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FLAG

**FILED**

**AUG 28 2013**

**BUREAU OF REAL ESTATE**

By *Norma Simms*

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BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of )	
EZEQUIEL MARTIN PALOMINO )	NO. H-37289 LA
Respondent )	

ORDER SUSPENDING REAL ESTATE LICENSE

TO: EZEQUIEL MARTIN PALOMINO, Respondent  
1315 N. Tustin Ave., Suite 1159  
Orange, CA 92867

On August 2, 2012, Respondent's license and licensing rights were suspended for a period of ninety (90) days, subject to the terms, conditions and restrictions set forth in the Stipulation and Agreement filed July 13, 2012, in Case No. H-37289 LA. This Stipulation became effective at 12 o'clock noon on August 2, 2012, and provided that the 90-day suspension

1 would be stayed for a period of one (1) year upon certain terms  
2 and conditions.

3           Among those terms, conditions and restrictions, the  
4 failure of which the Real Estate Commissioner may by appropriate  
5 order suspend the right to exercise any privileges granted under  
6 his license are the requirements that:

7           3. Respondent shall, within six months from the  
8 effective date of this Decision, take and pass the  
9 Professional Responsibility Examination administered  
10 by the Bureau including the payment of the appropriate  
11 examination fee. If Respondent fails to satisfy this  
12 condition, the Commissioner may order suspension of  
13 Respondent's license until Respondent passes the  
14 examination.

15           4. Respondent shall, within nine months from the  
16 effective date of this Decision, present evidence  
17 satisfactory to the Real Estate Commissioner that  
18 Respondent has, since the most recent issuance of an  
19 original or renewal real estate license, taken and  
20 successfully completed the continuing education  
21 requirements of Article 2.5 of Chapter 3 of the Real  
22 Estate Law for renewal of a real estate license. If  
23 Respondent fails to satisfy this condition, the  
24 Commissioner may order the suspension of the  
25 Respondent's license until Respondent presents such  
26 evidence. The Commissioner shall afford Respondent  
27 the opportunity for a hearing pursuant to the  
Administrative Procedures Act to present such  
evidence.

          The Commissioner has determined that as of May 2,  
2013, Respondent has failed to satisfy one or more of these  
conditions.

///

1 NOW, THEREFORE, IT IS ORDERED under authority of the  
2 Order issued in this matter that the real estate salesperson  
3 license heretofore issued to Respondent and the exercise of any  
4 privileges thereunder is hereby suspended until such time as  
5 Respondent provides proof satisfactory to the Bureau of Real  
6 Estate of compliance with both of the "conditions" referred to  
7 above, or pending final determination made after hearing (see  
8 "Hearing Rights" set forth below).

9  
10 IT IS FURTHER ORDERED that all license certificates  
11 and identification cards issued by Bureau of Real Estate  
12 (formerly Bureau of Real Estate) which are in the possession of  
13 Respondent be immediately surrendered by personal delivery or by  
14 mailing in the enclosed, self-addressed envelope to:

15 Bureau of Real Estate  
16 Attn: Flag Section  
17 P. O. Box 137013  
Sacramento, CA 95813-7013

18 HEARING RIGHTS: You have the right to a hearing to contest the  
19 Commissioner's determination that you are in violation of the  
20 Order issued in this matter. If you desire a hearing, you must  
21 submit a written request. The request may be in any form, as  
22 long as it is in writing and indicates that you want a hearing.  
23 Unless a written request for a hearing, signed by or on behalf  
24 of you, is delivered or mailed to the Bureau of Real Estate at  
25 320 W. 4<sup>th</sup> Street, Room 350, Los Angeles, California 90013,  
26 within 20 days after the date that this Order was mailed to or

1 served on you, the Bureau of Real Estate will not be obligated  
2 or required to provide you with a hearing.

3 This Order shall be effective immediately.

4 DATED: July 30, 2013.  
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6 REAL ESTATE COMMISSIONER

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9 Jeffrey Mason  
10 Chief Deputy Commissioner

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1 Jane Grilliot Kearl and the Complainant, acting by and through  
2 Lissete Garcia, Counsel for the Department of Real Estate  
3 ("Department"), as follows for the purpose of settling and  
4 disposing of the First Amended Accusation filed on October 20,  
5 2011, in Department Case No. H-37289 LA and the Order to Desist  
6 and Refrain filed on July 14, 2011, in Department Case No.  
7 H-37392 LA:

8           1. All issues which were to be contested and all  
9 evidence which was to be presented by Complainant and  
10 Respondents at a formal hearing on the First Amended Accusation  
11 and the Order to Desist and Refrain, which hearing was to be  
12 held in accordance with the provisions of the Administrative  
13 Procedure Act ("APA"), shall instead and in place thereof be  
14 submitted solely on the basis of the provisions of this  
15 Stipulation and Agreement ("Stipulation").

16           2. Respondents have received, read and understand the  
17 Statement to Respondent, the Discovery Provisions of the APA and  
18 the First Amended Accusation, filed by the Department of Real  
19 Estate ("Department") in this proceeding.

20           3. Respondents acknowledge receipt of the Order to  
21 Desist and Refrain in Department Case No. H-37392 LA.  
22 Respondents have filed Notices of Defense pursuant to Section  
23 11506 of the Government Code for the purpose of requesting a  
24 hearing on the allegations in the original Accusation in  
25 Department Case No. H-37289 LA. Respondents hereby freely and  
26 voluntarily withdraw said Notices of Defense. Respondents  
27 acknowledge that they understand that by withdrawing said

1 Notices of Defense they will thereby waive their right to  
2 require the Commissioner to prove the allegations in the Order  
3 to Desist and Refrain and the First Amended Accusation at a  
4 contested hearing held in accordance with the provisions of the  
5 APA and that they will waive other rights afforded to them in  
6 connection with the hearing such as the right to present  
7 evidence in defense of the allegations in the Order to Desist  
8 and Refrain and First Amended Accusation and the right to cross-  
9 examine witnesses.

10           4. This Stipulation is based on the factual  
11 allegations contained in the Order to Desist and Refrain and  
12 First Amended Accusation filed in these proceedings. In the  
13 interest of expedience and economy, Respondents choose not to  
14 contest these factual allegations, but to remain silent and  
15 understand that, as a result thereof, these factual statements,  
16 will serve as a prima facie basis for the disciplinary action  
17 stipulated to herein. The Real Estate Commissioner shall not be  
18 required to provide further evidence to prove such allegations.  
19 Further, as this Stipulation is based on Respondents' choice to  
20 remain silent, nothing herein is an admission by Respondents of  
21 the truth of any matter alleged in the First Amended Accusation  
22 or Order to Desist and Refrain or related documents; nothing  
23 herein is an admission by Respondents in regard to any defense.

24           5. This Stipulation and Respondents' decision not to  
25 contest the Order to Desist and Refrain and First Amended  
26 Accusation are made for the purpose of reaching an agreed  
27 disposition of this proceeding and are expressly limited to this





1           1. The restricted licenses issued to Respondents may  
2 be suspended prior to hearing by Order of the Real Estate  
3 Commissioner in the event of Respondents' conviction or plea of  
4 nolo contendere to a crime which is substantially related to  
5 Respondents' fitness or capacity as a real estate licensee.

6           2. The restricted licenses may be suspended prior to  
7 hearing by Order of the Real Estate Commissioner on evidence  
8 satisfactory to the Commissioner that Respondents have violated  
9 provisions of the California Real Estate Law, the Subdivided  
10 Lands Law, Regulations of the Real Estate Commissioner or  
11 conditions attaching to the restricted license.

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

17           4. Any restricted real estate license issued to  
18 Respondents pursuant to this Decision shall be suspended for  
19 sixty (60) days from the date of issuance of said restricted  
20 license. If Respondents petition, forty (40) days of their  
21 suspensions shall be stayed upon condition that:

22           a. Respondents each pay a monetary penalty pursuant  
23 to Section 10175.2 of the Business and Professions Code at the  
24 rate of \$250 for each day of their suspension for a total  
25 monetary penalty of \$10,000 for each Respondent.

26           b. Said payments shall be in the form of a cashier's  
27 check or certified check made payable to the Recovery Account of

1 the Real Estate Fund. Said check must be received by the  
2 Department prior to the effective date of the Decision in this  
3 matter.

4 c. No further cause for disciplinary action against  
5 the real estate licenses of Respondents occurs within one year  
6 from the effective ate of the Decision in this matter.

7 d. If Respondents fail to pay the monetary penalty in  
8 accordance with the terms and conditions of the Decision, the  
9 Commissioner, may without a hearing, order the immediate  
10 execution of all or any part of the stayed suspension in which  
11 event the Respondents shall not be entitled to any repayment nor  
12 credit, prorated or otherwise, for money paid to the Department  
13 under the terms of this Decision.

14 e. If Respondents pay the monetary penalty and if no  
15 further cause for disciplinary action against the real estate  
16 licenses of Respondents occurs within one year from the  
17 effective date of the Decision, the stay hereby granted shall  
18 become permanent.

19 5. Respondents shall submit proof of restitution made  
20 jointly, or individually by either Respondent, to the following  
21 borrowers: \$3,000 to Maria Martinez and Antonio Manjarrez,  
22 \$3,000 to Agustin and Lidia Enriquez, \$1,500 to Manuel Navarro  
23 Elias, and \$3,000 to Guadalupe Roa on or before the effective  
24 date of this Decision. (1) Respondents shall make a diligent  
25 effort to locate and repay said borrowers. Respondents shall  
26 mail the payment(s) by certified mail, return receipt requested,  
27 to the borrower's last address on file with or known to

1 Respondents. (2) If any of the payment(s) are returned by the  
2 Post Office marked "unable to deliver," Respondents shall employ  
3 a locator service (that may be limited to or include or be  
4 limited to the internet or other database retrieval search) to  
5 try and locate the aforesaid borrowers. Repayments shall then  
6 be made to the address(es) recommended by the locator service.  
7 (3) If unable to effect repayment after using a locator service,  
8 Respondents shall provide reasonable proof satisfactory to the  
9 Commissioner of their efforts to comply with the provisions of  
10 this paragraph. (4) If the Commissioner determines that proof  
11 to be unsatisfactory, the Commissioner shall so advise  
12 Respondents, and indicate what additional reasonable efforts  
13 should be made to make repayment to the borrower(s). (5) If  
14 the Commissioner determines that reasonable efforts have been  
15 made to locate the borrower(s) without success, Respondents  
16 shall not be liable for any further repayment. (6) If the  
17 Commissioner determines that proof to be unsatisfactory and that  
18 reasonable efforts have not been made to locate the borrower(s),  
19 the Commissioner may, by separate order, suspend Respondents'  
20 licenses for sixty (60) days. (7) All proof shall be submitted  
21 to Department Counsel Lissete Garcia, Attention: Legal Section,  
22 Department of Real Estate 320 W. Fourth St., Suite 350, Los  
23 Angeles, California 90013-1105, on or before the effective date  
24 of this Decision.

25 DATED: 5-8-12

26   
27 LISSETE GARCIA, Counsel for  
the Department of Real Estate

\* \* \*

1 We have read the Stipulation and Agreement, have  
2 discussed it with our counsel, and its terms are understood by us  
3 and are agreeable and acceptable to us. We understand that we  
4 are waiving rights given to us by the California Administrative  
5 Procedure Act (including but not limited to Sections 11506,  
6 11508, 11509 and 11513 of the Government Code), and we willingly,  
7 intelligently and voluntarily waive those rights, including the  
8 right of requiring the Commissioner to prove the allegations in  
9 the Order to Desist and Refrain and First Amended Accusation at a  
10 hearing at which we would have the right to cross-examine  
11 witnesses against us and to present evidence in defense and  
12 mitigation of the charges.

