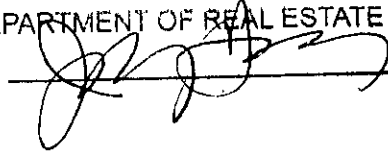


72817

FILED

OCT 19 2010

DEPARTMENT OF REAL ESTATE

BY: 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)

) NO. H-36044 LA

)
BERTHA MARGARITA OSORNO)

)
Respondent.)

ORDER SUSPENDING REAL ESTATE LICENSE

TO: BERTHA MARGARITA OSORNO, Respondent
2515 E. Chestnut Avenue
Orange, CA 92867

On September 17, 2009, your real estate salesperson license was suspended on the terms, conditions and restrictions set forth in the Real Estate Commissioner's Order of August 19, 2009, in Case No. H-36044 LA. Among those terms, conditions and restrictions you were required to take and pass the Professional Responsibility Examination within six months from the effective date of the Decision. The Commissioner has determined that as of March 17, 2010, you have failed to satisfy this condition.

1 NOW, THEREFORE, IT IS ORDERED under authority of the
2 Order issued in this matter that the real estate salesperson license
3 heretofore issued to Respondent and the exercise of any privileges
4 thereunder is hereby suspended until such time as you provide proof
5 satisfactory to the Department of compliance with the "condition"
6 referred to above, or pending final determination made after hearing
7 (see "Hearing Rights") set forth below).

8 IT IS FURTHER ORDERED that all license certificates
9 and identification cards issued by Department which are in the
10 possession of Respondent be immediately surrendered by personal
11 delivery or by mailing in the enclosed, self-addressed envelope
12 to:

13 Department of Real Estate
14 Attn: Flag Section
15 P. O. Box 187000
16 Sacramento, CA 95818-7000

17 HEARING RIGHTS: Pursuant to the provisions of Section
18 10156.7 of the Business and Professions Code, you have the right to
19 a hearing to contest the Commissioner's determination that you are
20 in violation of the Order issued in this matter. If you desire a
21 hearing, you must submit a written request. The request may be in
22 any form, as long as it is in writing and indicates that you want a
23 hearing. Unless a written request for a hearing, signed by or on
24 behalf of you, is delivered or mailed to the Department at 320 West
25 4th Street, Suite 350, Los Angeles, California, within 20 days after
26 the date that this Order was mailed to or served on you, the
27

1 Department will not be obligated or required to provide you with a
2 hearing.

3 This Order shall be effective immediately.

4 DATED: 10/14/2010.

5
6 JEFF DAVI
Real Estate Commissioner

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9 BY: Barbara J. Bigby
10 Chief Deputy Commissioner
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FILED

BEFORE THE DEPARTMENT OF REAL ESTATE

AUG - 2 2010

STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE
BY: *R. Hildebrand*

* * * *

In the Matter of the Accusation of) No. H-36044 LA
)
CRYSTAL MORTGAGE and REAL)
ESTATE CORPORATION, and)
DEREK JON REEVE,)
individually, and formerly)
designated officer of)
Crystal Mortgage and Real)
Estate Corporation, and)
BERTHA MARGARITA OSORNO,)
)
Respondents.)
_____)

DECISION

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on April 23, 2010, and the findings of fact set forth herein are based on one or more of the following: (1) Respondent's express admissions; (2) affidavits; and (3) other evidence.

This Decision suspends or revokes one or more real estate licenses on the ground of the conviction of a crime.

The right to reinstatement of a revoked real estate license or to the reduction of a suspension is controlled by Section 11522 of the Government Code. A copy of Section 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of Respondent.

FINDINGS OF FACT

I

On June 4, 2009, Robin Trujillo made the Accusation in her official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified

mail, to Respondent's last known mailing address on file with the Department on June 11, 2009.

