

1 Section 10156.6 of said Code. Among those terms, conditions and
2 restrictions, the Decision required Respondent to take and pass
3 the Professional Responsibility Examination (hereinafter "the
4 condition") within six months after July 9, 2007, the effective
5 date of the Decision, and provided that if Respondent failed to
6 satisfy this condition, the Commissioner may order suspension of
7 the restricted license until Respondent passes the examination.

8 As of March 13, 2008, Respondent has failed to submit
9 proof satisfactory to the Commissioner of successfully passing
10 the above-ordered examination. The Commissioner has determined
11 that Respondent has failed to satisfy this condition, and as
12 such, that Respondent is in violation of Section 10177(k) of the
13 Business and Professions Code.

14 NOW, THEREFORE, IT IS ORDERED under authority of
15 Section 10156.7 of the Business and Professions Code of the State
16 of California that the restricted real estate license heretofore
17 issued to Respondent and the exercise of any privileges
18 thereunder is hereby suspended until such time as Respondent
19 provides proof satisfactory to the Commissioner of compliance
20 with the condition referred to above, or pending final
21 determination made after hearing (see "Hearing Rights" set forth
22 below).

23 IT IS FURTHER ORDERED that all license certificates
24 and identification cards issued by the Department of Real Estate
25 which are in the possession of Respondent be immediately
26 surrendered by personal delivery or by mailing in the enclosed
27 self-addressed, stamped envelope to:

1 DEPARTMENT OF REAL ESTATE
2 **ATTN: Flag Section**
3 P. O. Box 187000
4 Sacramento, CA 95818-7000

5 HEARING RIGHTS: You have the right to a hearing to
6 contest the Commissioner's determination that you are in
7 violation of Section 10177(k). If you desire a hearing, you must
8 submit a written request. The request may be in any form, as
9 long as it is in writing and indicates that you want a hearing.
10 Unless a written request for a hearing, signed by or on behalf of
11 you, is delivered or mailed to the Department, Legal Section, at
12 2201 Broadway, P. O. Box 187007, Sacramento, California 95818-
13 7007, within twenty (20) days after the date that this Order was
14 mailed to or served on you, the Department will not be obligated
15 or required to provide you with a hearing.

16 This Order shall be effective immediately.

17 DATED: _____

18 JEFF DAVIS
19 Real Estate Commissioner
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1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187000
3 Sacramento, CA 95818-7000
4 Telephone: (916) 227-0789
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FILED

AUG 03 2007

DEPARTMENT OF REAL ESTATE

By See

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12) NO. H-9776 SF
13 MARK STEVEN VANDERPOOL dba)
14 GOLDEN STATE HOME LOANS, ET AL.,) STIPULATION AND AGREEMENT
15 and RAFAEL HERNANDO BUENO,)
16 Respondents.)

17 It is hereby stipulated by and between Respondent
18 MARK STEVEN VANDERPOOL (hereinafter referred to as
19 "Respondent"), acting by and through his attorney Joshua A.
20 Rosenthal, and the Complainant, acting by and through Michael
21 B. Rich, Counsel for the Department of Real Estate, as follows
22 for the purpose of settling and disposing of the Accusation
23 filed on December 1, 2006, in this matter (hereinafter "the
24 Accusation"):

25 1. All issues which were to be contested and all
26 evidence which was to be presented by Complainant and
27 Respondent at a formal hearing on the Accusation, which hearing
was to be held in accordance with the provisions of the

H-9776 SF

MARK STEVEN VANDERPOOL

1 Administrative Procedure Act (APA), shall instead and in place
2 thereof be submitted solely on the basis of the provisions of
3 this Stipulation and Agreement.

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

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

22 4. Respondent, pursuant to the limitations set forth
23 below, hereby admits that the factual allegations in the
24 Accusation pertaining to Respondent are true and correct and
25 stipulates and agrees that the Real Estate Commissioner shall
26 not be required to provide further evidence of such
27 allegations.

1 5. It is understood by the parties that the Real
2 Estate Commissioner may adopt the Stipulation and Agreement as
3 his decision in this matter, thereby imposing the penalty and
4 sanctions on Respondent's real estate license and license
5 rights as set forth in the "Order" below. In the event that
6 the Commissioner in his discretion does not adopt the
7 Stipulation and Agreement, it shall be void and of no effect,
8 and Respondent shall retain the right to a hearing and
9 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. This Stipulation and Agreement shall not
13 constitute an estoppel, merger or bar to any further
14 administrative or civil proceedings by the Department of Real
15 Estate with respect to any matters which were not specifically
16 alleged to be causes for accusation in this proceeding.