13 Respondents can signify acceptance and approval of the  
14 terms and conditions of this Stipulation and Agreement by faxing  
15 a copy of the signature page, as actually signed by Respondents,  
16 to the Department at the following telephone/fax number: (213)  
17 576-6917. Respondents agree, acknowledge and understand that by  
18 electronically sending to the Department a fax copy of their  
19 actual signatures as they appear on the Stipulation and  
20 Agreement, that receipt of the faxed copy by the Department shall  
21 be as binding on Respondents as if the Department had received  
22 the original signed Stipulation and Agreement.

24 ///

25 ///

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27

1 Further, if the Respondents are represented by counsel,  
2 the Respondents' counsel can signify her agreement to the terms  
3 and conditions of the Stipulation and Agreement by submitting  
4 that signature via fax.

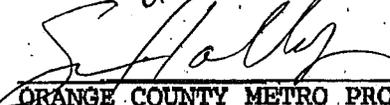
5 DATED: 4/27/12

  
ORANGE COUNTY METRO REALTY, INC.

6 By Susan Holly (Print Name)

7 Secretary/treasurer (Title)

8  
9 DATED: 04/27/12

  
ORANGE COUNTY METRO PROPERTIES

10 By Susan Holly (Print Name)

11 Secretary/treasurer (Title)

12  
13  
14 DATED: \_\_\_\_\_

\_\_\_\_\_  
Jane Grilliot Kearl  
Counsel for Respondents  
Approved as to Form

15  
16 \* \* \*

17 The foregoing Stipulation and Agreement is hereby  
18 adopted as my Decision in this matter and shall become effective  
19 at 12 o'clock noon on \_\_\_\_\_.

20 IT IS SO ORDERED \_\_\_\_\_

21  
22  
23 Real Estate Commissioner

1 Further, if the Respondents are represented by counsel,  
2 the Respondents' counsel can signify her agreement to the terms  
3 and conditions of the Stipulation and Agreement by submitting  
4 that signature via fax.

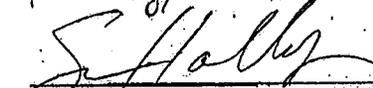
5 DATED: 4/27/12

  
ORANGE COUNTY METRO REALTY, INC.

6 By Susan Holly (Print Name)

7 Secretary/treasurer (Title)

8  
9 DATED: 04/27/12

  
ORANGE COUNTY METRO PROPERTIES

10 By Susan Holly (Print Name)

11 Secretary/treasurer (Title)

12  
13 DATED: 4/30/12

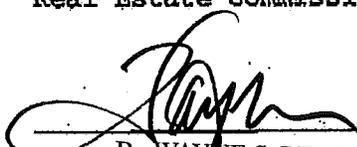
  
Jane Grinnot Kearl  
Counsel for Respondents  
Approved as to Form

14 \* \* \*

17 The foregoing Stipulation and Agreement is hereby  
18 adopted as my Decision in this matter and shall become effective  
19 at 12 o'clock noon on August 8, 2012.

20 IT IS SO ORDERED 6/5/2012

21  
22 Real Estate Commissioner

23  
24  
25   
26 By WAYNE S. BELL  
27 Chief Counsel

1 Department of Real Estate  
2 320 West Fourth Street, #350  
3 Los Angeles, California 90013

4 (213) 576-6982

**FILED**

JUL 19 2012

DEPARTMENT OF REAL ESTATE

BY: CA

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11	In the Matter of the Accusation of	)	DRE No. H-37289 LA
12	ORANGE COUNTY METRO REALTY, INC.,	)	OAH No. L-2011091145
13	ORANGE COUNTY METRO PROPERTIES,	)	
14	<u>DEREK WALTER MARKOVIC,</u>	)	<u>STIPULATION AND AGREEMENT</u>
15	individually and as former	)	
16	designated officer of Orange	)	
17	County Metro Realty, Inc.,	)	
18	BRENDA J. CABALLERO,	)	
	INES P. SORIANO, and	)	
	EZEQUIEL MARTIN PALOMINO,	)	
	Respondents.	)	

19	In the Matter of the Order to	)	No. DRE No. H-37392 LA
20	Desist and Refrain to:	)	
21	ORANGE COUNTY METRO REALTY, INC.,	)	
22	ORANGE COUNTY METRO PROPERTIES,	)	
23	HOME DEFENDERS CENTER,	)	
	JOSEPH ALOIS BRODERICK, and	)	
	<u>DEREK WALTER MARKOVIC.</u>	)	

24 It is hereby stipulated by and between DEREK WALTER  
25 MARKOVIC (sometimes referred to as "Respondent") and his attorney  
26 of record, Carlos V. Yguico and the Complainant, acting by and  
27 through Lissete Garcia, Counsel for the Department of Real

1 Estate, as follows for the purpose of settling and disposing of  
2 the First Amended Accusation filed on October 20, 2011, in  
3 Department Case No. H-37289 LA and the Order to Desist and  
4 Refrain filed on July 14, 2011, in Department Case No.  
5 H-37392 LA:

6           1. All issues which were to be contested and all  
7 evidence which was to be presented by Complainant and Respondent  
8 at a formal hearing on the Order to Desist and Refrain and the  
9 First Amended Accusation, which hearing was to be held in  
10 accordance with the provisions of the Administrative Procedure  
11 Act ("APA"), shall instead and in place thereof be submitted  
12 solely on the basis of the provisions of this Stipulation and  
13 Agreement ("Stipulation").

14           2. Respondent has received, read and understands the  
15 Statement to Respondent, the Discovery Provisions of the APA and  
16 the First Amended Accusation, filed by the Department of Real  
17 Estate ("Department") in this proceeding.

18           3. Respondent acknowledges receipt of the Order to  
19 Desist and Refrain in Department Case No. H-37392 LA.  
20 Respondent has filed a Notice of Defense pursuant to Section  
21 11506 of the Government Code for the purpose of requesting a  
22 hearing on the allegations in the original Accusation in  
23 Department Case No. H-37289 LA. Respondent hereby freely and  
24 voluntarily withdraws said Notice of Defense. Respondent  
25 acknowledges that he understands that by withdrawing said Notice  
26 of Defense he will thereby waive his right to require the  
27 Commissioner to prove the allegations in the Order to Desist and

1 Refrain and the First Amended Accusation at a contested hearing  
2 held in accordance with the provisions of the APA and that he  
3 will waive other rights afforded to him in connection with the  
4 hearing such as the right to present evidence in defense of the  
5 allegations in the Order to Desist and Refrain and First Amended  
6 Accusation and the right to cross-examine witnesses.

7           4. This Stipulation is based on the factual  
8 allegations contained in the Order to Desist and Refrain and  
9 First Amended Accusation filed in these proceedings. In the  
10 interest of expedience and economy, Respondent chooses not to  
11 contest these factual allegations, but to remain silent and  
12 understands that, as a result thereof, these factual statements,  
13 will serve as a prima facie basis for the disciplinary action  
14 stipulated to herein. The Real Estate Commissioner shall not be  
15 required to provide further evidence to prove such allegations.  
16 Further, as this Stipulation is based on Respondent's choice to  
17 remain silent, nothing herein is an admission by Respondent of  
18 the truth of any matter alleged in the First Amended Accusation  
19 or Order to Desist and Refrain or related documents; nothing  
20 herein is an admission by Respondents in regard to any defense.

21           5. This Stipulation and Respondent's decision not to  
22 contest the Order to Desist and Refrain and First Amended  
23 Accusation are made for the purpose of reaching an agreed  
24 disposition of this proceeding and are expressly limited to this  
25 proceeding and any other proceeding or case in which the  
26 Department, or another licensing agency of this state, another  
27 state or if the federal government is involved and otherwise



1 WALTER MARKOVIC under the provisions of Section 10177(h) of the  
2 Business and Professions Code ("Code") for violation of Code  
3 Section 10159.2 and Section 2725 of Title 10, Chapter 6,  
4 California Code of Regulations.

5 ORDER

6 WHEREFORE, THE FOLLOWING ORDER is hereby made:

7 All licenses and licensing rights of Respondent DEREK

8 WALTER MARKOVIC are suspended for a period of sixty (60) days  
9 from the effective date of this Decision; provided, however,  
10 that if Respondent petitions, thirty (30) days of said  
11 suspension shall be stayed upon condition that:

12 1. Respondent pays a monetary penalty pursuant to  
13 Section 10175.2 of the Business and Professions Code at the rate  
14 of \$250 for each day of their suspension for a total monetary  
15 penalty of \$7,500.

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

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

24 4. If Respondent fails to pay the monetary penalty in  
25 accordance with the terms and conditions of the Decision, the  
26 Commissioner, may without a hearing, order the immediate  
27 execution of all or any part of the stayed suspension in which

1 event the Respondent shall not be entitled to any repayment nor  
2 credit, prorated or otherwise, for money paid to the Department  
3 under the terms of this Decision.

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

9 DATED: 5/22/12

  
LISSETE GARCIA, Counsel for  
the Department of Real Estate

11 \* \* \*

12 I have read the Stipulation and Agreement, have  
13 discussed it with my counsel, and its terms are understood by me  
14 and are agreeable and acceptable to me. I understand that I am  
15 waiving rights given to me by the California Administrative  
16 Procedure Act (including but not limited to Sections 11506,  
17 11508, 11509 and 11513 of the Government Code), and I willingly,  
18 intelligently and voluntarily waive those rights, including the  
19 right of requiring the Commissioner to prove the allegations in  
20 the First Amended Accusation at a hearing at which I would have  
21 the right to cross-examine witnesses against me and to present  
22 evidence in defense and mitigation of the charges.

24 Respondent can signify acceptance and approval of the  
25 terms and conditions of this Stipulation and Agreement by faxing  
26 a copy of the signature page, as actually signed by Respondent,  
27 to the Department at the following telephone/fax number: (213)

1 576-6917. Respondent agrees, acknowledges and understands that  
 2 by electronically sending to the Department a fax copy of his  
 3 actual signature as it appears on the Stipulation and Agreement,  
 4 that receipt of the faxed copy by the Department shall be as  
 5 binding on Respondent as if the Department had received the  
 6 original signed Stipulation and Agreement.

7 Further, if the Respondent is represented by counsel,  
 8 the Respondent's counsel can signify his agreement to the terms  
 9 and conditions of the Stipulation and Agreement by submitting  
 10 that signature via fax.

11 DATED: A-30-12

Derek Walter Markovic  
 DEREK WALTER MARKOVIC  
 Respondent

14 DATED: April 30, 2012

Carlos V. Yguico  
 Carlos V. Yguico  
 Counsel for Respondent  
 Approved as to Form

\* \* \*

18 The foregoing Stipulation and Agreement is hereby  
 19 adopted as my Decision in this matter and shall become effective  
 20 at 12 o'clock noon on \_\_\_\_\_.

21 IT IS SO ORDERED \_\_\_\_\_.

Real Estate Commissioner

\_\_\_\_\_

1 576-6917. Respondent agrees, acknowledges and understands that  
2 by electronically sending to the Department a fax copy of his  
3 actual signature as it appears on the Stipulation and Agreement,  
4 that receipt of the faxed copy by the Department shall be as  
5 binding on Respondent as if the Department had received the  
6 original signed Stipulation and Agreement.

7 Further, if the Respondent is represented by counsel,  
8 the Respondent's counsel can signify his agreement to the terms  
9 and conditions of the Stipulation and Agreement by submitting  
10 that signature via fax.

11 DATED: \_\_\_\_\_

12 \_\_\_\_\_  
DEREK WALTER MARKOVIC  
Respondent

13  
14 DATED: \_\_\_\_\_

15 \_\_\_\_\_  
Carlos V. Yguico  
Counsel for Respondent  
Approved as to Form

16 \* \* \*

17  
18 The foregoing Stipulation and Agreement is hereby  
19 adopted as my Decision in this matter and shall become effective  
20 at 12 o'clock noon on August 8, 2012.

