Respondent BRIAN PAUL LOPICCOLO's license until Respondent passes the examination.

DATED: 7/28/11



JAMES A. DEMUS, Counsel for
the Department of Real Estate

EXECUTION OF THE STIPULATION

I have read the Stipulation and discussed it with my counsel. Its terms are understood by me 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 by faxing a copy of its signature page, as actually signed by Respondent, to the Department at the following telephone/fax number: James A. Demus at (213) 576-6917. Respondent agrees, acknowledges and understands that by electronically sending to the Department a

fax copy of Respondent's actual signature as it appears on the Stipulation, 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.

DATED: July 12, 2011

BRIAN PAUL LOPICCOLO Respondent

DATED: 7/25/11

STEVEN C. VONDRAN
Attorney for Respondent

* * *

The foregoing Stipulation and Agreement is hereby adopted as my Decision as to Respondent BRIAN PAUL LOPICCOLO and shall become effective at 12 o'clock noon on SEP 19 2011, 2011.

IT IS SO ORDERED 8/26/11, 2011.

BARBARA J. BIGBY
Acting Real Estate Commissioner

SPCTO Flag

FILED

AUG 30 2011

DEPARTMENT OF REAL ESTATE
BY: Guadalupe Valencia

Department of Real Estate
320 West Fourth Street, #350
Los Angeles, California 90013

(213) 576-6982
(213) 576-6910

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of REAL ESTATE DREAMHOMES INC, INTERLAKEN EQUITES, BRIAN PAUL LOPICCOLO, individually and formerly as designated officer of Real Estate Dreamhomes Inc and presently as designated officer of Interlaken Equites, MINERVA BARAL and EDILBERT G RIVERAL, Respondents.	No. H-36888 LA L-2010120192 STIPULATION AND AGREEMENT

It is hereby stipulated by and between MINERVA BARAL (sometimes referred to as "Respondent") and her attorney of record, Steven C. Vondran, and the Complainant, acting by and through James A. Demus, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on October 28, 2010, in this matter:

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondents 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 ("Stipulation").

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. On November 8, 2010, 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 she understands that by withdrawing said Notice of Defense, she will thereby waive her 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 she will waive other rights afforded to her 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 her 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 her 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:

The conduct, acts and/or omissions of Respondent MINERVA BARAL as described in Paragraph 4, constitute cause for the suspension or revocation of all the real estate licenses and license rights of Respondent MINERVA BARAL under the provisions of Sections 10085, 10177(d) and 10177(g) of the Business and Professions Code ("Code").

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

I

A. All licenses and license rights of Respondent MINERVA BARAL under the Real Estate Law are suspended for a period of sixty (60) days from the effective date of this Decision; provided, however, that the initial thirty (30) days of said suspension shall be stayed upon the following terms and conditions:

1. Respondent pays a monetary penalty pursuant to Section 10175.2 of the Business and Professions Code at the rate of $50 for each day of the suspension for a total monetary penalty of $1,500.

2. Said payment shall be in the form of a cashier's check or certified check made payable to the Recovery Account of the Real Estate Fund. Said check must be received by the

Department prior to the effective date of the Decision in this matter.

3. No further cause for disciplinary action against the real estate license of Respondent occurs within one year from the effective date of the Decision in this matter.

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

5. If Respondent pays the monetary penalty and if no further cause for disciplinary action against the real estate license of Respondent occurs within one year from the effective date of the Decision, the stay hereby granted shall become permanent.

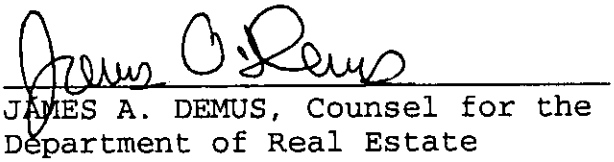
B. The remaining thirty (30) days of the sixty (60) day suspension shall be stayed for one (1) year upon the following terms and conditions:

(1) Respondent MINERVA BARAL shall obey all laws, rules and regulations governing the rights, duties and responsibilities of a real estate licensee in the State of California; and

(2) That no final subsequent determination be made after hearing or upon stipulation, that cause for disciplinary action occurred within one (1) year from the effective date of

this Decision. Should such a determination be made, the Commissioner may, in his discretion, 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.