On April 22, 2010, no Notice of Defense having been filed herein within the time prescribed by Section 11506 of the Government Code, Respondent CRYSTAL MORTGAGE and REAL ESTATE CORPORATION'S default was entered herein.

II

Respondent CRYSTAL MORTGAGE and REAL ESTATE CORPORATION is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code, hereinafter "Code"), as a real estate corporation. Respondent CRYSTAL MORTGAGE and REAL ESTATE CORPORATION was first licensed by the Department as a corporation on or about July 17, 2006.

III

Bertha Margarita Osorna ("Osorno") is licensed by the Department of Real Estate (Department) as a real estate salesperson. Osorno was originally licensed by the Department on February 21, 1998. Respondent OSORNO's salesperson license was expired from February 21, 2002 through October 7, 2002 and was expired again from October 8, 2006 through February 19, 2007.

IV

On or about November 11, 2006, when Osorno's license was expired, and when Derek Jon Reeve was the designated officer of CRYSTAL MORTGAGE and REAL ESTATE CORPORATION, Osorno executed a California Residential Purchase Agreement and Joint Escrow Instructions as a selling agent on behalf of CRYSTAL MORTGAGE and REAL ESTATE CORPORATION, representing Luis Delgadillo (hereinafter referred to as "Delgadillo"), as a buyer, on the purchase of residential property located at 11476 Leatherleaf Road, Fontana, CA 92337 (hereinafter referred to as the "Fontana property"). Osorno signed the Disclosure Regarding Real Estate Agency Relationships and Confirmation of Real Estate Agency Relationships as an agent of CRYSTAL MORTGAGE and REAL ESTATE CORPORATION.

V

On or about November 16, 2006, when Osorno's license was expired, and when Reeve was the designated officer of CMREC, Sale Escrow Instructions for the Fontana property were signed by Delgadillo and the sellers. Said instructions indicate that Osorno was the selling agent.

VI

CRYSTAL MORTGAGE and REAL ESTATE CORPORATION violated Section 10137 of the Code by employing and/or compensating Osorno, an expired real estate licensee, to solicit and negotiate sales of real property, and solicit and negotiate loans on real property, as set forth above. These activities require a real estate license under Sections 10131(a) and (d) of the Code.

DETERMINATION OF ISSUES

I

Cause for revocation of Respondent CRYSTAL MORTGAGE and REAL ESTATE CORPORATION's real estate corporation license exists under Business and Professions Code Sections 10137, 10177(d) and 10177(g).

II

The standard of proof applied was clear and convincing proof to a reasonable certainty.

ORDER

The real estate license and license rights of Respondent CRYSTAL MORTGAGE and REAL ESTATE CORPORATION under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

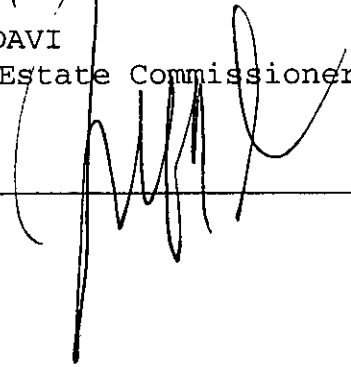
This Decision shall become effective at 12 o'clock

noon AUG 23 2010.

DATED: _____

7/27/2010

JEFF DAVI
Real Estate Commissioner

A handwritten signature in black ink, appearing to read 'JEFF DAVI', is written over a horizontal line.

1 SHARI SVENINGSON SBN# 195298
2 Department of Real Estate
3 320 West 4th Street, Suite 350
4 Los Angeles, California 90013-1105

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

FILED

APR 23 2010

DEPARTMENT OF REAL ESTATE
BY: *[Signature]*

9 BEFORE THE DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of)	No. H-36044 LA
13)	
14 <u>CRYSTAL MORTGAGE and REAL</u>)	<u>DEFAULT ORDER</u>
15 <u>ESTATE CORPORATION, and</u>)	
16 DEREK JON REEVE,)	
17 individually, and formerly)	
18 designated officer of)	
19 Crystal Mortgage and Real)	
20 Estate Corporation, and)	
21 BERTHA MARGARITA OSORNO,)	
22)	
23 Respondents.)	
24)	

20 Respondent, CRYSTAL MORTGAGE and REAL ESTATE CORPORATION,
21 having failed to file a Notice of Defense within the time
22 required by Section 11506 of the Government Code, is now in
23 default.

