

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

4 Telephone: (916) 576-7848
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FILED

JUL 10 2020

DEPARTMENT OF REAL ESTATE
By L. Joseph

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

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12 In the Matter of the Accusation of) BRE No. H-6852 SAC
13)
14 ROBERT ARTHUR MELLINO,)
15)
16) Respondent.) STIPULATION AND AGREEMENT
17) IN SETTLEMENT AND ORDER

18 It is hereby stipulated by and between ROBERT ARTHUR MELLINO
19 (Respondent), his Counsel, Kathleen L. Morgan, and the Complainant, acting by and through
20 Richard K. Uno, Counsel for the Department of Real Estate (Department); as follows for the
21 purpose of settling and disposing of the Accusation filed on July 25, 2019, in this matter:

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

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

1 3. Respondent filed a Notice of Defense pursuant to Section 11505 of the
2 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.
3 Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent.
4 acknowledges that he understands that by withdrawing said Notice of Defense he will thereby
5 waive his right to require the Real Estate Commissioner (Commissioner) to prove the allegations
6 in the Accusation at a contested hearing held in accordance with the provisions of the APA and
7 that he will waive other rights afforded to him in connection with the hearing such as the right to
8 present evidence in defense of the allegations in the Accusation and the right to cross-examine
9 witnesses.

10 4. This Stipulation is based on the factual allegations contained in the
11 Accusation. In the interest of expediency and economy, Respondent choses not to contest these
12 factual allegations, but to remain silent and understands that, as a result thereof, these factual
13 statements will serves as a prima facie basis for the "Determination of Issues" and "Order" set
14 forth below. The Commissioner shall not be required to provide further evidence to prove such
15 allegations.

16 5. It is understood by the parties that the Commissioner may adopt the
17 Stipulation as his Decision and Order in this matter, thereby imposing the penalty and sanctions
18 on Respondent's real estate licenses and license rights as set forth in the below "Order". In the
19 event that the Commissioner in his discretion does not adopt the Stipulation, it shall be void and
20 of no effect, and Respondent shall retain the rights to a hearing and proceeding on the
21 Accusation under all the provisions of the APA and shall not be bound by any admission or
22 waiver made herein.

23 6. The Order or any subsequent Order of the Commissioner made pursuant to
24 this Stipulation shall not constitute an estoppel, merger, or bar to any further administrative or
25 civil proceedings by the Department of Real Estate with respect to any matters which were not
26 specifically alleged to be causes for accusation in this proceeding.
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1 Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands
2 Law, Regulations of the Commissioner or conditions attaching to the restricted license.

3 3. Respondent shall not be eligible to apply for the issuance of any
4 unrestricted real estate license nor the removal of any of the conditions, limitations, or
5 restrictions of a restricted until two (2) years have elapsed from the effective date of this
6 Stipulation. Respondent shall not be eligible to apply for any unrestricted licenses until all
7 restrictions attaching to the license have been removed.

8 4. Respondent shall, within nine (9) months from the effective date of this
9 Stipulation, present evidence satisfactory to the Commissioner that Respondent has, since the
10 most recent issuance of an original or renewal real estate license, taken and successfully
11 completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate
12 Law for renewal of a real estate license. If Respondent fails to satisfy this condition,
13 Respondent's real estate license shall automatically be suspended until Respondent presents
14 evidence satisfactory to the Commissioner of having taken and successfully completed the
15 continuing education requirements. Proof of completion of the continuing education courses
16 must be delivered to the Department of Real Estate, Flag Section, at P.O. Box 137013,
17 Sacramento, CA 95813-7013.

18 5. Respondent's mortgage loan originator endorsement (MLO endorsement)
19 shall be revoked, with the right to apply for a restricted MLO endorsement. The restricted MLO
20 endorsement shall be subject to the same conditions, limitations or restrictions that the restricted
21 real estate broker will be subject to.

22 6. All licenses and licensing rights of Respondent are indefinitely suspended
23 unless or until Respondent pays the sum of \$1,000 for the Commissioner's reasonable cost of
24 the investigation and enforcement which led to this disciplinary action. Said payment shall be
25 in the form of a cashier's check made payable to the Department of Real Estate. The
26 investigative
27

1 and enforcement costs must be delivered to the Department of Real Estate, Flag Section at P.O.
2 Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this Stipulation.
3

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5 5/7/20

6 DATED

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8 Richard K. Uno

9 RICHARD K. UNO, Counsel III
10 DEPARTMENT OF REAL ESTATE

11 * * *

12 I have read the Stipulation and Agreement in Settlement and Order and its terms
13 are understood by me and are agreeable and acceptable to me. I understand that I am waiving
14 rights given to me by the California Administrative Procedure Act (including but not limited
15 to Sections 11506, 11508, 11509 and 11513 of the Government Code), and I willingly,
16 intelligently, and voluntarily waive those rights, including the right of requiring the
17 Commissioner to prove the allegations in the Accusation at a hearing at which I would have the
18 right to cross-examine witnesses against me and to present evidence in defense and mitigation
19 of the charges. I understand that I must sign and return this Stipulation by fax to (916) 263-
20 3767 or by email to Richard.Uno@dre.ca.gov. I further agree to mail the original Stipulation
21 no later than five days after signing it to: Department of Real Estate, Legal Section, P.O. Box
22 137007, Sacramento, California 95813-7007. I understand that failure to mail the original
23 back may result in this matter going to hearing.
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05 / 04 / 2020

DATED

Robert A. Mellino

ROBERT ARTHUR MELINO

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

05 / 04 / 2020

Kathleen L. Morgan

DATED

KATHLEEN L. MORGAN

The foregoing Stipulation and Agreement In Settlement and Order is hereby adopted by the Real Estate Commissioner as his Decision and Order and shall become effective at 12 o'clock noon on JUL 31 2020.

IT IS SO ORDERED 6.1.20.

DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER

Douglas R. McCauley