

1 Department of Real Estate
2 320 West 4th Street, Suite 350
3 Los Angeles, CA 90013-1105

4 (213) 576-6982

FILED
FEB 17 2010
DEPARTMENT OF REAL ESTATE

K. Niederholt

5
6
7
8
9 BEFORE THE DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * *

12
13 In the Matter of the Accusation of) NO. H-35961 LA
14 LAUREN MARIE TOMASELLO,) L-2009061202
15)
16 Respondent.) STIPULATION AND AGREEMENT

17
18 It is hereby stipulated by and between LAUREN MARIE
19 TOMASELLO, (sometimes referred to as "Respondent"), and her
20 attorney of record Dyke E. Huish, Esq. and the Complainant,
21 acting by and through Shari Sveningson, Counsel for the
22 Department of Real Estate, as follows for the purpose of
23 settling and disposing of the Accusation filed on May 12, 2009,
24 in this matter.
25

26 ///

27 ///

///

1 1. All issues which were to be contested and all
2 evidence which was to be presented by Complainant and Respondent
3 at a formal hearing on the Accusation, which hearing was to be
4 held in accordance with the provisions of the Administrative
5 Procedure Act (APA), shall instead and in place thereof be
6 submitted solely on the basis of the provisions of this
7 Stipulation and Agreement.
8

9 2. Respondent has received, read and understands the
10 Statement to Respondent, the Discovery Provisions of the APA and
11 the Accusation filed by the Department of Real Estate
12 ("Department") in this proceeding.
13

14 3. On May 28, 2009, Respondent filed a Notice of
15 Defense, pursuant to Section 11506 of the Government Code for the
16 purpose of requesting a hearing on the allegations in the
17 Accusation. Respondent hereby freely and voluntarily withdraws
18 said Notice of Defense. Respondent acknowledges that she
19 understands that by withdrawing said Notice of Defense she will
20 thereby waive her right to require the Commissioner to prove the
21 allegations in the Accusation at a contested hearing held in
22 accordance with the provisions of the APA and that she will waive
23 other rights afforded to her in connection with the hearing, such
24 as the right to present evidence in defense of the allegations in
25 the Accusation and the right to cross-examine witnesses.
26
27

1 4. Respondent, pursuant to the limitations set forth
2 below, hereby admits that the factual allegations set forth in
3 the Accusation filed in this proceeding are true and correct and
4 the Real Estate Commissioner shall not be required to provide
5 further evidence of such allegations.
6

7 5. It is understood by the parties that the Real
8 Estate Commissioner may adopt the Stipulation and Agreement as
9 his decision in this matter, thereby imposing the penalty and
10 sanctions on Respondent's real estate licenses and license rights
11 as set forth in the below "Order". In the event that the
12 Commissioner in his discretion does not adopt the Stipulation and
13 Agreement, it shall be void and of no effect, and Respondent
14 shall retain the right to a hearing and proceeding on the
15 Accusation under all the provisions of the APA and shall not be
16 bound by any admission or waiver made herein.
17

18 6. The Order or any subsequent Order of the Real
19 Estate Commissioner made pursuant to this Stipulation and
20 Agreement shall not constitute an estoppel, merger or bar to any
21 further administrative or civil proceedings by the Department of
22 Real Estate with respect to any matters which were not
23 specifically alleged to be causes for accusation in this
24 proceeding.
25

26 ///
27

1 1. The restricted license issued to Respondent may
2 be suspended prior to hearing by Order of the Real Estate
3 Commissioner in the event of Respondent's conviction or plea of
4 nolo contendere to a crime which is substantially related to
5 Respondent's fitness or capacity as a real estate licensee.
6

7 2. The restricted license issued to Respondent may
8 be suspended prior to hearing by Order of the Real Estate
9 Commissioner on evidence satisfactory to the Commissioner that
10 Respondent has violated provisions of the California Real
11 Estate Law, the Subdivided Lands Law, Regulations of the Real
12 Estate Commissioner or conditions attaching to the restricted
13 license.
14