17 DETERMINATION OF ISSUES

18 By reason of the foregoing stipulations, admissions
19 and waivers and solely for the purpose of settlement of the
20 pending Accusation without hearing, it is stipulated and agreed
21 that the following Determination of Issues shall be made:

22 I

23 The acts and omissions of Respondent MARK STEVEN
24 VANDERPOOL described in the Accusation are grounds for the
25 suspension or revocation of the licenses and license rights of
26 Respondent under the provisions of Sections 2752, 2831, and
27 2832 of Chapter 6, Title 10, California Code of Regulations

1 (hereinafter "Regulations") and Sections 10145 and 10161.8 of
2 the Business and Professions Code (hereinafter "the Code") in
3 conjunction with Section 10177(d) of the Code, and under the
4 provisions of Section 10178 of the Code.

5 ORDER

6 I

7 A. All licenses and licensing rights of Respondent
8 MARK STEVEN VANDERPOOL under the Real Estate Law are suspended
9 for a period of sixty (60) days from the effective date of this
10 Decision; provided, however, that sixty (60) days of said
11 suspension shall be stayed for two (2) years upon the following
12 terms and conditions:

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

16 2. That no final subsequent determination be made,
17 after hearing or upon stipulation, that cause for disciplinary
18 action occurred within two (2) years of the effective date of
19 this Decision. Should such a determination be made, the
20 Commissioner may, in his discretion, vacate and set aside the
21 stay order and reimpose all or a portion of the stayed
22 suspension. Should no such determination be made, the stay
23 imposed herein shall become permanent.

24
25 July 10, 2007
26 DATED

Michael B. Rich
MICHAEL B. RICH, Counsel
Department of Real Estate

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* * *

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 (including but not limited to Sections 11506, 11508, 11509, and 11513 of the Government Code), 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.

7.5.07
DATED


MARK STEVEN VANDERPOOL
Respondent

Approved as to form and content by counsel for Respondent.

DATED

JOSHUA A. ROSENTHAL
Attorney for Respondent

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/

* * *

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 (including but not limited to Sections 11506, 11508, 11509, and 11513 of the Government Code), 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.

7.5.07
DATED

MARK STEVEN VANDERPOOL
Respondent

Approved as to form and content by counsel for Respondent.

7-6-07
DATED

JOSHUA A. ROSENTHAL
Attorney for Respondent

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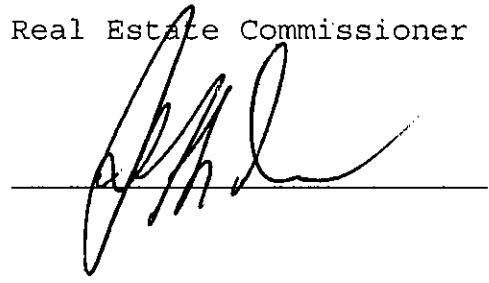
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* * *

The foregoing Stipulation and Agreement is hereby
adopted by me as my Decision in this matter as to Respondent
MARK STEVEN VANDERPOOL and shall become effective at 12 o'clock
noon on AUG 23, 2007.

IT IS SO ORDERED 7-26, 2007.

JEFF DAVI
Real Estate Commissioner

A handwritten signature in dark ink, appearing to read 'Jeff Davi', is written over a horizontal line.

1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187000
3 Sacramento, CA 95818-7000
4 Telephone: (916) 227-0789
5
6
7

FILED
JUN 19 2007

DEPARTMENT OF REAL ESTATE

By James Skarver

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA
10

* * *

11 In the Matter of the Accusation of)
12 MARK STEVEN VANDERPOOL dba)
13 GOLDEN STATE HOME LOANS, ET AL.,)
14 and RAFAEL HERNANDO BUENO,)
15 Respondent.)

NO. H-9776 SF

STIPULATION AND AGREEMENT

17 It is hereby stipulated by and between Respondent
18 RAFAEL HERNANDO BUENO (hereinafter "Respondent"), acting by and
19 through his attorney Michael M. Ching, and the Complainant,
20 acting by and through Michael B. Rich, Counsel for the
21 Department of Real Estate, as follows for the purpose of
22 settling and disposing of the Accusation filed on December 1,
23 2006, in this matter ("the Accusation"):

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

No. H-9776 SF

RAFAEL HERNANDO BUENO

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

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

9 3. On December 19, 2006, Respondent filed a Notice
10 of Defense pursuant to Section 11505 of the Government Code for
11 the purpose of requesting a hearing on the allegations in the
12 Accusation. Respondent hereby freely and voluntarily withdraws
13 said Notice of Defense. Respondent acknowledges that Respondent
14 understands that by withdrawing said Notice of Defense
15 Respondent will thereby waive Respondent's right to require the
16 Commissioner to prove the allegations in the Accusation at a
17 contested hearing held in accordance with the provisions of the
18 APA and that Respondent will waive other rights afforded to
19 Respondent in connection with the hearing such as the right to
20 present evidence in defense of the allegations in the Accusation
21 and the right to cross-examine witnesses.

