

1 BUREAU OF REAL ESTATE
2 P. O. Box 137007
3 Sacramento, CA 95813-7007
4 Telephone: (916) 263-8670

FILED

JAN 11 2016
BUREAU OF REAL ESTATE
By B. Nicholas

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
STIPULATION AND AGREEMENT

16 It is hereby stipulated by and between Respondents DOREEN L. COVARELLI
17 ("COVARELLI") and MARIAN RUBINO-PONTES ("RUBINO-PONTES"), (collectively
18 "Respondents"), and their attorney, Shannon B. Jones, and the Complainant, acting by and
19 through John W. Barron, Counsel for the Bureau of Real Estate, as follows for the purpose of
20 settling and disposing of the Accusation filed on March 2, 2015, in this matter:

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

26 2. Respondents have received, read and understand the Statement to
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DOREEN L. COVARELLI and
MARIAN RUBINO-PONTES

1 Respondent, the Discovery Provisions of the APA and the Accusation filed by the Bureau of
2 Real Estate in this proceeding.

3 3. On March 19, 2015, Respondents filed Notices of Defense pursuant to
4 Section 11505 of the Government Code for the purpose of requesting a hearing on the
5 allegations in the Accusation. Respondents hereby freely and voluntarily withdraw said
6 Notices of Defense. Respondents acknowledge that Respondents understand that by
7 withdrawing said Notices of Defense, Respondents will thereby waive Respondents' right to
8 require the Real Estate Commissioner ("Commissioner") to prove the allegations in the
9 Accusation at a contested hearing held in accordance with the provisions of the APA and that
10 Respondents will waive other rights afforded to Respondents in connection with the hearing
11 such as the right to present evidence in defense of the allegations in the Accusation and the
12 right to cross-examine witnesses.

13 4. This Stipulation and Agreement is based on the factual allegations
14 contained in the Accusation. Respondents choose to remain silent and understand that, as a
15 result thereof, these factual statements will serve as a prima facie basis for the "Determination
16 of Issues" and "Order" set forth below. The Commissioner shall not be required to provide
17 further evidence to prove such allegations.

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

23 6. It is understood by the parties that the Commissioner may adopt the
24 Stipulation and Agreement as his decision in this matter, thereby imposing the penalty and
25 sanctions on Respondents' real estate licenses and license rights as set forth in the "Order"
26 below. In the event that the Commissioner in his discretion does not adopt the Stipulation and
27 Agreement, it shall be void and of no effect, and Respondents shall retain the right to a hearing

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DORHEN L. COVARELLI and
MARIAN RUBINO-PONTES

1 and proceeding on the Accusation under all the provisions of the APA and shall not be bound
2 by any admission or waiver made herein.

3 7. This Stipulation and Agreement shall not constitute an estoppel, merger
4 and bar to any further administrative or civil proceedings by the Bureau of Real Estate with
5 respect to any matters which were not specifically alleged to be causes for accusation in this
6 proceeding and any related actions.

7 8. Respondents understand that by agreeing to this Stipulation and
8 Agreement, the findings set forth below in the Determination of Issues become final, and that
9 the Commissioner may charge Respondents for the costs of the investigation herein. The
10 amount of such costs is \$7,404.70.

11 DETERMINATION OF ISSUES

12 By reason of the foregoing stipulations, admissions and waivers and solely for
13 the purpose of settlement of the pending Accusation without hearing, it is stipulated and agreed
14 that the acts and omissions of Respondents described in the Accusation are grounds for the
15 suspension or revocation of the licenses and license rights of COVARELLI under the
16 provisions of Sections 10130 (broker license requirement), 10176(a) (misrepresentation),
17 10176(i) (dishonest dealing) and 10177(g) (negligence) of the California Business and
18 Professions Code ("the Code"); and for the suspension or revocation of the licenses and license
19 rights of RUBINO-PONTES under the provisions of Sections 10177(g) and 10177(h) (broker
20 supervision) of the Code, and Section 2725 (broker supervision) of Title 10 of the California
21 Code of Regulations ("Regulations").

22 ORDER

23 1

24 All licenses and licensing rights of COVARELLI under the Real Estate Law
25 are revoked; provided, however, a restricted real estate salesperson's license shall be issued to
26 COVARELLI pursuant to Section 10156.5 of the Code if COVARELLI makes application
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1 therefore and pays to the Bureau the appropriate fee for the restricted license within 90 days from
2 the effective date of this Decision.

