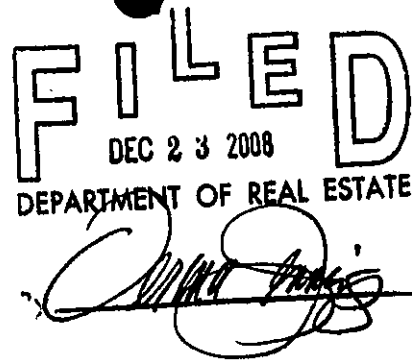


1 Department of Real Estate  
2 320 W. 4<sup>th</sup> St., Room 350  
3 Los Angeles, California 90013  
4 Telephone: (213) 576-6982



8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of ) No. H-35251 LA  
12 X-PRSS CORP; and )  
13 JOSEPH J. RANGEL, )  
14 individually and as )  
15 designated officer of )  
16 X-Prss Corp, )  
17 )  
18 Respondents. )  
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STIPULATION AND AGREEMENT

18 It is hereby stipulated by and between JOSEPH J.  
19 RANGEL (sometimes referred to as Respondent), and his attorney,  
20 Herman Thordsen, 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, 2008, in this matter.

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  
27 was to be held in accordance with the provisions of the

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 ("Stipulation").

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

8 3. On September 17, 2008, Respondent filed a Notice  
9 of Defense pursuant to Section 11506 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 Notices of Defense. Respondent acknowledges that he  
13 understands that by withdrawing said Notice of Defense he will  
14 thereby waive his right to require the Commissioner to prove the  
15 allegations in the Accusation at a contested hearing held in  
16 accordance with the provisions of the APA and that he will waive  
17 other rights afforded to him in connection with the hearing,  
18 such as the right to present evidence in defense of the  
19 allegations in the Accusation and the right to cross-examine  
20 witnesses.

21 4. This Stipulation is based on the factual  
22 allegations contained in the Accusation filed in this  
23 proceeding. In the interest of expedience and economy,  
24 Respondent chooses not to contest these factual allegations, but  
25 to remain silent and understands that, as a result thereof,  
26 these factual statements, will serve as a prima facie basis for  
27

1 the disciplinary action stipulated to herein. The Real Estate  
2 Commissioner shall not be required to provide further evidence  
3 to prove such allegations.

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

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

DETERMINATION OF ISSUES

1           By reason of the foregoing stipulations and waivers  
2  
3 and solely for the purpose of settlement of the pending  
4 Accusation without a hearing, it is stipulated and agreed that  
5 the following determination of issues shall be made:

6           The conduct, acts and/or omissions of Respondent  
7 JOSEPH J. RANGEL, as set forth in the Accusation, constitutes  
8 cause for the suspension or revocation of all of the real estate  
9 licenses and license rights of Respondent under the provisions  
10 of Section 10177(d) of the Business and Professions Code  
11 ("Code") for violations of Code Sections 10145(a) and 10240, and  
12 Regulations 2831 and 2831.1, Title 10, Chapter 6, California  
13 Code of Regulations.

ORDER

14  
15           All licenses and licensing rights of Respondent JOSEPH  
16 J. RANGEL under the Real Estate Law are suspended for a period  
17 of thirty (30) days from the effective date of this Decision.

18  
19           1. Provided, however, that if Respondent petitions,  
20 said suspension or any portion thereof shall be stayed upon  
21 condition that:

22           a. Respondent pays a monetary penalty pursuant to  
23 Section 10175.2 of the Business and Professions Code at the rate  
24 of \$66.66 for each day of the suspension for a total monetary  
25 penalty of \$2,000.

26       ///

27       ///

1 b. Said payment shall be in the form of a  
2 cashier's check or certified check made payable to the Recovery  
3 Account of the Real Estate Fund. Said check must be received by  
4 the Department prior to the effective date of the Decision in  
5 this matter.

6 c. If Respondent fails to pay the monetary  
7 penalty in accordance with the terms and conditions of the  
8 Decision, the Commissioner may, without a hearing, order the  
9 immediate execution of all or any part of the stayed suspension  
10 in which event the Respondent shall not be entitled to any  
11 repayment nor credit, prorated or otherwise, for money paid to  
12 the Department under the terms of this Decision.

13 d. If Respondent pays the monetary penalty the  
14 stay hereby granted shall become permanent.

