

1 BUREAU OF REAL ESTATE  
2 P. O. Box 137007  
3 Sacramento, CA 95813-7007

**FILED**

JUN 18 2015

4 Telephone: (916) 263-8670

BUREAU OF REAL ESTATE

By K. Contreras

8 BEFORE THE BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )  
12 DELTA REALTY GROUP, INC. )  
13 and DANIEL P. DISANO, )  
14 Respondents. )

NO. H-6117 SAC

STIPULATION AND AGREEMENT  
IN SETTLEMENT AND ORDER

15 It is hereby stipulated by and between Respondents DELTA REALTY GROUP,  
16 INC. ("DELTA") and DANIEL P. DISANO ("DISANO"), (collectively "Respondents"), and  
17 their attorney, Terry A. Duree, and the Complainant, acting by and through John W. Barron,  
18 Counsel for the Bureau of Real Estate ("the Bureau"), as follows for the purpose of settling and  
19 disposing of the Accusation filed on April 24, 2014, in this matter:

20 1. All issues which were to be contested and all evidence which was to be  
21 presented by Complainant and Respondents at a formal hearing on the Accusation, which  
22 hearing was to be held in accordance with the provisions of the Administrative Procedure Act  
23 ("APA"), shall instead and in place thereof be submitted solely on the basis of the provisions of  
24 this Stipulation and Agreement in Settlement and Order.

25 2. Respondents have received, read, and understand the Statement to Respondent,  
26 the Discovery Provisions of the APA, and the Accusation filed by the Bureau in this proceeding.  
27

1                   3. A Notice of Defense was filed on May 8, 2014, by Respondents, pursuant to  
2 Section 11505 of the Government Code for the purpose of requesting a hearing on the allegations  
3 in the Accusation. Respondents hereby freely and voluntarily withdraw said Notice of Defense.  
4 Respondents acknowledge that they understand that by withdrawing said Notice of Defense, they  
5 will thereby waive their right to require the Real Estate Commissioner ("Commissioner") to  
6 prove the allegations in the Accusation at a contested hearing held in accordance with the  
7 provisions of the APA and that they will waive other rights afforded to them in connection with the  
8 hearing such as the right to present evidence in defense of the allegations in the Accusation and  
9 the right to cross-examine witnesses.

10                   4. This Stipulation and Agreement in Settlement and Order is based on the factual  
11 allegations contained in the Accusation. In the interests of expedience and economy, Respondents  
12 choose not to contest these allegations at hearing, but rather understand that, as a result thereof,  
13 these allegations, without being admitted or denied, will serve as a prima facie basis for the  
14 disciplinary action stipulated to herein. The Commissioner shall not be required to provide  
15 further evidence to prove said factual allegations.

16                   5. This Stipulation and Respondents' decision not to contest the Accusation are  
17 made for the purpose of reaching an agreed disposition of this proceeding and are expressly  
18 limited to this proceeding and any other proceeding or case in which the Bureau, the state or  
19 federal government, an agency of this state, or an agency of another state is involved.

20                   6. It is understood by the parties that the Commissioner may adopt the  
21 Stipulation and Agreement in Settlement and Order as his decision in this matter thereby  
22 imposing the penalty and sanctions on Respondents' real estate licenses and license rights as  
23 set forth in the below "Order". In the event that the Commissioner in his discretion does not  
24 adopt the Stipulation and Agreement in Settlement and Order, it shall be void and of no effect,  
25 and Respondents shall retain the right to a hearing and proceeding on the Accusation under all  
26 the provisions of the APA and shall not be bound by any admission or waiver made herein.  
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1                   2. The restricted license issued to DISANO shall be subject to all of the  
2 provisions of Section 10156.7 of the Code and to the following limitations, conditions, and  
3 restrictions imposed under authority of Section 10156.6 of that Code:

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

8                   (b) The restricted license issued to DISANO shall be suspended prior to  
9 hearing by Order of the Commissioner on evidence satisfactory to the Commissioner that  
10 DISANO has violated provisions of the California Real Estate Law, the Subdivided Lands Law,  
11 Regulations of the Commissioner, or conditions attaching to the restricted license.

12                   (c) DISANO shall not be eligible to apply for the issuance of an unrestricted  
13 real estate license, nor the removal of any of the conditions of the restricted license, until two (2)  
14 years have elapsed from the effective date of this Decision.

15                   (d) DISANO shall, within nine (9) months from the effective date of this  
16 **Order**, present evidence satisfactory to the Commissioner that DISANO has, since the most  
17 recent issuance of an original or renewal real estate license, taken and successfully completed the  
18 continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal  
19 of a real estate license. If DISANO fails to satisfy this condition, DISANO's real estate license  
20 shall be automatically suspended until DISANO presents evidence satisfactory to the  
21 Commissioner of having taken and successfully completed the continuing education  
22 requirements. **Proof of completion of the continuing education courses must be delivered to**  
23 **the Bureau of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013.**

24                   3. DISANO shall, within six (6) months from the effective date of this Order,  
25 take and pass the Professional Responsibility Examination administered by the Bureau, including  
26 the payment of the appropriate examination fee. If DISANO fails to satisfy this condition,  
27 DISANO's real estate license shall automatically be suspended until DISANO passes the

1 examination.