DATED: 7/28/11



JAMES A. DEMUS, Counsel for the Department of Real Estate

* * *

I have read the Stipulation and Agreement, have discussed it with my counsel, and its terms are understood by me 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 the signature page, as actually signed by Respondent, to the Department at the following fax number: (213) 576-6917. Respondent agrees, acknowledges and understands that by

electronically sending to the Department a fax copy of her 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, Respondent's counsel can signify his agreement to the terms and conditions of the Stipulation and Agreement by submitting that signature via fax.

DATED: 7/12/11

MINERVA BIRAL
Respondent

DATED: 7/25/11

Steven C. Vondran
Attorney for Respondent

* * *

The foregoing Stipulation and Agreement is hereby adopted as my Decision and Order in this matter, and shall become effective at 12 o'clock noon on SEP 19 2011.

IT IS SO ORDERED 8/26/11, 2011.

BARBARA J. BIGBY
Acting Real Estate Commissioner

SACTO Flag

FILED

AUG 30 2011

DEPARTMENT OF REAL ESTATE
BY: Suzanne Valenzuela

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of REAL ESTATE DREAMHOMES INC, INTERLAKEN EQUITES, BRIAN PAUL LOPICCOLO, individually and formerly as designated officer of Real Estate Dreamhomes Inc and presently as designated officer of Interlaken Equites, MINERVA BARAL and EDILBERT G. RIVERAL, Respondents.	No. H-36888 LA

DECISION

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on , 2011 and the findings of fact set forth herein are based on one or more of the following: (1)EDILBERT G. RIVERAL's express admissions; (2) affidavits; and (3) other evidence.

FINDINGS OF FACT

1.

On August 4, 2010, Joseph Aiu made the Accusation in his official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statement to Respondent, and Notice of Defense were mailed by certified mail, return receipt requested, and by regular mail to EDILBERT G. RIVERAL's ("RIVERAL") last known mailing address on file with

the Department on October 28, 2010. No response has been received from RIVERAL to date.

On August 15, 2011, no Notice of Defense having been filed by RIVERAL herein within the time prescribed by Section 11506 of the Government Code, RIVERAL's default was entered herein.

2.

RIVERAL presently has license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code ("Code") as a real estate salesperson. On August 14, 2010, RIVERAL's license expired. However, the Department holds jurisdiction over the lapsed license, pursuant to Code Section 10103.

3.

In or about September 2008, RIVERAL collected advance fees for loan modification service from Clifford and Emma Overton, on behalf of Real Estate Dreamhomes Inc. This transaction constituted an advance fee agreement. Neither Real Estate Dreamhomes Inc, nor RIVERAL, had submitted this advance fee agreement to the Commissioner 10 days before using it.

DETERMINATION OF ISSUES

1.

The conduct, acts and omissions of RIVERAL, as set forth above, provide cause for the suspension or revocation of the licenses and license rights of RIVERAL pursuant to Code Sections 10085, 10177(d) and 10177(g).

2.

The standard of proof applied was clear and convincing proof to a reasonable certainty.

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ORDER

The license and license rights EDILBERT G. RIVERAL under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

This Decision shall become effective at 12 o'clock noon on SEP 19 2011.

DATED: 8/24/11.

BARBARA J. BIGBY
Acting Real Estate Commissioner

Department of Real Estate
320 West Fourth Street, Suite 350
Los Angeles, CA 90013

(213) 576-6982

FILED

AUG 15 2011

DEPARTMENT OF REAL ESTATE
BY: Laura B. Olson

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of REAL ESTATE DREAMHOMES INC, INTERLAKEN EQUITES, BRIAN PAUL LOPICCOLO, individually and formerly as designated officer of Real Estate Dreamhomes Inc and presently as designated officer of Interlaken Equites, MINERVA BARAL and EDILBERT G. RIVERAL, Respondents.	NO. H-36888 LA DEFAULT ORDER

Respondent EDILBERT G RIVERAL, having failed to file a Notice of Defense within the time required by Section 11506 of the Government Code, is now in default. It is, therefore, ordered that a default be entered on the record in this matter.