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It is, therefore, ordered that a default be entered on the
record in this matter.

IT IS SO ORDERED April 22, 2010.

JEFF DAVI
Real Estate Commissioner

By: Dolores Weeks
Regional Manager

FILED
AUG 28 2009
DEPARTMENT OF REAL ESTATE

K. M. Osorno

Department of Real Estate
320 West 4th Street, Ste. 350
Los Angeles, California 90013-1105
Telephone: (213) 576-6982

In the Matter of the Accusation of	)	No. H-36044 LA
	)	
CRYSTAL MORTGAGE and REAL	)	
ESTATE CORPORATION, and	)	<u>STIPULATION</u>
DEREK JON REEVE,	)	<u>AND</u>
individually and formerly	)	<u>AGREEMENT</u>
designated officer of	)	
Crystal Mortgage and Real	)	
Estate Corporation, and	)	
<u>BERTHA MARGARITA OSORNO,</u>	)	
	)	
Respondents.	)	

It is hereby stipulated by and between Respondent BERTHA MARGARITA OSORNO (sometimes referred to as "Respondent"), and the Complainant, acting by and through Shari Sveningson, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation ("Accusation") filed on June 11, 2009, in this matter:

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondent at a formal hearing on the Accusation, which hearing was to be held in accordance with the provisions of the Administrative Procedure Act ("APA"), shall instead and in place thereof be

1 submitted solely on the basis of the provisions of this
2 Stipulation and Agreement ("Stipulation").

3 2. Respondent has received, read and understands the
4 Statement to Respondent, the Discovery Provisions of the APA and
5 the Accusation filed by the Department of Real Estate in this
6 proceeding.

7 3. Respondent timely filed a Notice of Defense
8 pursuant to Section 11506 of the Government Code for the purpose
9 of requesting a hearing on the allegations in the Accusation.
10 Respondent hereby freely and voluntarily withdraws said Notice of
11 Defense. Respondent acknowledges that she understands that by
12 withdrawing said Notice of Defense she thereby waives her right
13 to require the Commissioner to prove the allegations in the
14 Accusation at a contested hearing held in accordance with the
15 provisions of the APA and that she will waive other rights
16 afforded to her in connection with the hearing such as the right
17 to present evidence in her defense the right to cross-examine
18 witnesses.
19

20 4. This Stipulation is based on the factual
21 allegations contained in the Accusation. In the interest of
22 expedience and economy, Respondent chooses not to contest these
23 allegations, but to remain silent and understands that, as a
24 result thereof, these factual allegations, without being admitted
25 or denied, will serve as a prima facie basis for the disciplinary
26 action stipulated to herein. The Real Estate Commissioner shall
27

1 not be required to provide further evidence to prove said factual
2 allegations.

3 5. This Stipulation is made for the purpose of
4 reaching an agreed disposition of this proceeding and is
5 expressly limited to this proceeding and any other proceeding or
6 case in which the Department of Real Estate ("Department"), the
7 state or federal government, or any agency of this state, another
8 state or federal government is involved.

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

20 7. The Order or any subsequent Order of the Real
21 Estate Commissioner made pursuant to this Stipulation shall not
22 constitute an estoppel, merger or bar to any further
23 administrative or civil proceedings by the Department of Real
24 Estate with respect to any matters which were not specifically
25 alleged to be causes for Accusation in this proceeding but do
26 constitute a bar, estoppel and merger as to any allegations
27

1 actually contained in the Accusations against Respondent herein.

