

SAC
1 Department of Real Estate
2 320 West Fourth Street, #350
3 Los Angeles, California 90013

4 (213) 576-6982

FILED

JUL 13 2012

DEPARTMENT OF REAL ESTATE
BY: C.2

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) DRE No. H-37289 LA
12) OAH No. L-2011091145
13 ORANGE COUNTY METRO REALTY, INC.,)
14 ORANGE COUNTY METRO PROPERTIES,)
15 DEREK WALTER MARKOVIC,)
16 individually and as former)
17 designated officer of Orange)
18 County Metro Realty, Inc.,)
BRENDA J. CABALLERO,)
INES P. SORIANO, and)
EZEQUIEL MARTIN PALOMINO,)
Respondents.)

STIPULATION AND AGREEMENT

19 It is hereby stipulated by and between BRENDA J.
20 CABALLERO (sometimes referred to as "Respondent") and the
21 Complainant, acting by and through Lissete Garcia, Counsel for
22 the Department of Real Estate, as follows for the purpose of
23 settling and disposing of the First Amended Accusation filed on
24 October 20, 2011, in this matter:

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

1 hearing 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. Respondent has received, read and understands the
6 Statement to Respondent, the Discovery Provisions of the APA and
7 the First Amended Accusation, filed by the Department of Real
8 Estate ("Department") in this proceeding.

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

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

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 First Amended Accusation are made for the purpose of
6 reaching an agreed disposition of this proceeding and are
7 expressly limited to this proceeding and any other proceeding or
8 case in which the Department, or another licensing agency of
9 this state, another state or if the federal government is
10 involved and otherwise shall not be admissible in any other
11 criminal or civil proceedings.

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

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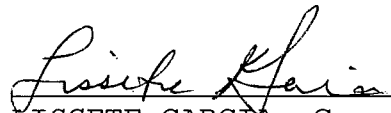
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1 taken and successfully completed the continuing education
2 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
3 for renewal of a real estate license. If Respondent fails to
4 satisfy this condition, the Commissioner may order the suspension
5 of the Respondent's license until Respondent presents such
6 evidence. The Commissioner shall afford Respondent the
7 opportunity for a hearing pursuant to the Administrative
8 Procedures Act to present such evidence.

9
10 DATED: 5/22/12


LISSETTE GARCIA, Counsel for
the Department of Real Estate


11 * * *

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

24
25 Respondent 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 Respondent,
to the Department at the following telephone/fax number:

1 (213) 576-6917. Respondent agrees, acknowledges and understands
2 that by electronically sending to the Department a fax copy of
3 her actual signature as it appears on the Stipulation and
4 Agreement, that receipt of the faxed copy by the Department shall
5 be as binding on Respondent as if the Department had received the
6 original signed Stipulation and Agreement.

7
8 DATED: 4/24/2012


BRENDA J. CABALLERO
Respondent

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10 * * *

11 The foregoing Stipulation and Agreement is hereby
12 adopted as my Decision in this matter and shall become effective
13 at 12 o'clock noon on _____.

14 IT IS SO ORDERED _____.

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17 Real Estate Commissioner
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1 (213) 576-6917. Respondent agrees, acknowledges and understands
2 that by electronically sending to the Department a fax copy of
3 her actual signature as it appears on the Stipulation and
4 Agreement, that receipt of the faxed copy by the Department shall
5 be as binding on Respondent as if the Department had received the
6 original signed Stipulation and Agreement.
7

8 DATED: _____

9 BRENDA J. CABALLERO
Respondent

10 * * *

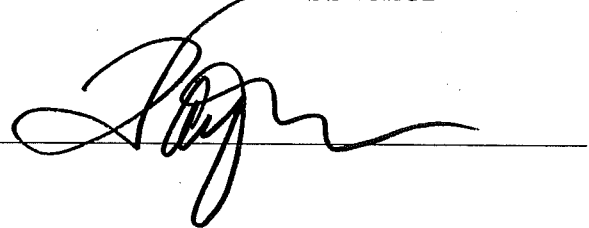
11 The foregoing Stipulation and Agreement is hereby
12 adopted as my Decision in this matter and shall become effective
13 at 12 o'clock noon on August 2, 2012.

14 IT IS SO ORDERED

6/5/2012

16 Real Estate Commissioner

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1 Department of Real Estate
2 320 West Fourth Street, #350
3 Los Angeles, California 90013

4 (213) 576-6982

FILED

JUL 13 2012

DEPARTMENT OF REAL ESTATE
BY:

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

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11 In the Matter of the Accusation of) DRE No. H-37289 LA
12) OAH No. L-2011091145
13 ORANGE COUNTY METRO REALTY, INC.,)
14 ORANGE COUNTY METRO PROPERTIES,)
15 DEREK WALTER MARKOVIC,)
16 individually and as former)
17 designated officer of Orange)
18 County Metro Realty, Inc.,)
19 BREND A J. CABALLERO,)
20 INES P. SORIANO, and)
21 EZEQUIEL MARTIN PALOMINO,)
22 Respondents.)

