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FILED  
OCT 20 2011  
DEPARTMENT OF REAL ESTATE

By Cu

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7  
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, ) FIRST AMENDED  
15 DEREK WALTER MARKOVIC, individually ) ACCUSATION  
16 and as former designated officer of Orange )  
County Metro Realty, Inc., )  
17 BREND A J. CABALLERO, )  
INES P. SORIANO, and )  
18 EZEQUIEL MARTIN PALOMINO, )  
Respondents. )

19 This First Amended Accusation amends the Accusation filed on May 24, 2011.  
20 The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California,  
21 for cause of Accusation against ORANGE COUNTY METRO REALTY, INC. ("OCMRI"),  
22 ORANGE COUNTY METRO PROPERTIES ("OCMP"), DEREK WALTER MARKOVIC,  
23 individually and as former designated officer of Orange County Metro Realty, Inc., BREND A J.  
24 CABALLERO ("CABALLERO"), INES P. SORIANO ("SORIANO"), and EZEQUIEL  
25 MARTIN PALOMINO ("PALOMINO") (collectively "Respondents"), is informed and alleges  
26 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.

From January 24, 2008, through the present, Respondent OCMRI has been licensed as a real estate corporation. From June 27, 2008, through January 4, 2010, OCMRI was acting by and through Respondent MARKOVIC as its designated broker-officer pursuant to Business and Professions Code ("Code") Section 10159.2 to be responsible for ensuring compliance with the Real Estate Law. Joseph Alois Broderick ("Broderick") is the Chief Executive Officer, Director and President of Respondent OCMRI.

3.

From April 17, 2002, through April 16, 2010, Respondent OCMP was licensed as a real estate corporation. From April 17, 2006, through April 17, 2010, OCMP was acting by and through Broderick as its designated broker-officer pursuant to Code Section 10159.2 to be responsible for ensuring compliance with the Real Estate Law. Broderick is the Chief Executive Officer, Director and President of Respondent OCMP.

4.

From February 15, 1985, through February 14, 2009, Broderick was licensed as a real estate broker. Broderick's renewal rights have expired pursuant to Code Section 10201.

5.

From November 14, 1983, through the present, Respondent MARKOVIC has been individually licensed as a real estate broker. From June 27, 2008, through January 4, 2010, Respondent MARKOVIC was licensed as the broker-officer of Respondent OCMRI.

6.

From November 3, 1990, through the present, Respondent CABALLERO has been licensed as a real estate salesperson. From July 11, 2008, through January 3, 2010, Respondent CABALLERO was acting in the employ of Respondent OCMRI. From January 5,

1 2010, through April 17, 2010, Respondent CABALLERO was acting in the employ of  
2 Respondent OCOMP.

3 7.

4 From May 3, 2007, through the present, SORIANO, formerly known as Ines  
5 Onorio, has been licensed as a real estate salesperson. From July 15, 2008, through January 3,  
6 2010, SORIANO was acting in the employ of Respondent OCMRI. From January 5, 2010,  
7 through April 16, 2010, SORIANO was acting in the employ of Respondent OCOMP.

8 8.

9 From January 26, 2000, through the present, PALOMINO has been licensed as a  
10 real estate salesperson. From July 15, 2008, through January 3, 2010, PALOMINO was acting in  
11 the employ of Respondent OCMRI. From January 13, 2010, through April 26, 2010,  
12 PALOMINO was acting in the employ of Respondent OCOMP.

13 9.

14 From February 14, 1996, through September 28, 2011, Juan Carlos Ferrufino  
15 ("Ferrufino"), was licensed as a real estate salesperson. From July 23, 2009, through January 6,  
16 2010, Ferrufino was acting in the employ of Respondent OCMRI. From January 7, 2010,  
17 through April 16, 2010, Ferrufino was acting in the employ of Respondent OCOMP. The  
18 Department revoked Ferrufino's real estate salesperson's license on September 28, 2011.

19 FIRST CAUSE OF ACCUSATION  
20 (Advance Fee violations/Fraud/Dishonest Dealing)

21 10.

22 For an unknown period of time including July, 2008, through December, 2009,  
23 Respondents and Broderick (while doing business as Re/Max Metro Realty, OCMRI, OCOMP,  
24 Home Defenders Center, The Master Game or any other fictitious business names unknown at  
25 this time) solicited foreclosure forbearance, short sale, loan modification and negotiation services  
26 to homeowners in connection with loans secured directly by liens on real property within the  
meaning of Code Sections 10131 (a) and (d). Respondents and Broderick charged and collected

1 advance fees for said services within the meaning of Code Section 10026. Respondents and  
2 Broderick instructed homeowners to sign grant deeds conveying their properties to Linda K.  
3 Rodgers as trustee for trusts created specifically for each homeowner's property. Respondents  
4 and Broderick failed to provide copies of any written advance fee agreement to the homeowners.  
5 Respondents and Broderick failed to deposit the homeowners' advance fees into a trust account.

6 11.

7 Alonso Godinez

8 On or about July 21, 2008, Alonso Godinez entered into a residential listing  
9 agreement with broker OCMRI (doing business as Re/Max Metro Realty and Metro Escrow) for  
10 a short sale of Mr. Godinez' real property located 3122 Cabernet Drive, Mira Loma, California  
11 ("3122 Cabernet Drive property"). German Guzman signed the residential listing agreement as  
12 the agent for OCMRI. Mr. Godinez met with OCMRI's agents including CABALLERO,  
13 German Guzman, Lizardo Enrique Garcia, and Esperanza Salazar. OCMRI's agents induced Mr.  
14 Godinez to sign several documents including what Mr. Godinez later discovered was a grant  
15 deed conveying the 3122 Cabernet Drive property to Linda K. Rogers, as trustee of the 3122  
16 Cabernet Drive Land Trust. Mr. Godinez was not given copies of the documents that he was  
17 asked to sign for Respondent OCMRI. On July 30, 2008, Linda K. Rogers executed a Notice of  
18 Default Purchase Agreement to purchase the 3122 Cabernet Drive property for \$175,000.

19 12.

20 Respondent OCMRI did not complete the short sale of the 3122 Cabernet Drive  
21 property for Mr. Godinez. Mr. Godinez asked to have the title to his 3122 Cabernet Drive  
22 property transferred back to his name. Respondent CABALLERO, while acting as manager for  
23 Respondent OCMRI and Broderick, refused unless Mr. Godinez paid a \$2,500 fee to revoke the  
24 trust and transfer title of the 3122 Cabernet Drive property back to his name.