22 4. Respondent, pursuant to the limitations set
23 forth below, does not contest that the factual allegations in
24 the Accusation pertaining to Respondent are true and correct
25 and stipulates and agrees that the Real Estate Commissioner
26 shall not be required to provide further evidence of such
27 allegations.

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

11 6. This Stipulation and Agreement shall not
12 constitute an estoppel, merger or bar to any further
13 administrative or civil proceedings by the Department of Real
14 Estate with respect to any matters which were not specifically
15 alleged to be causes for accusation in this proceeding.

16 DETERMINATION OF ISSUES

17 By reason of the foregoing stipulations, admissions
18 and waivers and solely for the purpose of settlement of the
19 pending Accusation without hearing, it is stipulated and agreed
20 that the following Determination of Issues shall be made:

21 I

22 The acts and omissions of Respondent RAFAEL HERNANDO
23 BUENO described in the Accusation are grounds for the suspension
24 or revocation of the licenses and license rights of Respondent
25 under the provisions of Section 10145 of the California Business
26 and Professions Code (hereinafter "the Code") in conjunction
27 with Section 10177(d) of the Code.

No. H-9776 SF

RAFAEL HERNANDO BUENO

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3 All licenses and licensing rights of Respondent RAFAEL
4 HERNANDO BUENO under the Real Estate Law are revoked; provided,
5 however, a restricted real estate salesperson license shall be
6 issued to said Respondent pursuant to Section 10156.5 of the
7 Business and Professions Code if, within 90 days from the
8 effective date of the Decision entered pursuant to this Order,
9 Respondent makes application for the restricted license and pays
10 to the Department of Real Estate the appropriate fee therefor.

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

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

1 Subdivided Lands Law, Regulations of the Real
2 Estate Commissioner or conditions attaching to
3 the restricted license.

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

10 4. Respondent shall submit with any application for
11 license under an employing broker, or any
12 application for transfer to a new employing
13 broker, a statement signed by the prospective
14 employing real estate broker on a form approved
15 by the Department of Real Estate which shall
16 certify:

17 (a) That the employing broker has read the
18 Decision of the Commissioner which granted
19 the right to a restricted license; and,

20 (b) That the employing broker will exercise close
21 supervision over the performance by the
22 restricted licensee relating to activities
23 for which a real estate license is required.

24 5. Respondent shall, within nine months from the
25 effective date of the Decision, present evidence
26 satisfactory to the Real Estate Commissioner that
27 Respondent has, since the most recent issuance of

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

13 6. Respondent shall, within six (6) months from the
14 effective date of this Decision, take and pass
15 the Professional Responsibility Examination
16 administered by the Department including the
17 payment of the appropriate examination fee. If
18 Respondent fails to satisfy this condition, the
19 Commissioner may order suspension of Respondent's
20 license until Respondent passes the examination.

21 7. Respondent shall, prior to and as a condition of
22 the issuance of the restricted license, submit
23 proof satisfactory to the Commissioner of having
24 taken and successfully completed the continuing
25 education course on trust fund accounting and
26 handling specified in subdivision (a) of Section
27 10170.5 of the Business and Professions Code.

1 Proof of satisfaction of this requirement
2 includes evidence that Respondent has
3 successfully completed the trust fund account
4 and handling continuing education course within
5 120 days prior to the effective date of the
6 Decision in this matter.

7 8. Respondent shall, prior to the effective date of
8 the Decision and as a condition to be met prior
9 to the issuance of the restricted license, submit
10 proof satisfactory to the Commissioner that
11 Respondent has the sum of \$910.92 has been
12 returned to Cesar and Monica Gomez.
13
14

15 May 8, 2007
16 DATED

Michael B. Rich
MICHAEL B. RICH, Counsel
Department of Real Estate

17 * * *

18 I have read the Stipulation and Agreement and its
19 terms are understood by me and are agreeable and acceptable to
20 me. I understand that I am waiving rights given to me by the
21 California Administrative Procedure Act (including but not
22 limited to Sections 11506, 11508, 11509, and 11513 of the
23 Government Code), and I willingly, intelligently, and
24 voluntarily waive those rights, including the right of requiring
25 the Commissioner to prove the allegations in the Accusation at a
26 hearing at which I would have the right to cross-examine
27

1 witnesses against me and to present evidence in defense and
2 mitigation of the charges.

