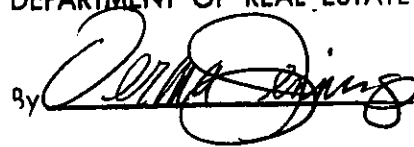


1 Department of Real Estate  
2 320 W. 4<sup>th</sup> St., Room 350  
3 Los Angeles, California 90013

4 Telephone: (213) 576-6982

FILED  
FEB 26 2008  
DEPARTMENT OF REAL ESTATE

By 

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

|                                         |                                  |
|-----------------------------------------|----------------------------------|
| 11 In the Matter of the Accusation of ) | No. H-34256 LA                   |
| 12 UNITED REAL ESTATE BROKERS, )        | L-2007120382                     |
| 13 and DANIEL J. CASCIOPPO, )           | <u>STIPULATION AND AGREEMENT</u> |
| 14 individually and as )                |                                  |
| 15 designated officer of )              |                                  |
| 16 United Real Estate Brokers, )        |                                  |
| 17 Respondents. )                       |                                  |

18 It is hereby stipulated by and between UNITED REAL  
19 ESTATE BROKERS, and DANIEL J. CASCIOPPO (sometimes referred to  
20 as Respondents), and the Complainant, acting by and through  
21 James R. Peel, Counsel for the Department of Real Estate, as  
22 follows for the purpose of settling and disposing of the  
23 Accusation filed on August 29, 2007, in this matter.

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

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

5 2. Respondents have received, read and understand the  
6 Statement to Respondent, the Discovery Provisions of the  
7 Administrative Procedure Act ("APA") and the Accusation filed by  
8 the Department of Real Estate in this proceeding.

9 3. On September 14, 2007, Respondents filed a Notice  
10 of Defense pursuant to Section 11506 of the Government Code for  
11 the purpose of requesting a hearing on the allegations in the  
12 Accusation. Respondents hereby freely and voluntarily withdraw  
13 said Notices of Defense. Respondents acknowledge that they  
14 understand that by withdrawing said Notices of Defense they will  
15 thereby waive their right to require the Commissioner to prove  
16 the allegations in the Accusation at a contested hearing held in  
17 accordance with the provisions of the APA and that they will  
18 waive other rights afforded to them in connection with the  
19 hearing, 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

23 4. This Stipulation is based on the factual  
24 allegations contained in the Accusation filed in this  
25 proceeding. In the interest of expedience and economy,  
26 Respondents choose not to contest these factual allegations, but  
27 to remain silent and understand that, as a result thereof, these

1 factual statements, will serve as a prima facie basis for the  
2 disciplinary action stipulated to herein. The Real Estate  
3 Commissioner shall not be required to provide further evidence  
4 to prove such allegations.

5 5. This Stipulation and Respondents' decision not to  
6 contest the Accusation is made for the purpose of reaching an  
7 agreed disposition of this proceeding and is expressly limited  
8 to this proceeding and any other proceeding or case in which the  
9 Department of Real Estate ("Department"), the state or federal  
10 government, or an agency of this state, another state or the  
11 federal government is involved.

12 6. It is understood by the parties that the Real  
13 Estate Commissioner may adopt the Stipulation as his decision  
14 in this matter thereby imposing the penalty and sanctions on  
15 Respondents' real estate licenses and license rights as set  
16 forth in the below "Order". In the event that the Commissioner  
17 in his discretion does not adopt the Stipulation, the  
18 Stipulation shall be void and of no effect, and Respondents  
19 shall retain the right to a hearing on the Accusation under all  
20 the provisions of the APA and shall not be bound by any  
21 stipulation or waiver made herein.

22 7. The Order or any subsequent Order of the Real  
23 Estate Commissioner made pursuant to this Stipulation shall not  
24 constitute an estoppel, merger or bar to any further  
25 administrative or civil proceedings by the Department of Real  
26 Estate with respect to any conduct which was not specifically  
27

1 alleged to be causes for accusation in this proceeding.

2 DETERMINATION OF ISSUES

3 By reason of the foregoing stipulations and waivers  
4 and solely for the purpose of settlement of the pending  
5 Accusation without a hearing, it is stipulated and agreed that  
6 the following determination of issues shall be made:

7 The conduct, acts and/or omissions of Respondents  
8 UNITED REAL ESTATE BROKERS, and DANIEL J. CASCIOPPO, as set  
9 forth in the Accusation, constitute cause for the suspension or  
10 revocation of all of the real estate licenses and license rights  
11 of Respondents under the provisions of Section 10177(d) of the  
12 Business and Professions Code ("Code") for violation of Code  
13 Section 10137.