25 13.

26 The conduct, acts and/or omissions of Respondents OCMRI, CABALLERO and  
Broderick as alleged above, constitute making substantial misrepresentations, willful violations

1 of the Real Estate Law, fraud, dishonest dealing or negligence and are grounds for the  
2 suspension or revocation of Respondents OCMRI, BRODERICK and CABALLERO's licenses  
3 under Code Sections 10176(a), 10177(d), 10177(j) or 10177(g).

4 14.

5 Respondent MARKOVIC's failure to supervise the activities of Respondent  
6 OCMRI to ensure compliance with the Real Estate Law, is in violation of Code Section 10159.2  
7 and Section 2725 of the Regulations, Title 10, Chapter 6, California Code of Regulations  
8 ("Regulations") and constitutes grounds to suspend or revoke Respondent MARKOVIC's license  
9 and license rights pursuant to Code Sections 10177(h), 10177(d) or 10177(g).

10 15.

11 At no time mentioned herein has Home Defenders Center ever been licensed by  
12 the Department in any capacity.

13 Maria Martinez and Antonio Manjarrez

14 16.

15 On or about February 16, 2009, SORIANO and PALOMINO, while acting on  
16 behalf of Broderick and Respondents OCMP, OCMRI, and MARKOVIC (who were doing  
17 business as Home Defenders Center) solicited loan negotiation and modification services to  
18 Maria Martinez and Antonio Manjarrez in connection with a loan secured by liens on real  
19 property located at 51721 Calle Torres Orduno, Coachella, California ("Calle Torres Orduno  
20 property"). Ms. Martinez paid an advance fee totaling \$3,000 to Home Defenders Center for the  
21 loan negotiation and modification services. SORIANO and PALOMINO failed to provide  
22 copies of any written agreement or contract pertaining to the loan modification services for the  
23 Calle Torres Orduno property. Home Defenders Center failed to perform the services promised  
24 or to obtain any loans for the Calle Torres Orduno property on more favorable terms. Home  
25 Defenders Center failed to refund the advance fee paid by Ms. Martinez.  
26

17.

The advance fee agreement used by Broderick and Respondents OCMP and OCMRI (while doing business as Home Defenders Center) had not been approved by the Department prior to use as is required under Code Section 10085 and Regulation Section 2970.

18.

The conduct, acts and/or omissions of Broderick and Respondents OCMP, OCMRI, as set forth above, in collecting advance fees, as defined under Code Section 10026, from prospective borrowers pursuant to a written fee agreement, which agreement was not submitted to the Department for review prior to use, was in violation of Code Section 10085 and Regulation Section 2970, and constitutes grounds for the suspension or revocation of the license and license rights of Respondents OCMP and OCMRI, pursuant to Code Sections 10177(d) or 10177(g).

19.

The advance fees collected by Broderick and Respondents OCMP and OCMRI (while doing business as Home Defenders Center) were not deposited in a trust account as required under Code Section 10146.

20.

The conduct, acts and/or omissions of Broderick and Respondents OCMP and OCMRI, as set forth above, in collecting advance fees from prospective borrowers and failing to deposit the advance fees into a trust account, is in violation of Code Section 10146 and constitutes grounds for the suspension or revocation of the license and license rights of Respondents OCMP and OCMRI pursuant to Code Sections 10177(d) and/or 10177(g).

21.

The conduct, acts and/or omissions of Respondents SORIANO and PALOMINO, as set forth above, in making substantial misrepresentations to borrowers in order to charge and collect advance fees for loan negotiation and modification services, and demonstrating negligence or incompetence in performing acts for which a real estate license is required,

1 constitutes grounds for the suspension or revocation of the license and license rights of  
2 Respondents SORIANO and PALOMINO pursuant to Code Sections 10176(a), 10177(d) and/or  
3 10177(g).

4 22.

5 Respondent MARKOVIC's failure to supervise the activities of Respondent  
6 OCMRI to ensure compliance with the Real Estate Law, is in violation of Code Section 10159.2  
7 and Regulation Section 2725 and constitutes grounds to suspend or revoke Respondent  
8 MARKOVIC's license and license rights pursuant to Code Sections 10177(h), 10177(d) or  
9 10177(g).

10 23.

11 Agustin and Lidia Enriquez

12 On or about March 18, 2009, SORIANO and PALOMINO, while acting on behalf  
13 of Broderick and Respondents OCMP, OCMRI, and MARKOVIC (doing business as Home  
14 Defenders Center) solicited loan negotiation and modification services to Agustin Enriquez and  
15 Lidia Enriquez in connection with a loan secured by liens on real property located at 2794 Coral  
16 Sea Ave, Salton City, California ("Coral Sea Ave. property"). Mr. Enriquez paid an advance fee  
17 totaling \$3,000 to Respondents for the loan negotiation and modification services. SORIANO  
18 and PALOMINO induced Mr. Enriquez to sign a durable power of attorney for Metro Escrow,  
19 Re/Max Metro, Home Defenders Center, attorney Kevin Spainhour, and his employees and/or  
20 associates. Mr. Enriquez never met with Kevin Spainhour. Respondents failed to perform the  
21 services promised or to obtain any loans for the Coral Sea Ave. property on more favorable  
22 terms. Respondents failed to provide Mr. Enriquez with an accounting of the advance fee trust  
23 funds deposited in a trust account for Mr. Enriquez as the beneficiary. Respondents failed to  
24 refund the advance fee paid by Mr. Enriquez.

25 ///

26 ///

1 24.

2 The advance fee agreement used by Broderick and Respondents OCMP and  
3 OCMRI (doing business as Home Defenders Center) had not been approved by the Department  
4 prior to use as is required under Code Section 10085 and Regulation Section 2970.

5 25.

6 The conduct, acts and/or omissions of Broderick and Respondents OCMP and  
7 OCMRI as set forth above, in collecting advance fees, as defined under Code Section 10026,  
8 from prospective borrowers pursuant to a written fee agreement, which agreement was not  
9 submitted to the Department for review prior to use was in violation of Code Section 10085 and  
10 Regulation Section 2970, and constitutes grounds for the suspension or revocation of the license  
11 and license rights of Respondents OCMP and OCMRI pursuant to Code Sections 10177(d) or  
12 10177(g).

13 26.

