

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

4 Telephone: (213) 576-6982

FILED

AUG 10 2017

BUREAU OF REAL ESTATE

By 

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9 BEFORE THE BUREAU OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of)

No. H-40384 LA

OAH No. 2016091110

13 VENECIA INVESTMENTS,)
14 INCORPORATED; and ABAD)
15 CABRERA, individually, and as designated)
16 officer of Venecia Investments)
17 Incorporated,)

STIPULATION & AGREEMENT

18 Respondents.)
19)
20)

21 It is hereby stipulated by and between Respondents VENECIA
22 INVESTMENTS, INCORPORATED ("VENECIA") and ABAD CABRERA ("CABRERA"),
23 individually, and as designated officer for VENECIA (sometimes referred to as
24 "Respondents"), and their attorney of record, Mary Work, Esq., and the Complainant, acting by
25 and through Cheryl Keily, Counsel for the Bureau of Real Estate, as follows for the purpose of
26 settling and disposing of the Accusation filed on September 14, 2016, in this matter.

27 1. All issues which were to be contested and all evidence which was to be

1 presented by Complainant and Respondents at a formal hearing on the Accusation, which
2 hearing was to be held in accordance with the provisions of the Administrative Procedure Act
3 (APA), shall instead and in place thereof be submitted solely on the basis of the provisions of
4 this Stipulation and Agreement.
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6 2. Respondents have received, read and understand the Statement to Respondent,
7 the Discovery Provisions of the APA and the Accusation filed by the Bureau of Real Estate
8 ("Bureau") in this proceeding.

9 3. On September 23, 2016, Respondents filed a Notice of Defense, pursuant to
10 Section 11506 of the Government Code for the purpose of requesting a hearing on the
11 allegations in the Accusations. Respondents hereby freely and voluntarily withdraw said Notice
12 of Defense. Respondents acknowledge that they understand that by withdrawing said Notice of
13 Defense they will thereby waive their right to require the Commissioner of Real Estate
14 ("Commissioner") to prove the allegations in the Accusations at a contested hearing held in
15 accordance with the provisions of the APA and that they will waive other rights afforded to
16 them in connection with the hearing, such as the right to present evidence in defense of the
17 allegations in the Accusation and the right to cross-examine witnesses.

18 4. This Stipulation is based on the factual allegations contained in the
19 Accusation. In the interest of expedience and economy, Respondents choose not to contest
20 these allegations, but to remain silent and understand that, as a result thereof, these factual
21 allegations, without being admitted or denied, will serve as a prima facie basis for the
22 disciplinary action stipulated to herein. The Commissioner shall not be required to provide
23 further evidence to prove said factual allegations.

24 5. This Stipulation is made for the purpose of reaching an agreed disposition of
25 this proceeding and is expressly limited to this proceeding and any other proceeding or case in
26 which the Bureau, the state or federal government, or any agency of this state, another state or
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1 federal government is involved, and otherwise shall not be admissible in any other criminal or
2 civil proceedings.

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

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

15 8. Respondents understand that by agreeing to this Stipulation, Respondents
16 agree to pay, pursuant to Business and Professions Code ("Code") Section 10148, the cost of
17 Audit Nos. LA 150043, which led to this disciplinary action and a follow-up audit. The total
18 cost of the original audit which led to this disciplinary action is \$4,405.82.

19 9. Respondents have received, read, and understand the "Notice Concerning
20 Costs of Subsequent Audit." Respondents further understand that by agreeing to this
21 Stipulation, the findings set forth below in the Determination of Issues become final, and the
22 Commissioner may charge Respondents for the cost of any subsequent audit conducted pursuant
23 to Code Section 10148 to determine if the violations have been corrected. The maximum cost of
24 the subsequent audit shall not exceed \$5,507.26.

25 10. Respondents understand that by agreeing to this Stipulation, Respondents
26 agree to pay, pursuant to Code Section 10106, the cost of the investigation and enforcement of
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1 this matter. The total amount of the investigation and enforcement costs is \$2,012.95.

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3 DETERMINATION OF ISSUES

4 1. The conduct, acts or omissions of Respondents, as set forth in the
5 Accusations, is in violation of Business and Professions Code Sections 10145, 10176(e),
6 10240(a) and (c) and 10177(h), and Sections 2831, 2831.1, and 2840 of Title 10, Chapter 6,
7 Code of Regulations and constitutes cause to suspend or revoke the real estate licenses and
8 license rights of Respondents under the provisions of Code Sections 10177(d).