STIPULATION AND AGREEMENT

23 It is hereby stipulated by and between EZEQUIEL MARTIN
24 PALOMINO (sometimes referred to as "Respondent") and his attorney
25 of record, Robert L. Williams and the Complainant, acting by and
26 through Lissete Garcia, Counsel for the Department of Real
27 Estate, as follows for the purpose of settling and disposing of
the First Amended Accusation filed on October 20, 2011, in this
matter:

1. All issues which were to be contested and all
evidence which was to be presented by Complainant and Respondent

1 at a formal hearing on the First Amended Accusation, which
2 hearing was to be held in accordance with the provisions of the
3 Administrative Procedure Act ("APA"), shall instead and in place
4 thereof be submitted solely on the basis of the provisions of
5 this Stipulation and Agreement ("Stipulation").

6 2. Respondent has received, read and understands the
7 Statement to Respondent, the Discovery Provisions of the APA and
8 the First Amended Accusation, filed by the Department of Real
9 Estate ("Department") in this proceeding.

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

23 4. This Stipulation is based on the factual
24 allegations contained in the First Amended Accusation filed in
25 this proceeding. In the interest of expedience and economy,
26 Respondent chooses 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 Respondent's decision not to
6 contest the First Amended Accusation are made for the purpose of
7 reaching an agreed disposition of this proceeding and are
8 expressly limited to this proceeding and any other proceeding or
9 case in which the Department, or another licensing agency of
10 this state, another state or if the federal government is
11 involved and otherwise shall not be admissible in any other
12 criminal or civil proceedings.

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

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

1 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 First
5 Amended Accusation without a hearing, it is stipulated and
6 agreed that the following determination of issues shall be made:

7 The conduct, acts and/or omissions of Respondent
8 EZEQUIEL MARTIN PALOMINO as set forth in the First Amended
9 Accusation, constitutes cause for the suspension or revocation
10 of all the real estate licenses and license rights of Respondent
11 EZEQUIEL MARTIN PALOMINO under the provisions of Section
12 10177(g) of the Business and Professions Code.

13 ORDER

14 WHEREFORE, THE FOLLOWING ORDER is hereby made:

15 All licenses and licensing rights of Respondent
16 EZEQUIEL MARTIN PALOMINO under the Real Estate Law are suspended
17 for a period of ninety (90) days from the effective date of this
18 Decision; provided, however, that said 90-day suspension shall
19 be stayed upon the following terms and conditions:

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


23 2. That no final subsequent determination be made,
24 after hearing or upon stipulation, that cause for disciplinary
25 action occurred within one (1) year of the effective date of this
26 Decision. Should such a determination be made, the Commissioner
27 may, in his/her discretion, vacate and set aside the stay order

1 and reimpose all or a portion of the stayed suspension. Should
2 no such determination be made, the stay imposed herein shall
3 become permanent.

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

11 4. Respondent shall, within nine months from the
12 effective date of this Decision, present evidence satisfactory to
13 the Real Estate Commissioner that Respondent has, since the most
14 recent issuance of an original or renewal real estate license,
15 taken and successfully completed the continuing education
16 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
17 for renewal of a real estate license. If Respondent fails to
18 satisfy this condition, the Commissioner may order the suspension
19 of the Respondent's license until Respondent presents such
20 evidence. The Commissioner shall afford Respondent the
21 opportunity for a hearing pursuant to the Administrative
22 Procedures Act to present such evidence.

23
24 DATED: April 24, 2012


LISSETTE GARCIA, Counsel for
the Department of Real Estate

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27 * * *

1 I have read the Stipulation and Agreement, have
2 discussed it with my counsel, and its terms are understood by me
3 and are agreeable and acceptable to me. I understand that I am
4 waiving rights given to me by the California Administrative
5 Procedure Act (including but not limited to Sections 11506,
6 11508, 11509 and 11513 of the Government Code), and I willingly,
7 intelligently and voluntarily waive those rights, including the
8 right of requiring the Commissioner to prove the allegations in
9 the First Amended Accusation at a hearing at which I would have
10 the right to cross-examine witnesses against me and to present
11 evidence in defense and mitigation of the charges.