IT IS SO ORDERED August 15, 2011

BARBARA J. BIGBY
Acting Real Estate Commissioner

By: Dolores Weeks
DOLORES WEEKS
Regional Manager

SACTO FLAG

FILED

AUG 30 2011

DEPARTMENT OF REAL ESTATE
BY: Guadalupe Valencia

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of REAL ESTATE DREAMHOMES INC and INTERLAKEN EQUITES Respondent.	No. H-36888 LA

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On October 28, 2010, an Accusation was filed in this matter against Respondents REAL ESTATE DREAMHOMES INC and INTERLAKEN EQUITES .

On July 18, 2011, Respondents petitioned the Commissioner to voluntarily surrender their real estate licenses pursuant to Section 10100.2 of the Business and Professions Code.

IT IS HEREBY ORDERED that Respondents REAL ESTATE DREAMHOMES INC and INTERLAKEN EQUITES' petition for voluntary surrender of their real estate licenses is accepted as of the effective date of this Order as set forth below, based upon the understanding and agreement expressed in Respondents' Declaration dated July 18, 2011 (attached as Exhibit "A" hereto).

Respondents' license certificates, pocket cards and any branch office license certificates shall be sent to the below listed address so that they reach the Department on or before the effective date of this Order:

DEPARTMENT OF REAL ESTATE
Attn: Licensing Flag Section
P. O. Box 187000
Sacramento, CA 95818-7000

This Order shall become effective at 12 o'clock noon on SEP 19 2011.

DATED: 8/26/11.

BARBARA J BIGBY
Acting Real Estate Commissioner

"EXHIBIT A"

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of REAL ESTATE DREAMHOMES INC, INTERLAKEN EQUITES, BRIAN PAUL LOPICCOLO, individually and formerly as designated officer of Real Estate Dreamhomes Inc and presently as designated officer of Interlaken Equites, MINERVA BARAL and EDILBERT G RIVERAL, Respondents.	No. H-36888 LA

DECLARATION

My name is Brian Paul Lopiccolo and I am authorized and empowered to sign this declaration on behalf of REAL ESTATE DREAMOMES INC and INTERLAKEN EQUITIES which presently have license rights as corporate real estate brokers. I am also currently an officer of INTERLAKEN EQUITES, which is licensed as a corporate real estate broker and/or has license rights with respect to said license. REAL ESTATE DREAMHOMES INC and

INTERLAKEN EQUITES are represented in this matter by Steven C. Vondran, Attorney at Law.

In lieu of proceeding in this matter in accordance with the provisions of the Administrative Procedure Act (Sections 11400 et seq., of the Government Code) REAL ESTATE DREAMHOMES INC and INTERLAKEN EQUITES wish to voluntarily surrender their real estate licenses issued by the Department of Real Estate ("Department"), pursuant to Business and Professions Code Section 10100.2.

I understand that REAL ESTATE DREAMHOMES INC and INTERLAKEN EQUITIES, by so voluntarily surrendering their licenses, can only have them reinstated in accordance with the provisions of Section 11522 of the Government Code. I also understand that by so voluntarily surrendering their licenses, REAL ESTATE DREAMHOMES INC and INTERLAKEN EQUIRES agree to the following:

The filing of this Declaration shall be deemed as their petition for voluntary surrender. It shall also be deemed to be an understanding and agreement by REAL ESTATE DREAMHOMES INC and INTERLAKEN EQUITES that they waive all rights they have to require the Commissioner to prove the allegations contained in the Accusation filed in this matter at a hearing held in accordance with the provisions of the Administrative Procedure Act (Government Code Sections 11400 et seq.), and that they also waive other rights afforded to them in connection with the hearing such as the right to discovery, the right to present evidence in defense of the allegations in the Accusation and the

right to cross-examine witnesses. I further agree on behalf of REAL ESTATE DREAMHOMES INC and INTERLAKEN EQUITES that upon acceptance by the Commissioner, as evidenced by an appropriate order, all affidavits and all relevant evidence obtained by the Department in this matter prior to the Commissioner's acceptance, and all allegations contained in the Accusation filed in the Department Case No. H-36888 LA, may be considered by the Department to be true and correct for the purpose of deciding whether or not to grant reinstatement the licenses of REAL ESTATE DREAMHOMES INC and INTERLAKEN EQUITES, pursuant to Government Code Section 11522.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct and that I am acting freely and voluntarily on behalf of REAL ESTATE DREAMHOMES INC and INTERLAKEN EQUITES to surrender their licenses and all license rights attached thereto.