15 2. All licenses and licensing rights of Respondent  
16 JOSEPH J. RANGEL are indefinitely suspended unless or until  
17 Respondent provides proof satisfactory to the Commissioner, of  
18 having taken and successfully completed the continuing education  
19 course on trust fund accounting and handling specified in  
20 paragraph (3) of subdivision (a) of Section 10170.5 of the  
21 Business and Professions Code. Proof of satisfaction of this  
22 requirement includes evidence that Respondent has successfully  
23 completed the trust fund account and handling continuing  
24 education course within 120 days prior to the effective date of  
25 the Decision in this matter.  
26

27 ///

3. Pursuant to Section 10148 of the Business and

1 Professions Code, Respondent shall pay the Commissioner's  
2 reasonable cost for the audit which led to this disciplinary  
3 action and a subsequent audit to determine if Respondent has  
4 corrected the violations found in the Determination of Issues.  
5

6 In calculating the amount of the Commissioner's reasonable cost,  
7 the Commissioner may use the estimated average hourly salary for  
8 all persons performing audits of real estate brokers, and shall  
9 include an allocation for travel costs, including mileage, time  
10 to and from the auditor's place of work and per diem.

11 Respondent shall pay such cost within 45 days of receiving an  
12 invoice from the Commissioner detailing the activities performed  
13 during the audit and the amount of time spent performing those  
14 activities. The Commissioner may, in his discretion, vacate and  
15 set aside the stay order, if payment is not timely made as  
16 provided for herein, or as provided for in a subsequent  
17 agreement between the Respondent and the Commissioner. The  
18 vacation and the set aside of the stay shall remain in effect  
19 until payment is made in full, or until Respondent enters into  
20 an agreement satisfactory to the Commissioner to provide for  
21 payment. Should no order vacating the stay be issued, either in  
22 accordance with this condition or the conditions set forth  
23 above, the stay imposed herein shall become permanent.  
24

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27 ///

4. The Desist and Refrain Order issued in this matter

1 is to be vacated.  
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5  
6 DATED: Nov. 25, 2008

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

8 \* \* \*

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

20 Respondent can signify acceptance and approval of the  
21 terms and conditions of this Stipulation and Agreement by faxing  
22 a copy of the signature page, as actually signed by Respondent,  
23 to the Department at the following telephone/fax number:  
24 (213) 576-6917. Respondent agrees, acknowledges and understands  
25 that by electronically sending to the Department a fax copy of  
26 his or her actual signature as it appears on the Stipulation and  
27 Agreement, that receipt of the faxed copy by the Department

1 shall be as binding on Respondent as if the Department had  
2 received the original signed Stipulation and Agreement.

3 Further, if the Respondent is represented, the  
4 Respondent's Counsel can signify his or her agreement to the  
5 terms and conditions of the Stipulation and Agreement by  
6 submitting that signature via fax

7  
8 DATED: 11-17-08

  
9 JOSEPH J. RANGEL  
Respondent

10  
11 DATED: 11-21-08

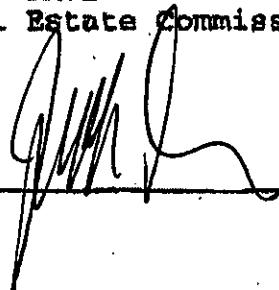
  
12 ~~HERMA THORDESEN~~ *Sozet Magyar*  
Counsel for Respondent

13  
14  
15 \* \* \*

16 The foregoing Stipulation and Agreement is hereby  
17 adopted as my Decision and Order in this matter, and shall  
18 become effective at 12 o'clock noon on January 12, 2009

19 IT IS SO ORDERED December 15, 2008.

20 JEFF DAVI  
21 Real Estate Commissioner

  
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FILED

DEC 23 2008

DEPARTMENT OF REAL ESTATE

*[Handwritten Signature]*

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of	)	No. H-35251 LA
X-PRSS CORP,	)	
	)	
	)	
Respondent.	)	

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On August 29, 2008, an Accusation was filed in this matter against Respondent X-PRSS CORP.

On November 17, 2008, Respondent petitioned the Commissioner to voluntarily surrender its real estate broker license pursuant to Section 10100.2 of the Business and Professions Code.