14 The advance fees collected by Broderick and Respondents OCMP and OCMRI  
15 (doing business as Home Defenders Center) were not deposited in a trust account as required  
16 under Code Section 10146.

17 27.

18 The conduct, acts and/or omissions of Broderick and Respondents OCMP and  
19 OCMRI, as set forth above, in collecting advance fees from prospective borrowers and failing to  
20 deposit the advance fees into a trust account, is in violation of Code Section 10146 and  
21 constitutes grounds for the suspension or revocation of the license and license rights of  
22 Respondents OCMP and OCMRI pursuant to Code Sections 10177(d) and/or 10177(g).

23 28.

24 The conduct, acts and/or omissions of Respondents SORIANO and PALOMINO,  
25 as set forth above, in making substantial misrepresentations to borrowers in order to charge and  
26 collect advance fees for loan negotiation and modification services and demonstrating negligence  
or incompetence in performing acts for which a real estate license is required, constitutes



1 grounds for the suspension or revocation of the license and license rights of Respondents  
2 SORIANO and PALOMINO pursuant to Code Sections 10176(a), 10177(d) and/or 10177(g).

3 29.

4 Respondent MARKOVIC's failure to supervise the activities of Respondent  
5 OCMRI to ensure compliance with the Real Estate Law, is in violation of Code Section 10159.2  
6 and Regulation Section 2725 and constitutes grounds to suspend or revoke Respondent  
7 MARKOVIC's license and license rights pursuant to Code Sections 10177(h), 10177(d) or  
8 10177(g).

9 30.

10 Manuel Navarro Elias

11 On or about August 22, 2009, Ferrufino, while acting on behalf of Broderick and  
12 Respondents OCMRI and MARKOVIC (while they were doing business as Re/Max Metro)  
13 solicited loan negotiation and modification services to Manuel Navarro Elias ("Mr. Navarro") in  
14 connection with a loan secured by liens on real property located at 230 N. Peach Ave., Fresno,  
15 California ("N. Peach Ave. property"). Ferrufino charged Mr. Navarro an advance fee of \$3,000  
16 for the loan negotiation and modification services. Ferrufino collected an advance fee of \$1,500  
17 from Mr. Navarro. Ferrufino failed to provide copies of any written agreement or contract  
18 pertaining to the loan modification services for the N. Peach Ave. property. Broderick and  
19 Respondent OCMRI failed to perform the services promised or to obtain any loans for the N.  
20 Peach Ave. property on more favorable terms. Broderick and Respondent OCMRI failed to  
21 refund the advance fee paid by Mr. Navarro.

22 31.

23 The advance fee agreement for loan negotiation and modification services used by  
24 Respondents OCMRI and BRODERICK had not been approved by the Department prior to use  
25 as is required under Code Section 10085 and Regulation Section 2970.  
26

1 32.

2 The conduct, acts and/or omissions of Broderick and Respondent OCMRI as set  
3 forth above, in collecting advance fees, as defined under Code Section 10026, from prospective  
4 borrowers pursuant to a written fee agreement, which agreement was not submitted to the  
5 Department for review prior to use, is in violation of Code Section 10085 and Regulation Section  
6 2970, and constitutes grounds for the suspension or revocation of the license and license rights of  
7 Respondent OCMRI pursuant to Code Sections 10177(d) or 10177(g).

8 33.

9 The advance fees collected by Broderick and Respondent OCMRI were not  
10 deposited in a trust account as required under Code Section 10146.

11 34.

12 The conduct, acts and/or omissions of Broderick and Respondent OCMRI as set  
13 forth above, in collecting advance fees from prospective borrowers and failing to deposit the  
14 advance fees into a trust account, is in violation of Code Section 10146 and constitutes grounds  
15 for the suspension or revocation of the license and license rights of Respondent OCMRI pursuant  
16 to Code Sections 10177(d) and/or 10177(g).

17 35.

18 Respondent MARKOVIC's failure to supervise the activities of Respondent  
19 OCMRI to ensure compliance with the Real Estate Law, is in violation of Code Section 10159.2  
20 and Regulation Section 2725 and constitutes grounds to suspend or revoke Respondent  
21 MARKOVIC's license and license rights pursuant to Code Sections 10177(h), 10177(d) or  
22 10177(g).

23 36.

24 Guadalupe Roa

25 From on or about December 29, 2008, through July, 2009, Guadalupe Roa paid  
26 \$6,000 to Home Defender Center for loan modification and negotiations services in connection  
with a loan secured directly by liens on two real properties located Cathedral City, California.

1 PALOMINO while acting on behalf of Broderick and Respondent OCMRI (while doing business  
2 as Re/Max Metro and Home Defender Center) solicited loan modification and negotiation  
3 services to Guadalupe Roa. PALOMINO and SORIANO charged and collected advance fees  
4 totaling \$6,000 for said loan negotiation and modification services. PALOMINO failed to  
5 provide copies of any written agreement or contract pertaining to the loan modification services  
6 for Guadalupe Roa's properties. Broderick and Respondent OCMRI failed to perform the  
7 services promised or to obtain any loans for Guadalupe Roa's properties on more favorable  
8 terms.

9 37.

10 The advance fee agreement for loan negotiation and modification services used by  
11 Broderick and Respondent OCMRI had not been approved by the Department prior to use as is  
12 required under Code Section 10085 and Regulation Section 2970.

13 38.

14 The conduct, acts and/or omissions of Broderick and Respondent OCMRI as set  
15 forth above, in collecting advance fees, as defined under Code Section 10026, from prospective  
16 borrowers pursuant to a written fee agreement, which agreement was not submitted to the  
17 Department for review prior to use, is in violation of Code Section 10085 and Regulation Section  
18 2970, and constitutes grounds for the suspension or revocation of the license and license rights of  
19 Respondent OCMRI pursuant to Code Sections 10177(d) or 10177(g).

20 39.

21 The advance fees collected by Broderick and Respondent OCMRI were not  
22 deposited in a trust account as required under Code Section 10146.

23 40.

24 The conduct, acts and/or omissions of Broderick and Respondent OCMRI as set  
25 forth above, in collecting advance fees from prospective borrowers and failing to deposit the  
26 advance fees into a trust account, is in violation of Code Section 10146 and constitutes grounds  
for the suspension or revocation of the license and license rights of Respondent OCMRI pursuant

1 to Code Sections 10177(d) and/or 10177(g).

2 41.