21 IT IS SO ORDERED

June 5, 2012

22  
23 Real Estate Commissioner

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25 \_\_\_\_\_  
26   
27

SAC

1 Department of Real Estate  
2 320 West Fourth Street, #350  
3 Los Angeles, California 90013

**FILED**

JUL 13 2012

4 (213) 576-6982

DEPARTMENT OF REAL ESTATE  
BY: C. J.

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11	In the Matter of the Accusation of	)	DRE No. H-37289 LA
12		)	OAH No. L-2011091145
13	ORANGE COUNTY METRO REALTY, INC.,	)	
14	ORANGE COUNTY METRO PROPERTIES,	)	
15	DEREK WALTER MARKOVIC,	)	<u>STIPULATION AND AGREEMENT</u>
16	individually and as former	)	
17	designated officer of Orange	)	
18	County Metro Realty, Inc.,	)	
	<u>BRENDA J. CABALLERO,</u>	)	
	<u>INES P. SORIANO,</u> and	)	
	<u>EZEQUIEL MARTIN PALOMINO,</u>	)	
	Respondents.	)	

19 It is hereby stipulated by and between BRENDA J.  
20 CABALLERO (sometimes referred to as "Respondent") and the  
21 Complainant, acting by and through Lissete Garcia, Counsel for  
22 the Department of Real Estate, as follows for the purpose of  
23 settling and disposing of the First Amended Accusation filed on  
24 October 20, 2011, in this matter:

25 1. All issues which were to be contested and all  
26 evidence which was to be presented by Complainant and Respondent  
27 at a formal hearing on the First Amended Accusation, which

1 hearing was to be held in accordance with the provisions of the  
2 Administrative Procedure Act ("APA"), shall instead and in place  
3 thereof be submitted solely on the basis of the provisions of  
4 this Stipulation and Agreement ("Stipulation").

5           2. Respondent has received, read and understands the  
6 Statement to Respondent, the Discovery Provisions of the APA and  
7 the First Amended Accusation, filed by the Department of Real  
8 Estate ("Department") in this proceeding.

9           3. Respondent filed a Notice of Defense pursuant to  
10 Section 11506 of the Government Code for the purpose of  
11 requesting a hearing on the allegations in the original  
12 Accusation. Respondent hereby freely and voluntarily withdraws  
13 said Notice of Defense. Respondent acknowledges that she  
14 understands that by withdrawing said Notice of Defense she will  
15 thereby waive her right to require the Commissioner to prove the  
16 allegations in the First Amended Accusation at a contested  
17 hearing held in accordance with the provisions of the APA and  
18 that she will waive other rights afforded to her in connection  
19 with the hearing such as the right to present evidence in  
20 defense of the allegations in the First Amended Accusation and  
21 the right to cross-examine witnesses.

22           4. This Stipulation is based on the factual  
23 allegations contained in the First Amended Accusation filed in  
24 this proceeding. In the interest of expedience and economy,  
25 Respondent chooses not to contest these factual allegations, but  
26 to remain silent and understands that, as a result thereof,  
27 these factual statements, will serve as a prima facie basis for

1 the disciplinary action stipulated to herein. The Real Estate  
2 Commissioner shall not be required to provide further evidence  
3 to prove such allegations.

4           5. This Stipulation and Respondent's decision not to  
5 contest the First Amended Accusation are made for the purpose of  
6 reaching an agreed disposition of this proceeding and are  
7 expressly limited to this proceeding and any other proceeding or  
8 case in which the Department, or another licensing agency of  
9 this state, another state or if the federal government is  
10 involved and otherwise shall not be admissible in any other  
11 criminal or civil proceedings.

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

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

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DETERMINATION OF ISSUES

By reason of the foregoing stipulations and waivers and solely for the purpose of settlement of the pending First Amended 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 BRENDA J. CABALLERO as set forth in the First Amended Accusation, constitutes cause for the suspension or revocation of all the real estate licenses and license rights of Respondent BRENDA J. CABALLERO under the provisions of Section 10177(g) of the Business and Professions Code.

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

All licenses and licensing rights of Respondent BRENDA J. CABALLERO under the Real Estate Law are publicly reprovred upon the following conditions:

1. Respondent shall within six 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.

2. Respondent shall, within nine 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,

1 taken and successfully completed the continuing education  
2 requirements of Article 2.5 of Chapter 3 of the Real Estate Law  
3 for renewal of a real estate license. If Respondent fails to  
4 satisfy this condition, the Commissioner may order the suspension  
5 of the Respondent's license until Respondent presents such  
6 evidence. The Commissioner shall afford Respondent the  
7 opportunity for a hearing pursuant to the Administrative  
8 Procedures Act to present such evidence.

9  
10 DATED: 5/22/12

  
LISSETTE GARCIA, Counsel for  
the Department of Real Estate

\* \* \*

13 I have read the Stipulation and Agreement and its terms  
14 are understood by me and are agreeable and acceptable to me. I  
15 understand that I am waiving rights given to me by the California  
16 Administrative Procedure Act (including but not limited to  
17 Sections 11506, 11508, 11509 and 11513 of the Government Code),  
18 and I willingly, intelligently and voluntarily waive those  
19 rights, including the right of requiring the Commissioner to  
20 prove the allegations in the First Amended Accusation at a  
21 hearing at which I would have the right to cross-examine  
22 witnesses against me and to present evidence in defense and  
23 mitigation of the charges.

24 Respondent can signify acceptance and approval of the  
25 terms and conditions of this Stipulation and Agreement by faxing  
26 a copy of the signature page, as actually signed by Respondent,  
27 to the Department at the following telephone/fax number:

1 (213) 576-6917. Respondent agrees, acknowledges and understands  
 2 that by electronically sending to the Department a fax copy of  
 3 her actual signature as it appears on the Stipulation and  
 4 Agreement, that receipt of the faxed copy by the Department shall  
 5 be as binding on Respondent as if the Department had received the  
 6 original signed Stipulation and Agreement.

7  
 8 DATED: 4/24/2012

  
 9 BREND A J CABALLERO  
 Respondent

10 \* \* \*

11 The foregoing Stipulation and Agreement is hereby  
 12 adopted as my Decision in this matter and shall become effective  
 13 at 12 o'clock noon on \_\_\_\_\_.

14 IT IS SO ORDERED \_\_\_\_\_.

15  
 16  
 17 Real Estate Commissioner

18  
 19 \_\_\_\_\_

1 (213) 576-6917. Respondent agrees, acknowledges and understands  
2 that by electronically sending to the Department a fax copy of  
3 her actual signature as it appears on the Stipulation and  
4 Agreement, that receipt of the faxed copy by the Department shall  
5 be as binding on Respondent as if the Department had received the  
6 original signed Stipulation and Agreement.

7  
8 DATED: \_\_\_\_\_

\_\_\_\_\_  
BRENDA J. CABALLERO  
Respondent

9  
10 \* \* \*

11 The foregoing Stipulation and Agreement is hereby  
12 adopted as my Decision in this matter and shall become effective  
13 at 12 o'clock noon on August 2, 2012.

14  
15 IT IS SO ORDERED

6/5/2012

16  
17 Real Estate Commissioner

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SAC

1 Department of Real Estate  
2 320 West Fourth Street, #350  
3 Los Angeles, California 90013

**FILED**

JUL 13 2012

4 (213) 576-6982

DEPARTMENT OF REAL ESTATE

BY: \_\_\_\_\_

5  
6  
7  
8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11	In the Matter of the Accusation of	)	DRE No. H-37289 LA
12	ORANGE COUNTY METRO REALTY, INC.,	)	OAH No. L-2011091145
13	ORANGE COUNTY METRO PROPERTIES,	)	
14	DEREK WALTER MARKOVIC,	)	<u>STIPULATION AND AGREEMENT</u>
15	individually and as former	)	
16	designated officer of Orange	)	
17	County Metro Realty, Inc.,	)	
18	BRENDA J. CABALLERO,	)	
	INES P. SORIANO, and	)	
	<u>EZEQUIEL MARTIN PALOMINO,</u>	)	
	Respondents.	)	

19 It is hereby stipulated by and between EZEQUIEL MARTIN  
20 PALOMINO (sometimes referred to as "Respondent") and his attorney  
21 of record, Robert L. Williams and the Complainant, acting by and  
22 through Lissete Garcia, Counsel for the Department of Real  
23 Estate, as follows for the purpose of settling and disposing of  
24 the First Amended Accusation filed on October 20, 2011, in this  
25 matter:

26 1. All issues which were to be contested and all  
27 evidence which was to be presented by Complainant and Respondent

1 at a formal hearing on the First Amended Accusation, which  
2 hearing was to be held in accordance with the provisions of the  
3 Administrative Procedure Act ("APA"), shall instead and in place  
4 thereof be submitted solely on the basis of the provisions of  
5 this Stipulation and Agreement ("Stipulation").

6           2. Respondent has received, read and understands the  
7 Statement to Respondent, the Discovery Provisions of the APA and  
8 the First Amended Accusation, filed by the Department of Real  
9 Estate ("Department") in this proceeding.

10           3. Respondent filed a Notice of Defense pursuant to  
11 Section 11506 of the Government Code for the purpose of  
12 requesting a hearing on the allegations in the original  
13 Accusation. Respondent hereby freely and voluntarily withdraws  
14 said Notice of Defense. Respondent acknowledges that he  
15 understands that by withdrawing said Notice of Defense he will  
16 thereby waive his right to require the Commissioner to prove the  
17 allegations in the First Amended Accusation at a contested  
18 hearing held in accordance with the provisions of the APA and  
19 that he will waive other rights afforded to him in connection  
20 with the hearing such as the right to present evidence in  
21 defense of the allegations in the First Amended Accusation and  
22 the right to cross-examine witnesses.

23           4. This Stipulation is based on the factual  
24 allegations contained in the First Amended Accusation filed in  
25 this proceeding. In the interest of expedience and economy,  
26 Respondent chooses not to contest these factual allegations, but  
27 to remain silent and understand that, as a result thereof, these

1 factual statements, will serve as a prima facie basis for the  
2 disciplinary action stipulated to herein. The Real Estate  
3 Commissioner shall not be required to provide further evidence  
4 to prove such allegations.

5           5. This Stipulation and Respondent's decision not to  
6 contest the First Amended Accusation are made for the purpose of  
7 reaching an agreed disposition of this proceeding and are  
8 expressly limited to this proceeding and any other proceeding or  
9 case in which the Department, or another licensing agency of  
10 this state, another state or if the federal government is  
11 involved and otherwise shall not be admissible in any other  
12 criminal or civil proceedings.

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

23           7. The Order or any subsequent Order of the Real  
24 Estate Commissioner made pursuant to this Stipulation shall not  
25 constitute an estoppel, merger or bar to any further  
26 administrative or civil proceedings by the Department with  
27 respect to any conduct which was not specifically alleged to be

1 causes for accusation in this proceeding.

2 DETERMINATION OF ISSUES

3 By reason of the foregoing stipulations and waivers  
4 and solely for the purpose of settlement of the pending First  
5 Amended Accusation without a hearing, it is stipulated and  
6 agreed that the following determination of issues shall be made:

7 The conduct, acts and/or omissions of Respondent  
8 EZEQUIEL MARTIN PALOMINO as set forth in the First Amended  
9 Accusation, constitutes cause for the suspension or revocation  
10 of all the real estate licenses and license rights of Respondent  
11 EZEQUIEL MARTIN PALOMINO under the provisions of Section  
12 10177(g) of the Business and Professions Code.

