

FILED

APR 21 2010

DEPARTMENT OF REAL ESTATE

1 Department of Real Estate
2 P.O. Box 187007
3 Sacramento, CA 95818-7007
4 Telephone: (916) 227-0781

7 BEFORE THE DEPARTMENT OF REAL ESTATE
8 STATE OF CALIFORNIA

9 * * *

10
11 In the Matter of the Accusation of
12 IDALIA LIZZETTE LOMBERA and
13 FRANKI HALLORAN,
14 Respondents.

No. H-5325 SAC

STIPULATION AND
AGREEMENT

15 It is hereby stipulated by and between IDALIA LIZZETTE LOMBERA and
16 FRANKI HALLORAN, (hereinafter "Respondents"), and the Complainant, acting by and
17 through Truly Sughrue, Counsel for the Department of Real Estate, as follows for the purpose
18 of settling and disposing the Accusation filed on December 30, 2009 in this matter:

19
20 1. All issues which were to be contested and all evidence which was to be
21 presented by Complainant and Respondent at a formal hearing on the Accusation, which hearing
22 was to be held in accordance with the provisions of the Administrative Procedure Act
23 (hereinafter "APA"), shall instead and in place thereof be submitted solely on the basis of the
24 provisions of this Stipulation and Agreement.
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1 2. Respondents have received, read and understand the Statement to
2 Respondent, and the Discovery Provisions of the APA filed by the Department of Real Estate in
3 this proceeding.

4 3. Respondents filed a Notice of Defense pursuant to Section 11505 of the
5 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.
6 Respondents hereby freely and voluntarily withdraws said Notice of Defense. Respondents
7 acknowledges that they understand that by withdrawing said Notice of Defense they will thereby
8 waive their rights to require the Commissioner to prove the allegations in the Accusation at a
9 contested hearing held in accordance with the provisions of the APA, and that they will waive
10 other rights afforded to them in connection with the hearing such as the right to present evidence
11 in defense of the allegations in the Accusation and the right to cross-examine witnesses.
12

13 4. This stipulation is based on the allegations contained in the Accusation. In
14 the interest of expediency and economy, Respondents choose not to contest these allegations, but
15 to remain silent and understands that, as a result thereof, these statements will serve as a prima
16 facie basis for the "Determination of Issues" and "Order" set forth below. The Real Estate
17 Commissioner shall not be required to provide further evidence to prove such allegations.
18

19 5. This Stipulation and Respondent's decision not to contest the Accusation
20 are made for the purpose of reaching an agreed disposition of this proceeding and are expressly
21 limited to this proceeding and any other proceeding or case in which the Department of Real
22 Estate (hereinafter "the Department"), the state or federal government, an agency of this state, or
23 an agency of another state is involved.
24

25 6. It is understood by the parties that the Real Estate Commissioner may
26 adopt the Stipulation and Agreement as his decision in this matter thereby imposing the penalty
27

1 and sanctions on the real estate licenses and license rights of Respondents as set forth in the
2 below "Order". In the event that the Commissioner in his discretion does not adopt the
3 Stipulation and Agreement, it shall be void and of no effect, and Respondent shall retain the right
4 to a hearing and proceeding on the Accusations under all the provisions of the APA and shall not
5 be bound by any admission or waiver made herein.

6 7. The Order or any subsequent Order of the Real Estate Commissioner made
7 pursuant to this Stipulation and Agreement shall not constitute an estoppel, merger or bar to any
8 further administrative or civil proceedings by the Department of Real Estate with respect to any
9 matters which were not specifically alleged to be causes for accusation in this proceeding.
10

11 * * *

12 DETERMINATION OF ISSUES

13 By reason of the foregoing stipulations and waivers and solely for the purpose of
14 settlement of the pending Accusation without a hearing, it is stipulated and agreed that the
15 following determination of issues shall be made:
16

17 I

18 The acts and omissions of Respondents as described in the Accusation are
19 grounds for the suspension or revocation of Respondents' licenses and license rights under
20 Sections 10137 of the Business and Professions Code (hereinafter "the Code") in conjunction
21 with Section 10177(d) of the Code, and 10177(g) of the Code.
22

23 * * *

24 ORDER

I

1
2 All licenses and licensing rights of Respondent IDALIA LIZZETTE LOMBERA
3 (hereinafter "LOMBERA") under the Real Estate Law are revoked; provided, however, a
4 restricted real estate salesperson license shall be issued to LOMBERA pursuant to Section
5 10156.5 of the Code if LOMBERA makes application therefore and pays to the Department of
6 Real Estate the appropriate fee for the restricted license within 90 days from the effective date of
7 this Decision. The restricted license issued to LOMBERA shall be subject to all of the
8 provisions of Section 10156.7 of the Code and to the following limitations, conditions and
9 restrictions imposed under authority of Section 10156.6 of that Code:

10
11 1. The restricted license issued to LOMBERA may be suspended prior to
12 hearing by Order of the Real Estate Commissioner in the event of LOMBERA's conviction or
13 plea of nolo contendere to a crime which is substantially related to LOMBERA's fitness or
14 capacity as a real estate licensee.