3 Respondent MARKOVIC's failure to supervise the activities of Respondent  
4 OCMRI to ensure compliance with the Real Estate Law, is in violation of Code Section 10159.2  
5 and Regulation Section 2725 and constitutes grounds to suspend or revoke Respondent  
6 MARKOVIC's license and license rights pursuant to Code Sections 10177(h), 10177(d) or  
7 10177(g).

8 SECOND CAUSE OF ACCUSATION  
9 (Use of Unauthorized Fictitious Business Name)

10 42.

11 There is hereby incorporated in this Second, separate Cause of Accusation, all of  
12 the allegations contained in Paragraphs 1 through 41 above, with the same force and effect as if  
13 herein fully set forth.

14 43.

15 Use of a fictitious business name for activities requiring the issuance of a real  
16 estate license requires the filing of an application for the use of such name with the Department  
17 in accordance with the provisions of Code Section 10159.5.

18 44.

19 Broderick and Respondents OCMP and OCMRI acted without Department  
20 authorization in using the fictitious business name Home Defenders Center to engage in  
21 activities requiring the issuance of a real estate license.

22 45.

23 The conduct, acts and/or omissions of Broderick and Respondents OCMP and  
24 OCMRI, as set forth in Paragraphs 43 and 44, above, violate Code Section 10159.5 and  
25 Regulation Section 2731, and are cause for the suspension or revocation of the license and  
26 license rights of Respondents OCMP and OCMRI pursuant to Code Sections 10177(d) and/or  
10177(g).

1 46.

2 Respondent MARKOVIC's failure to supervise the activities of Respondent  
3 OCMRI to ensure compliance with the Real Estate Law, is in violation of Code Section 10159.2  
4 and Regulation Section 2725 and constitutes grounds to suspend or revoke Respondent  
5 MARKOVIC's license and license rights pursuant to Code Sections 10177(h), 10177(d) or  
6 10177(g).

7 THIRD CAUSE OF ACCUSATION  
8 (Audits)

9 47.

10 There is hereby incorporated in this Third, separate Cause of Accusation, all of  
11 the allegations contained in Paragraphs 1 through 46 above, with the same force and effect as if  
12 herein fully set forth.

13 48.

14 A licensed real estate broker shall retain for three years copies of all listings,  
15 deposit receipts, canceled checks, trust records, and other documents executed by him or her or  
16 obtained by him or her in connection with any transactions for which a real estate broker license  
17 is required, in accordance with the provisions of Code Section 10148.

18 49.

19 On June 3, 2010, the Department served a subpoena duces tecum to Respondent  
20 OCMRI for copies of all documents in connection with licensed activity conducted between  
21 June 7, 2007 and June 7, 2010.

22 50.

23 After being given reasonable notice, Respondent OCMRI failed to retain records  
24 in connection with its licensed activities requested by the Department, in violation of Code  
25 Section 10148.  
26

1 51.

2 On October 19, 2010, the Department served a subpoena duces tecum to  
3 Broderick on behalf of Respondent OCMP for copies of all documents in connection with  
4 licensed activity conducted between December 1, 2007 and August 1, 2010.

5 52.

6 After being given reasonable notice, Respondent OCMP failed to retain records in  
7 connection with its licensed activities requested by the Department, in violation of Code Section  
8 10148.

9 53.

10 The conduct, acts and/or omissions of Respondents OCMRI and OCMP as set  
11 forth above, in failing to retain copies of all documents in connection with any transactions for  
12 which a real estate broker license is required, is in violation of Code Section 10148 and  
13 constitutes grounds for the suspension or revocation of the license and license rights of  
14 Respondents OCMRI and OCMP pursuant to Code Sections 10177(d) or 10177(g).

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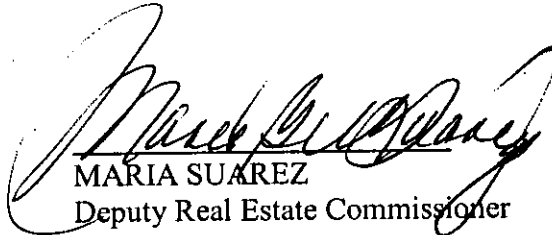
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1 WHEREFORE, Complainant prays that a hearing be conducted on the allegations  
2 of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary  
3 action against all licenses and/or license rights of Respondents ORANGE COUNTY METRO  
4 REALTY, INC., ORANGE COUNTY METRO PROPERTIES, DEREK WALTER  
5 MARKOVIC, individually and as former designated officer of Orange County Metro Realty,  
6 Inc., BRENDA J. CABALLERO, INES P. SORIANO, and EZEQUIEL MARTIN PALOMINO,  
7 under the Real Estate Law (Part 1 of Division 4 of the California Business and Professions Code)  
8 and for such other and further relief as may be proper under other applicable provisions of law.

9 Dated at Los Angeles, California.

10 this 18<sup>th</sup> day of October, 2011.

11  
12  
13   
14 MARIA SUAREZ  
15 Deputy Real Estate Commissioner  
16  
17

18 cc: OAH  
19 Orange County Metro Realty, Inc.  
20 Orange County Metro Properties  
21 Jane Grilliot Kearn, Esq.  
22 Derek Walter Markovic  
23 Carlos V. Yguico, Esq.  
24 Brenda J. Caballero  
25 Republic Realty Services, Inc.  
26 Perry E. Rhoads, Esq.  
Ines P. Soriano  
Best Buy Real Estate  
Ezequiel Martin Palomino  
Robert L. Williams, Esq.  
Maria Suarez  
Sacto

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

By C. J. [Signature]

\* \* \* \*

In the Matter of the Accusation of )  
 ) NO. H-37289 LA  
ORANGE COUNTY METRO REALTY, INC., )  
ORANGE COUNTY METRO PROPERTIES, )  
DEREK WALTER MARKOVIC, )  
individually and as former )  
designated officer of Orange )  
County Metro Realty, Inc., )  
BRENDA J. CABALLERO, )  
INES P. SORIANO, )  
EZEQUIEL MARTIN PALOMINO and )  
JUAN CARLOS FERRUFINO, )  
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 July 27, 2011, 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.

FINDINGS OF FACT

I

On May 19, 2011, Maria Suarez 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 JUAN CARLOS FERRUFINO's last known mailing address on file with the Department on May 24, 2011, and on June 20, 2011, by regular mail.