3 1. The restricted license issued to COVARELLI shall be subject to all of the
4 provisions of Section 10156.7 of the Code as to the following limitations, conditions, and
5 restrictions imposed under authority of Section 10156.6 of that Code:

6 (a) The restricted license issued to COVARELLI shall be suspended prior to
7 hearing by Order of the Commissioner in the event of COVARELLI's
8 conviction (including by plea of guilty or nolo contendere) to a crime
9 which is substantially related to COVARELLI's fitness or capacity as a
10 real estate licensee; and

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

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

19 3. COVARELLI shall notify the Commissioner in writing within 72 hours of
20 any arrest by sending a certified letter to the Commissioner at: Bureau of Real Estate, P. O. Box
21 137007, Sacramento, CA 95813-7007. The letter shall set forth the date of COVARELLI's arrest,
22 the crime for which COVARELLI was arrested, and the name and address of the arresting law
23 enforcement agency. COVARELLI's failure to timely file written notice shall constitute an
24 independent violation of the terms of the restricted license and shall be grounds for the
25 suspension or revocation of that license.

26 4. COVARELLI shall, within nine (9) months from the effective date of this
27 Decision, present evidence satisfactory to the Commissioner that COVARELLI has, since the

1 most recent issuance of an original or renewal real estate license, taken and successfully
2 completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate
3 Law for renewal of a real estate license. If COVARELLI fails to satisfy this condition, the
4 Commissioner shall order the suspension of the restricted license until COVARELLI presents
5 such evidence. The Commissioner shall afford COVARELLI the opportunity for hearing
6 pursuant to the APA to present such evidence.

7 5. COVARELLI shall, within six (6) months from the effective date of
8 this Order, take and pass the Professional Responsibility Examination administered by the
9 Bureau, including the payment of the appropriate examination fee. If COVARELLI fails to
10 satisfy this condition, the Commissioner may order the suspension of all licenses and licensing
11 rights of COVARELLI until COVARELLI passes the examination.

12 6. All licenses and licensing rights of COVARELLI are indefinitely
13 suspended unless or until COVARELLI provides evidence to the Commissioner sufficient to
14 demonstrate that COVARELLI has paid \$5,834.84 to the Bureau's Real Estate Fund,
15 representing the amount of the commissions COVARELLI improperly collected, as set forth
16 more fully in the Accusation. Said payment shall be in the form of a cashier's check or
17 certified check made payable to the Real Estate Fund. Said check must be received by the
18 Bureau prior to the effective date of the Order in this matter at the following address: Bureau
19 of Real Estate, Post Office Box 137007, Sacramento, CA 95813-7007.

20 7. All licenses and licensing rights of COVARELLI are indefinitely
21 suspended unless or until COVARELLI pays to the Bureau the sum of \$5,553.53, representing
22 COVARELLI's 75% share of the Commissioner's reasonable cost of the investigation and
23 enforcement which led to this disciplinary action. Said payment shall be in the form of a cashier's
24 check or certified check made payable to the Real Estate Fund. Said check must be received by
25 the Bureau prior to the effective date of the Order in this matter at the following address: Bureau
26 of Real Estate, Post Office Box 137007, Sacramento, CA 95813-7007.

All licenses and licensing rights of RUBINO-PONTES under the Real Estate Law
are suspended for a period of sixty (60) days from the effective date of the Decision and Order;
provided, however, that:

1. Thirty (30) days of said suspension shall be stayed, upon the condition that
RUBINO-PONTES petitions pursuant to Section 10175.2 of the Business and Professions Code
and pays a monetary penalty pursuant to Section 10175.2 of the Business and Professions Code
at a rate of \$50 for each day of the suspension for a total monetary penalty of \$1,500.

a. Said payment shall be in the form of a cashier's check or certified
check made payable to the Recovery Account of the Real Estate Fund. Said check must be
delivered to the Bureau prior to the effective date of the Decision in this matter.

b. No further cause for disciplinary action against the real estate
license of RUBINO-PONTES occurs within two (2) years from the effective date of the decision
in this matter.

c. If RUBINO-PONTES fails to pay the monetary penalty in
accordance with the terms and conditions of the Decision, the Commissioner shall, without a
hearing, order the immediate execution of all or any part of the stayed suspension, in which
event, RUBINO-PONTES shall not be entitled to any repayment nor credit, prorated or
otherwise, for money paid to the Bureau under the terms of this decision.

d. If RUBINO-PONTES pays the monetary penalty, and if no
further cause for disciplinary action against the real estate license of RUBINO-PONTES
occurs within two (2) years from the effective date of the Decision herein, then the stay hereby
granted shall become permanent.

