

BUREAU OF REAL ESTATE
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FILED

APR 13 2017

BUREAU OF REAL ESTATE

By *[Signature]*

BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation against	)	CalBRE No. H-40303 LA
	)	OAH No. 2016080164
DARLENE CRYSTAL MARTINEZ and	)	
REALTY PRO GROUP, INC.,	)	<u>STIPULATION AND</u>
	)	<u>AGREEMENT IN</u>
	)	<u>SETTLEMENT AND ORDER</u>
Respondents.	)	
	)	

It is hereby stipulated by and between Respondents DARLENE CRYSTAL MARTINEZ and REALTY PRO GROUP, INC., (collectively "Respondents") and their attorney of record, Mary E. Work, and the Complainant, acting by and through Lissete Garcia, Counsel for the Bureau of Real Estate ("Bureau"), as follows for the purpose of settling and disposing the Second Amended Accusation ("Accusation") filed on February 1, 2017, in this matter:

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondents at a formal hearing on the Accusation, which hearing was to be held in accordance with the provisions of the Administrative Procedure Act

1 ("APA"), shall instead and in place thereof be submitted on the basis of the provisions of this
2 Stipulation and Agreement in Settlement and Order ("Stipulation").

3 2.. Respondents have received, read, and understand the Statement to Respondent,
4 the Discovery Provisions of the APA, and the Accusation filed by the Bureau in this proceeding.

5 3. Notices of Defense were filed by Respondents pursuant to Section 11506 of
6 the Government Code for the purpose of requesting a hearing on the allegations in the
7 Accusation. Respondents hereby freely and voluntarily withdraw said Notices of Defense.
8 Respondents acknowledge that they understand that by withdrawing said Notices of Defense
9 they will thereby waive their rights to require the Real Estate Commissioner ("Commissioner")
10 to prove the allegations in the Accusation at a contested hearing held in accordance with the
11 provisions of the APA and that they will waive other rights afforded to them in connection with
12 the hearing such as the right to present evidence in defense of the allegations in the Accusation
13 and the right to cross-examine witnesses.

14 4. This Stipulation is based on the factual allegations contained in the Accusation
15 filed in this proceeding. In the interest of expedience and economy, Respondents choose not to
16 contest these factual allegations, but to remain silent and understands that, as a result thereof,
17 these factual statements, will serve as a prima facie basis for the disciplinary action stipulated to
18 herein. The Real Estate Commissioner shall not be required to provide further evidence to prove
19 such allegations.

20 5. This Stipulation and Respondents' decision not to contest the Accusation are
21 made for the purpose of reaching an agreed disposition of this proceeding and are expressly
22 limited to this proceeding and any other proceeding or case in which the Bureau of Real Estate,
23 or another licensing agency of this state, another state or if the federal government is involved
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and otherwise shall not be admissible in any other criminal or civil proceedings.

6. It is understood by the parties that the Real Estate Commissioner may adopt the Stipulation and Agreement as his decision in this matter thereby imposing the penalty and sanctions on Respondents' real estate licenses and license rights as set forth in the below "Order". In the event that the Commissioner in his discretion does not adopt the Stipulation and Agreement, it shall be void and of no effect, and Respondents shall retain the right to a hearing on the Accusation under all the provisions of the APA and shall not be bound by any stipulation or waiver made herein.

7. The Order or any subsequent Order of the Real Estate Commissioner made pursuant to this Stipulation and Agreement shall not constitute an estoppel, merger or bar to any further administrative or civil proceedings by the Bureau of Real Estate with respect to any conduct which was not specifically alleged to be causes for accusation in this proceeding.

DETERMINATION OF ISSUES

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

L.