On July 27, 2011, no Notice of Defense having been filed herein within the time prescribed by Section 11506 of the Government Code, Respondent JUAN CARLOS FERRUFINO's default was entered herein.

## II

From February 14, 1996, through the present, Respondent JUAN CARLOS FERRUFINO ("FERRUFINO") has been licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code ("Code") as a real estate salesperson. From July 23, 2009, through January 6, 2010, FERRUFINO was acting in the employ of ORANGE COUNTY METRO REALTY, INC. ("OCMRI"). From January 7, 2010, through April 16, 2010, FERRUFINO was acting in the employ of ORANGE COUNTY METRO PROPERTIES ("OCMP").

## III

On or about August 22, 2009, FERRUFINO, while acting on behalf of OCMRI, doing business as Re/Max Metro, solicited loan negotiation and modification services to Manuel Navarro Elias ("Mr. Navarro") in connection with a loan secured by real property located at 230 N. Peach Ave., Fresno, California ("230 N. Peach Ave. property"). FERRUFINO charged Mr. Navarro an advance fee totaling \$3,000 for the loan negotiation and modification services. FERRUFINO collected an advance fee of \$1,500 from Mr. Navarro. FERRUFINO failed to provide copies of any written agreement or contract pertaining to the loan modification services for the 230 N. Peach Ave. property. OCMRI failed to perform the services promised or to obtain any loans for the 230 N. Peach Ave. property on more favorable terms. OCMRI failed to refund the advance fee paid by Mr. Navarro.

## IV

The conduct, acts and/or omissions of Respondent FERRUFINO, as set forth above, in making substantial misrepresentations to borrowers in order to charge and collect advance fees for loan negotiation and modification services and demonstrating negligence or incompetence in performing acts for which a real estate license is required constitutes grounds for the suspension or revocation of the license and license rights of Respondent FERRUFINO pursuant to Code Sections 10176(a) and 10177(g).

DETERMINATION OF ISSUES

I

Cause for disciplinary action against Respondent JUAN CARLOS FERRUFINO exists pursuant to Business and Professions Code Sections 10176(a) and 10177(g).

II

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

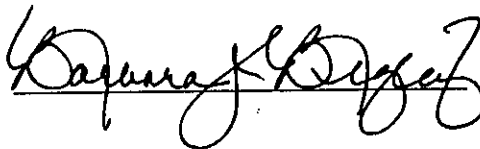
ORDER

The licenses and license rights of Respondent JUAN CARLOS FERRUFINO 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 Sept. 28, 2011.

DATED: 8/26, 2011.

BARBARA J. BIGBY  
Acting Real Estate Commissioner



1 Department of Real Estate  
2 320 West Fourth Street, Suite 350  
3 Los Angeles, California 90013-1105

**FILED**  
JUL 27 2011  
DEPARTMENT OF REAL ESTATE

By C.B.

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5  
6  
7 BEFORE THE DEPARTMENT OF REAL ESTATE  
8 STATE OF CALIFORNIA

9 \* \* \* \*

10 In the Matter of the Accusation of )  
11 ORANGE COUNTY METRO REALTY, INC., ) NO. H-37289 LA  
12 ORANGE COUNTY METRO PROPERTIES, ) DEFAULT ORDER  
13 DEREK WALER MARKOVIC, individually )  
14 and as former designated officer )  
15 of Orange County Metro Realty, Inc., )  
16 BRENDA J. CABALLERO, INES P. SORIANO, )  
EZEQUIEL MARTIN PALOMINO, and )  
JUAN CARLOS FERRUFINO, )  
Respondents. )

17 Respondent, JUAN CARLOS FERRUFINO, having failed to  
18 file a Notice of Defense within the time required by Section  
19 11506 of the Government Code, is now in default. It is,  
20 therefore, ordered that a default be entered on the record in  
21 this matter as to JUAN CARLOS FERRUFINO.

22 IT IS SO ORDERED

July 27, 2011

23 BARBARA J. BIGBY  
24 Acting Real Estate Commissioner

25 Dolores Weeks  
26 By: DOLORES WEEKS  
27 Regional Manager

596  
1 LISSETE GARCIA, Counsel (SBN 211552)  
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) 576-6914

FILED  
MAY 24 2011  
DEPARTMENT OF REAL ESTATE

By CS

7  
8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )

NO. H-37289 LA

12 ORANGE COUNTY METRO REALTY, INC., )  
13 ORANGE COUNTY METRO PROPERTIES, )  
14 DEREK WALTER MARKOVIC, individually )  
15 and as former designated officer of Orange )  
16 County Metro Realty, Inc., )  
17 BRENDA J. CABALLERO, )  
18 INES P. SORIANO, )  
19 EZEQUIEL MARTIN PALOMINO, and )  
JUAN CARLOS FERRUFINO, )

ACCUSATION

Respondents. )

20 The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State  
21 of California, for cause of Accusation against ORANGE COUNTY METRO REALTY, INC.  
22 ("OCMRP"), ORANGE COUNTY METRO PROPERTIES ("OCMP"), DEREK WALTER  
23 MARKOVIC, individually and as former designated officer of Orange County Metro Realty,  
24 Inc., BRENDA J. CABALLERO ("CABALLERO"), INES P. SORIANO ("SORIANO"),  
25 EZEQUIEL MARTIN PALOMINO ("PALOMINO"), and JUAN CARLOS FERRUFINO  
26 ("FERRUFINO"), (collectively "Respondents"), is informed and 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.

From January 24, 2008, through the present, Respondent OCMRI has been licensed as a real estate corporation. From June 27, 2008, through January 4, 2010, OCMRI was acting by and through Respondent MARKOVIC as its designated broker-officer pursuant to Business and Professions Code ("Code") Section 10159.2 to be responsible for ensuring compliance with the Real Estate Law. Joseph Alois Broderick ("Broderick") is the Chief Executive Officer, Director and President of Respondent OCMRI.

3.

From April 17, 2002, through April 16, 2010, Respondent OCMP was licensed as a real estate corporation. From April 17, 2006, through April 17, 2010, OCMP was acting by and through Broderick as its designated broker-officer pursuant to Code Section 10159.2 to be responsible for ensuring compliance with the Real Estate Law. Broderick is the Chief Executive Officer, Director and President of Respondent OCMP.

4.

From February 15, 1985, through February 14, 2009, Broderick was licensed as a real estate broker. Broderick's renewal rights have expired pursuant to Code Section 10201.

5.