IT IS HEREBY ORDERED that Respondent X-PRSS CORP's petition for voluntary surrender of its real estate broker license is accepted as of the effective date of this Order as set forth below, based upon the understanding and agreement expressed in Respondent's Declaration dated November 17, 2008 (attached as

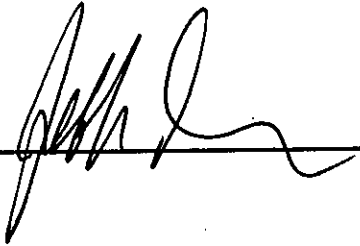
1 Exhibit "A" hereto). Respondent's license certificates, pocket  
2 cards and any branch office license certificate shall be sent to  
3 the below listed address so that they reach the Department on or  
4 before the effective date of this Order:

5 DEPARTMENT OF REAL ESTATE  
6 Attn: Licensing Flag Section  
7 P. O. Box 187000  
8 Sacramento, CA 95818-7000

9 This Order shall become effective at 12 o'clock noon  
10 on January 12, 2009

11 DATED: December 15, 2008

12 JEFF DAVI  
13 Real Estate Commissioner

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of )	No. H-35251 LA
X-PRSS CORP, )	
Respondent. )	

DECLARATION

My name is Joseph J. Rangel and I am currently an officer of X-PRSS CORP which is licensed as a real estate broker and/or has license rights with respect to said license. I am authorized and empowered to sign this declaration on behalf of X-PRSS CORP. I am acting on behalf of X-PRSS CORP in this matter.

In lieu of proceeding in this matter in accordance with the provisions of the Administrative Procedure Act (Sections 11400, et seq., of the Government Code), X-PRSS CORP wishes to voluntarily surrender its real estate license issued by the Department of Real Estate ("Department") pursuant to Business and Professions Code Section 10100.2.

1 I understand that by so voluntarily surrendering its  
2 license, X-PRSS CORP can only have it reinstated in accordance  
3 with the provisions of Section 11522 of the Government Code. I  
4 also understand that by so voluntarily surrendering its license,  
5 X-PRSS CORP agrees to the following:

6 (1) The filing of this Declaration shall be deemed as  
7 its petition for voluntary surrender.

8 (2) It shall also be deemed to be an understanding and  
9 agreement by X-PRSS CORP that it waives all rights it has to  
10 require the Commissioner to prove the allegations contained in  
11 the Accusation filed in this matter at a hearing held in  
12 accordance with the provisions of the Administrative Procedure  
13 Act (Government Code Section 11400, et seq.), and that it also  
14 waives other rights afforded to it in connection with the hearing  
15 such as the right to discovery, the right to present evidence in  
16 defense of the allegations in the Accusation and the right to  
17 cross-examine witnesses.

18 (3) I further agree on behalf of X-PRSS CORP that upon  
19 acceptance by the Commissioner, as evidenced by an appropriate  
20 order, all affidavits and all relevant evidence obtained by the  
21 Department in this matter prior to the Commissioner's acceptance,  
22 and all allegations contained in the Accusation filed in the  
23 Department's Case No. H-35251 LA may be considered by the  
24 Department to be true and correct for the purpose of deciding  
25 whether to grant relicensure or reinstatement pursuant to  
26 Government Code Section 11522.

27 ///

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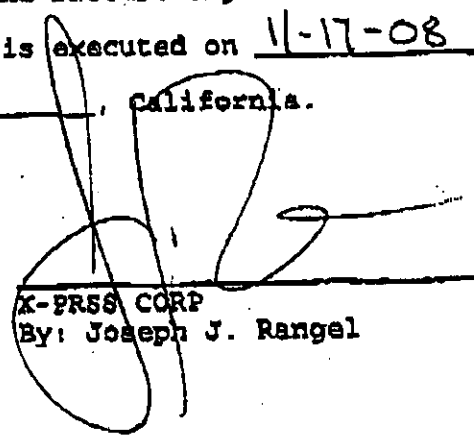
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(4) X-PRSS CORP freely and voluntarily surrenders all of its licenses and license rights under the Real Estate Law.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct and that I am acting freely and voluntarily on behalf of X-PRSS CORP to surrender its licenses and license rights attached thereto.

This Declaration is executed on 11-17-08 2008, at Irvine, California.

  
\_\_\_\_\_  
X-PRSS CORP  
By: Joseph J. Rangel

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(4) X-PRSS CORP freely and voluntarily surrenders all of its licenses and license rights under the Real Estate Law.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct and that I am acting freely and voluntarily on behalf of X-PRSS CORP to surrender its licenses and license rights attached thereto.

This Declaration is executed on \_\_\_\_\_, 2008, at \_\_\_\_\_, California.