The conduct, acts and/or omissions of Respondent REALTY PRO GROUP, INC. as set forth in Paragraphs 29, 37, and 42 of the Accusation, constitute cause for the suspension or revocation of all the real estate licenses and license rights of Respondent REALTY PRO GROUP, INC. under the provisions of Sections 10177(g) and 10177(d) of the Business and Professions Code (“Code”) for violation of Code Sections 10137, 10159.5, 10163, 10161.8 and Sections 2731, 2715, 2752 of the Regulations of the Real Estate Commissioner, Title 10, Chapter

1 6, California Code of Regulations ("Regulations").

2 II.

3 The conduct, acts and/or omissions of Respondent DARLENE CRYSTAL
4 MARTINEZ as set forth in Paragraphs 28, 37, and 43 of the Accusation, constitute cause for the
5 suspension or revocation of all the real estate licenses and license rights of Respondent
6 DARLENE CRYSTAL MARTINEZ under the provisions of Code Sections 10177(g), 10177(h),
7 and 10177(d) for violation of Code Section 10137.

8 ORDER

9 I.

10 All licenses and licensed rights of Respondent REALTY PRO GROUP, INC.
11 ("RPGI") under the Real Estate Law are revoked; provided, however, a restricted real estate
12 broker license shall be issued to Respondent RPGI pursuant to Section 10156.5 of the Business
13 and Professions Code if Respondent makes application therefor and pays to the Bureau of Real
14 Estate the appropriate fee for the restricted license within 90 days from the effective date of this
15 Decision. The restricted license issued to Respondent RPGI shall be subject to all of the
16 provisions of Section 10156.7 of the Business and Professions Code and to the following
17 limitations, conditions and restrictions imposed under authority of Section 10156.6 of that Code:

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

22 2. The restricted license issued to Respondent RPGI may be suspended prior to
23 hearing by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner
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1 that Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands
2 Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted
3 license.

4 3. Respondent RPGI shall not be eligible to petition for the issuance of any
5 unrestricted real estate license nor for removal of any of the conditions, limitations or restrictions
6 of a restricted license until four (4) years have elapsed from the effective date of this Decision
7 and Order. Respondent shall not be eligible to apply for any unrestricted licenses until all
8 restrictions attaching to the license have been removed.

9 4. Respondents RPGI and DARLENE CRYSTAL MARTINEZ are jointly and
10 severally liable for payment of the Commissioner's reasonable costs of investigation and
11 enforcement which total \$6,000.00. All licenses and licensing rights of Respondents are
12 indefinitely suspended unless or until Respondent RPGI pays, either jointly with Respondent
13 DARLENE CRYSTAL MARTINEZ or severally, the sum of \$3,000.00 for half of the
14 Commissioner's reasonable cost of the investigation and enforcement which led to this
15 disciplinary action. Said payment shall be in the form of a cashier's check made payable to the
16 Bureau of Real Estate. **The payment of \$3,000.00 for the investigative and enforcement**
17 **costs must be delivered to the Bureau of Real Estate, Flag Section at P.O. Box 137007,**
18 **Sacramento, CA 95813-7007, prior to the effective date of this Order.**

19 5. Respondent RPGI shall, within 90 days from the effective date of this Order,
20 pay either jointly with Respondent DARLENE CRYSTAL MARTINEZ or severally, the
21 remaining sum of \$3,000.00 for the Commissioner's reasonable cost of the investigation and
22 enforcement which led to this disciplinary action. Said payment shall be in the form of a
23 cashier's check made payable to the Bureau of Real Estate. **The second payment of \$3,000.00**
24 **for the investigative and enforcement costs must be delivered to the Bureau of Real Estate,**

1 **Flag Section at P.O. Box 137007, Sacramento, CA 95813-7007, within 90 days from the**
2 **effective date of this Order.** If Respondents fail to satisfy this condition, Respondents' real
3 estate licenses shall automatically be suspended until Respondents satisfy this condition.

4 6. Pursuant to Section 10148 of the Code, Respondent RPGI shall pay the sum of
5 \$2,617.12 for the Commissioner's cost of the audit which led to this disciplinary action.