13 ORDER

14 WHEREFORE, THE FOLLOWING ORDER is hereby made:

15 All licenses and licensing rights of Respondent  
16 EZEQUIEL MARTIN PALOMINO under the Real Estate Law are suspended  
17 for a period of ninety (90) days from the effective date of this  
18 Decision; provided, however, that said 90-day suspension shall  
19 be stayed upon the following terms and conditions:

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

23 2. That no final subsequent determination be made,  
24 after hearing or upon stipulation, that cause for disciplinary  
25 action occurred within one (1) year of the effective date of this  
26 Decision. Should such a determination be made, the Commissioner  
27 may, in his/her discretion, vacate and set aside the stay order

1 and reimpose all or a portion of the stayed suspension. Should  
2 no such determination be made, the stay imposed herein shall  
3 become permanent.

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

11 4. Respondent shall, within nine months from the  
12 effective date of this Decision, present evidence satisfactory to  
13 the Real Estate Commissioner that Respondent has, since the most  
14 recent issuance of an original or renewal real estate license,  
15 taken and successfully completed the continuing education  
16 requirements of Article 2.5 of Chapter 3 of the Real Estate Law  
17 for renewal of a real estate license. If Respondent fails to  
18 satisfy this condition, the Commissioner may order the suspension  
19 of the Respondent's license until Respondent presents such  
20 evidence. The Commissioner shall afford Respondent the  
21 opportunity for a hearing pursuant to the Administrative  
22 Procedures Act to present such evidence.

23  
24 DATED: April 24, 2012

  
LISSETE GARCIA, Counsel for  
the Department of Real Estate

25  
26  
27 \* \* \*

1 I have read the Stipulation and Agreement, have  
2 discussed it with my counsel, and its terms are understood by me  
3 and are agreeable and acceptable to me. I understand that I am  
4 waiving rights given to me by the California Administrative  
5 Procedure Act (including but not limited to Sections 11506,  
6 11508, 11509 and 11513 of the Government Code), and I willingly,  
7 intelligently and voluntarily waive those rights, including the  
8 right of requiring the Commissioner to prove the allegations in  
9 the First Amended Accusation at a hearing at which I would have  
10 the right to cross-examine witnesses against me and to present  
11 evidence in defense and mitigation of the charges.

12 Respondent can signify acceptance and approval of the  
13 terms and conditions of this Stipulation and Agreement by faxing  
14 a copy of the signature page, as actually signed by Respondent,  
15 to the Department at the following telephone/fax number: (213)  
16 576-6917. Respondent agrees, acknowledges and understands that  
17 by electronically sending to the Department a fax copy of his  
18 actual signature as it appears on the Stipulation and Agreement,  
19 that receipt of the faxed copy by the Department shall be as  
20 binding on Respondent as if the Department had received the  
21 original signed Stipulation and Agreement.

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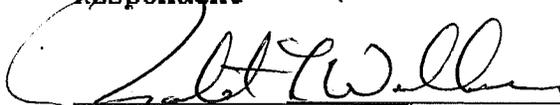
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Further, if the Respondent is represented by counsel,  
the Respondent's counsel can signify his agreement to the terms  
and conditions of the Stipulation and Agreement by submitting  
that signature via fax.

DATED: 04/20/2012

  
EZEQUIEL MARTIN PALOMINO  
Respondent

DATED: 4/20/12

  
Robert L. Williams  
Counsel for Respondent  
Approved as to Form

\* \* \*

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

IT IS SO ORDERED \_\_\_\_\_.

Real Estate Commissioner

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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.

DATED: \_\_\_\_\_

\_\_\_\_\_  
EZEQUIEL MARTIN PALOMINO  
Respondent

DATED: \_\_\_\_\_

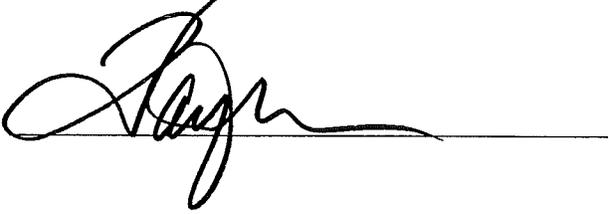
\_\_\_\_\_  
Robert L. Williams  
Counsel for Respondent  
Approved as to Form

\* \* \*

The foregoing Stipulation and Agreement is hereby  
adopted as my Decision in this matter and shall become effective  
at 12 o'clock noon on August 2, 2012.

IT IS SO ORDERED 6/5/2012.

Real Estate Commissioner





1 at a formal hearing on the First Amended Accusation, which  
2 hearing was to be held in accordance with the provisions of the  
3 Administrative Procedure Act ("APA"), shall instead and in place  
4 thereof be submitted solely on the basis of the provisions of  
5 this Stipulation and Agreement ("Stipulation").

6           2. Respondent has received, read and understands the  
7 Statement to Respondent, the Discovery Provisions of the APA and  
8 the First Amended Accusation, filed by the Department of Real  
9 Estate ("Department") in this proceeding.

10           3. Respondent filed a Notice of Defense pursuant to  
11 Section 11506 of the Government Code for the purpose of  
12 requesting a hearing on the allegations in the original  
13 Accusation. Respondent hereby freely and voluntarily withdraws  
14 said Notice of Defense. Respondent acknowledges that she  
15 understands that by withdrawing said Notice of Defense she will  
16 thereby waive her right to require the Commissioner to prove the  
17 allegations in the First Amended Accusation at a contested  
18 hearing held in accordance with the provisions of the APA and  
19 that she will waive other rights afforded to her in connection  
20 with the hearing such as the right to present evidence in  
21 defense of the allegations in the First Amended Accusation and  
22 the right to cross-examine witnesses.

23           4. This Stipulation is based on the factual  
24 allegations contained in the First Amended Accusation filed in  
25 this proceeding. In the interest of expedience and economy,  
26 Respondent chooses not to contest these factual allegations, but  
27 to remain silent and understand that, as a result thereof, these

1 factual statements, will serve as a prima facie basis for the  
2 disciplinary action stipulated to herein. The Real Estate  
3 Commissioner shall not be required to provide further evidence  
4 to prove such allegations.

5           5. This Stipulation and Respondent's decision not to  
6 contest the First Amended Accusation are made for the purpose of  
7 reaching an agreed disposition of this proceeding and are  
8 expressly limited to this proceeding and any other proceeding or  
9 case in which the Department, or another licensing agency of  
10 this state, another state or if the federal government is  
11 involved and otherwise shall not be admissible in any other  
12 criminal or civil proceedings.

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

23           7. The Order or any subsequent Order of the Real  
24 Estate Commissioner made pursuant to this Stipulation shall not  
25 constitute an estoppel, merger or bar to any further  
26 administrative or civil proceedings by the Department with  
27 respect to any conduct which was not specifically alleged to be

1 causes for accusation in this proceeding.

2 DETERMINATION OF ISSUES

3 By reason of the foregoing stipulations and waivers  
4 and solely for the purpose of settlement of the pending First  
5 Amended Accusation without a hearing, it is stipulated and  
6 agreed that the following determination of issues shall be made:

7 The conduct, acts and/or omissions of Respondent INES  
8 P. SORIANO as set forth in the First Amended Accusation,  
9 constitutes cause for the suspension or revocation of all the  
10 real estate licenses and license rights of Respondent INES P.  
11 SORIANO under the provisions of Section 10177(g) of the Business  
12 and Professions Code.

13 ORDER

14 WHEREFORE, THE FOLLOWING ORDER is hereby made:

15 All licenses and licensing rights of Respondent INES  
16 P. SORIANO under the Real Estate Law are suspended for a period  
17 of ninety (90) days from the effective date of this Decision;  
18 provided, however, that said 90-day suspension shall be stayed  
19 upon the following terms and conditions:

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

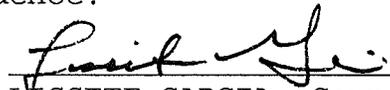
23 2. That no final subsequent determination be made,  
24 after hearing or upon stipulation, that cause for disciplinary  
25 action occurred within one (1) year of the effective date of  
26 this Decision. Should such a determination be made, the  
27 Commissioner may, in his/her discretion, vacate and set aside

1 the stay order and reimpose all or a portion of the stayed  
2 suspension. Should no such determination be made, the stay  
3 imposed herein shall become permanent.

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

11 4. Respondent shall, within nine months from the  
12 effective date of this Decision, present evidence satisfactory  
13 to the Real Estate Commissioner that Respondent has, since the  
14 most recent issuance of an original or renewal real estate  
15 license, taken and successfully completed the continuing  
16 education requirements of Article 2.5 of Chapter 3 of the Real  
17 Estate Law for renewal of a real estate license. If Respondent  
18 fails to satisfy this condition, the Commissioner may order the  
19 suspension of the Respondent's license until Respondent presents  
20 such evidence. The Commissioner shall afford Respondent the  
21 opportunity for a hearing pursuant to the Administrative  
22 Procedures Act to present such evidence.

23 DATED: April 24, 2012

  
\_\_\_\_\_  
LISSETE GARCIA, Counsel for  
the Department of Real Estate

26 \* \* \*

27 I have read the Stipulation and Agreement, have  
discussed it with my counsel, and its terms are understood by me

1 and are agreeable and acceptable to me. I understand that I am  
2 waiving rights given to me by the California Administrative  
3 Procedure Act (including but not limited to Sections 11506,  
4 11508, 11509 and 11513 of the Government Code), and I willingly,  
5 intelligently and voluntarily waive those rights, including the  
6 right of requiring the Commissioner to prove the allegations in  
7 the First Amended Accusation at a hearing at which I would have  
8 the right to cross-examine witnesses against me and to present  
9 evidence in defense and mitigation of the charges.

10 Respondent can signify acceptance and approval of the  
11 terms and conditions of this Stipulation and Agreement by faxing  
12 a copy of the signature page, as actually signed by Respondent,  
13 to the Department at the following telephone/fax number: (213)  
14 576-6917. Respondent agrees, acknowledges and understands that  
15 by electronically sending to the Department a fax copy of her  
16 actual signature as it appears on the Stipulation and Agreement,  
17 that receipt of the faxed copy by the Department shall be as  
18 binding on Respondent as if the Department had received the  
19 original signed Stipulation and Agreement.  
20

21 Further, if the Respondent is represented by counsel,  
22 the Respondent's counsel can signify his agreement to the terms  
23 and conditions of the Stipulation and Agreement by submitting  
24 that signature via fax.

25 DATED: 4-20-12

  
26 INES P. SORIANO  
27 Respondent

1 and are agreeable and acceptable to me. I understand that I am  
2 waiving rights given to me by the California Administrative  
3 Procedure Act (including but not limited to Sections 11506,  
4 11508, 11509 and 11513 of the Government Code), and I willingly,  
5 intelligently and voluntarily waive those rights, including the  
6 right of requiring the Commissioner to prove the allegations in  
7 the First Amended Accusation at a hearing at which I would have  
8 the right to cross-examine witnesses against me and to present  
9 evidence in defense and mitigation of the charges.

10 Respondent can signify acceptance and approval of the  
11 terms and conditions of this Stipulation and Agreement by faxing  
12 a copy of the signature page, as actually signed by Respondent,  
13 to the Department at the following telephone/fax number: (213)  
14 576-6917. Respondent agrees, acknowledges and understands that  
15 by electronically sending to the Department a fax copy of her  
16 actual signature as it appears on the Stipulation and Agreement,  
17 that receipt of the faxed copy by the Department shall be as  
18 binding on Respondent as if the Department had received the  
19 original signed Stipulation and Agreement.  
20

21 Further, if the Respondent is represented by counsel,  
22 the Respondent's counsel can signify his agreement to the terms  
23 and conditions of the Stipulation and Agreement by submitting  
24 that signature via fax.