7/18/2011, Chino CA
Date and Place

REAL ESTATE DREAMHOMES INC a
and INTERLAKEN EQUITES by
BRIAN PAUL LOPICCOLO

JAMES DEMUS, Counsel (SBN 225005)
Department of Real Estate
320 West Fourth St., #350
Los Angeles, CA 90013

(213) 576-6982
(213) 576-6910 (direct)

FILED

OCT 28 2010

DEPARTMENT OF REAL ESTATE
BY: [signature]

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of REAL ESTATE DREAMHOMES INC, INTERLAKEN EQUITES, BRIAN PAUL LOPICCOLO, individually and formerly as designated officer of Real Estate Dreamhomes Inc and presently as designated officer of Interlaken Equites, MINERVA BARAL and EDILBERT G RIVERAL, Respondents.	No. H-36888 LA A C C U S A T I O N

The Complainant, Joseph Aiu, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against REAL ESTATE DREAMHOMES INC, INTERLAKEN EQUITES, BRIAN PAUL LOPICCOLO, individually and formerly as designated officer of Real Estate Dreamhomes Inc and presently as designated officer of Interlaken EQUITES, MINERVA BARAL and EDILBERT G RIVERAL is informed and alleges as follows:

///

1.

The Complainant, Joseph Aiu, a Deputy Real Estate Commissioner of the State of California, makes this Accusation in his official capacity.

2.

REAL ESTATE DREAMHOMES INC, dba Commercial Real Estate & Funding, Dreamloans Mortgage, National Funders, Reality Homes, and Serenity Realty (hereinafter "REDI") presently has license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code, hereinafter "Code"), as a corporate real estate broker. On December 4, 2009, REDI's licensed expired. Pursuant to Business and Professions Code Section 10201, REDI retains renewal rights for two years. The Department of Real Estate holds jurisdiction over the lapsed license, pursuant to Business and Professions Code Section 10103.

3.

INERLAKEN EQUITES (hereinafter "INTERLAKEN") is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code, hereinafter "Code"), as a corporate real estate broker.

4.

BRIAN PAUL LOPICCOLO (hereinafter "LOPICCOLO") is presently licensed and/or has license rights under the Real Estate Law, as a real estate broker. LOPICCOLO was the designated officer of REDI from December 5, 2005 to December 4,

2009. From February 18, 2010 through the present, LOPICCOLO has been the designated officer of INTERLAKEN.

5.

MINERVA BARAL (hereinafter "BARAL") is presently licensed and/or has license rights under the Real Estate Law, as a real estate salesperson. From December 16, 2007 to December 4, 2009, BARAL was employed by REDI. From February 3, 2010 to March 24, 2010, BARAL was employed by LOPICCOLO. From April 21, 2010 through the present BARAL has been employed by INERLAKEN.

6.

EDILBERT G RIVERAL (hereinafter "RIVERAL") is presently licensed and/or has license rights under the Real Estate Law, as a real estate salesperson. From April 20, 2007 to June 30, 2009, RIVERAL was employed by REDI.

FIRST CAUSE OF ACCUSATION

(Advance Fee Violations)

7.

REDI engaged in the business of a real estate broker in the State of California within the meaning of Code Sections 10131(d) and 10131.2, including brokering mortgage loans and performing loan modification activities and claiming, demanding, charging, receiving, collecting or contracting for the collection of an advance fee, within the meaning of Code Section 10026, including, but not limited to, the following loan modification activities with respect to loans which were secured by liens on real property.

8.