12 Respondent can signify acceptance and approval of the
13 terms and conditions of this Stipulation and Agreement by faxing
14 a copy of the signature page, as actually signed by Respondent,
15 to the Department at the following telephone/fax number: (213)
16 576-6917. Respondent agrees, acknowledges and understands that
17 by electronically sending to the Department a fax copy of his
18 actual signature as it appears on the Stipulation and Agreement,
19 that receipt of the faxed copy by the Department shall be as
20 binding on Respondent as if the Department had received the
21 original signed Stipulation and Agreement.
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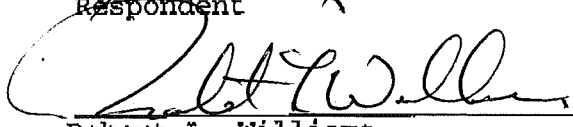
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1 Further, if the Respondent is represented by counsel,
2 the Respondent's counsel can signify his agreement to the terms
3 and conditions of the Stipulation and Agreement by submitting
4 that signature via fax.

5 DATED: 04/20/2012


EZEQUIEL MARTIN PALOMINO
Respondent

6
7 DATED: 4/20/12


Robert L. Williams
Counsel for Respondent
Approved as to Form

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10 * * *

11 The foregoing Stipulation and Agreement is hereby
12 adopted as my Decision in this matter and shall become effective
13 at 12 o'clock noon on _____.

14 IT IS SO ORDERED _____.

15
16 Real Estate Commissioner
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1 Further, if the Respondent is represented by counsel,
2 the Respondent's counsel can signify his agreement to the terms
3 and conditions of the Stipulation and Agreement by submitting
4 that signature via fax.

5 DATED: _____

EZEQUIEL MARTIN PALOMINO
Respondent

7 DATED: _____

8 Robert L. Williams
9 Counsel for Respondent
Approved as to Form

10 * * *

11 The foregoing Stipulation and Agreement is hereby
12 adopted as my Decision in this matter and shall become effective
13 at 12 o'clock noon on August 2, 2012.

14 IT IS SO ORDERED

6/5/2012

16 Real Estate Commissioner

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1 at a formal hearing on the First Amended Accusation, which
2 hearing was to be held in accordance with the provisions of the
3 Administrative Procedure Act ("APA"), shall instead and in place
4 thereof be submitted solely on the basis of the provisions of
5 this Stipulation and Agreement ("Stipulation").

6 2. Respondent has received, read and understands the
7 Statement to Respondent, the Discovery Provisions of the APA and
8 the First Amended Accusation, filed by the Department of Real
9 Estate ("Department") in this proceeding.

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

23 4. This Stipulation is based on the factual
24 allegations contained in the First Amended Accusation filed in
25 this proceeding. In the interest of expedience and economy,
26 Respondent chooses 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 Respondent's decision not to
6 contest the First Amended Accusation are made for the purpose of
7 reaching an agreed disposition of this proceeding and are
8 expressly limited to this proceeding and any other proceeding or
9 case in which the Department, or another licensing agency of
10 this state, another state or if the federal government is
11 involved and otherwise shall not be admissible in any other
12 criminal or civil proceedings.

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

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

1 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 First
5 Amended Accusation without a hearing, it is stipulated and
6 agreed that the following determination of issues shall be made:

7 The conduct, acts and/or omissions of Respondent INES
8 P. SORIANO as set forth in the First Amended Accusation,
9 constitutes cause for the suspension or revocation of all the
10 real estate licenses and license rights of Respondent INES P.
11 SORIANO under the provisions of Section 10177(g) of the Business
12 and Professions Code.

13 ORDER

14 WHEREFORE, THE FOLLOWING ORDER is hereby made:

15 All licenses and licensing rights of Respondent INES
16 P. SORIANO under the Real Estate Law are suspended for a period
17 of ninety (90) days from the effective date of this Decision;
18 provided, however, that said 90-day suspension shall be stayed
19 upon the following terms and conditions:

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

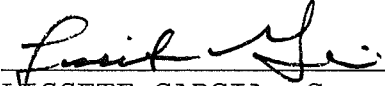
23 2. That no final subsequent determination be made,
24 after hearing or upon stipulation, that cause for disciplinary
25 action occurred within one (1) year of the effective date of
26 this Decision. Should such a determination be made, the
27 Commissioner may, in his/her discretion, vacate and set aside

1 the stay order and reimpose all or a portion of the stayed
2 suspension. Should no such determination be made, the stay
3 imposed herein shall become permanent.