9 ORDER

10 WHEREFORE, THE FOLLOWING ORDER is hereby made:

11 I. ALL licenses and licensing rights of Respondents VENECIA and CABRERA
12 under the Real Estate Law are suspended for a period of ninety (90) days from the effective
13 date of this Decision;

14 A. Provided, however, that if Respondents request, the initial thirty (30) days of
15 the period of said suspension (or a portion thereof) shall be stayed for two (2) years upon
16 condition that:

17 1. Each Respondent pays a monetary penalty pursuant to Section 10175.2 of the
18 Code at the rate of \$100.00 per day for each day of the suspension for a total monetary penalty
19 of \$3,000.00 each.

20 2. Said payment shall be in the form of a cashier's check or certified check
21 made payable to the Recovery Account of the Real Estate Fund. Said check must be received
22 by the Bureau prior to the effective date of the Decision in this matter.

23 3. No further cause for disciplinary action against the real estate licenses of
24 Respondents occurs within two (2) years from the effective date of the Decision in this matter.

25 4. If either Respondent fails to pay the monetary penalty in accordance with the
26 terms of the Decision, the Commissioner may, without a hearing, order the immediate
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1 terms of the Decision, the Commissioner may, without a hearing, order the immediate
2 execution of all or any part of the stayed suspension as to that Respondent, in which event that
3 Respondent shall not be entitled to any repayment nor credit, prorated or otherwise, for money
4 paid to the Bureau under the terms of this Decision.
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6 5. If Respondents pay the monetary penalty, and if no further cause for
7 disciplinary action against the real estate license of Respondents occurs within two (2) years
8 from the effective date of the Decision, the stay hereby granted shall become permanent.

9 B. The remaining sixty (60) days of the ninety (90) day suspension shall be
10 stayed for two (2) years upon the following terms and conditions:

11 1. Respondents shall obey all laws, rules and regulations governing the rights,
12 duties and responsibilities of a real estate licensee in the State of California; and

13 2. That no final subsequent determination be made, after hearing or upon
14 stipulation, that cause for disciplinary action occurred within two (2) years of the effective date
15 of this Decision. Should such a determination be made, the Commissioner may, in his
16 discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed
17 suspension. Should no such determination be made, the stay imposed herein shall become
18 permanent.

19 II. Pursuant to Section 10148 of the Business and Professions Code,
20 Respondents shall pay the sum of \$4,405.82 for the Commissioner's cost of the audits which
21 led to this disciplinary action. Respondents shall be jointly and severally liable for the cost of
22 the audit. Respondents shall pay such cost within sixty (60) days of receiving an invoice
23 therefor from the Commissioner. Payment of audit costs should not be made until Respondents
24 receive the invoice. If Respondents fail to satisfy this condition in a timely manner as provided
25 for herein, Respondent's real estate licenses shall automatically be suspended until payment is
26 made in full, or until a decision providing otherwise is adopted following a hearing held
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1 pursuant to this condition.
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3 Pursuant to Section 10148 of the Code, Respondent shall pay the
4 Commissioner's reasonable cost, not to exceed \$5,507.26, for an audit to determine if
5 Respondents have corrected the violation(s) found in the Determination of Issues. In
6 calculating the amount of the Commissioner's reasonable cost, the Commissioner may use the
7 estimated average hourly salary for all persons performing audits of real estate brokers, and
8 shall include an allocation for travel time to and from the auditor's place of work. Respondents
9 shall pay such cost within sixty (60) days of receiving an invoice therefor from the
10 Commissioner. Payment of the audit costs shall not be made until Respondents receive the
11 invoice. If Respondents fail to satisfy this condition in a timely manner as provided for herein,
12 Respondents' real estate licenses shall automatically be suspended until payment is made in
13 full, or until a decision providing otherwise is adopted following a hearing held pursuant to this
14 condition.

15 III. All licenses and licensing rights of Respondents are indefinitely suspended
16 unless or until Respondents pay the sum of \$2,012.95 for the Commissioner's reasonable cost
17 of the investigation and enforcement which led to this disciplinary action. Said payment shall
18 be in the form of a cashier's check made payable to the Bureau of Real Estate. The
19 investigative and enforcements costs must be delivered to the Bureau of Real Estate, Flag
20 Section at P.O. Box 137013, Sacramento, California 95813-7013, prior to the effective date of
21 this Decision and Order.