On or about July 16, 2008, Donald Frohriep (Frohriep) contacted REDI regarding a loan modification with respect to a loan secured by a lien(s) on real property located at 6460 El Dorado Avenue, Yucca Valley, CA, 92284. He talked to BARAL, who agreed to provide a loan modification if Frohriep paid a $2,000 advance fee to REDI. On or about August 1, 2008, Frohriep issued a $2,000 cashiers check to "Dream Homes Inc."

9.

On or about September 2008, Clifford and Emma Overton ("the Overtons") contacted REDI regarding a loan modification with respect to a loan secured by a lien(s) on real property located at 4414 Stay Ct., Orange, CA, 92862. They talked to RIVERAL, who agreed to provide a loan modification if the Overtons paid advance fees to REDI. After supplying several advance fee payments to REDI and RIVERAL, the Overtons were informed that their loan servicer had not been contacted by any loan modification company. RIVERAL refused to provide a copy of the loan modification agreement when it was requested by the Overtons.

10.

On or about January 15, 2009, REDI and BARAL entered into an agreement with Virginia Wenceslao("Wenceslao") to negotiate a loan modification with respect to her loan secured by a lien(s) on the real property located at 3873 Schaefer Avenue, Suite F, Chino, CA 91710, in exchange for an advance

fee payment by Wenceslao of $2,500, which Wenceslao submitted by cashier's check on January 20, 2009.

11.

On or about March 10, 2009, Alexander J. Israel ("Israel") entered into a loan modification agreement with REDI and BARAL, to negotiate a loan modification with respect to a loan secured by a lien(s) on real property located at 112 Poxon Place, West Covina, CA, 91790, in exchange for an advance fee payment by Israel of $2,500, which Israel submitted by check on March 10, 2009.

12.

On or about June 12, 2009, Rickey and Catherine Wilson (the Wilsons) were solicited by REDI regarding a loan modification for their home located at 2375 Chandler Grove Drive, Buford, GA 30519. On June 17, 2009, the Wilsons entered into an agreement with REDI in which the Wilsons agreed to pay advance fees of $2,700 in exchange for loan modification services. During June and July of 2009, the Wilsons submitted payment totaling $2,700 to REDI as advance payments.

13.

The fees collected by REDI, as described in Paragraphs 8 and 9 above, constitute advance fee agreements within the meaning of Code Section 10026. REDI failed to submit the advance fee agreements referred to in Paragraphs 8 and 9 to the Commissioner ten days before using them, in violation of Code Section 10085 and Section 2970 of Title 10, California Code of Regulations ("Regulations").

14.

On or about November 20, 2008, the Department issued a "no objection letter" for an Advance Fee Agreement submitted on behalf of REDI and LOPICCOLO on November 11, 2008. The advance fee agreements described in paragraphs 10 through 12 above were signed after issuance of the "no objection letter". However, they were not the same agreement that was submitted to the Department on November 11, 2008. All three of these advance fee agreement contained additional attachments, including a "non refundable fee" provision, which was added to the agreements described in paragraphs 10 and 11 above. Accordingly, the advance fee agreements referred to in paragraphs 10 through 12 above were not submitted to the Commissioner ten days before using them, in violation of Code Section 10085 and Regulation 2970.

SECOND CAUSE OF ACCUSATION

(Unlicensed Fictitious Business Names)

15.

Beginning at an unknown time and continuing to at least May 5, 2010, INTERLAKEN and BARAL advertised real estate services on the website http://serenityrm.com using the fictitious business name "Serenity Realty". The website also used the fictitious business name "Dream Loans Mortgage." At the time of this solicitation, INTERLAKEN had not registered either of these fictitious business names with the Department of Real Estate for the State of California ("Department"), in violation of Code Section 10159.5 and Regulation 2731.

THIRD CAUSE OF ACCUSATION

(AUDIT VIOLATIONS)

16.

On December 31, 2009, the Department completed an audit examination of the books and records of REDI pertaining to the loan activities described above which require a real estate license. The audit examination covered a period of time beginning on August 1, 2007 to August 31, 2009. The audit examination revealed violations of the Code and the Regulations as set forth in the following paragraphs, and as more fully discussed in Audit Report SD090008 and the exhibits and workpapers attached to said audit report.