15
16 2. The restricted license issued to LOMBERA may be suspended prior to
17 hearing by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner
18 that LOMBERA has violated provisions of the California Real Estate Law, the Subdivided Lands
19 Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted
20 license.

21
22 3. LOMBERA shall not be eligible to apply for the issuance of an
23 unrestricted real estate license nor for removal of any of the conditions, limitations or restrictions
24 of a restricted license until two (2) years have elapsed from the effective date of this Decision.

25
26 4. LOMBERA shall submit with any application for license under an
27 employing broker, or any application for transfer to a new employing broker, a statement signed

1 by the prospective employing real estate broker on a form approved by the Department of Real
2 Estate which shall certify:

3 (a) That the employing broker has read the Decision of the Commissioner

4 which granted the right to a restricted license; and

5 (b) That the employing broker will exercise close supervision over the

6 performance by the restricted licensee relating to activities for which a real
7 estate license is required.

8
9 5. LOMBERA shall, within nine (9) months from the effective date of this

10 Order, present evidence satisfactory to the Real Estate Commissioner that LOMBERA has, since
11 the most recent issuance of an original or renewal real estate license, taken and successfully
12 completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate
13 Law for renewal of a real estate license. If LOMBERA fails to satisfy this condition, the
14 Commissioner may order the suspension of the restricted license until LOMBERA presents such
15 evidence. The Commissioner shall afford LOMBERA the opportunity for hearing pursuant to
16 the Administrative Procedure Act to present such evidence.

17
18 II

19 All licenses and licensing rights of Respondent FRANKI HALLORAN

20 (hereinafter "HALLORAN") under the Real Estate Law are revoked; provided, however, a
21 restricted real estate salesperson license shall be issued to HALLORAN pursuant to Section
22 10156.5 of the Code if HALLORAN makes application therefore and pays to the Department of
23 Real Estate the appropriate fee for the restricted license within 90 days from the effective date of
24 this Decision. The restricted license issued to HALLORAN shall be subject to all of the
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26
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1 provisions of Section 10156.7 of the Code and to the following limitations, conditions and
2 restrictions imposed under authority of Section 10156.6 of that Code:

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

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

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

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

21
22 (a) That the employing broker has read the Decision of the Commissioner
23 which granted the right to a restricted license; and

24 (b) That the employing broker will exercise close supervision over the
25 performance by the restricted licensee relating to activities for which a real
26 estate license is required.
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5. HALLORAN shall, within nine (9) months from the effective date of this

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

9-March-10

DATED

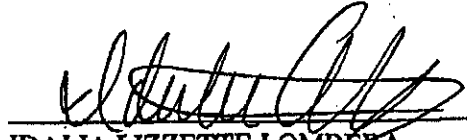


TRUDY SUGHRUE
Counsel for Complainant

I have read the Stipulation and Agreement, and its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California Administrative Procedure Act, and I willingly, intelligently and voluntarily waive those rights, including the right of requiring the Commissioner to prove the allegations in the Accusation at a hearing at which I would have the right to cross-examine witnesses against me and to present evidence in defense and mitigation of the charges.

3-09-10

DATED



IDALIA LIZZETTE LOMBERA
Respondent

3/9/10

DATED



FRANKI HALLORAN
Respondent

02/23/2010 07:20 FAX 8162279458

DRE LEGAL/RECOVERY

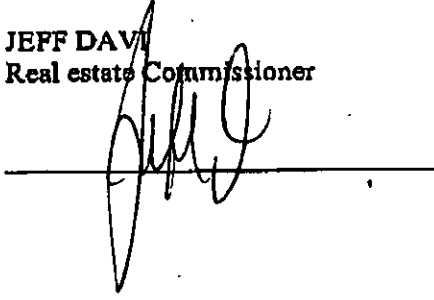
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The foregoing Stipulation and Agreement is hereby adopted as my Decision and shall become effective at 12 o'clock noon on MAY 12 2010

IT IS SO ORDERED 4/30, 2010.