From November 14, 1983, through the present, Respondent MARKOVIC has been individually licensed as a real estate broker. From June 27, 2008, through January 4, 2010, Respondent MARKOVIC was licensed as the broker-officer of Respondent OCMRI.

6.

From November 3, 1990, through the present, Respondent CABALLERO has been licensed as a real estate salesperson. From July 11, 2008, through January 3, 2010, Respondent CABALLERO was acting in the employ of Respondent OCMRI. From January 5,

1 2010, through April 17, 2010, Respondent CABALLERO was acting in the employ of  
2 Respondent OCMF.

3 7.

4 From May 3, 2007, through the present, SORIANO, formerly known as Ines  
5 Onorio, has been licensed as a real estate salesperson. From July 15, 2008, through January 3,  
6 2010, SORIANO was acting in the employ of Respondent OCMRI. From January 5, 2010,  
7 through April 16, 2010, SORIANO was acting in the employ of Respondent OCMF.

8 8.

9 From January 26, 2000, through the present, PALOMINO has been licensed as a  
10 real estate salesperson. From July 15, 2008, through January 3, 2010, PALOMINO was acting in  
11 the employ of Respondent OCMRI. From January 13, 2010, through April 26, 2010,  
12 PALOMINO was acting in the employ of Respondent OCMF.

13 9.

14 From February 14, 1996, through the present, FERRUFINO has been licensed as  
15 a real estate salesperson. From July 23, 2009, through January 6, 2010, FERRUFINO was acting  
16 in the employ of Respondent OCMRI. From January 7, 2010, through April 16, 2010,  
17 FERRUFINO was acting in the employ of Respondent OCMF.

18 FIRST CAUSE OF ACCUSATION  
19 (3122 Cabernet Drive property)

20 10.

21 On or about July 21, 2008, Alonso Godinez entered into a residential listing  
22 agreement with broker OCMRI, while doing business as Re/Max Metro Realty and Metro  
23 Escrow, to complete a short sale of Mr. Godinez' real property located 3122 Cabernet Drive,  
24 Mira Loma, California ("3122 Cabernet Drive property"). The listing price of the 3122 Cabernet  
25 Drive property was \$379,000. German Guzman signed the residential listing agreement as the  
26 agent for OCMRI. Mr. Godinez met with Respondent OCMRI's agents including  
CABALLERO, German Guzman, Lizardo Enrique Garcia, and Esperanza Salazar. OCMRI's

1 agents induced Mr. Godinez to sign several documents including what Mr. Godinez later  
2 discovered was a grant deed conveying the 3122 Cabernet Drive property to Linda K. Rogers, as  
3 trustee of the 3122 Cabernet Drive Land Trust. Mr. Godinez was not given copies of the  
4 documents that he was asked to sign for Respondent OCMRI. On July 30, 2008, Linda K.  
5 Rogers executed a Notice of Default Purchase Agreement to purchase the 3122 Cabernet Drive  
6 property for \$175,000.

7 11.

8 Respondent OCMRI did not complete the short sale of the 3122 Cabernet Drive  
9 property for Mr. Godinez. Mr. Godinez asked to have the title to his 3122 Cabernet Drive  
10 property transferred back to his name. Respondent CABALLERO, while acting as manager for  
11 Respondent OCMRI and Broderick, refused unless Mr. Godinez paid a \$2,500 fee to revoke the  
12 trust and transfer title of the 3122 Cabernet Drive property back to his name.

13 12.

14 The conduct, acts and/or omissions of Respondents OCMRI and CABALLERO  
15 as alleged above, constitute making substantial misrepresentations, willful violations of the Real  
16 Estate Law, fraud, dishonest dealing or negligence and are grounds for the suspension or  
17 revocation of Respondents OCMRI and CABALLERO's licenses under Code Sections 10176(a),  
18 10177(d), 10177(j) or 10177(g).

19 13.

20 Respondent MARKOVIC's failure to supervise the activities of Respondent  
21 OCMRI to ensure compliance with the Real Estate Law, is in violation of Code Section 10159.2  
22 and Section 2725 of the Regulations, Title 10, Chapter 6, California Code of Regulations  
23 ("Regulations") and constitutes grounds to suspend or revoke Respondent MARKOVIC's license  
24 and license rights pursuant to Code Sections 10177(h), 10177(d) or 10177(g).

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There is hereby incorporated in this second, separate Cause of Accusation, all of the allegations contained in Paragraphs 1 through 13 above, with the same force and effect as if herein fully set forth.

At no time mentioned herein has Home Defenders Center ever been licensed by the Department in any capacity.

On or about February 16, 2009, SORIANO and PALOMINO, while acting on behalf of Broderick and Respondents OCMF, OCMRI, and MARKOVIC, who were doing business as Home Defenders Center, solicited loan negotiation and modification services to Maria Martinez and Antonio Manjarrez in connection with a loan secured by real property located at 51721 Calle Torres Orduno, Coachella, California ("51721 Calle Torres Orduno property"). Ms. Martinez paid an advance fee totaling \$3,000 to Home Defenders Center for the loan negotiation and modification services. SORIANO and PALOMINO failed to provide copies of any written agreement or contract pertaining to the loan modification services for the 51721 Calle Torres Orduno property. Home Defenders Center failed to perform the services promised or to obtain any loans for the 51721 Calle Torres Orduno property on more favorable terms. Home Defenders Center failed to refund the advance fee paid by Ms. Martinez.

The advance fee agreement used by Broderick and Respondents OCMF and OCMRI, while doing business as Home Defenders Center, had not been approved by the Department prior to use as is required under Code Section 10085 and Regulation Section 2970.



18.

The conduct, acts and/or omissions of Respondents OCMP and OCMRI, as set forth above, in collecting advance fees, as defined under Code Section 10026, from prospective borrowers pursuant to a written fee agreement, which agreement was not submitted to the Department for review prior to use, was in violation of Code Section 10085 and Regulation Section 2970, and constitutes grounds for the suspension or revocation of the license and license rights of Respondents OCMP and OCMRI pursuant to Code Sections 10177(d) or 10177(g).

19.

The advance fees collected by Broderick and Respondents OCMP and OCMRI, while doing business as Home Defenders Center, were not deposited in a trust account as required under Code Section 10146.

20.

The conduct, acts and/or omissions of Respondents OCMP and OCMRI, as set forth above, in collecting advance fees from prospective borrowers and failing to deposit the advance fees into a trust account, was in violation of Code Section 10146 and constitutes grounds for the suspension or revocation of the license and license rights of Respondents OCMP and OCMRI pursuant to Code Sections 10177(d) and/or 10177(g).