15 3. Respondent shall not be eligible to apply for
16 issuance of an unrestricted real estate license nor for the
17 removal of any of the conditions, limitations or restrictions
18 of a restricted license until two (2) years have elapsed from
19 the effective date of this Decision.
20

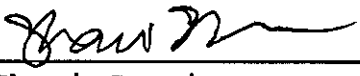
21 4. Respondent shall submit with any application
22 for license under an employing broker, or any application for
23 transfer to a new employing broker, a statement signed by the
24 prospective employing real estate broker, on a form approved by
25 the Department, which shall certify:

26 (a) That the employing broker has read the Decision
27 of the Commissioner which granted the right to a restricted
license; and

1 (b) That the employing broker will exercise close
2 supervision over the performance by the restricted licensee
3 relating to activities for which a real estate salesperson
4 license is required.

5 5. Respondent shall, within nine (9) months from the
6 effective date of this Decision, present evidence satisfactory
7 to the Real Estate Commissioner that Respondent has, since the
8 most recent issuance of an original or renewal real estate
9 license, taken and successfully completed the continuing
10 education requirements of Article 2.5 of Chapter 3 of the Real
11 Estate Law for renewal of a real estate license. If Respondent
12 fails to satisfy this condition, the Commissioner may order the
13 suspension of the restricted license until the Respondent
14 presents such evidence. The Commissioner shall afford
15 Respondent the opportunity for a hearing pursuant to the
16 Administrative Procedure Act to present such evidence.

19 DATED: 1/14/10

20 
21 Shari Sveningson,
22 Real Estate Counsel

23 I have read the Stipulation and Agreement, have
24 discussed it with my counsel and its terms are understood by me
25 and are agreeable and acceptable to me. I understand that I am
26 waiving rights given to me by the California Administrative
27 Procedure Act (including but not limited to Sections 11506,
11508, 11509 and 11513 of the Government Code), and I

1 willingly, intelligently and voluntarily waive those rights,
 2 including the right of requiring the Commissioner to prove the
 3 allegations in the Accusation at a hearing at which I would
 4 have the right to cross-examine witnesses against me and to
 5 present evidence in defense and mitigation of the charge.

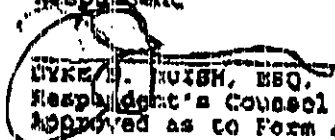
6 Respondent can signify acceptance and approval of the
 7 terms and conditions of this Stipulation and Agreement by
 8 faxing a copy of its signature page, as actually signed by
 9 Respondent, to the Department at the following telephone/fax
 10 number (213) 576-6817. Respondent agrees, acknowledges,
 11 and understands that by electronically sending to the
 12 Department a fax copy of his actual signature as it appears on
 13 the stipulation and Agreement, that receipt of the faxed copy
 14 by the Department shall be as binding on Respondent as if the
 15 Department had received the original signed Stipulation and
 16 Agreement.

17
 18
 19
 20
 21 DATED: 1-19-10



 LAUREN MARIE TOMASEILLO,
 Respondent.

22 DATED: 1-14-10



 LYKE M. HUSH, ESQ.
 Respondent's Counsel
 Approved as to Form and Content

1 willingly, intelligently and voluntarily waive those rights,
2 including the right of requiring the Commissioner to prove the
3 allegations in the Accusation at a hearing at which I would
4 have the right to cross-examine witnesses against me and to
5 present evidence in defense and mitigation of the charges.
6

7 Respondent can signify acceptance and approval of the
8 terms and conditions of this Stipulation and Agreement by
9 faxing a copy of its signature page, as actually signed by
10 Respondent, to the Department at the following telephone/fax
11 number (213) 576-6917. Respondent agrees, acknowledges,
12 and understands that by electronically sending to the
13 Department a fax copy of his actual signature as it appears on
14 the Stipulation and Agreement, that receipt of the faxed copy
15 by the Department shall be as binding on Respondent as if the
16 Department had received the original signed Stipulation and
17 Agreement.
18

