

1 Department of Real Estate
2 P. O. Box 187007
3 Sacramento, CA 95818-7007

4 Telephone: (916) 227-0789

FILED
JAN 12 2007

DEPARTMENT OF REAL ESTATE

By *[Signature]*

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) NO. H-4494 SAC
12 CHRISTOPHER ANTHONY TRINGALI)
13 Respondent.) STIPULATION AND AGREEMENT
14) IN SETTLEMENT AND ORDER

15 It is hereby stipulated by and between CHRISTOPHER
16 ANTHONY TRINGALI (Respondent) and his attorney of record,
17 Mark A. Cameron of Miller, Starr & Regalia, and the Complainant,
18 acting by and through David B. Seals, Counsel for the Department
19 of Real Estate, as follows for the purpose of settling and
20 disposing of the Accusation filed on July 6, 2006, in this
21 matter:

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

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1 submitted solely on the basis of the provisions of this
2 Stipulation and Agreement in Settlement.

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

7 3. A Notice of Defense was filed on July 20, 2006 by
8 Respondent, pursuant to Section 11505 of the Government Code for
9 the purpose of requesting a hearing on the allegations in the
10 Accusation. Respondent hereby freely and voluntarily withdraws
11 said Notice of Defense. Respondent acknowledges that he
12 understands that by withdrawing said Notice of Defense he will
13 thereby waive his right to require the Commissioner to prove the
14 allegations in the Accusation at a contested hearing held in
15 accordance with the provisions of the APA and that he will waive
16 other rights afforded to him in connection with the hearing such
17 as the right to present evidence in defense of the allegations
18 in the Accusation and the right to cross-examine witnesses.

19 4. This Stipulation is based on the factual
20 allegations contained in the Accusation. In the interests of
21 expedience and economy, Respondent chooses not to contest these
22 allegations, but to remain silent and understands that, as a
23 result thereof, these factual allegations, without being
24 admitted or denied, will serve as a prima facie basis for the
25 disciplinary action stipulated to herein. The Real Estate
26 Commissioner shall not be required to provide further evidence
27 to prove said factual allegations.

1 5. It is understood by the parties that the Real
2 Estate Commissioner may adopt the Stipulation and Agreement in
3 Settlement as his decision in this matter thereby imposing the
4 penalty and sanctions on Respondent's real estate licenses and
5 license rights as set forth in the below "Order". In the event
6 that the Commissioner in his discretion does not adopt the
7 Stipulation and Agreement in Settlement, it shall be void and of
8 no effect, and Respondent shall retain the right to a hearing
9 and proceeding on the Accusation under all the provisions of the
10 APA and shall not be bound by any admission or waiver made
11 herein.

12 6. The Order or any subsequent Order of the Real
13 Estate Commissioner made pursuant to this Stipulation and
14 Agreement in Settlement shall not constitute an estoppel, merger
15 or bar to any further administrative or civil proceedings by the
16 Department of Real Estate with respect to any matters which were
17 not specifically alleged to be causes for accusation in this
18 proceeding.

19 DETERMINATION OF ISSUES

20 By reason of the foregoing stipulations, admissions
21 and waivers and solely for the purpose of settlement of the
22 pending Accusation without a hearing, it is stipulated and
23 agreed that the facts alleged above are grounds for the
24 suspension or revocation of the licenses and license rights of
25 Respondent CHRISTOPHER ANTHONY TRINGALI under Sections 10177(d)
26 of the Code.

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

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

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1 3. Respondent shall not be eligible to apply for the
2 issuance of an unrestricted real estate license nor for the
3 removal of any of the conditions, limitations or restrictions of
4 a restricted license until two years have elapsed from the
5 effective date of this Decision.