25 DATED: \_\_\_\_\_

26 \_\_\_\_\_  
27 INES P. SORIANO  
Respondent

1 DATED: \_\_\_\_\_

2 Robert L. Williams  
3 Counsel for Respondent  
4 Approved as to Form

5 \* \* \*

6 The foregoing Stipulation and Agreement is hereby  
7 adopted as my Decision in this matter and shall become effective  
8 at 12 o'clock noon on \_\_\_\_\_.

9 IT IS SO ORDERED \_\_\_\_\_.

10 Real Estate Commissioner  
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DATED: 6/5/12

Robert L. Williams  
Robert L. Williams  
Counsel for Respondent  
Approved as to Form

\* \* \*

The foregoing Stipulation and Agreement is hereby  
adopted as my Decision in this matter and shall become effective  
at 12 o'clock noon on August 2, 2012.

IT IS SO ORDERED 6/5/2012.

Real Estate Commissioner

[Signature]

SAC.

1 LISSETE GARCIA, Counsel (SBN 211552)  
2 Department of Real Estate  
3 320 West 4th Street, Suite 350  
4 Los Angeles, California 90013-1105  
5 Telephone: (213) 576-6982  
6 (Direct) (213) 576-6914  
7

**FILED**  
OCT 20 2011  
DEPARTMENT OF REAL ESTATE  
By Cu

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of ) DRE No. H-37289 LA  
12 ) OAH No. L-2011091145  
13 ORANGE COUNTY METRO REALTY, INC., )  
14 ORANGE COUNTY METRO PROPERTIES, ) FIRST AMENDED  
15 DEREK WALTER MARKOVIC, individually ) ACCUSATION  
16 and as former designated officer of Orange )  
17 County Metro Realty, Inc., )  
18 BRENDA J. CABALLERO, )  
INES P. SORIANO, and )  
EZEQUIEL MARTIN PALOMINO, )  
Respondents. )

19 This First Amended Accusation amends the Accusation filed on May 24, 2011.  
20 The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California,  
21 for cause of Accusation against ORANGE COUNTY METRO REALTY, INC. ("OCMRI"),  
22 ORANGE COUNTY METRO PROPERTIES ("OCMP"), DEREK WALTER MARKOVIC,  
23 individually and as former designated officer of Orange County Metro Realty, Inc., BRENDA J.  
24 CABALLERO ("CABALLERO"), INES P. SORIANO ("SORIANO"), and EZEQUIEL  
25 MARTIN PALOMINO ("PALOMINO") (collectively "Respondents"), is informed and alleges  
26 as follows:

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1.

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, makes this Accusation in her official capacity.

2.

From January 24, 2008, through the present, Respondent OCMRI has been licensed as a real estate corporation. From June 27, 2008, through January 4, 2010, OCMRI was acting by and through Respondent MARKOVIC as its designated broker-officer pursuant to Business and Professions Code ("Code") Section 10159.2 to be responsible for ensuring compliance with the Real Estate Law. Joseph Alois Broderick ("Broderick") is the Chief Executive Officer, Director and President of Respondent OCMRI.

3.

From April 17, 2002, through April 16, 2010, Respondent OCMP was licensed as a real estate corporation. From April 17, 2006, through April 17, 2010, OCMP was acting by and through Broderick as its designated broker-officer pursuant to Code Section 10159.2 to be responsible for ensuring compliance with the Real Estate Law. Broderick is the Chief Executive Officer, Director and President of Respondent OCMP.

4.

From February 15, 1985, through February 14, 2009, Broderick was licensed as a real estate broker. Broderick's renewal rights have expired pursuant to Code Section 10201.

5.

From November 14, 1983, through the present, Respondent MARKOVIC has been individually licensed as a real estate broker. From June 27, 2008, through January 4, 2010, Respondent MARKOVIC was licensed as the broker-officer of Respondent OCMRI.

6.

From November 3, 1990, through the present, Respondent CABALLERO has been licensed as a real estate salesperson. From July 11, 2008, through January 3, 2010, Respondent CABALLERO was acting in the employ of Respondent OCMRI. From January 5,

1 2010, through April 17, 2010, Respondent CABALLERO was acting in the employ of  
2 Respondent OCOMP.

3 7.

4 From May 3, 2007, through the present, SORIANO, formerly known as Ines  
5 Onorio, has been licensed as a real estate salesperson. From July 15, 2008, through January 3,  
6 2010, SORIANO was acting in the employ of Respondent OCMRI. From January 5, 2010,  
7 through April 16, 2010, SORIANO was acting in the employ of Respondent OCOMP.

8 8.

9 From January 26, 2000, through the present, PALOMINO has been licensed as a  
10 real estate salesperson. From July 15, 2008, through January 3, 2010, PALOMINO was acting in  
11 the employ of Respondent OCMRI. From January 13, 2010, through April 26, 2010,  
12 PALOMINO was acting in the employ of Respondent OCOMP.

13 9.

14 From February 14, 1996, through September 28, 2011, Juan Carlos Ferrufino  
15 ("Ferrufino"), was licensed as a real estate salesperson. From July 23, 2009, through January 6,  
16 2010, Ferrufino was acting in the employ of Respondent OCMRI. From January 7, 2010,  
17 through April 16, 2010, Ferrufino was acting in the employ of Respondent OCOMP. The  
18 Department revoked Ferrufino's real estate salesperson's license on September 28, 2011.

19 FIRST CAUSE OF ACCUSATION  
20 (Advance Fee violations/Fraud/Dishonest Dealing)

21 10.

22 For an unknown period of time including July, 2008, through December, 2009,  
23 Respondents and Broderick (while doing business as Re/Max Metro Realty, OCMRI, OCOMP,  
24 Home Defenders Center, The Master Game or any other fictitious business names unknown at  
25 this time) solicited foreclosure forbearance, short sale, loan modification and negotiation services  
26 to homeowners in connection with loans secured directly by liens on real property within the  
meaning of Code Sections 10131 (a) and (d). Respondents and Broderick charged and collected

1 advance fees for said services within the meaning of Code Section 10026. Respondents and  
2 Broderick instructed homeowners to sign grant deeds conveying their properties to Linda K.  
3 Rodgers as trustee for trusts created specifically for each homeowner's property. Respondents  
4 and Broderick failed to provide copies of any written advance fee agreement to the homeowners.  
5 Respondents and Broderick failed to deposit the homeowners' advance fees into a trust account.

6 11.

7 Alonso Godinez

8 On or about July 21, 2008, Alonso Godinez entered into a residential listing  
9 agreement with broker OCMRI (doing business as Re/Max Metro Realty and Metro Escrow) for  
10 a short sale of Mr. Godinez' real property located 3122 Cabernet Drive, Mira Loma, California  
11 ("3122 Cabernet Drive property"). German Guzman signed the residential listing agreement as  
12 the agent for OCMRI. Mr. Godinez met with OCMRI's agents including CABALLERO,  
13 German Guzman, Lizardo Enrique Garcia, and Esperanza Salazar. OCMRI's agents induced Mr.  
14 Godinez to sign several documents including what Mr. Godinez later discovered was a grant  
15 deed conveying the 3122 Cabernet Drive property to Linda K. Rogers, as trustee of the 3122  
16 Cabernet Drive Land Trust. Mr. Godinez was not given copies of the documents that he was  
17 asked to sign for Respondent OCMRI. On July 30, 2008, Linda K. Rogers executed a Notice of  
18 Default Purchase Agreement to purchase the 3122 Cabernet Drive property for \$175,000.

19 12.

20 Respondent OCMRI did not complete the short sale of the 3122 Cabernet Drive  
21 property for Mr. Godinez. Mr. Godinez asked to have the title to his 3122 Cabernet Drive  
22 property transferred back to his name. Respondent CABALLERO, while acting as manager for  
23 Respondent OCMRI and Broderick, refused unless Mr. Godinez paid a \$2,500 fee to revoke the  
24 trust and transfer title of the 3122 Cabernet Drive property back to his name.

25 13.

26 The conduct, acts and/or omissions of Respondents OCMRI, CABALLERO and  
Broderick as alleged above, constitute making substantial misrepresentations, willful violations

1 of the Real Estate Law, fraud, dishonest dealing or negligence and are grounds for the  
2 suspension or revocation of Respondents OCMRI, BRODERICK and CABALLERO's licenses  
3 under Code Sections 10176(a), 10177(d), 10177(j) or 10177(g).

4 14.

5 Respondent MARKOVIC's failure to supervise the activities of Respondent  
6 OCMRI to ensure compliance with the Real Estate Law, is in violation of Code Section 10159.2  
7 and Section 2725 of the Regulations, Title 10, Chapter 6, California Code of Regulations  
8 ("Regulations") and constitutes grounds to suspend or revoke Respondent MARKOVIC's license  
9 and license rights pursuant to Code Sections 10177(h), 10177(d) or 10177(g).

10 15.

11 At no time mentioned herein has Home Defenders Center ever been licensed by  
12 the Department in any capacity.

13 Maria Martinez and Antonio Manjarrez

14 16.

15 On or about February 16, 2009, SORIANO and PALOMINO, while acting on  
16 behalf of Broderick and Respondents OCMP, OCMRI, and MARKOVIC (who were doing  
17 business as Home Defenders Center) solicited loan negotiation and modification services to  
18 Maria Martinez and Antonio Manjarrez in connection with a loan secured by liens on real  
19 property located at 51721 Calle Torres Orduno, Coachella, California ("Calle Torres Orduno  
20 property"). Ms. Martinez paid an advance fee totaling \$3,000 to Home Defenders Center for the  
21 loan negotiation and modification services. SORIANO and PALOMINO failed to provide  
22 copies of any written agreement or contract pertaining to the loan modification services for the  
23 Calle Torres Orduno property. Home Defenders Center failed to perform the services promised  
24 or to obtain any loans for the Calle Torres Orduno property on more favorable terms. Home  
25 Defenders Center failed to refund the advance fee paid by Ms. Martinez.  
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17.

The advance fee agreement used by Broderick and Respondents OCMP and OCMRI (while doing business as Home Defenders Center) had not been approved by the Department prior to use as is required under Code Section 10085 and Regulation Section 2970.

18.

The conduct, acts and/or omissions of Broderick and Respondents OCMP, OCMRI, as set forth above, in collecting advance fees, as defined under Code Section 10026, from prospective borrowers pursuant to a written fee agreement, which agreement was not submitted to the Department for review prior to use, was in violation of Code Section 10085 and Regulation Section 2970, and constitutes grounds for the suspension or revocation of the license and license rights of Respondents OCMP and OCMRI, pursuant to Code Sections 10177(d) or 10177(g).

19.

The advance fees collected by Broderick and Respondents OCMP and OCMRI (while doing business as Home Defenders Center) were not deposited in a trust account as required under Code Section 10146.

20.

The conduct, acts and/or omissions of Broderick and Respondents OCMP and OCMRI, as set forth above, in collecting advance fees from prospective borrowers and failing to deposit the advance fees into a trust account, is in violation of Code Section 10146 and constitutes grounds for the suspension or revocation of the license and license rights of Respondents OCMP and OCMRI pursuant to Code Sections 10177(d) and/or 10177(g).

21.

The conduct, acts and/or omissions of Respondents SORIANO and PALOMINO, as set forth above, in making substantial misrepresentations to borrowers in order to charge and collect advance fees for loan negotiation and modification services, and demonstrating negligence or incompetence in performing acts for which a real estate license is required,

1 constitutes grounds for the suspension or revocation of the license and license rights of  
2 Respondents SORIANO and PALOMINO pursuant to Code Sections 10176(a), 10177(d) and/or  
3 10177(g).

4 22.