17.

In the course of activities described in Paragraphs 7 through 12, above, and during the examination period described in Paragraph 16, Respondents REDI and LOPICCOLO acted in violation of the Code and the Regulations in that:

(a) They failed to maintain a written monthly reconciliation of the control record to the separate records. In addition there were unidentified funds of $520 in the trust account, in violation of Code Section 10145 and Regulation 2831.2.

(b) Some of REDI's loan files did not contain Approved Mortgage Loan Disclosure Statements that were complete and/or signed by the agents negotiating the loans, in violation of Code Section 10240 and Regulation 2840.

(c) The license numbers of REDI and the loan agents negotiating the loans were not included in four out of five loan files examined, in violation of Code Section 10236.4(b).

18.

The conduct of Respondents REDI and LOPICCOLO, described in Paragraph 17, above, violated the Code and the Regulations as set forth below:

PARAGRAPH	PROVISIONS VIOLATED
17(a)	Code Sections 10145 and Regulation 2831.2
17(b)	Code Section 10240 and Regulation 2840
17(c)	Code Section 10236.4(b)

19.

The conduct, acts and/or omissions of Respondents REDI and LOPICCOLO, as set forth in paragraphs 7 through 14 above, violates Code Section 10085 and Regulation 2970, and is cause for the suspension or revocation of the licenses and license rights of Respondents REDI and LOPICCOLO pursuant to Code Sections 10085, 10177(d) and/or 10177(g).

20.

The conduct, acts and/or omissions of Respondent BARAL, as set forth in paragraphs 8, 10, 11, 13 and 14, is in violation of Code Sections 10085 and Regulation 2970, providing cause for the suspension or revocation of the licenses and

license rights of Respondent BARAL pursuant to Code Sections 10085, 10177(d) and/or 10177(g).

21.

The conduct, acts and/or omissions of Respondent RIVERAL, as set forth in paragraphs 9 and 13, is in violation of Code Section 10085 and Regulation 2970, providing cause for the suspension or revocation of the licenses and license rights of Respondent RIVERAL pursuant to Code Sections 10085, 10177(d) and/or 10177(g).

22.

The conduct, acts and/or omissions of Respondents INTERLAKEN and LOPICCOLO, as set forth in paragraph 15 above, is in violation of Code Section 10159.5 and Regulation 2731, providing cause for the suspension or revocation of the licenses and license rights of Respondent REDI and LOPICCOLO pursuant to Code Sections 10177(d) and/or 10177(g).

23.

The violations set forth in paragraphs 16, 17 and 19 above constitute cause for the suspension or revocation of the real estate license and license rights of REDI and LOPICCOLO, under the provisions of Code Sections 10177(d) and/or 10177(g).

FOURTH CAUSE OF ACCUSATION

Supervision and Compliance

24.

The overall conduct of Respondent LOPICCOLO constitutes a failure on his part, as officer designated by a corporate broker licensee, to exercise the reasonable

supervision and control over the licensed activities of REDI and INTERLAKEN, as required by Code Section 10159.2, and to keep REDI and INTERLAKEN in compliance with the Real Estate Law, and is cause for the suspension or revocation of the real estate license and license rights of LOPICCOLO pursuant to the provisions of Code Sections 10177(d), 10177(g) and 10177(h).

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 the licenses and license rights of Respondents REAL ESTATE DREAMHOMES INC, INTERLAKEN EQUITES, BRIAN PAUL LOPICCOLO, individually and formerly as designated officer of Real Estate Dreamhomes Inc and presently as designated officer of Interlaken Equites, MINERVA BARAL and EDILBERT G RIVERAL under the Real Estate Law, and for such other and further relief as may be proper under other applicable provisions of law.

Dated at San Diego, California

this 4 day of August, 2010.

Joseph Aiu
Deputy Real Estate Commissioner

cc: Real Estate Dreamhomes Inc.
Interlaken Equites
Brian Paul Lopiccolo
Minerva Baral
Edilbert G. Riveral
Joseph Aiu
Sacto.