2 DETERMINATION OF ISSUES

3 By reason of the foregoing, it is stipulated and agreed
4 that the following determination of issues shall be made:

5 The conduct of BERTHA MARGARITA OSORNO, as described in
6 Paragraph 4, above, is in violation of Business and Professions
7 Code Section 10130 and is a basis for discipline of Respondent's
8 license and license rights as violations of the Real Estate Law
9 pursuant to Business and Professions Code Section 10177(d).

10 ORDER

11 WHEREFORE, THE FOLLOWING ORDER is hereby made:

12 I. All licenses and licensing rights of Respondent
13 BERTHA MARGARITA OSORNO under the Real Estate Law are suspended
14 for a period of forty five (45) days from the effective date of
15 this Decision.

16 A. Provided, however, that if Respondent requests, the
17 initial twenty (20) days of said suspension (or a portion
18 thereof) shall be stayed upon condition that:

19 1. Respondent pays a monetary penalty pursuant to
20 Section 10175.2 of the Business and Professions Code at the rate
21 of \$50 per day for each day of the suspension for a total
22 monetary penalty of \$1,000.

23 2. Said payment shall be in the form of a cashier's
24 check or certified check made payable to the Recovery Account of
25 the Real Estate Fund. Said check must be received by the
26

1 Department prior to the effective date of the Decision in this
2 matter.

3 3. No further cause for disciplinary action against
4 the real estate license of Respondent occurs within one (1) year
5 from the effective date of the Decision in this matter.

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

13 5. If Respondent pays the monetary penalty and if no
14 further cause for disciplinary action against the real estate
15 license of Respondent occurs within one (1) year from the
16 effective date of the Decision, the stay hereby granted shall
17 become permanent.

18
19 B. The remaining twenty five (25) days of the forty
20 five (45) day suspension shall be stayed for one (1) year upon
21 the following terms and conditions:

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

25 2. That no final subsequent determination be made
26 after hearing or upon stipulation, which cause for disciplinary
27

1 action occurred within one (1) year from the effective date of
2 this Decision. Should such a determination be made, the
3 Commissioner may, in his discretion, vacate and set aside the
4 stay order and reimpose all or a portion of the stayed
5 suspension. Should no such determination be made, the stay
6 imposed herein shall become permanent.

7 C. Respondent shall within six (6) months from the
8 effective date of the Decision herein, take and pass the
9 Professional Responsibility Examination administered by the
10 Department including the payment of the appropriate examination
11 fee. If Respondent fails to satisfy this condition, the
12 Commissioner may order suspension of Respondent's license until
13 Respondent passes the examination.

14
15 DATED: 8/13/09

Shari Sveningson
16 SHARI SVENINGSON, Counsel for
17 Department of Real Estate
18

19 * * *

20 EXECUTION OF THE STIPULATION

21 I have read the Stipulation. Its terms are understood
22 by me and are agreeable and acceptable to me. I understand that
23 I am waiving rights given to me by the California Administrative
24 Procedure Act (including but not limited to Sections 11506,
25 11508, 11509 and 11513 of the Government Code), and I willingly,
26 intelligently and voluntarily waive those rights, including the
27

1 right of requiring the Commissioner to prove the allegations in
2 the Accusation at a hearing at which I would have the right to
3 cross-examine witnesses against me and to present evidence in
4 defense and mitigation of the charges.

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

16
17
18 DATED: _____

BERTHA MARGARITA OSORNO Respondent

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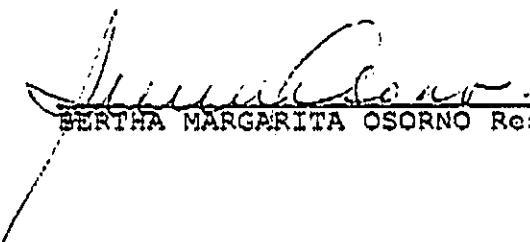
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1 right of requiring the Commissioner to prove the allegations in
2 the Accusation at a hearing at which I would have the right to
3 cross-examine witnesses against me and to present evidence in
4 defense and mitigation of the charges.