5 Respondent MARKOVIC's failure to supervise the activities of Respondent  
6 OCMRI to ensure compliance with the Real Estate Law, is in violation of Code Section 10159.2  
7 and Regulation Section 2725 and constitutes grounds to suspend or revoke Respondent  
8 MARKOVIC's license and license rights pursuant to Code Sections 10177(h), 10177(d) or  
9 10177(g).

10 23.

11 Agustin and Lidia Enriquez

12 On or about March 18, 2009, SORIANO and PALOMINO, while acting on behalf  
13 of Broderick and Respondents OCMP, OCMRI, and MARKOVIC (doing business as Home  
14 Defenders Center) solicited loan negotiation and modification services to Agustin Enriquez and  
15 Lidia Enriquez in connection with a loan secured by liens on real property located at 2794 Coral  
16 Sea Ave, Salton City, California ("Coral Sea Ave. property"). Mr. Enriquez paid an advance fee  
17 totaling \$3,000 to Respondents for the loan negotiation and modification services. SORIANO  
18 and PALOMINO induced Mr. Enriquez to sign a durable power of attorney for Metro Escrow,  
19 Re/Max Metro, Home Defenders Center, attorney Kevin Spainhour, and his employees and/or  
20 associates. Mr. Enriquez never met with Kevin Spainhour. Respondents failed to perform the  
21 services promised or to obtain any loans for the Coral Sea Ave. property on more favorable  
22 terms. Respondents failed to provide Mr. Enriquez with an accounting of the advance fee trust  
23 funds deposited in a trust account for Mr. Enriquez as the beneficiary. Respondents failed to  
24 refund the advance fee paid by Mr. Enriquez.

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24.

The advance fee agreement used by Broderick and Respondents OCMP and OCMRI (doing business as Home Defenders Center) had not been approved by the Department prior to use as is required under Code Section 10085 and Regulation Section 2970.

25.

The conduct, acts and/or omissions of Broderick and Respondents OCMP and OCMRI as set forth above, in collecting advance fees, as defined under Code Section 10026, from prospective borrowers pursuant to a written fee agreement, which agreement was not submitted to the Department for review prior to use was in violation of Code Section 10085 and Regulation Section 2970, and constitutes grounds for the suspension or revocation of the license and license rights of Respondents OCMP and OCMRI pursuant to Code Sections 10177(d) or 10177(g).

26.

The advance fees collected by Broderick and Respondents OCMP and OCMRI (doing business as Home Defenders Center) were not deposited in a trust account as required under Code Section 10146.

27.

The conduct, acts and/or omissions of Broderick and Respondents OCMP and OCMRI, as set forth above, in collecting advance fees from prospective borrowers and failing to deposit the advance fees into a trust account, is in violation of Code Section 10146 and constitutes grounds for the suspension or revocation of the license and license rights of Respondents OCMP and OCMRI pursuant to Code Sections 10177(d) and/or 10177(g).

28.

The conduct, acts and/or omissions of Respondents SORIANO and PALOMINO, as set forth above, in making substantial misrepresentations to borrowers in order to charge and collect advance fees for loan negotiation and modification services and demonstrating negligence or incompetence in performing acts for which a real estate license is required, constitutes

1 grounds for the suspension or revocation of the license and license rights of Respondents  
2 SORIANO and PALOMINO pursuant to Code Sections 10176(a), 10177(d) and/or 10177(g).

3 29.

4 Respondent MARKOVIC's failure to supervise the activities of Respondent  
5 OCMRI to ensure compliance with the Real Estate Law, is in violation of Code Section 10159.2  
6 and Regulation Section 2725 and constitutes grounds to suspend or revoke Respondent  
7 MARKOVIC's license and license rights pursuant to Code Sections 10177(h), 10177(d) or  
8 10177(g).

9 30.

10 Manuel Navarro Elias

11 On or about August 22, 2009, Ferrufino, while acting on behalf of Broderick and  
12 Respondents OCMRI and MARKOVIC (while they were doing business as Re/Max Metro)  
13 solicited loan negotiation and modification services to Manuel Navarro Elias ("Mr. Navarro") in  
14 connection with a loan secured by liens on real property located at 230 N. Peach Ave., Fresno,  
15 California ("N. Peach Ave. property"). Ferrufino charged Mr. Navarro an advance fee of \$3,000  
16 for the loan negotiation and modification services. Ferrufino collected an advance fee of \$1,500  
17 from Mr. Navarro. Ferrufino failed to provide copies of any written agreement or contract  
18 pertaining to the loan modification services for the N. Peach Ave. property. Broderick and  
19 Respondent OCMRI failed to perform the services promised or to obtain any loans for the N.  
20 Peach Ave. property on more favorable terms. Broderick and Respondent OCMRI failed to  
21 refund the advance fee paid by Mr. Navarro.

22 31.

23 The advance fee agreement for loan negotiation and modification services used by  
24 Respondents OCMRI and BRODERICK had not been approved by the Department prior to use  
25 as is required under Code Section 10085 and Regulation Section 2970.  
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32.

The conduct, acts and/or omissions of Broderick and Respondent OCMRI as set forth above, in collecting advance fees, as defined under Code Section 10026, from prospective borrowers pursuant to a written fee agreement, which agreement was not submitted to the Department for review prior to use, is in violation of Code Section 10085 and Regulation Section 2970, and constitutes grounds for the suspension or revocation of the license and license rights of Respondent OCMRI pursuant to Code Sections 10177(d) or 10177(g).

33.

The advance fees collected by Broderick and Respondent OCMRI were not deposited in a trust account as required under Code Section 10146.

34.

The conduct, acts and/or omissions of Broderick and Respondent OCMRI as set forth above, in collecting advance fees from prospective borrowers and failing to deposit the advance fees into a trust account, is in violation of Code Section 10146 and constitutes grounds for the suspension or revocation of the license and license rights of Respondent OCMRI pursuant to Code Sections 10177(d) and/or 10177(g).

35.

Respondent MARKOVIC's failure to supervise the activities of Respondent OCMRI to ensure compliance with the Real Estate Law, is in violation of Code Section 10159.2 and Regulation Section 2725 and constitutes grounds to suspend or revoke Respondent MARKOVIC's license and license rights pursuant to Code Sections 10177(h), 10177(d) or 10177(g).

36.

Guadalupe Roa

From on or about December 29, 2008, through July, 2009, Guadalupe Roa paid \$6,000 to Home Defender Center for loan modification and negotiations services in connection with a loan secured directly by liens on two real properties located Cathedral City, California.

1 PALOMINO while acting on behalf of Broderick and Respondent OCMRI (while doing business  
2 as Re/Max Metro and Home Defender Center) solicited loan modification and negotiation  
3 services to Guadalupe Roa. PALOMINO and SORIANO charged and collected advance fees  
4 totaling \$6,000 for said loan negotiation and modification services. PALOMINO failed to  
5 provide copies of any written agreement or contract pertaining to the loan modification services  
6 for Guadalupe Roa's properties. Broderick and Respondent OCMRI failed to perform the  
7 services promised or to obtain any loans for Guadalupe Roa's properties on more favorable  
8 terms.

9 37.

10 The advance fee agreement for loan negotiation and modification services used by  
11 Broderick and Respondent OCMRI had not been approved by the Department prior to use as is  
12 required under Code Section 10085 and Regulation Section 2970.

13 38.

14 The conduct, acts and/or omissions of Broderick and Respondent OCMRI as set  
15 forth above, in collecting advance fees, as defined under Code Section 10026, from prospective  
16 borrowers pursuant to a written fee agreement, which agreement was not submitted to the  
17 Department for review prior to use, is in violation of Code Section 10085 and Regulation Section  
18 2970, and constitutes grounds for the suspension or revocation of the license and license rights of  
19 Respondent OCMRI pursuant to Code Sections 10177(d) or 10177(g).

20 39.

21 The advance fees collected by Broderick and Respondent OCMRI were not  
22 deposited in a trust account as required under Code Section 10146.

23 40.

24 The conduct, acts and/or omissions of Broderick and Respondent OCMRI as set  
25 forth above, in collecting advance fees from prospective borrowers and failing to deposit the  
26 advance fees into a trust account, is in violation of Code Section 10146 and constitutes grounds  
for the suspension or revocation of the license and license rights of Respondent OCMRI pursuant

1 to Code Sections 10177(d) and/or 10177(g).

2 41.

3 Respondent MARKOVIC's failure to supervise the activities of Respondent  
4 OCMRI to ensure compliance with the Real Estate Law, is in violation of Code Section 10159.2  
5 and Regulation Section 2725 and constitutes grounds to suspend or revoke Respondent  
6 MARKOVIC's license and license rights pursuant to Code Sections 10177(h), 10177(d) or  
7 10177(g).

8 SECOND CAUSE OF ACCUSATION  
9 (Use of Unauthorized Fictitious Business Name)

10 42.

11 There is hereby incorporated in this Second, separate Cause of Accusation, all of  
12 the allegations contained in Paragraphs 1 through 41 above, with the same force and effect as if  
13 herein fully set forth.

14 43.

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

18 44.

19 Broderick and Respondents OCMP and OCMRI acted without Department  
20 authorization in using the fictitious business name Home Defenders Center to engage in  
21 activities requiring the issuance of a real estate license.

22 45.

23 The conduct, acts and/or omissions of Broderick and Respondents OCMP and  
24 OCMRI, as set forth in Paragraphs 43 and 44, above, violate Code Section 10159.5 and  
25 Regulation Section 2731, and are cause for the suspension or revocation of the license and  
26 license rights of Respondents OCMP and OCMRI pursuant to Code Sections 10177(d) and/or  
10177(g).

1 46.

2 Respondent MARKOVIC's failure to supervise the activities of Respondent  
3 OCMRI to ensure compliance with the Real Estate Law, is in violation of Code Section 10159.2  
4 and Regulation Section 2725 and constitutes grounds to suspend or revoke Respondent  
5 MARKOVIC's license and license rights pursuant to Code Sections 10177(h), 10177(d) or  
6 10177(g).

7 THIRD CAUSE OF ACCUSATION  
8 (Audits)

9 47.

10 There is hereby incorporated in this Third, separate Cause of Accusation, all of  
11 the allegations contained in Paragraphs 1 through 46 above, with the same force and effect as if  
12 herein fully set forth.

13 48.

14 A licensed real estate broker shall retain for three years copies of all listings,  
15 deposit receipts, canceled checks, trust records, and other documents executed by him or her or  
16 obtained by him or her in connection with any transactions for which a real estate broker license  
17 is required, in accordance with the provisions of Code Section 10148.

18 49.

19 On June 3, 2010, the Department served a subpoena duces tecum to Respondent  
20 OCMRI for copies of all documents in connection with licensed activity conducted between  
21 June 7, 2007 and June 7, 2010.

22 50.

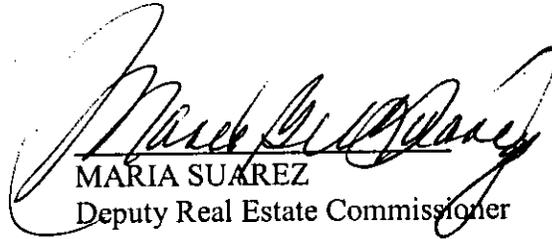
23 After being given reasonable notice, Respondent OCMRI failed to retain records  
24 in connection with its licensed activities requested by the Department, in violation of Code  
25 Section 10148.  
26



1                   WHEREFORE, Complainant prays that a hearing be conducted on the allegations  
2 of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary  
3 action against all licenses and/or license rights of Respondents ORANGE COUNTY METRO  
4 REALTY, INC., ORANGE COUNTY METRO PROPERTIES, DEREK WALTER  
5 MARKOVIC, individually and as former designated officer of Orange County Metro Realty,  
6 Inc., BRENDA J. CABALLERO, INES P. SORIANO, and EZEQUIEL MARTIN PALOMINO,  
7 under the Real Estate Law (Part 1 of Division 4 of the California Business and Professions Code)  
8 and for such other and further relief as may be proper under other applicable provisions of law.