14 ORDER

15 All licenses and licensing rights of Respondents  
16 UNITED REAL ESTATE BROKERS, and DANIEL J. CASCIOPPO under the  
17 Real Estate Law are suspended for a period of sixty (60) days  
18 from the effective date of this Decision; provided, however,  
19 that thirty (30) days of said suspension shall be stayed for two  
20 (2) years upon the following terms and conditions:

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

24 2. That no final subsequent determination be made,  
25 after hearing or upon stipulation that cause for disciplinary  
26 action occurred within two (2) years of the effective date of  
27

1 this Decision. Should such a determination be made, the  
2 Commissioner may, in his discretion, vacate and set aside the  
3 stay order and reimpose all or a portion of the stayed  
4 suspension. Should no such determination be made, the stay  
5 imposed herein shall become permanent.

6 3. Provided, however, that if Respondent petitions,  
7 the remaining thirty (30) days of said sixty (60) day suspension  
8 shall be stayed upon condition that:

9 a. Respondent pays a monetary penalty pursuant to  
10 Section 10175.2 of the Business and Professions Code at the rate  
11 of \$50 for each day of the suspension for a total monetary  
12 penalty of \$1,500 (\$3,000 for both Respondents).

13 b. Said payment shall be in the form of a  
14 cashier's check or certified check made payable to the Recovery  
15 Account of the Real Estate Fund. Said check must be received by  
16 the Department prior to the effective date of the Decision in  
17 this matter.

18 c. No further cause for disciplinary action  
19 against the real estate licenses of Respondent occurs within two  
20 (2) years from the effective date of the Decision in this  
21 matter.

22 d. If Respondent fails to pay the monetary  
23 penalty in accordance with the terms and conditions of the  
24 Decision, the Commissioner may, without a hearing, order the  
25 immediate execution of all or any part of the stayed suspension  
26 in which event the Respondent shall not be entitled to any  
27

1 repayment nor credit, prorated or otherwise, for money paid to  
2 the Department under the terms of this Decision.

3 e. If Respondent pays the monetary penalty and if  
4 no further cause for disciplinary action against the real estate  
5 license of Respondent occurs within two (2) years from the  
6 effective date of the Decision, the stay hereby granted shall  
7 become permanent.

8  
9  
10 DATED: 1-10-08

James R. Peel  
JAMES R. PEEL, Counsel for the  
Department of Real Estate

12 \* \* \*

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

24  
25 Respondents can signify acceptance and approval of the  
26 terms and conditions of this Stipulation and Agreement by faxing  
27 a copy of the signature page, as actually signed by Respondents,

to the Department at the following telephone/fax number:

(213) 576-6917. Respondents agree, acknowledge and understand that by electronically sending to the Department a fax copy of his or her actual signature as it appears on the Stipulation and Agreement, that receipt of the faxed copy by the Department shall be as binding on Respondent as if the Department had received the original signed Stipulation and Agreement.

Further, if the Respondents are represented, the Respondents' Counsel can signify his or her agreement to the terms and conditions of the Stipulation and Agreement by submitting that signature via fax.

DATED: \_\_\_\_\_

UNITED REAL ESTATE BROKERS,  
Respondent

DATED: \_\_\_\_\_

DANIEL J. CASCIOPPO,  
Respondent

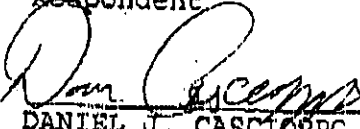
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P. 07/08

1 to the Department at the following telephone/fax number:  
2 (213) 576-6917. Respondents agree, acknowledge and understand  
3 that by electronically sending to the Department a fax copy of  
4 his or her actual signature as it appears on the Stipulation and  
5 Agreement, that receipt of the faxed copy by the Department  
6 shall be as binding on Respondent as if the Department had  
7 received the original signed Stipulation and Agreement.

8 Further, if the Respondents are represented, the  
9 Respondents' Counsel can signify his or her agreement to the  
10 terms and conditions of the Stipulation and Agreement by  
11 submitting that signature via fax.