21.

The conduct, acts and/or omissions of Respondents SORIANO and PALOMINO, as set forth above, in making substantial misrepresentations to borrowers in order to charge and collect advance fees for loan negotiation and modification services, and demonstrating negligence or incompetence in performing acts for which a real estate license is required, constitutes grounds for the suspension or revocation of the license and license rights of Respondents SORIANO and PALOMINO pursuant to Code Sections 10176(a) and/or 10177(g).

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1 22.

2 Respondent MARKOVIC's failure to supervise the activities of Respondent  
3 OCMRI, to ensure compliance with the Real Estate Law, is in violation of Code Section 10159.2  
4 and Regulation Section 2725 and constitutes grounds to suspend or revoke Respondent  
5 MARKOVIC's license and license rights pursuant to Code Sections 10177(h), 10177(d) or  
6 10177(g).

7 THIRD CAUSE OF ACCUSATION  
8 (2794 Coral Sea Ave. property)

9 23.

10 There is hereby incorporated in this third, separate Cause of Accusation, all of the  
11 allegations contained in Paragraphs 1 through 22 above, with the same force and effect as if  
12 herein fully set forth.

13 24.

14 On or about March 18, 2009, SORIANO and PALOMINO, while acting on behalf  
15 of Broderick and Respondents OCMP, OCMRI, and MARKOVIC, who were doing business as  
16 Home Defenders Center, solicited loan negotiation and modification services to Agustin  
17 Enriquez and Lidia Enriquez in connection with a loan secured by real property located at 2794  
18 Coral Sea Ave, Salton City, California ("2794 Coral Sea Ave. property"). Mr. Enriquez paid an  
19 advance fee totaling \$3,000 to Respondents for the loan negotiation and modification services.  
20 SORIANO and PALOMINO induced Mr. Enriquez to sign a durable power of attorney for  
21 Metro Escrow, Re/Max Metro, Home Defenders Center, attorney Kevin Spainhour, and his  
22 employees and/or associates. Mr. Enriquez never met with Kevin Spainhour. Respondents  
23 failed to perform the services promised or to obtain any loans for the 2794 Coral Sea Ave.  
24 property on more favorable terms. Respondents failed to provide Mr. Enriquez with an  
25 accounting of the advance fee trust funds deposited in a trust account for Mr. Enriquez as the  
26 beneficiary. Respondents failed to refund the advance fee paid by Mr. Enriquez.

1 25.

2 The advance fee agreement used by Broderick and Respondents OCMP and  
3 OCMRI,, who were doing business as Home Defenders Center, had not been approved by the  
4 Department prior to use as is required under Code Section 10085 and Regulation Section 2970.

5 26.

6 The conduct, acts and/or omissions of Respondents OCMP and OCMRI, as set  
7 forth above, in collecting advance fees, as defined under Code Section 10026, from prospective  
8 borrowers pursuant to a written fee agreement, which agreement was not submitted to the  
9 Department for review prior to use was in violation of Code Section 10085 and Regulation  
10 Section 2970, and constitutes grounds for the suspension or revocation of the license and license  
11 rights of Respondents OCMP and OCMRI pursuant to Code Sections 10177(d) or 10177(g).

12 27.

13 The advance fees collected by Broderick and Respondents OCMP and OCMRI,  
14 while doing business as Home Defenders Center were not deposited in a trust account as  
15 required under Code Section 10146.

16 28.

17 The conduct, acts and/or omissions of Respondents OCMP and OCMRI, as set  
18 forth above, in collecting advance fees from prospective borrowers and failing to deposit the  
19 advance fees into a trust account, was in violation of Code Section 10146 and constitutes  
20 grounds for the suspension or revocation of the license and license rights of Respondents OCMP  
21 and OCMRI pursuant to Code Sections 10177(d) and/or 10177(g).

22 29.

23 The conduct, acts and/or omissions of Respondents SORIANO and PALOMINO,  
24 as set forth above, in making substantial misrepresentations to borrowers in order to charge and  
25 collect advance fees for loan negotiation and modification services and demonstrating negligence  
26 or incompetence in performing acts for which a real estate license is required, constitutes  
grounds for the suspension or revocation of the license and license rights of Respondents

1 SORIANO and PALOMINO pursuant to Code Sections 10176(a) and/or 10177(g).

2 30.

3 Respondent MARKOVIC's failure to supervise the activities of Respondent  
4 OCMRI to ensure compliance with the Real Estate Law, is in violation of Code Section 10159.2  
5 and Regulation Section 2725 and constitutes grounds to suspend or revoke Respondent  
6 MARKOVIC's license and license rights pursuant to Code Sections 10177(h), 10177(d) or  
7 10177(g).

8 FOURTH CAUSE OF ACCUSATION  
9 (Use of Unauthorized Fictitious Business Name)

10 31.

11 There is hereby incorporated in this fourth, separate Cause of Accusation, all of  
12 the allegations contained in Paragraphs 1 through 30 above, with the same force and effect as if  
13 herein fully set forth.

14 32.

15 Use of a fictitious business name for activities requiring the issuance of a real  
16 estate license requires the filing of an application for the use of such name with the Department  
17 in accordance with the provisions of Code Section 10159.5.

18 33.

19 Broderick and Respondents OCMP and OCMRI, acted without Department  
20 authorization in using the fictitious business name Home Defenders Center to engage in  
21 activities requiring the issuance of a real estate license.

22 34.

23 The conduct, acts and/or omissions of Respondents OCMP and OCMRI, as set  
24 forth in Paragraphs 31 and 32, above, violate Code Section 10159.5 and Regulation Section  
25 2731, and are cause for the suspension or revocation of the license and license rights of  
26 Respondents OCMP and OCMRI pursuant to Code Sections 10177(d) and/or 10177(g).

1 35.

2 Respondent MARKOVIC's failure to supervise the activities of Respondent  
3 OCMRI to ensure compliance with the Real Estate Law, is in violation of Code Section 10159.2  
4 and Regulation Section 2725 and constitutes grounds to suspend or revoke Respondent  
5 MARKOVIC's license and license rights pursuant to Code Sections 10177(h), 10177(d) or  
6 10177(g).

7 FIFTH CAUSE OF ACCUSATION  
8 (230 N. Peach Ave. property)

9 36.