19
20
21 DATED: _____

LAUREN MARIE TOMASELLO,
Respondent

22
23 DATED: _____

DYKE E. HUIISH, ESQ.
Respondent's Counsel
Approved as to Form and Content

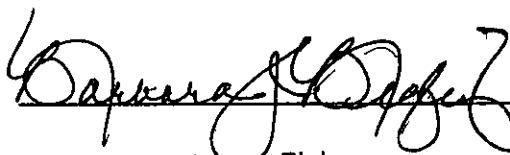
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

* * *

The foregoing Stipulation and Agreement is hereby
adopted as my Decision in this matter and shall become
effective at 12 o'clock noon on MAR - 9, 2010.

IT IS SO ORDERED 2/8, 2010.

JEFF DAVI
Real Estate Commissioner



BY: Barbara J. Bigby
Chief Deputy Commissioner

SHARI SVENINGSON, Counsel (SBN 195298)
Department of Real Estate
320 West 4th Street, Suite 350
Los Angeles, California 90013-1105

Telephone: (213) 576-6982
(Direct) (213) 576-6907

FILED
MAY 12 2009
DEPARTMENT OF REAL ESTATE

[Handwritten signature]

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H- 35961 LA
LAUREN MARIE TOMASELLO,)	<u>A C C U S A T I O N</u>
Respondent.)	

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against LAUREN MARIE TOMASELLO, aka Lauren M. Tomasello, ("Respondent") alleges as follows:

1.

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, makes this Accusation in her official capacity.

///

///

///

///

2.

1 Respondent is presently licensed and/or has license
2 rights under the Real Estate Law, Part 1 of Division 4 of the
3 California Business and Professions Code ("Code"), as a real
4 estate salesperson.
5

6 3.

7 (CRIMINAL CONVICTION)

8 On or about December 17, 2008, in the Superior Court
9 of California, County of Los Angeles, in Case No. BA344871,
10 Respondent was convicted of violating Penal Code Section
11 115.3 (Alter Certified Copy of Official Record), a misdemeanor.
12 This crime is substantially related to the qualifications,
13 functions or duties of a real estate licensee under Section
14 2910, Title 10, Chapter 6, California Code of Regulations.
15

16 4.

17 The crime of which Respondent was convicted, as
18 described in Paragraph 3 above, constitutes cause under Sections
19 490 and 10177(b) of the Code for the suspension or revocation of
20 the license and license rights of Respondent under the Real
21 Estate Law.

22 ///

23 ///

24 ///

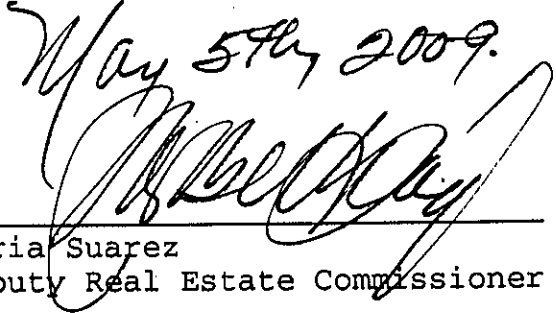
25 ///

26 ///

27

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 the licenses and license rights of
5 Respondent, LAUREN MARIE TOMASELLO, under the Real Estate Law
6 (Part 1 of Division 4 of the Business and Professions Code) and
7 for such other and further relief as may be proper under other
8 applicable provisions of law.

9 Dated at Los Angeles, California

May 5th 2009.


10
11
12 Maria Suarez
13 Deputy Real Estate Commissioner
14
15
16
17
18
19
20
21
22
23
24

25 cc: LAUREN MARIE TOMASELLO
26 Orange County Group Mortgage Solutions, Inc.
27 Maria Suarez
Sacto.