9 Dated at Los Angeles, California.

10 this 18<sup>th</sup> day of October, 2011.

11  
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13   
14 MARIA SUAREZ  
15 Deputy Real Estate Commissioner  
16  
17

18 cc: OAH  
19 Orange County Metro Realty, Inc.  
20 Orange County Metro Properties  
21 Jane Grilliot Kearn, Esq.  
22 Derek Walter Markovic  
23 Carlos V. Yguico, Esq.  
24 Brenda J. Caballero  
25 Republic Realty Services, Inc.  
26 Perry E. Rhoads, Esq.  
Ines P. Soriano  
Best Buy Real Estate  
Ezequiel Martin Palomino  
Robert L. Williams, Esq.  
Maria Suarez  
Sacto



On July 27, 2011, no Notice of Defense having been filed herein within the time prescribed by Section 11506 of the Government Code, Respondent JUAN CARLOS FERRUFINO's default was entered herein.

## II

From February 14, 1996, through the present, Respondent JUAN CARLOS FERRUFINO ("FERRUFINO") has been licensed and/or 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. From July 23, 2009, through January 6, 2010, FERRUFINO was acting in the employ of ORANGE COUNTY METRO REALTY, INC. ("OCMRI"). From January 7, 2010, through April 16, 2010, FERRUFINO was acting in the employ of ORANGE COUNTY METRO PROPERTIES ("OCMP").

## III

On or about August 22, 2009, FERRUFINO, while acting on behalf of OCMRI, doing business as Re/Max Metro, solicited loan negotiation and modification services to Manuel Navarro Elias ("Mr. Navarro") in connection with a loan secured by real property located at 230 N. Peach Ave., Fresno, California ("230 N. Peach Ave. property"). FERRUFINO charged Mr. Navarro an advance fee totaling \$3,000 for the loan negotiation and modification services. FERRUFINO collected an advance fee of \$1,500 from Mr. Navarro. FERRUFINO failed to provide copies of any written agreement or contract pertaining to the loan modification services for the 230 N. Peach Ave. property. OCMRI failed to perform the services promised or to obtain any loans for the 230 N. Peach Ave. property on more favorable terms. OCMRI failed to refund the advance fee paid by Mr. Navarro.

## IV

The conduct, acts and/or omissions of Respondent FERRUFINO, as set forth above, in making substantial misrepresentations to borrowers in order to charge and collect advance fees for loan negotiation and modification services and demonstrating negligence or incompetence in performing acts for which a real estate license is required constitutes grounds for the suspension or revocation of the license and license rights of Respondent FERRUFINO pursuant to Code Sections 10176(a) and 10177(g).

DETERMINATION OF ISSUES

I

Cause for disciplinary action against Respondent JUAN CARLOS FERRUFINO exists pursuant to Business and Professions Code Sections 10176(a) and 10177(g).

II

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

ORDER

The licenses and license rights of Respondent JUAN CARLOS FERRUFINO 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 Sept. 28, 2011.

DATED: 8/26, 2011.

BARBARA J. BIGBY  
Acting Real Estate Commissioner



1 Department of Real Estate  
2 320 West Fourth Street, Suite 350  
3 Los Angeles, California 90013-1105

**FILED**  
JUL 27 2011  
DEPARTMENT OF REAL ESTATE

By C.B.

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6  
7 BEFORE THE DEPARTMENT OF REAL ESTATE  
8 STATE OF CALIFORNIA

9 \* \* \* \*

10 In the Matter of the Accusation of )  
11 ORANGE COUNTY METRO REALTY, INC., ) NO. H-37289 LA  
12 ORANGE COUNTY METRO PROPERTIES, ) DEFAULT ORDER  
13 DEREK WALER MARKOVIC, individually )  
14 and as former designated officer )  
15 of Orange County Metro Realty, Inc., )  
16 BRENDA J. CABALLERO, INES P. SORIANO, )  
EZEQUIEL MARTIN PALOMINO, and )  
JUAN CARLOS FERRUFINO, )  
Respondents. )

17 Respondent, JUAN CARLOS FERRUFINO, having failed to  
18 file a Notice of Defense within the time required by Section  
19 11506 of the Government Code, is now in default. It is,  
20 therefore, ordered that a default be entered on the record in  
21 this matter as to JUAN CARLOS FERRUFINO.

22 IT IS SO ORDERED

July 27, 2011

23 BARBARA J. BIGBY  
24 Acting Real Estate Commissioner

25 Dolores Weeks  
26 By: DOLORES WEEKS  
27 Regional Manager

SAC

1 LISSETE GARCIA, Counsel (SBN 211552)  
2 Department of Real Estate  
3 320 West 4th Street, Suite 350  
4 Los Angeles, California 90013-1105  
5 Telephone: (213) 576-6982  
6 (Direct) (213) 576-6914

**FILED**  
MAY 24 2011  
DEPARTMENT OF REAL ESTATE

By CS

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11	In the Matter of the Accusation of	)	
12	ORANGE COUNTY METRO REALTY, INC.,	)	NO. H-37289 LA
13	ORANGE COUNTY METRO PROPERTIES,	)	<u>ACCUSATION</u>
14	DEREK WALTER MARKOVIC, individually	)	
15	and as former designated officer of Orange	)	
16	County Metro Realty, Inc.,	)	
17	BRENDA J. CABALLERO,	)	
18	INES P. SORIANO,	)	
19	EZEQUIEL MARTIN PALOMINO, and	)	
	JUAN CARLOS FERRUFINO,	)	
		)	
		)	
	Respondents.	)	
		)	

20 The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State  
21 of California, for cause of Accusation against ORANGE COUNTY METRO REALTY, INC.  
22 ("OCMRP"), ORANGE COUNTY METRO PROPERTIES ("OCMP"), DEREK WALTER  
23 MARKOVIC, individually and as former designated officer of Orange County Metro Realty,  
24 Inc., BRENDA J. CABALLERO ("CABALLERO"), INES P. SORIANO ("SORIANO"),  
25 EZEQUIEL MARTIN PALOMINO ("PALOMINO"), and JUAN CARLOS FERRUFINO  
26 ("FERRUFINO"), (collectively "Respondents"), is informed and alleges as follows:

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1.

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, makes this Accusation in her official capacity.

2.

From January 24, 2008, through the present, Respondent OCMRI has been licensed as a real estate corporation. From June 27, 2008, through January 4, 2010, OCMRI was acting by and through Respondent MARKOVIC as its designated broker-officer pursuant to Business and Professions Code ("Code") Section 10159.2 to be responsible for ensuring compliance with the Real Estate Law. Joseph Alois Broderick ("Broderick") is the Chief Executive Officer, Director and President of Respondent OCMRI.

3.

From April 17, 2002, through April 16, 2010, Respondent OCMP was licensed as a real estate corporation. From April 17, 2006, through April 17, 2010, OCMP was acting by and through Broderick as its designated broker-officer pursuant to Code Section 10159.2 to be responsible for ensuring compliance with the Real Estate Law. Broderick is the Chief Executive Officer, Director and President of Respondent OCMP.

4.

From February 15, 1985, through February 14, 2009, Broderick was licensed as a real estate broker. Broderick's renewal rights have expired pursuant to Code Section 10201.

5.

From November 14, 1983, through the present, Respondent MARKOVIC has been individually licensed as a real estate broker. From June 27, 2008, through January 4, 2010, Respondent MARKOVIC was licensed as the broker-officer of Respondent OCMRI.

6.

From November 3, 1990, through the present, Respondent CABALLERO has been licensed as a real estate salesperson. From July 11, 2008, through January 3, 2010, Respondent CABALLERO was acting in the employ of Respondent OCMRI. From January 5,

1 2010, through April 17, 2010, Respondent CABALLERO was acting in the employ of  
2 Respondent OCMP.

3 7.

4 From May 3, 2007, through the present, SORIANO, formerly known as Ines  
5 Onorio, has been licensed as a real estate salesperson. From July 15, 2008, through January 3,  
6 2010, SORIANO was acting in the employ of Respondent OCMRI. From January 5, 2010,  
7 through April 16, 2010, SORIANO was acting in the employ of Respondent OCMP.

8 8.

9 From January 26, 2000, through the present, PALOMINO has been licensed as a  
10 real estate salesperson. From July 15, 2008, through January 3, 2010, PALOMINO was acting in  
11 the employ of Respondent OCMRI. From January 13, 2010, through April 26, 2010,  
12 PALOMINO was acting in the employ of Respondent OCMP.

13 9.

14 From February 14, 1996, through the present, FERRUFINO has been licensed as  
15 a real estate salesperson. From July 23, 2009, through January 6, 2010, FERRUFINO was acting  
16 in the employ of Respondent OCMRI. From January 7, 2010, through April 16, 2010,  
17 FERRUFINO was acting in the employ of Respondent OCMP.

18 FIRST CAUSE OF ACCUSATION  
19 (3122 Cabernet Drive property)

20 10.

21 On or about July 21, 2008, Alonso Godinez entered into a residential listing  
22 agreement with broker OCMRI, while doing business as Re/Max Metro Realty and Metro  
23 Escrow, to complete a short sale of Mr. Godinez' real property located 3122 Cabernet Drive,  
24 Mira Loma, California ("3122 Cabernet Drive property"). The listing price of the 3122 Cabernet  
25 Drive property was \$379,000. German Guzman signed the residential listing agreement as the  
26 agent for OCMRI. Mr. Godinez met with Respondent OCMRI's agents including  
CABALLERO, German Guzman, Lizardo Enrique Garcia, and Esperanza Salazar. OCMRI's

1 agents induced Mr. Godinez to sign several documents including what Mr. Godinez later  
2 discovered was a grant deed conveying the 3122 Cabernet Drive property to Linda K. Rogers, as  
3 trustee of the 3122 Cabernet Drive Land Trust. Mr. Godinez was not given copies of the  
4 documents that he was asked to sign for Respondent OCMRI. On July 30, 2008, Linda K.  
5 Rogers executed a Notice of Default Purchase Agreement to purchase the 3122 Cabernet Drive  
6 property for \$175,000.

7 11.

8 Respondent OCMRI did not complete the short sale of the 3122 Cabernet Drive  
9 property for Mr. Godinez. Mr. Godinez asked to have the title to his 3122 Cabernet Drive  
10 property transferred back to his name. Respondent CABALLERO, while acting as manager for  
11 Respondent OCMRI and Broderick, refused unless Mr. Godinez paid a \$2,500 fee to revoke the  
12 trust and transfer title of the 3122 Cabernet Drive property back to his name.

13 12.

14 The conduct, acts and/or omissions of Respondents OCMRI and CABALLERO  
15 as alleged above, constitute making substantial misrepresentations, willful violations of the Real  
16 Estate Law, fraud, dishonest dealing or negligence and are grounds for the suspension or  
17 revocation of Respondents OCMRI and CABALLERO's licenses under Code Sections 10176(a),  
18 10177(d), 10177(j) or 10177(g).

19 13.

20 Respondent MARKOVIC's failure to supervise the activities of Respondent  
21 OCMRI to ensure compliance with the Real Estate Law, is in violation of Code Section 10159.2  
22 and Section 2725 of the Regulations, Title 10, Chapter 6, California Code of Regulations  
23 ("Regulations") and constitutes grounds to suspend or revoke Respondent MARKOVIC's license  
24 and license rights pursuant to Code Sections 10177(h), 10177(d) or 10177(g).

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18.