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

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18 DATED: 08-13-09


BERTHA MARGARITA OSORNO Respondent

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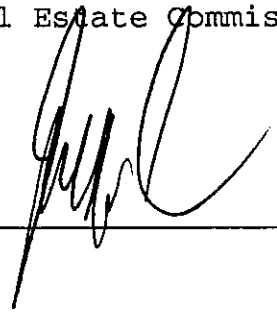
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* * *

1 The foregoing Stipulation and Agreement is hereby
2
3 adopted as my Decision as to Respondent BERTHA MARGARITA OSORNO
4 and shall become effective at 12 o'clock noon on
5 SEP 17, 2009.

6 IT IS SO ORDERED 8-19, 2009.

7
8 JEFF DAVI
9 Real Estate Commissioner

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*Check
for*

FILED
SEP - 8 2009
DEPARTMENT OF REAL ESTATE

K. Milder

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of) No. H-36044 LA
)
CRYSTAL MORTGAGE and REAL)
ESTATE CORPORATION, and)
DEREK JON REEVE,)
individually, and formerly)
designated officer of)
Crystal Mortgage and Real)
Estate Corporation, and)
BERTHA MARGARITA OSORNO,)
)
Respondents.)

DISMISSAL

The Accusation herein filed on June 11, 2009, against
Respondent DEREK JON REEVE is DISMISSED.

IT IS SO ORDERED 9-2-09

JEFF DAVI
Real Estate Commissioner

[Signature]

*Auto
file*

SHARI SVENINGSON 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
JUN 11 2009
DEPARTMENT OF REAL ESTATE

K. Kiderhals

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H- 36044 LA
CRYSTAL MORTGAGE and REAL)	
ESTATE CORPORATION, and)	<u>A C C U S A T I O N</u>
DEREK JON REEVE,)	
individually, and formerly)	
designated officer of)	
Crystal Mortgage and Real)	
Estate Corporation, and)	
BERTHA MARGARITA OSORNO,)	
Respondents.)	

The Complainant, Robin Trujillo, a Deputy Real Estate
Commissioner of the State of California, for cause of
Accusation against CRYSTAL MORTGAGE and REAL ESTATE CORPORATION
(hereinafter referred to as "Respondent CMREC") and DEREK JON
REEVE (hereinafter referred to as "Respondent REEVE"),
individually, and formerly designated officer of Respondent

1 CMREC and BERTHA MARGARITA OSORNO (hereinafter referred to as
2 "Respondent OSORNO"), is informed and alleges as follows:

3 1.

4 The Complainant, Robin Trujillo, a Deputy Real Estate
5 Commissioner of the State of California, makes this Accusation
6 in her official capacity.

7 2.

8 Respondent CMREC is presently licensed and/or has
9 license rights under the Real Estate Law (Part 1 of Division 4
10 of the Business and Professions Code, hereinafter "Code"), as a
11 real estate corporation. Respondent CMREC was first licensed
12 by the Department as a corporate real estate broker on or about
13 July 17, 2006.
14

15 3.

16 Respondent REEVE is presently licensed and/or has
17 license rights under the Real Estate Law as a real estate
18 broker. From on or about November 6, 2006 until August 17,
19 2007, Respondent REEVE was the designated broker-officer of
20 CMREC.
21

22 4.

23 Respondent OSORNO is licensed by the Department of
24 Real Estate (Department) as a real estate salesperson. OSORNO
25 was originally licensed by the Department on February 21, 1998.
26 Respondent OSORNO's salesperson license was expired from
27

1 February 21, 2002 through October 7, 2002 and was expired again
2 from October 8, 2006 through February 19, 2007.

3 5.