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

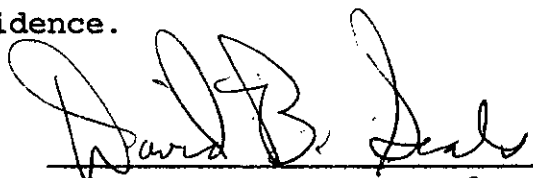
11 (a) That the employing broker has read the Decision
12 of the Commissioner which granted the right to a
13 restricted license; and

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

18 5. Respondent shall, within nine (9) months from the
19 effective date of this Decision, present evidence satisfactory
20 to the Real Estate Commissioner that Respondent has, since the
21 most recent issuance of an original or renewal real estate
22 license, taken and successfully completed the continuing
23 education requirements of Article 2.5 of Chapter 3 of the Real
24 Estate Law for renewal of a real estate license. If Respondent
25 fails to satisfy this condition, the Commissioner may order the
26 suspension of the restricted license until the Respondent
27 presents such evidence. The Commissioner shall afford Respondent

1 the opportunity for a hearing pursuant to the Administrative
2 Procedure Act to present such evidence.

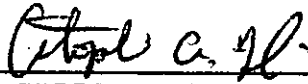
3
4 DATED: Nov 28 2006


DAVID B. SEALS, Counsel
DEPARTMENT OF REAL ESTATE

6 * * *

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


18
19 DATED: 11-16-06


CHRISTOPHER ANTHONY TRINGALI
Respondent

21 * * *

22 I have reviewed the Stipulation and Agreement as to
23 form and content and have advised my client accordingly.

24
25
26 DATED: 11-13-06


MARK A. CAMERON
Attorney for Respondent

1 DAVID B. SEALS, Counsel (SBN 69378)
2 Department of Real Estate
3 P. O. Box 187007
4 Sacramento, CA 95818-7007

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FILED
JUL -8 2006

DEPARTMENT OF REAL ESTATE

[Signature]

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)

NO. H-4494 SAC

12 CHRISTOPHER ANTHONY TRINGALI,)

ACCUSATION

13 Respondent.)
14)

15 The Complainant, Charles W. Koenig, a Deputy Real
16 Estate Commissioner of the State of California for cause of
17 Accusation against CHRISTOPHER ANTHONY TRINGALI (hereinafter
18 "Respondent") is informed and alleges as follows:

19 I

20 The Complainant, Charles W. Koenig, a Deputy Real
21 Estate Commissioner of the State of California, makes this
22 Accusation in his official capacity.

23 II

24 Respondent is licensed and/or has license rights under
25 the Real Estate Law, Part 1 of Division 4 of the California
26 Business and Professions Code (hereinafter "Code") as a real
27 estate broker employed by Realty World All Services.

1 III

2 On or about October 28, 2005, Julia La'Court
3 (hereinafter the "Seller") entered into a Residential Listing
4 Agreement (hereinafter the "Agreement") with Realty World All
5 Services prepared by the Respondent to sell her home located at
6 134 Hilborn Ave., Vallejo (hereinafter the "Property").

7 IV

8 Respondent failed to provide the Seller with a copy of
9 the signed Agreement at the time she signed it or at any other
10 time in violation of Section 10142 of the Code.

11 V

12 On or about November 16, 2005 Respondent received a
13 letter from the Seller dated November 15, 2005 indicating that
14 she was terminating the Agreement because she had changed her
15 mind about selling the Property.

16 VI

17 On or about November 18, 2005 Respondent and Realty
18 World All Services informed the Seller they would not cancel the
19 Agreement.

20 VII

21 Between November 16, 2005 and January 7, 2006
22 Respondent lowered the listing price of the Property on the Bay
23 Area Real Estate Information Services Multiple Listing Service
24 from \$415,000 to \$399,000 to \$389,000 to \$375,000 all without the
25 authorization of the Seller.

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VIII

On or about January 18, 2006 Respondent wrote a letter to the Seller demanding a \$20,750 commission "... earned when you terminated our listing agreement in writing on November 15, 2005."

IX

The Seller had not sold the Property on at anytime during the period covered by the Agreement nor at any time thereafter.

X

The facts alleged above are grounds for suspension or revocation of Respondent's licenses and license rights under Section 10176(i) of the Code and Section 10177(d) of the Code in conjunction with Section 10142 of the Code.

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against all licenses and license rights of Respondent under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code), and for such other and further relief as may be proper under other provisions of law.


CHARLES W. KOENIG
Deputy Real Estate Commissioner

Dated at Sacramento, California,
this 28th day of June, 2006.