The conduct, acts and/or omissions of Respondents OCMP and OCMRI, as set forth above, in collecting advance fees, as defined under Code Section 10026, from prospective borrowers pursuant to a written fee agreement, which agreement was not submitted to the Department for review prior to use, was in violation of Code Section 10085 and Regulation Section 2970, and constitutes grounds for the suspension or revocation of the license and license rights of Respondents OCMP and OCMRI pursuant to Code Sections 10177(d) or 10177(g).

19.

The advance fees collected by Broderick and Respondents OCMP and OCMRI, while doing business as Home Defenders Center, were not deposited in a trust account as required under Code Section 10146.

20.

The conduct, acts and/or omissions of Respondents OCMP and OCMRI, as set forth above, in collecting advance fees from prospective borrowers and failing to deposit the advance fees into a trust account, was in violation of Code Section 10146 and constitutes grounds for the suspension or revocation of the license and license rights of Respondents OCMP and OCMRI pursuant to Code Sections 10177(d) and/or 10177(g).

21.

The conduct, acts and/or omissions of Respondents SORIANO and PALOMINO, as set forth above, in making substantial misrepresentations to borrowers in order to charge and collect advance fees for loan negotiation and modification services, and demonstrating negligence or incompetence in performing acts for which a real estate license is required, constitutes grounds for the suspension or revocation of the license and license rights of Respondents SORIANO and PALOMINO pursuant to Code Sections 10176(a) and/or 10177(g).

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22.

Respondent MARKOVIC's failure to supervise the activities of Respondent OCMRI, to ensure compliance with the Real Estate Law, is in violation of Code Section 10159.2 and Regulation Section 2725 and constitutes grounds to suspend or revoke Respondent MARKOVIC's license and license rights pursuant to Code Sections 10177(h), 10177(d) or 10177(g).

THIRD CAUSE OF ACCUSATION  
(2794 Coral Sea Ave. property)

23.

There is hereby incorporated in this third, separate Cause of Accusation, all of the allegations contained in Paragraphs 1 through 22 above, with the same force and effect as if herein fully set forth.

24.

On or about March 18, 2009, SORIANO and PALOMINO, while acting on behalf of Broderick and Respondents OCMP, OCMRI, and MARKOVIC, who were doing business as Home Defenders Center, solicited loan negotiation and modification services to Agustin Enriquez and Lidia Enriquez in connection with a loan secured by real property located at 2794 Coral Sea Ave, Salton City, California ("2794 Coral Sea Ave. property"). Mr. Enriquez paid an advance fee totaling \$3,000 to Respondents for the loan negotiation and modification services. SORIANO and PALOMINO induced Mr. Enriquez to sign a durable power of attorney for Metro Escrow, Re/Max Metro, Home Defenders Center, attorney Kevin Spainhour, and his employees and/or associates. Mr. Enriquez never met with Kevin Spainhour. Respondents failed to perform the services promised or to obtain any loans for the 2794 Coral Sea Ave. property on more favorable terms. Respondents failed to provide Mr. Enriquez with an accounting of the advance fee trust funds deposited in a trust account for Mr. Enriquez as the beneficiary. Respondents failed to refund the advance fee paid by Mr. Enriquez.

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25.

The advance fee agreement used by Broderick and Respondents OCMP and OCMRI,, who were doing business as Home Defenders Center, had not been approved by the Department prior to use as is required under Code Section 10085 and Regulation Section 2970.

26.

The conduct, acts and/or omissions of Respondents OCMP and OCMRI, as set forth above, in collecting advance fees, as defined under Code Section 10026, from prospective borrowers pursuant to a written fee agreement, which agreement was not submitted to the Department for review prior to use was in violation of Code Section 10085 and Regulation Section 2970, and constitutes grounds for the suspension or revocation of the license and license rights of Respondents OCMP and OCMRI pursuant to Code Sections 10177(d) or 10177(g).

27.

The advance fees collected by Broderick and Respondents OCMP and OCMRI, while doing business as Home Defenders Center were not deposited in a trust account as required under Code Section 10146.

28.

The conduct, acts and/or omissions of Respondents OCMP and OCMRI, as set forth above, in collecting advance fees from prospective borrowers and failing to deposit the advance fees into a trust account, was in violation of Code Section 10146 and constitutes grounds for the suspension or revocation of the license and license rights of Respondents OCMP and OCMRI pursuant to Code Sections 10177(d) and/or 10177(g).

29.

The conduct, acts and/or omissions of Respondents SORIANO and PALOMINO, as set forth above, in making substantial misrepresentations to borrowers in order to charge and collect advance fees for loan negotiation and modification services and demonstrating negligence or incompetence in performing acts for which a real estate license is required, constitutes grounds for the suspension or revocation of the license and license rights of Respondents

1 SORIANO and PALOMINO pursuant to Code Sections 10176(a) and/or 10177(g).

2 30.

3 Respondent MARKOVIC's failure to supervise the activities of Respondent  
4 OCMRI to ensure compliance with the Real Estate Law, is in violation of Code Section 10159.2  
5 and Regulation Section 2725 and constitutes grounds to suspend or revoke Respondent  
6 MARKOVIC's license and license rights pursuant to Code Sections 10177(h), 10177(d) or  
7 10177(g).

8 FOURTH CAUSE OF ACCUSATION  
9 (Use of Unauthorized Fictitious Business Name)

10 31.

11 There is hereby incorporated in this fourth, separate Cause of Accusation, all of  
12 the allegations contained in Paragraphs 1 through 30 above, with the same force and effect as if  
13 herein fully set forth.

14 32.

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

18 33.

19 Broderick and Respondents OCMP and OCMRI, acted without Department  
20 authorization in using the fictitious business name Home Defenders Center to engage in  
21 activities requiring the issuance of a real estate license.

22 34.

23 The conduct, acts and/or omissions of Respondents OCMP and OCMRI, as set  
24 forth in Paragraphs 31 and 32, above, violate Code Section 10159.5 and Regulation Section  
25 2731, and are cause for the suspension or revocation of the license and license rights of  
26 Respondents OCMP and OCMRI pursuant to Code Sections 10177(d) and/or 10177(g).

1 35.

2 Respondent MARKOVIC's failure to supervise the activities of Respondent  
3 OCMRI to ensure compliance with the Real Estate Law, is in violation of Code Section 10159.2  
4 and Regulation Section 2725 and constitutes grounds to suspend or revoke Respondent  
5 MARKOVIC's license and license rights pursuant to Code Sections 10177(h), 10177(d) or  
6 10177(g).

7 FIFTH CAUSE OF ACCUSATION  
8 (230 N. Peach Ave. property)

9 36.

10 There is hereby incorporated in this fifth, separate Cause of Accusation, all of the  
11 allegations contained in Paragraphs 1 through 35 above, with the same force and effect as if  
12 herein fully set forth.

13 37.

14 On or about August 22, 2009, FERRUFINO, while acting on behalf of Broderick  
15 and Respondents OCMRI and MARKOVIC, while doing business as Re/Max Metro, solicited  
16 loan negotiation and modification services to Manuel Navarro Elias ("Mr. Navarro") in  
17 connection with a loan secured by real property located at 230 N. Peach Ave., Fresno, California  
18 ("230 N. Peach Ave. property"). FERRUFINO charged Mr. Navarro an advance fee totaling  
19 \$3,000 for the loan negotiation and modification services. FERRUFINO collected an advance  
20 fee of \$1,500 from Mr. Navarro. FERRUFINO failed to provide copies of any written agreement  
21 or contract pertaining to the loan modification services for the 230 N. Peach Ave. property.  
22 Respondent OCMRI failed to perform the services promised or to obtain any loans for the 230 N.  
23 Peach Ave. property on more favorable terms. Respondent OCMRI failed to refund the advance  
24 fee paid by Mr. Navarro.

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38.

The advance fee agreement for loan negotiation and modification services used by Respondent OCMRI had not been approved by the Department prior to use as is required under Code Section 10085 and Regulation Section 2970.

39.

The conduct, acts and/or omissions of Respondent OCMRI as set forth above, in collecting advance fees, as defined under Code Section 10026, from prospective borrowers pursuant to a written fee agreement, which agreement was not submitted to the Department for review prior to use, was in violation of Code Section 10085 and Regulation Section 2970, and constitutes grounds for the suspension or revocation of the license and license rights of Respondent OCMRI pursuant to Code Sections 10177(d) or 10177(g).

40.

The advance fees collected by Respondent OCMRI were not deposited in a trust account as required under Code Section 10146.

41.

The conduct, acts and/or omissions of Respondent OCMRI as set forth above, in collecting advance fees from prospective borrowers and failing to deposit the advance fees into a trust account, was in violation of Code Section 10146 and constitutes grounds for the suspension or revocation of the license and license rights of Respondent OCMRI pursuant to Code Sections 10177(d) and/or 10177(g).

42.

The conduct, acts and/or omissions of Respondent FERRUFINO, as set forth above, in making substantial misrepresentations to borrowers in order to charge and collect advance fees for loan negotiation and modification services and demonstrating negligence or incompetence in performing acts for which a real estate license is required constitutes grounds for the suspension or revocation of the license and license rights of Respondent FERRUFINO pursuant to Code Sections 10176(a) and/or 10177(g).

1 43.

2 Respondent MARKOVIC's failure to supervise the activities of Respondent  
3 OCMRI to ensure compliance with the Real Estate Law, is in violation of Code Section 10159.2  
4 and Regulation Section 2725 and constitutes grounds to suspend or revoke Respondent  
5 MARKOVIC's license and license rights pursuant to Code Sections 10177(h), 10177(d) or  
6 10177(g).

7 SIXTH CAUSE OF ACCUSATION  
8 (Audits)

9 44.

10 There is hereby incorporated in this sixth, separate Cause of Accusation, all of the  
11 allegations contained in Paragraphs 1 through 43 above, with the same force and effect as if  
12 herein fully set forth.

13 45.

14 A licensed real estate broker shall retain for three years copies of all listings,  
15 deposit receipts, canceled checks, trust records, and other documents executed by him or her or  
16 obtained by him or her in connection with any transactions for which a real estate broker license  
17 is required, in accordance with the provisions of Code Section 10148.

18 46.

19 On June 3, 2010, the Department served a subpoena duces tecum to Respondent  
20 OCMRI for copies of all documents in connection with licensed activity conducted between  
21 June 7, 2007 and June 7, 2010.

22 47.

23 After being given reasonable notice, Respondent OCMRI failed to retain records  
24 in connection with its licensed activities requested by the Department, in violation of Code  
25 Section 10148:  
26



1                   WHEREFORE, Complainant prays that a hearing be conducted on the allegations  
2 of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary  
3 action against all licenses and/or license rights of Respondents ORANGE COUNTY METRO  
4 REALTY, INC., ORANGE COUNTY METRO PROPERTIES, DEREK WALTER  
5 MARKOVIC, individually and as former designated officer of Orange County Metro Realty,  
6 Inc., BRENDA J. CABALLERO, INES P. SORIANO, EZEQUIEL MARTIN PALOMINO, and  
7 JUAN CARLOS FERRUFINO, under the Real Estate Law (Part 1 of Division 4 of the California  
8 Business and Professions Code) and for such other and further relief as may be proper under  
9 other applicable provisions of law.

10 Dated at Los Angeles, California.

11 this 19<sup>th</sup> day of May, 2011.

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15 MARIA SUAREZ  
16 Deputy Real Estate Commissioner  
17  
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19

20 cc: Orange County Metro Realty, Inc.  
21 Orange County Metro Properties  
22 Derek Walter Markovic  
23 Brenda J. Caballero  
24 Republic Realty Services, Inc.  
25 Ines P. Soriano  
26 Best Buy Real Estate  
Ezequiel Martin Palomino  
Juan Carlos Ferrufino  
Maria Suarez  
Sacto