22 IV. All licenses and license rights of Respondents are indefinitely suspended
23 unless and until Respondents provide proof of compliance with Financial Code Section
24 4995.2(h)(2) with respect to the refinance of non-compliant loans. Respondents shall provide
25 the following:

26 A. As to the Ada and Saul Guerro loan, Respondents shall provide full size
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1 signed copies of the HUD-1, the Good Faith Estimate, and the Truth-in-Lending statement
2 applicable to the September, 2014, refinancing loan. Additionally, Respondents shall provide
3 proof of restitution payment to the borrowers for the period November 18, 2013, to September
4 12, 2014, along with Respondents' calculation of same. The foregoing must be delivered to the
5 Bureau's counsel, Cheryl Keily, at 320 W. 4th Street, Suite 350, Los Angeles, California 90013
6 prior to the effective date of this Decision and Order.
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8 B. As to the Jorge Aceves loan, Respondents shall provide full size signed
9 copies of the HUD-1, the Good Faith Estimate, and the Truth-in-Lending statement applicable
10 to any loan refinancing or modification of the loan made to Jorge Aceves in September, 2013.
11 Additionally, Respondents shall provide proof of restitution to the borrower for the period
12 September 13, 2013, to the closing date of any refinance or modifying loan (as stated in the
13 HUD-1), along with Respondents' calculation of same. The foregoing must be delivered to the
14 Bureau's counsel, Cheryl Keily, at 320 W. 4th Street, Suite 350, Los Angeles, California 90013
15 prior to the effective date of the Decision and Order in this matter.
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17 DATED: July 5, 2017

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19 Cheryl D. Keily, Counsel
20 BUREAU OF REAL ESTATE

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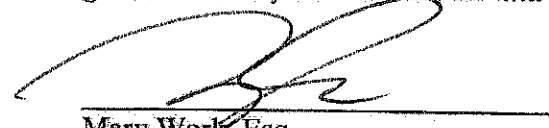
22 I have read the Stipulation and Agreement, and its terms are understood by me
23 and are agreeable and acceptable to me. I understand that I am waiving rights given to me by
24 the APA (including but not limited to Sections 11506, 11508, 11509 and 11513 of the
25 Government Code), and I willingly, intelligently and voluntarily waive those rights, including
26 the right of requiring the Commissioner to prove the allegations in the Accusation at a hearing
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1 at which I would have the right to cross-examine witnesses against me and to present evidence
2 in defense and mitigation of the charges.

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4 Respondents can signify acceptance and approval of the terms and conditions of
5 this Stipulation and Agreement by sending a hard copy of the original signed Stipulation and
6 Agreement to Cheryl Keily at the Bureau of Real Estate, 320 W. 4th Street, Ste. 350, Los
7 Angeles, California 90013. In the event of time constraints before an administrative hearing,
8 Respondents may signify acceptance and approval of the terms and conditions of this
9 Stipulation and Agreement by e-mailing a scanned copy of the signature page, as actually
10 signed by Respondents, to Cheryl Keily whose e-mail address is
11 cheryl.keily@dre.ca.gov. Respondents agree, acknowledge and understand that by
12 electronically sending the Bureau a scan of Respondents' actual signatures as they appear on
13 the Stipulation and Agreement that receipt of the scan by the Bureau shall be as binding on
14 Respondents as if the Bureau had received the original signed Stipulation and Agreement.
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16 *I have reviewed the Stipulation and Agreement as to form and content and have*
17 *advised my clients accordingly.*

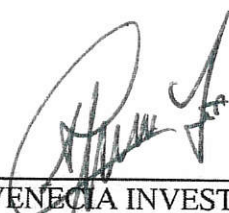
18 DATED: 7/7/17



Mary Work, Esq.
Attorney for Respondents
VENECIA INVESTMENTS
INCORPORATED; ABAD
CABRERA

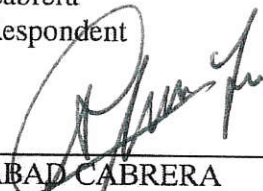
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DATED: 06/15/2017



VENECIA INVESTMENTS
INCORPORATED by Abad
Cabrera
Respondent

DATED: 06/15/2017



ABAD CABRERA
Respondent

* * *

The foregoing Stipulation and Agreement is hereby adopted as my Decision in this matter and shall become effective at 12 o'clock noon on August 30, 2017.

IT IS SO ORDERED Aug. 4, 2017.

REAL ESTATE COMMISSIONER


WAYNE S. BELL