2. The remaining thirty (30) days of said suspension shall be stayed for two
(2) years upon the following terms and conditions:

a. RUBINO-PONTES shall obey all laws, rules and regulations
governing the rights, duties and responsibilities of a real estate licensee in the

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State of California; and

b. That no final subsequent determination be made, after hearing or
upon stipulation, that cause for disciplinary action occurred within two (2)
years from the effective date of this Order. Should such a determination be
made, the Commissioner shall, in his discretion, vacate and set aside the stay
order and re-impose all or a portion of the stayed suspension. Should no such
determination be made, the stay imposed herein shall become permanent.

3.. RUBINO-PONTES shall notify the Commissioner in writing within 72
hours of any arrest by sending a certified letter to the Commissioner at: Bureau of Real Estate,
P.O. Box 137007, Sacramento, CA 95813-7007. The letter shall set forth the date of RUBINO-
PONTES' arrest, the crime for which RUBINO-PONTES was arrested, and the name and address
of the arresting law enforcement agency. RUBINO-PONTES' failure to timely file written
notice shall constitute an independent violation of the terms of the restricted license and shall be
grounds for the suspension or revocation of that license.

4. RUBINO-PONTES shall, within nine (9) months from the effective date
of this Decision, present evidence satisfactory to the Commissioner that RUBINO-PONTES 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 RUBINO-PONTES fails to satisfy this condition, the
Commissioner shall order the suspension of the restricted license until RUBINO-PONTES
presents such evidence. The Commissioner shall afford RUBINO-PONTES the opportunity for
hearing pursuant to the APA to present such evidence.

5. RUBINO-PONTES shall, within six (6) months from the effective
date of this Order, take and pass the Professional Responsibility Examination administered by
the Bureau, including the payment of the appropriate examination fee. If RUBINO-PONTES
fails to satisfy this condition, the Commissioner may order the suspension of all licenses and
licensing rights of RUBINO-PONTES until RUBINO-PONTES passes the examination.

1 6. All licenses and licensing rights of RUBINO-PONTES are indefinitely
2 suspended unless or until RUBINO-PONTES pays to the Bureau the sum of \$1,851.17,
3 representing RUBINO-PONTES' 25% share of the Commissioner's reasonable cost of the
4 investigation and enforcement which led to this disciplinary action. Said payment shall be in the
5 form of a cashier's check or certified check made payable to the Real Estate Fund. Said check
6 must be received by the Bureau prior to the effective date of the Order in this matter at the
7 following address: Bureau of Real Estate, Post Office Box 137007, Sacramento, CA 95813-
8 7007.

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10 _____
11 DATED

JOHN W. BARRON, Counsel
Bureau of Real Estate

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13 * * *

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

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22 _____
23 DATED

DOREEN L. COVARELLI
Respondent

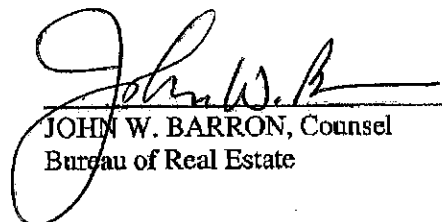
24
25 10/21/2015

26 DATED

Marian Rubino Pontes
MARIAN RUBINO-PONTES
Respondent

1 6. All licenses and licensing rights of RUBINO-PONTES are indefinitely
 2 suspended unless or until RUBINO-PONTES pays to the Bureau the sum of \$1,851.17,
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 5 form of a cashier's check or certified check made payable to the Real Estate Fund. Said check
 6 must be received by the Bureau prior to the effective date of the Order in this matter at the
 7 following address: Bureau of Real Estate, Post Office Box 137007, Sacramento, CA 95813-
 8 7007.

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 10 10/22/15
 11 _____
 12 DATED


 11 JOHN W. BARRON, Counsel
 12 Bureau of Real Estate

13 ***

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

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 22 10/20/15
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 24 DATED


 23 DOREEN L. COVARELLI
 24 Respondent

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 27 MARIAN RUBINO-PONTES
 Respondent

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

10/21/15

DATED



SHANNON B. JONES
Attorney for Respondents

The foregoing Stipulation and Agreement is hereby adopted by me as my Decision in this matter as to Respondents DOREEN L. COVARELLI and MARIAN RUBINO-PONTES and shall become effective at 12 o'clock noon on FEB 01 2016.

IT IS SO ORDERED DECEMBER 31, 2015.

REAL ESTATE COMMISSIONER



WAYNE S. BELL

By: JEFFREY MASON
Chief Deputy Commissioner