3
4
5 4/25/07
6 DATED

Rafael Bueno
7
8 RAFAEL HERNANDO BUENO
9 Respondent

10
11
12 Approved as to form and content by counsel for
13 Respondent.

14
15
16 April 30, 2007
17 DATED

Michael M. Ching
18 MICHAEL M. CHING
19 Attorney for Respondent

20 * * *

21
22 The foregoing Stipulation and Agreement is hereby
23 adopted by as my Decision in this matter as to Respondent
24 RAFAEL HERNANDO BUENO and shall become effective at 12 o'clock noon
25 on JUL 09 2007

26
27 IT IS SO ORDERED 6-6, 2007.

28
29 JEFF DAVI
30 Real Estate Commissioner
31
32 Jeff Davi

1 MICHAEL B. RICH, Counsel
2 State Bar No. 84257
3 Department of Real Estate
4 P. O. Box 187007
5 Sacramento, CA 95818-7007

6 Telephone: (916) 227-0789

FILED
DEC 01 2006

DEPARTMENT OF REAL ESTATE

By 1. E. [Signature]

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12) NO. H-9776 SF
13 MARK STEVEN VANDERPOOL, dba)
14 GOLDEN STATE HOME LOANS, ET AL, and) ACCUSATION
15 RAFAEL HERNANDO BUENO,)
16 Respondents.)

17 The Complainant, CHARLES W. KOENIG, a Deputy Real
18 Estate Commissioner of the State of California, for Causes of
19 Accusation against MARK STEVEN VANDERPOOL doing business under
20 the fictitious names of GOLDEN STATE HOME LOANS, I SELL U SAVE,
21 and VENETO LUXURY REAL ESTATE, and formerly doing business under
22 the fictitious names of MVP REALTY, and COMMUNITY HOME LOANS, and
23 against RAFAEL HERNANDO BUENO, is informed and alleges as
24 follows:

25 FIRST CAUSE OF ACCUSATION

26 I

27 Respondents MARK STEVEN VANDERPOOL, (hereinafter
referred to as "Respondent VANDERPOOL") and RAFAEL HERNANDO BUENO

1 (hereinafter referred to as "Respondent BUENO") are presently
2 licensed and/or have license rights under the Real Estate Law,
3 Part 1 of Division 4 of the California Business and Professions
4 Code (hereafter the "Code").

5 II

6 The Complainant, CHARLES W. KOENIG, a Deputy Real
7 Estate Commissioner of the State of California, makes this
8 Accusation against Respondent in his official capacity and not
9 otherwise.

10 III

11 At all times herein mentioned, Respondent VANDERPOOL
12 was and is licensed by the Department as a real estate broker.

13 IV

14 At all times herein mentioned, Respondent BUENO was and
15 is licensed by the Department as a real estate salesperson.

16 V

17 Within the three year period next preceding to the
18 filing of this Accusation, and at all times herein mentioned,
19 Respondent VANDERPOOL employed Respondent BUENO in the capacity
20 of a licensed real estate salesperson.

21 VI

22 Within the three year period next preceding to the
23 filing of this Accusation, and at all times herein mentioned,
24 Respondents engaged in the business of, acted in the capacity of,
25 advertised, or assumed to act as real estate brokers within the
26 State of California, within the meaning of:

27 ///

1 (a) Section 10131(a) of the Code, including the
2 operation and conduct of a real estate resale
3 brokerage with the public wherein, on behalf of
4 others, for compensation or in expectation of
5 compensation, Respondents sold or offered to sell,
6 bought or offered to buy, solicited prospective
7 sellers or purchases of, solicited or obtained
8 listings of, and/or negotiated the purchase or
9 sale of real property for or in expectation of
10 compensation; and,

11 (b) Section 10131(d) of the Code, including the
12 operation of and conduct of a mortgage loan
13 brokerage business with the public wherein lenders
14 and borrowers were solicited for loans secured
15 directly of collaterally by liens on real property,
16 wherein such loans were arranged, negotiated,
17 processed, and consummated on behalf of others for
18 compensation or in expectation of compensation, and
19 wherein such loans were serviced and payments
20 thereon were collected on behalf of others.

21 VII

22 In so acting as a real estate broker as described in
23 Paragraph VI, above, Respondents accepted or received funds in
24 trust (hereinafter "trust funds") from or on behalf of sellers,
25 buyers, lenders, borrowers, and/or others.