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

11 4. Respondent shall, within nine months from the
12 effective date of this Decision, present evidence satisfactory
13 to the Real Estate Commissioner that Respondent has, since the
14 most recent issuance of an original or renewal real estate
15 license, taken and successfully completed the continuing
16 education requirements of Article 2.5 of Chapter 3 of the Real
17 Estate Law for renewal of a real estate license. If Respondent
18 fails to satisfy this condition, the Commissioner may order the
19 suspension of the Respondent's license until Respondent presents
20 such evidence. The Commissioner shall afford Respondent the
21 opportunity for a hearing pursuant to the Administrative
22 Procedures Act to present such evidence.

23 DATED: April 24, 2012


LISSETTE GARCIA, Counsel for
the Department of Real Estate

26 * * *


27 I have read the Stipulation and Agreement, have
discussed it with my counsel, and its terms are understood by me

1 and are agreeable and acceptable to me. I understand that I am
2 waiving rights given to me by the California Administrative
3 Procedure Act (including but not limited to Sections 11506,
4 11508, 11509 and 11513 of the Government Code), and I willingly,
5 intelligently and voluntarily waive those rights, including the
6 right of requiring the Commissioner to prove the allegations in
7 the First Amended Accusation at a hearing at which I would have
8 the right to cross-examine witnesses against me and to present
9 evidence in defense and mitigation of the charges.

10 Respondent can signify acceptance and approval of the
11 terms and conditions of this Stipulation and Agreement by faxing
12 a copy of the signature page, as actually signed by Respondent,
13 to the Department at the following telephone/fax number: (213)
14 576-6917. Respondent agrees, acknowledges and understands that
15 by electronically sending to the Department a fax copy of her
16 actual signature as it appears on the Stipulation and Agreement,
17 that receipt of the faxed copy by the Department shall be as
18 binding on Respondent as if the Department had received the
19 original signed Stipulation and Agreement.
20

21 Further, if the Respondent is represented by counsel,
22 the Respondent's counsel can signify his agreement to the terms
23 and conditions of the Stipulation and Agreement by submitting
24 that signature via fax.

25 DATED: 4-20-12


26 INES P. SORIANO
27 Respondent

1 and are agreeable and acceptable to me. I understand that I am
2 waiving rights given to me by the California Administrative
3 Procedure Act (including but not limited to Sections 11506,
4 11508, 11509 and 11513 of the Government Code), and I willingly,
5 intelligently and voluntarily waive those rights, including the
6 right of requiring the Commissioner to prove the allegations in
7 the First Amended Accusation at a hearing at which I would have
8 the right to cross-examine witnesses against me and to present
9 evidence in defense and mitigation of the charges.

10 Respondent can signify acceptance and approval of the
11 terms and conditions of this Stipulation and Agreement by faxing
12 a copy of the signature page, as actually signed by Respondent,
13 to the Department at the following telephone/fax number: (213)
14 576-6917. Respondent agrees, acknowledges and understands that
15 by electronically sending to the Department a fax copy of her
16 actual signature as it appears on the Stipulation and Agreement,
17 that receipt of the faxed copy by the Department shall be as
18 binding on Respondent as if the Department had received the
19 original signed Stipulation and Agreement.
20

21 Further, if the Respondent is represented by counsel,
22 the Respondent's counsel can signify his agreement to the terms
23 and conditions of the Stipulation and Agreement by submitting
24 that signature via fax.

25 DATED: _____

26 _____
27 INES P. SORIANO
Respondent

1 DATED: _____

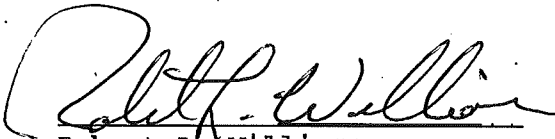
Robert L. Williams
Counsel for Respondent
Approved as to Form

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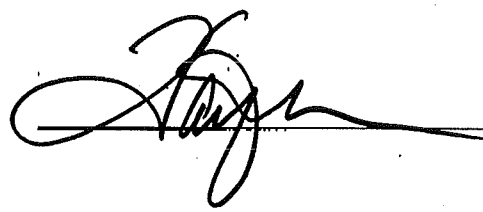
4 The foregoing Stipulation and Agreement is hereby
5 adopted as my Decision in this matter and shall become effective
6 at 12 o'clock noon on _____.
7

8 IT IS SO ORDERED _____.

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10 Real Estate Commissioner
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1 DATED: 4/24/12
Robert L. Williams
Counsel for Respondent
Approved as to Form

3 * * *

4 The foregoing Stipulation and Agreement is hereby
5 adopted as my Decision in this matter and shall become effective
6 at 12 o'clock noon on August 2, 2012.7 IT IS SO ORDERED 6/5/20128
9 Real Estate Commissioner
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