13 DATED: 1-9-8  
14 UNITED REAL ESTATE BROKERS,  
15 Respondent16 DATED: 1-9-8  
17 DANIEL J. CASCIOPPC,  
18 Respondent  
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IT IS SO ORDERED

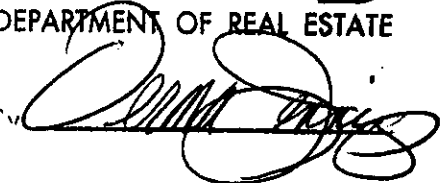
JEFF DAVI  
Real Estate Commissioner

JEFF DAVIS  
Real Estate Commission

5000.  
Flag

1 JAMES R. PEEL, Counsel (SBN 47055)  
2 Department of Real Estate  
3 320 West Fourth Street, Suite 350  
4 Los Angeles, CA 90013-1105  
5  
6 Telephone: (213) 576-6982  
7 -or- (213) 576-6913 (Direct)  
8

FILED  
AUG 29 2007  
DEPARTMENT OF REAL ESTATE



9 BEFORE THE DEPARTMENT OF REAL ESTATE  
10 STATE OF CALIFORNIA

11 \* \* \*

|                                       |   |                            |
|---------------------------------------|---|----------------------------|
| 11 In the Matter of the Accusation of | ) | No. H-34256 LA             |
|                                       | ) |                            |
| 12 UNITED REAL ESTATE BROKERS,        | ) | <u>A C C U S A T I O N</u> |
| 13 and DANIEL J. CASCIOPPO,           | ) |                            |
| 14 individually and as                | ) |                            |
| 15 designated officer of              | ) |                            |
| 16 United Real Estate Brokers,        | ) |                            |
|                                       | ) |                            |
|                                       | ) |                            |
| 17 Respondents.                       | ) |                            |

18 The Complainant, Maria Suarez, a Deputy Real Estate  
19 Commissioner of the State of California, for cause of accusation  
20 against UNITED REAL ESTATE BROKERS, and DANIEL J. CASCIOPPO,  
21 individually and as designated officer of United Real Estate  
22 Brokers, alleges as follows:

23 I

24 The Complainant, Maria Suarez, acting in her official  
25 capacity as a Deputy Real Estate Commissioner of the State of  
26 California, makes this Accusation against UNITED REAL ESTATE  
27 BROKERS, and DANIEL J. CASCIOPPO.

1 II

2 UNITED REAL ESTATE BROKERS, and DANIEL J. CASCIOPPO,  
3 individually and as designated officer of said corporation  
4 (hereinafter referred to as "Respondents"), are presently  
5 licensed and/or have license rights under the Real Estate Law  
6 (Part 1 of Division 4 of the Business and Professions Code)  
7 (hereinafter Code).

8 III

9 Respondent UNITED REAL ESTATE BROKERS, was originally  
10 licensed as a real estate broker on February 24, 2005. The  
11 corporate license of Respondent UNITED REAL ESTATE BROKERS, will  
12 expire on February 23, 2009. Pursuant to Code Section 10159.2,  
13 Respondent DANIEL J. CASCIOPPO is responsible for the supervision  
14 and control of the activities conducted on behalf of the  
15 corporation by its officers and employees as necessary to secure  
16 full compliance with the provisions of the real estate law,  
17 including the supervision of salespersons licensed to the  
18 corporation in the performance of acts for which a real estate  
19 license is required.

20 IV

21 At all times material herein, Respondents engaged in  
22 the business of, acted in the capacity of, advertised or assumed  
23 to act as a real estate broker in the State of California, within  
24 the meaning of Section 10131(d) of the Code, including soliciting  
25 borrowers and lenders and negotiating loans on real property.

26 ///

27 ///

1 V

2 In connection with Respondents' activities as a real  
3 estate broker, as described above, Respondents violated Section  
4 10137 of the Code in that on or about April 6, 2006, Respondents  
5 employed Aaron Bergman, who was not licensed as a real estate  
6 broker or salesperson, to solicit and negotiate loans on real  
7 property located at 6605 Ware Hill Lane, Santa Rosa, California,  
8 for borrower Gary L. Cox.

9 VI

10 The conduct, acts and/or omissions of Respondents,  
11 UNITED REAL ESTATE BROKERS, and DANIEL J. CASCIOPPO, as alleged  
12 above, subjects their real estate licenses and license rights to  
13 suspension or revocation pursuant to Sections 10137, 10177(d)  
14 and/or 10177(g) of the Code.

15 VII

16 The conduct, acts and/or omissions of Respondent DANIEL  
17 J. CASCIOPPO, in failing to ensure full compliance with the Real  
18 Estate Law is in violation of Section 10159.2 of the Code and  
19 subjects his real estate licenses and license rights to  
20 suspension or revocation pursuant to Sections 10177(d), 10177(g)  
21 and/or 10177(h) of the Code.

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