26 VIII

27 Within the three year period next preceding to the

1 filing of this Accusation, in connection with the collection and
2 disbursement of trust funds, Respondent VANDERPOOL failed to
3 place client funds in the hands of the broker's principal, a
4 neutral escrow depository, or into a designated trust account in
5 the name of the broker within three business days of receipt in
6 violation of 10145 of the Code and Section 2832 of the
7 Regulations, with respect to the following transaction:

8 1.) Real Property: 1180 Tony Stuit Drive, Tracy,
9 California

10 Deposit Amount: \$10,000.00

11 Date Received: July 24, 2004

12 Received from Buyer: Elena Nueske

13 Sellers: Roger and Maria Falkowitz

14 Date Forwarded to Escrow: August 3, 2004

15 IX

16 Within the three year period next preceding to the
17 filing of this Accusation, in connection with the collection and
18 disbursement of trust funds, Respondent VANDERPOOL failed to
19 maintain an accurate written record of all trust funds received
20 but not placed into a trust account as required by Section 10145
21 of the Code and containing all of the information required by
22 Section 2831 of Chapter 6, Title 10, California Code of
23 Regulations (hereinafter "Regulations"), including but not
24 limited to accurate recordation of all deposits, from whom
25 received, amount of deposit, check numbers and dates of
26 disbursements or forwarding, with respect to the following
27 transaction:

1.) Real Property: 1180 Tony Stuit Drive, Tracy,
California

Deposit Amount: \$10,000.00

Date Received: July 24, 2004

Received from Buyer: Elena Nueske

Sellers: Roger and Maria Falkowitz

X

The acts and/or omissions of Respondent VANDERPOOL as
alleged above constitutes grounds for disciplinary action under
the following provisions:

(a) As alleged in Paragraph VIII, under Section
10145 of the Code and Section 2832 of the
Regulations in conjunction with Section 10177(d)
of the Code; and,

(b) As alleged in Paragraph IX, under Section 2831
of the Regulations in conjunction with Section
10177(d) of the Code.

SECOND CAUSE OF ACCUSATION

XI

There is hereby incorporated in this Second, separate
and distinct Cause of Accusation, all of the allegations
contained in Paragraphs I through VII, inclusive, of the First
Cause of Accusation with the same force and effect as if herein
fully set forth.

///

///

1 XII

2 Within the three year period next preceding to the
3 filing of this Accusation, in connection with the collection and
4 disbursement of trust funds, Respondent BUENO failed to place
5 client funds in the hands of the broker in violation of 10145 of
6 the Code, with respect to the following transaction:

7 1.) Real Property: 11584 Betlen Drive, Dublin,
8 California

9 Deposit Amount: \$4,400.00

10 Date Received: December 4, 2003

11 Received from Buyers: Cesar and Monica Gomez

12 Sellers: Ernie Cabreana

13 XIII

14 The acts and/or omissions of Respondent BUENO as
15 alleged above constitute grounds for disciplinary action under
16 Section 10145 of the Code in conjunction with 10177(d) of the
17 Code.

18 THIRD CAUSE OF ACTION

19 XIV

20 There is hereby incorporated in this Third, separate
21 and distinct Cause of Accusation, all of the allegations
22 contained in Paragraphs I through VII, inclusive, of the First
23 Cause of Accusation and in Paragraphs XI, XII and XIII of the
24 Second Cause of Action with the same force and effect as if
25 herein fully set forth.

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XV

In or about June 2004, Respondent VANDERPOOL terminated Respondent BUENO for the acts referred to in Paragraphs XII and XIII, above. Respondent VANDERPOOL failed to provide a certified written statement of the facts surrounding the termination to the Commissioner of the Department of Real Estate.

XVI

In or about June 2004, Respondent VANDERPOOL terminated Respondent BUENO for the acts referred to in Paragraphs XII and XIII, above. Respondent VANDERPOOL did not notify the Commissioner of the Department of Real Estate until on or about December 10, 2004, that Respondent VANDERPOOL had terminated his employment of Respondent BUENO.

XVII

The acts and/or omissions of Respondent VANDERPOOL as alleged above constitutes grounds for disciplinary action under the following provisions:

- (a) As alleged in Paragraph XV, under Section 10178 of the; and,
- (b) As alleged in Paragraph XVI, under Section 2752 of the Regulations and Section 10161.8 of the Code in conjunction with Section 10177(d) of the Code.

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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 license(s) and license rights of Respondents 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 29th day of November, 2006.