6 **Respondent RPGI shall pay such cost within sixty (60) days of receiving an invoice**
7 **therefore from the Commissioner.** Payment of audit costs should not be made until
8 Respondent receives the invoice. If Respondent fails to satisfy this condition in a timely manner
9 as provided for herein, Respondent's real estate license shall automatically be suspended until
10 payment is made in full, or until a decision providing otherwise is adopted following a hearing
11 held pursuant to this condition.

12 7. Pursuant to Section 10148 of the Code, Respondent RPGI shall pay the
13 Commissioner's reasonable cost, not to exceed \$3,271.40, for an audit to determine if
14 Respondent has corrected the violations found in the Determination of Issues. In calculating the
15 amount of the Commissioner's reasonable cost, the Commissioner may use the estimated average
16 hourly salary for all persons performing audits of real estate brokers, and shall include an
17 allocation for travel time to and from the auditor's place of work. **Respondent shall pay such**
18 **cost within sixty (60) days of receiving an invoice therefore from the Commissioner.**
19 Payment of the audit costs should not be made until Respondent receives the invoice. If
20 Respondent fails to satisfy this condition in a timely manner as provided for herein,
21 Respondent's real estate license shall automatically be suspended until payment is made in full,
22 or until a decision providing otherwise is adopted following a hearing held pursuant to this
23 condition.

II.

All licenses and licensed rights of Respondent DARLENE CRYSTAL MARTINEZ ("MARTINEZ") under the Real Estate Law are revoked; provided, however, a restricted real estate broker license shall be issued to Respondent MARTINEZ pursuant to Section 10156.5 of the Business and Professions Code if Respondent makes application therefor and pays to the Bureau of Real Estate the appropriate fee for the restricted license within 90 days from the effective date of this Decision. The restricted license issued to Respondent MARTINEZ shall be subject to all of the provisions of Section 10156.7 of the Business and Professions Code and to the following limitations, conditions and restrictions imposed under authority of Section 10156.6 of that Code:

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

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

3. Respondent MARTINEZ shall not be eligible to petition for the issuance of any unrestricted real estate license nor for removal of any of the conditions, limitations or restrictions of a restricted license until four (4) years have elapsed from the effective date of this

1 Decision and Order. Respondent shall not be eligible to apply for any unrestricted licenses until
2 all restrictions attaching to the license have been removed.

3 4. Respondents RPGI and DARLENE CRYSTAL MARTINEZ are jointly and
4 severally liable for payment of the Commissioner's reasonable costs of investigation and
5 enforcement which total \$6,000.00. All licenses and licensing rights of Respondents are
6 indefinitely suspended unless or until Respondent MARTINEZ pays, either jointly with
7 Respondent RPGI or severally, the sum of \$3,000.00 for half of the Commissioner's reasonable
8 cost of the investigation and enforcement which led to this disciplinary action. Said payment
9 shall be in the form of a cashier's check made payable to the Bureau of Real Estate. **The**
10 **payment of \$3,000.00 for the investigative and enforcement costs must be delivered to the**
11 **Bureau of Real Estate, Flag Section at P.O. Box 137007, Sacramento, CA 95813-7007,**
12 **prior to the effective date of this Order.**

13 5. Respondent MARTINEZ shall, within 90 days from the effective date of this
14 Order, pay either jointly with Respondent RPGI or severally, the remaining sum of \$3,000.00
15 for the Commissioner's reasonable cost of the investigation and enforcement which led to this
16 disciplinary action. Said payment shall be in the form of a cashier's check made payable to the
17 Bureau of Real Estate. **The second payment of \$3,000.00 for the investigative and**
18 **enforcement costs must be delivered to the Bureau of Real Estate, Flag Section at P.O. Box**
19 **137007, Sacramento, CA 95813-7007, within 90 days from the effective date of this Order.**

20 If Respondents fail to satisfy this condition, Respondents' real estate licenses shall
21 automatically be suspended until Respondents satisfy this condition.