JEFF DAVIS
Real estate Commissioner



1 TRULY SUGHRUE, Counsel
2 State Bar No. 223266
3 Department of Real Estate
4 P.O. Box 187007
5 Sacramento, CA 95818-7007

6 Telephone: (916) 227-0789
7 (916) 227-0781 (Direct)

FILED

DEC 30 2009

DEPARTMENT OF REAL ESTATE

By 

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12)

No. H-5325 SAC

13 IDALIA LIZZETTE LOMBERA and)
14 FRANKI HALLORAN,)

ACCUSATION

15 Respondents.)

16 The Complainant, Tricia Sommers, a Deputy Real Estate Commissioner of the
17 State of California, for cause of Accusation against IDALIA LIZZETTE LOMBERA and
18 FRANKI HALLORAN, (hereinafter "Respondents"), are informed and alleges as follows:

19 1

20 The Complainant, Tricia Sommers, a Deputy Real Estate Commissioner of the
21 State of California, makes this Accusation in her official capacity.

22 2

23 Respondents are presently licensed and/or have license rights under the Real
24 Estate Law, Part 1 of Division 4 of the Business and Professions Code (hereinafter "Code").

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1 3

2 At all times mentioned, Respondent IDALIA LIZZETTE LOMBERA (hereinafter
3 "LOMBERA") was and is licensed by the Department as a real estate salesperson. From on or
4 about April 27, 2005 through September 29, 2008, LOMBERA was licensed as real estate
5 salesperson in the employ of Century 21 All Professional Realty Inc. (hereinafter "Professional").
6 From October 1, 2008 to present, LOMBERA was licensed as a real estate salesperson in the
7 employ of Century 21 Select Real Estate Inc. (hereinafter "Select").

8 4

9 At all times mentioned, Respondent FRANKI HALLORAN (hereinafter
10 "HALLORAN") was and is licensed by the Department as a real estate salesperson. From on or
11 about November 3, 2005 through September 30, 2008, HALLORAN was licensed as real estate
12 salesperson in the employ of Professional. From October 1, 2008 to present, HALLORAN was
13 licensed as a real estate salesperson in the employ of Select.

14 5

15 At all times mentioned, Respondent engaged in the business of, acted in the
16 capacity of, advertised or assumed to act as a real estate broker in the State of California within
17 the meaning of Section 10131(a) of the Code, including the operation and conduct of a real estate
18 resale brokerage with the public wherein, on behalf of others, for compensation or in expectation
19 of compensation, Respondents sold and offered to sell, bought and offered to buy, solicited
20 prospective sellers and purchasers of, solicited and obtained listings of, and negotiated the
21 purchase and resale of real property.

22 6

23 Between on or about May 2008 and September 2008, Select employed and
24 compensated LOMBERA and HALLORAN, while LOMBERA and HALLORAN's licenses
25 were issued under the employ of Professional, to perform the acts and conduct the real estate
26 activities described in Paragraph 5, above, including but not limited to the activities described in
27 Paragraphs 7 and 8.

Between May, 2008 and September, 2008, in course of the employment and activities described in Paragraph 6, above, LOMBERA negotiated and arranged the purchase and sale of real property, including but not necessarily limited to:

Property Address	Buyer/Seller
151 Highfield Circle, Sacramento, California	Nubia Artica
8591 New Island Way, Sacramento, California	Froilan Sandoval and Maria Sandoval
3091 38 th Avenue, Sacramento, California	Jorge Calderon

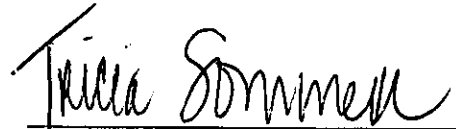
Between August, 2008 and September, 2008, in course of the employment and activities described in Paragraph 6, above, HALLORAN negotiated and arranged the purchase and sale of real property, including but not necessarily limited to:

Property Address	Buyer/Seller
4528 Tallyho Drive, Sacramento, California	Aaron Larsen

In acting as described in Paragraphs 6 through 8, LOMBERA and HALLORAN violated and/or willfully disregarded the provisions of Section 10137 of the Code.

The facts described above constitute cause to suspend or revoke all licenses and license rights of Respondents LOMBERA and HALLORAN pursuant to the provisions of Section 10137 of the Code in conjunction with Sections 10177(d) of the Code, and/or Section 10176(i) and 10177(g) of the Code.

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 license rights of Respondents under the Real Estate Law (Part 1 of
4 Division 4 of the Business and Professions Code), and for such other and further relief as may be
5 proper under other provisions of law.
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9 TRICIA SOMMERS
Deputy Real Estate Commissioner

10 Dated at Sacramento, California,

11 this 21st day of December, 2009
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