

FILED

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BUREAU OF REAL ESTATE

By S. Black

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8 BEFORE THE BUREAU OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12)
13 DOREEN L. COVARELLI, and)
14 MARIAN RUBINO-PONTES,)
15 Respondents.)

NO. H- 11818 SF
ACCUSATION

16 The Complainant, ROBIN S. TANNER, in her official capacity as a Deputy
17 Real Estate Commissioner of the State of California, ("Complainant"), for Accusation against
18 DOREEN L. COVARELLI ("COVARELLI") and MARIAN RUBINO-PONTES ("RUBINO-
19 PONTES"), (collectively "Respondents"), is informed and alleges as follows:

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21 At all times relevant, COVARELLI was and is licensed and/or has license rights
22 under the Real Estate Law, Part 1 of Division 4 of the Business & Professions Code ("the
23 Code") as a real estate salesperson employed under the real estate broker license of RUBINO-
24 PONTES.

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26 At all times relevant, RUBINO-PONTES was and is licensed and/or has license
27 rights under the Code as a real estate broker.

1 FIRST CAUSE OF ACTION

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3 In or about May 2012, COVARELLI was the listing agent for the sale of the real
4 property located at 4201 Belle Drive, Antioch, California. COVARELLI solicited an offer on the
5 Belle Drive property even though it was already in escrow with another buyer, who happened to
6 be COVARELLI's husband. Respondents' file for the transaction did not include any disclosure
7 statement regarding COVARELLI's relationship status with the property buyer. The escrow
8 documents for the Belle Drive property transaction included a broker demand that was signed by
9 COVARELLI, a commission check made payable to "Realty World" for \$1,375.00 and sent to
10 COVARELLI's address at 2403 Pinehurst Court, Discovery Bay, California (which was not
11 designated with the Bureau as an official address or branch office for RUBINO-PONTES), and a
12 final check register showing a commission payment to "Realty World".

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14 The acts and/or omissions of COVARELLI described in Paragraph 3, above, are
15 grounds for the revocation or suspension of COVARELLI's license and/or license rights under
16 Sections 10130 (broker license requirement), 10176(a) (misrepresentation), 10177(d) (willful
17 disregard of Real Estate Law) and/or 10177(g) (negligence/incompetence), and 10176(i) (fraud
18 or dishonest dealing) of the Code.

19 SECOND CAUSE OF ACTION

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21 Complainant refers to Paragraphs 1 through 4, above, and incorporates the same,
22 herein by reference.

23 6

24 In or about September and October 2012, COVARELLI was the listing agent
25 for the sale of the real property located at 1133 Meadow Lane #35, Concord, California.
26 COVARELLI submitted a broker demand to the title company and signed her name as the
27 broker for the transaction. The broker demand also listed COVARELLI's address as the

1 Pinehurst Court location. The commission check of \$850.00 for the Meadow Lane transaction
2 was sent to the Pinehurst Court location, and the final check registry showed the commission
3 was paid to "Realty World".

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5 The acts and/or omissions of COVARELLI described in Paragraph 6, above, are
6 grounds for the revocation or suspension of COVARELLI's license and/or license rights under
7 Sections 10130, 10176(a), 10177(d) and/or 10177(g), and 10176(i) of the Code.

8 THIRD CAUSE OF ACTION

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11 Complainant refers to Paragraphs 1 through 7, above, and incorporates the same,
12 herein by reference.

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14 In or about August 2012, COVARELLI was the listing agent for the sale of the
15 real property located at 61 Merganser Court, Oakley, California. COVARELLI submitted a
16 broker demand to the title company and signed her name as the broker for the transaction. The
17 broker demand also listed COVARELLI's address as the Pinehurst Court location. The
18 commission check of \$3,609.84 for the Merganser Court transaction was sent to the Pinehurst
19 Court location, and the final check registry showed the commission was paid to "Realty
20 World".

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22 The acts and/or omissions of COVARELLI described in Paragraph 9, above, are
23 grounds for the revocation or suspension of COVARELLI's license and/or license rights under
24 Sections 10130, 10176(a) (substantial misrepresentation), 10177(d) (willful disregard of Real
25 Estate Law) and/or 10177(g) (negligence/incompetence), and 10176(i) (fraud or dishonest
26 dealing) of the Code.

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1 FOURTH CAUSE OF ACTION

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3 Complainant refers to Paragraphs 1 through 10, above, and incorporates the same,
4 herein by reference.

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6 At all times relevant, RUBINO-PONTES was required to exercise reasonable
7 supervision and control over RUBINO-PONTES' employees and salespersons pursuant to
8 Section 2725 (broker supervision) of the Regulations. However, RUBINO-PONTES failed to
9 exercise such reasonable supervision over the acts and/or omissions of RUBINO-PONTES'
10 employees and salespersons in such a manner as to allow the acts and/or omissions as described
11 in Paragraphs 3 through 11, above, to occur.

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13 The acts and/or omissions of RUBINO-PONTES described in Paragraphs 11 and
14 12 above, are grounds for the suspension or revocation of RUBINO-PONTES' license and
15 license rights under Sections 10177(d) and/or 10177(g), and 10177(h) (broker supervision) of
16 the Code, and Section 2725 (broker supervision) of Title 10 of the California Code of
17 Regulations.

18 COST RECOVERY

19 14

20 Section 10106 of the Code provides, in pertinent part, that in any order issued in
21 resolution of a disciplinary proceeding before the Bureau, the Real Estate Commissioner may
22 request the Administrative Law Judge to direct a licensee found to have committed a violation
23 of this part to pay a sum not to exceed the reasonable costs of the investigation and
24 enforcement of the case.

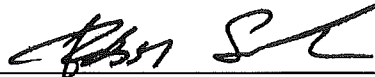
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WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against all licenses and license rights of Respondents under the Code, for the reasonable cost of investigation and prosecution of this case, including agency attorney's fees, and for such other and further relief as may be proper under other provisions of law.



ROBIN S. TANNER
Deputy Real Estate Commissioner

Dated at Oakland, California,
the 24th day of February, 2015.