22 6. Respondent MARTINEZ shall, within six (6) months from the effective date
23 of this Decision and Order, take and pass the Professional Responsibility Examination
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1 administered by the Bureau including the payment of the appropriate examination fee. If
2 Respondent fails to satisfy this condition, Respondent's real estate license shall automatically be
3 suspended until Respondent passes the examination.

4 7. Respondent MARTINEZ shall, within nine (9) months from the effective
5 **date of this Order**, present evidence satisfactory to the Commissioner that Respondent has,
6 since the most recent issuance of an original or renewal real estate license, taken and successfully
7 completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate
8 Law for renewal of a real estate license. If Respondent fails to satisfy this condition,
9 Respondent's real estate license shall automatically be suspended until Respondent presents
10 evidence satisfactory to the Commissioner of having taken and successfully completed the
11 continuing education requirements. **Proof of completion of the continuing education courses**
12 **must be delivered to the Bureau of Real Estate, Flag Section at P.O. Box 137013,**
13 **Sacramento, CA 95813-7013.**

14 DATE: 2/15/2017

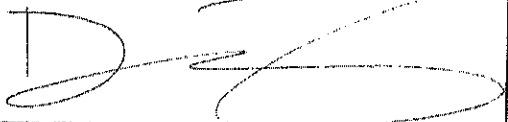

Lissete Garcia, Counsel
Bureau of Real Estate

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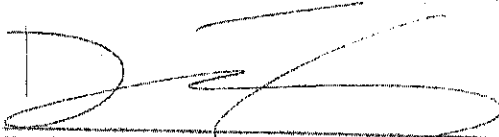
16 We have read this Stipulation and Agreement, have discussed it with our counsel,
17 and its terms are understood by us and are agreeable and acceptable to us. We understand that
18 we are waiving rights given to us by the California APA (including but not limited to Sections
19 11506, 11508, 11509, and 11513 of the Government Code), and we willingly, intelligently, and
20 voluntarily waive those rights, including the right of requiring the Commissioner to prove the
21 allegations in the Accusation at a hearing at which we would have the right to cross-examine
22 witnesses against us and to present evidence in defense and mitigation of the charges.
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1 Respondents can signify acceptance and approval of the terms and conditions of
2 this Stipulation and Agreement by electronically e-mailing a copy of the signature page, as
3 actually signed by Respondents, to the Bureau's attorney. Respondents agree, acknowledge, and
4 understand that by electronically sending to the Bureau an electronic copy of Respondents'
5 actual signatures, as they appear on the Stipulation and Agreement, that receipt of the e-mailed
6 copy by the Bureau shall be as binding on Respondents as if the Bureau had received the original
7 signed Stipulation and Agreement. By signing this Stipulation and Agreement, Respondents
8 understand and agree that Respondents may not withdraw their agreement or seek to rescind the
9 Stipulation and Agreement prior to the time the Commissioner considers and acts upon it or prior
10 to the effective date.

11 DATE: 2/14/17

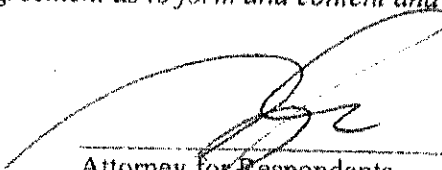

On behalf of Respondent REALTY PRO
GROUP, INC.
Printed Name _____

14 DATE: 2/14/17


DARLENE CRYSTAL MARTINEZ
Respondent

17 *I have reviewed the Stipulation and Agreement as to form and content and have advised*
18 *my clients accordingly.*

19 DATE: 2/14/2017


Attorney for Respondents

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The foregoing Stipulation and Agreement in Settlement and Order is hereby
adopted by me as my Decision in this matter and shall become effective at 12 o'clock noon on
MAY 04 2017, 2017.

IT IS SO ORDERED 4/9/2017, 2017.

WAYNE S. BELL
REAL ESTATE COMMISSIONER