4 All further references to respondents herein include
5 Respondents CMREC, REEVE, OSORNO and also include officers,
6 directors, employees, agents and real estate licensees employed
7 by or associated with CMREC, REEVE and OSORNO who at all times
8 herein mentioned were engaged in the furtherance of the
9 business or operations of Respondents CMREC, REEVE and OSORNO,
10 and who were acting within the course and scope of their
11 authority and employment.
12

13
14 FIRST CAUSE OF ACCUSATION
15 (employment of unlicensed salesperson)

16 6.

17 Complainant hereby incorporates by reference the
18 allegations set forth in Paragraphs 1 through 5, above.
19

20 7.

21 On or about November 11, 2006, when OSORNO'S license
22 was expired, and when REEVE was the designated officer of
23 CMREC, OSORNO executed a California Residential Purchase
24 Agreement and Joint Escrow Instructions as a selling agent on
25 behalf of CMREC, representing Luis Delgadillo (hereinafter
26 referred to as "Delgadillo"), as a buyer, on the purchase of
27 residential property located at 11476 Leatherleaf Road,

1 Fontana, CA 92337 (hereinafter referred to as the "Fontana
2 property"). OSORNO signed the Disclosure Regarding Real Estate
3 Agency Relationships and Confirmation of Real Estate Agency
4 Relationships as an agent of CMREC.

5 8.

6 On or about November 16, 2006, when OSORNO'S license
7 was expired, and when REEVE was the designated officer of
8 CMREC, Sale Escrow Instructions for the Fontana property were
9 signed by Delgadillo and the sellers. Said instructions
10 indicate that OSORNO was the selling agent.
11

12 9.

13 CMREC and REEVE violated Section 10137 of the Code by
14 employing and/or compensating OSORNO, an expired real estate
15 licensee, to solicit and negotiate sales of real property, and
16 solicit and negotiate loans on real property, as set forth
17 above. These activities require a real estate license under
18 Sections 10131(a) and (d) of the Code.
19

20 10.

21 The conduct, acts and/or omissions of CMREC and REEVE
22 as set forth above, violate Code Section 10137, and are cause
23 for the suspension or revocation of the licenses and license
24 rights of Respondents CMREC and REEVE pursuant to Code Sections
25 10137, 10177(d) and/or 10177(g).
26

27 //

SECOND CAUSE OF ACCUSATION
(failure to supervise)

11.

Complainant hereby incorporates by reference the allegations set forth in Paragraphs 1 through 9, above.

12.

As the designated officer of CMREC from November 6, 2006 through August 17, 2007, REEVE knew or should have known that OSORNO's real estate license was expired on November 11, 2006 when she executed a California Residential Purchase Agreement and Joint Escrow Instructions as a selling agent on behalf of CMREC.

13.

REEVE violated Business and Professions Code Sections 10159.2, 10177(g) and/or 10177(h) by allowing an unlicensed employee to execute the purchase agreement on the Fontana property and otherwise engage in acts requiring a real estate license. This act constitutes negligence and failure to exercise reasonable supervision and control of the activities for which a real estate license is required.

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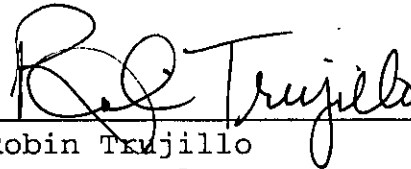
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26

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 Respondents CMREC, REEVE and OSORNO under the Real Estate Law
6 (Part 1 of Division 4 of the Business and Professions Code),
7 and for such other and further relief as may be proper under
8 other applicable provisions of law.

9 Dated at Los Angeles, California

10 this 4 day of June, 2009.
11
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14 
15

16 Robin Trujillo
17 Deputy Real Estate Commissioner
18
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21
22
23

24 cc: Crystal Mortgage and Real Estate Corporation
25 Derek Jon Reeve
26 Bertha Margarita Osorno
27 Robin Trujillo
Sacto.