\_\_\_\_\_  
X-PRSS CORP  
By: Joseph J. Rangel

SMD  
Mag

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

**FILED**  
AUG 29 2008  
DEPARTMENT OF REAL ESTATE  
*[Signature]*

8 DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of ) No. H-35251 LA  
12 X-PRSS CORP; and )  
13 JOSEPH J. RANGEL, ) A C C U S A T I O N  
14 individually and as )  
15 designated officer of )  
16 X-Prss Corp, )  
17 Respondents. )

17 The Complainant, Robin L. Trujillo, a Deputy Real  
18 Estate Commissioner of the State of California, for cause of  
19 accusation against X-PRSS CORP; and JOSEPH J. RANGEL,  
20 individually and as designated officer of X-Prss Corp, alleges  
21 as follows:

22 I

23 The Complainant, Robin L. Trujillo, acting in her  
24 official capacity, as a Deputy Real Estate Commissioner of the  
25 State of California, makes this Accusation against X-PRSS CORP  
26 and JOSEPH J. RANGEL.

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II

X-PRSS CORP and JOSEPH J. RANGEL (hereinafter referred to as "Respondents") are presently licensed and/or have license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code, hereinafter Code).

III

At all times herein mentioned, Respondent X-PRSS CORP was licensed as a real estate broker with Respondent JOSEPH J. RANGEL as its designated officer.

IV

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

V

On or about May 21, 2008, the Department of Real Estate of the State of California completed an examination of Respondents' books and records pertaining to the activities described in Paragraph IV above, covering a period from December 1, 2004, through December 31, 2007, which examination revealed violations of the Code and of Title 10, Chapter 6, California Code of Regulations (hereinafter Regulations) as set forth below.

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1 VI

2 The examination described in Paragraph V, above,  
3 determined that, in connection with the activities described in  
4 Paragraph IV above, Respondents accepted or received funds,  
5 including funds in trust (hereinafter "trust funds") from or on  
6 behalf of principals, and thereafter made deposit or disbursement  
7 of such funds.

8 VII

9 In the course of activities described in Paragraphs IV  
10 through VI and during the examination period described in  
11 Paragraph V, Respondents acted in violation of the Code and the  
12 Regulations as follows, and as more specifically set forth in  
13 Audit Report Nos. LA 070163 pertaining to Respondent JOSEPH J.  
14 RANGEL, and LA 070170 pertaining to Respondent X-PRSS CORP and  
15 related exhibits:

16 1. Violated Section 10145(a) of the Code by failing  
17 to deposit credit report fees into a broker trust account.

18 2. Violated Regulation 2831 by not maintaining a  
19 columnar record of all trust funds received and disbursed  
20 including credit report fees and appraisal fees.

21 3. Violated Regulation 2831.1 by not maintaining  
22 separate records for each transaction including credit report  
23 fees and appraisal fees.

24 4. Violated Sections 10240 and 10241 of the Code by  
25 failing to provide a complete Mortgage Disclosure Statement to  
26 each borrower. The MLDS did not always disclose yield spread  
27 premium rebates the broker received from the lender. The MLDS

1 was not always signed by the broker or the broker's  
2 representative.

3 5. Violated Section 10236.4 of the Code by failing to  
4 disclose the broker's license number on each Mortgage Loan  
5 Disclosure Statement.

6 VIII

7 The conduct of Respondents X-PRSS CORP and JOSEPH J.  
8 RANGEL, as alleged above, subjects their real estate licenses and  
9 license rights to suspension or revocation pursuant to Sections  
10 10177(d) and/or 10177(g) of the Code.

11 IX


12 The conduct of Respondent JOSEPH J. RANGEL, as alleged  
13 above, is in violation of Code Section 10159.2 and subjects his  
14 real estate licenses and license rights to suspension or  
15 revocation pursuant to Sections 10177(d), 10177(g) and 10177(h)  
16 of the Code.

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1                   WHEREFORE, Complainant prays that a hearing be  
2 conducted on the allegations of this Accusation and that upon  
3 proof thereof, a decision be rendered imposing disciplinary  
4 action against all licenses and license rights of Respondents  
5 X-PRSS CORP; and JOSEPH J. RANGEL, individually and as designated  
6 officer of X-Prss Corp, under the Real Estate Law (Part 1 of  
7 Division 4 of the Business and Professions Code) and for such  
8 other and further relief as may be proper under other applicable  
9 provisions of law.

10 Dated at Los Angeles, California

11 this 28 day of August, 2008.

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15 \_\_\_\_\_  
16 ROBIN L. TRUJILLO  
17 Deputy Real Estate Commissioner  
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25 cc: X-Prss Corp  
26       Joseph J. Rangel  
27       Phillip Ihde  
       Robin L. Trujillo  
       Audit Section  
       Sacto.