10 There is hereby incorporated in this fifth, separate Cause of Accusation, all of the  
11 allegations contained in Paragraphs 1 through 35 above, with the same force and effect as if  
12 herein fully set forth.

13 37.

14 On or about August 22, 2009, FERRUFINO, while acting on behalf of Broderick  
15 and Respondents OCMRI and MARKOVIC, while doing business as Re/Max Metro, solicited  
16 loan negotiation and modification services to Manuel Navarro Elias ("Mr. Navarro") in  
17 connection with a loan secured by real property located at 230 N. Peach Ave., Fresno, California  
18 ("230 N. Peach Ave. property"). FERRUFINO charged Mr. Navarro an advance fee totaling  
19 \$3,000 for the loan negotiation and modification services. FERRUFINO collected an advance  
20 fee of \$1,500 from Mr. Navarro. FERRUFINO failed to provide copies of any written agreement  
21 or contract pertaining to the loan modification services for the 230 N. Peach Ave. property.  
22 Respondent OCMRI failed to perform the services promised or to obtain any loans for the 230 N.  
23 Peach Ave. property on more favorable terms. Respondent OCMRI failed to refund the advance  
24 fee paid by Mr. Navarro.

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1 38.

2 The advance fee agreement for loan negotiation and modification services used by  
3 Respondent OCMRI had not been approved by the Department prior to use as is required under  
4 Code Section 10085 and Regulation Section 2970.

5 39.

6 The conduct, acts and/or omissions of Respondent OCMRI as set forth above, in  
7 collecting advance fees, as defined under Code Section 10026, from prospective borrowers  
8 pursuant to a written fee agreement, which agreement was not submitted to the Department for  
9 review prior to use, was in violation of Code Section 10085 and Regulation Section 2970, and  
10 constitutes grounds for the suspension or revocation of the license and license rights of  
11 Respondent OCMRI pursuant to Code Sections 10177(d) or 10177(g).

12 40.

13 The advance fees collected by Respondent OCMRI were not deposited in a trust  
14 account as required under Code Section 10146.

15 41.

16 The conduct, acts and/or omissions of Respondent OCMRI as set forth above, in  
17 collecting advance fees from prospective borrowers and failing to deposit the advance fees into a  
18 trust account, was in violation of Code Section 10146 and constitutes grounds for the suspension  
19 or revocation of the license and license rights of Respondent OCMRI pursuant to Code Sections  
20 10177(d) and/or 10177(g).

21 42.

22 The conduct, acts and/or omissions of Respondent FERRUFINO, as set forth  
23 above, in making substantial misrepresentations to borrowers in order to charge and collect  
24 advance fees for loan negotiation and modification services and demonstrating negligence or  
25 incompetence in performing acts for which a real estate license is required constitutes grounds  
26 for the suspension or revocation of the license and license rights of Respondent FERRUFINO  
pursuant to Code Sections 10176(a) and/or 10177(g).

1 43.

2 Respondent MARKOVIC's failure to supervise the activities of Respondent  
3 OCMRI to ensure compliance with the Real Estate Law, is in violation of Code Section 10159.2  
4 and Regulation Section 2725 and constitutes grounds to suspend or revoke Respondent  
5 MARKOVIC's license and license rights pursuant to Code Sections 10177(h), 10177(d) or  
6 10177(g).

7 SIXTH CAUSE OF ACCUSATION  
8 (Audits)

9 44.

10 There is hereby incorporated in this sixth, separate Cause of Accusation, all of the  
11 allegations contained in Paragraphs 1 through 43 above, with the same force and effect as if  
12 herein fully set forth.

13 45.

14 A licensed real estate broker shall retain for three years copies of all listings,  
15 deposit receipts, canceled checks, trust records, and other documents executed by him or her or  
16 obtained by him or her in connection with any transactions for which a real estate broker license  
17 is required, in accordance with the provisions of Code Section 10148.

18 46.

19 On June 3, 2010, the Department served a subpoena duces tecum to Respondent  
20 OCMRI for copies of all documents in connection with licensed activity conducted between  
21 June 7, 2007 and June 7, 2010.

22 47.

23 After being given reasonable notice, Respondent OCMRI failed to retain records  
24 in connection with its licensed activities requested by the Department, in violation of Code  
25 Section 10148:  
26

1 48.

2 On October 19, 2010, the Department served a subpoena duces tecum to  
3 Respondent Broderick on behalf of Respondent OCMP for copies of all documents in connection  
4 with licensed activity conducted between December 1, 2007 and August 1, 2010.

5 49.

6 After being given reasonable notice, Respondent OCMP failed to retain records in  
7 connection with its licensed activities requested by the Department, in violation of Code Section  
8 10148.

9 50.

10 The conduct, acts and/or omissions of Respondents OCMRI and OCMP as set  
11 forth above, in failing to retain copies of all documents in connection with any transactions for  
12 which a real estate broker license is required, was in violation of Code Section 10148 and  
13 constitutes grounds for the suspension or revocation of the license and license rights of  
14 Respondents OCMRI and OCMP pursuant to Code Sections 10177(d) or 10177(g).

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1 WHEREFORE, Complainant prays that a hearing be conducted on the allegations  
2 of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary  
3 action against all licenses and/or license rights of Respondents ORANGE COUNTY METRO  
4 REALTY, INC., ORANGE COUNTY METRO PROPERTIES, DEREK WALTER  
5 MARKOVIC, individually and as former designated officer of Orange County Metro Realty,  
6 Inc., BRENDA J. CABALLERO, INES P. SORIANO, EZEQUIEL MARTIN PALOMINO, and  
7 JUAN CARLOS FERRUFINO, under the Real Estate Law (Part 1 of Division 4 of the California  
8 Business and Professions Code) and for such other and further relief as may be proper under  
9 other applicable provisions of law.

10 Dated at Los Angeles, California.

11 this 19<sup>th</sup> day of May, 2011.

12  
13  
14   
15 MARIA SUAREZ  
16 Deputy Real Estate Commissioner  
17  
18  
19

20 cc: Orange County Metro Realty, Inc.  
21 Orange County Metro Properties  
22 Derek Walter Markovic  
23 Brenda J. Caballero  
24 Republic Realty Services, Inc.  
25 Ines P. Soriano  
26 Best Buy Real Estate  
Ezequiel Martin Palomino  
Juan Carlos Ferrufino  
Maria Suarez  
Sacto