2 4. All licenses and license rights of DISANO are indefinitely suspended unless  
3 and until DISANO provides proof satisfactory to the Commissioner of having taken and  
4 successfully completed the continuing education course on trust fund accounting and handling  
5 specified in paragraph (3) of subdivision (a) of Section 10170.5 of the Code. Proof of  
6 satisfaction of these requirements includes evidence that DISANO has successfully completed  
7 the trust fund account and handling continuing education courses no earlier than 120 days prior  
8 to the effective date of this Order. **Proof of completion of the continuing education courses**  
9 **must be delivered to the Bureau of Real Estate, Flag Section at P.O. Box 137013,**  
10 **Sacramento, CA 95813-7013 or by fax at 916-263-8758, prior to the effective date of this**  
11 **Order.**

12 3

13 1. Respondents shall, jointly and severally, pay the sum of \$11,519.31 for the  
14 Commissioner's costs of the audit which led to this disciplinary action. **Respondents shall pay**  
15 **such cost within sixty (60) days of receiving an invoice therefore from the Commissioner.**  
16 Payment of audit costs should not be made until Respondents receive the invoice. If  
17 Respondents fail to satisfy this condition in a timely manner as provided for herein, Respondents'  
18 real estate licenses shall automatically be suspended until payment is made in full, or until a  
19 decision providing otherwise is adopted following a hearing held pursuant to this condition.

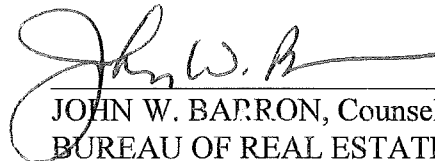
20 2. Pursuant to Section 10148 of the Code, Respondents shall, jointly and  
21 severally, pay the Commissioner's reasonable costs, not to exceed \$11,519.31, for an audit to  
22 determine if Respondents have corrected the violation(s) found in the Determination of Issues.  
23 In calculating the amount of the Commissioner's reasonable costs, the Commissioner may use  
24 the estimated average hourly salary for all persons performing audits of real estate brokers, and  
25 shall include an allocation for travel time to and from the auditor's place of work. **Respondents**  
26 **shall pay such cost within sixty (60) days of receiving an invoice therefore from the**  
27 **Commissioner.** Payment of audit costs should not be made until Respondents receive the

1 invoice. If Respondents fail to satisfy this condition in a timely manner as provided for herein,  
2 Respondents' real estate licenses shall automatically be suspended until payment is made in full,  
3 or until a decision providing otherwise is adopted following a hearing held pursuant to this  
4 condition.

5 3. All licenses and licensing rights of Respondents are indefinitely suspended  
6 unless or until Respondents, jointly and severally, pay the sum of \$3,212.50 for the  
7 Commissioner's reasonable costs of the investigation and enforcement which led to this  
8 disciplinary action. Said payment shall be in the form of a cashier's check or certified check made  
9 payable to the Real Estate Fund. Said check must be received by the Bureau prior to the effective  
10 date of the Order in this matter. **The investigative and enforcement costs must be delivered to**  
11 **the Bureau of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013,**  
12 **prior to the effective date of this Order.**

13  
14 5/28/15

DATED

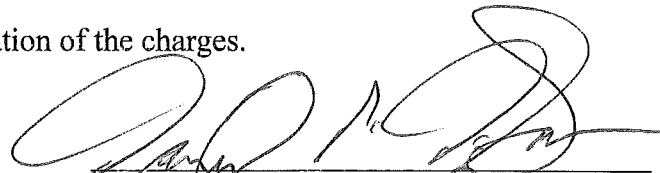
  
JOHN W. BARRON, Counsel  
BUREAU OF REAL ESTATE

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16 \* \* \*

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

25 5-20-2015

DATED

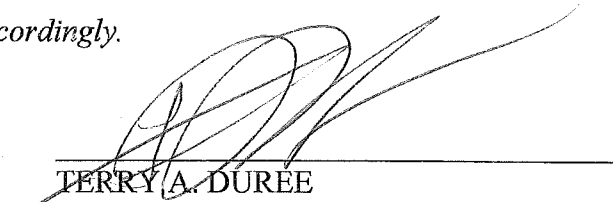
  
DANIEL P. DISANO  
Respondent, individually and on behalf of  
DELTA REALTY GROUP, INC.

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*I have reviewed this Stipulation and Agreement In Settlement and Order as to form and content and have advised my client accordingly.*

DATED 5/20/15

  
TERRY A. DUREE  
Attorney for Respondents

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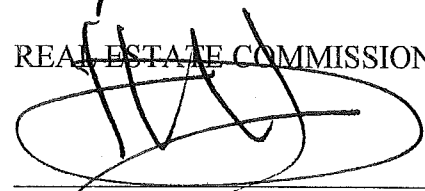
The foregoing Stipulation and Agreement in Settlement and Order is hereby adopted by me as my Decision in this matter and shall become effective at 12 o'clock noon on

JUL 8 2015

IT IS SO ORDERED

June 11, 2015

REAL ESTATE COMMISSIONER



By: JEFFREY MASON  
Chief Deputy Commissioner