

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

4 (213) 576-6982

**FILED**

**JUL 02 2018**

**BUREAU OF REAL ESTATE**

By *Angela Danner*

8 **BEFORE THE BUREAU OF REAL ESTATE**  
9 **STATE OF CALIFORNIA**

10 \* \* \*

11 In the Matter of the Accusation of

No. H-40894 LA

12  
13 PONDICO INC and  
14 ROBERT DEVIO SABILLO,  
15 individually and as designated officer  
16 of Pondco Inc,

**STIPULATION AND AGREEMENT**

17 Respondent.

18 It is hereby stipulated by and between Respondents PONDICO INC ("PONDICO")  
19 and ROBERT DEVIO SABILLO ("SABILLO"), both represented by Frank M. Buda, Esq./The  
20 Law Offices of Frank M. Buda, and the Complainant, acting by and through Julie L. To,  
21 Counsel for the Bureau of Real Estate, as follows for the purpose of settling and disposing of the  
22 Accusation filed on December 20, 2017 in Case No. H-40894 LA in this matter:

23 1. All issues which were to be contested and all evidence which was to be  
24 presented by Complainant and Respondents at a formal hearing on the Accusation, which  
25 hearing was to be held in accordance with the provisions of the Administrative Procedure Act  
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27 CalBRE Stipulation & Agreement – PONDICO INC & ROBERT DEVIO SABILLO, H-40894 LA

1 ("APA"), shall instead and in place thereof be submitted solely on the basis of the provisions of  
2 this Stipulation and Agreement ("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 of Real Estate in  
5 this proceeding.

6                 3. On January 3, 2018, Respondents filed their Notices of Defense pursuant to  
7 Section 11506 of the Government Code for the purpose of requesting a hearing on the  
8 allegations in the Accusation. Respondents hereby freely and voluntarily withdraw their Notices  
9 of Defense. Respondents acknowledge that they understand that by withdrawing said Notices of  
10 Defense they thereby waive their right to require the Commissioner to prove the allegations in  
11 the Accusation at a contested hearing held in accordance with the provisions of the APA and  
12 that they will waive other rights afforded to them in connection with the hearing such as the  
13 right to present evidence in defense of the allegations in the Accusation and the right to cross-  
14 examine witnesses.

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

21                 5. This Stipulation is made for the purpose of reaching an agreed disposition of  
22 this proceeding and is expressly limited to this proceeding and any other proceeding or case in  
23 which the Bureau of Real Estate ("Bureau") or another licensing agency of this state, another  
24 state or if the federal government is involved, and otherwise shall not be admissible in any other  
25 criminal or civil proceeding.

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

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

12           8. Respondents understand that by agreeing to this Stipulation and Agreement,  
13 Respondents agree to pay, pursuant to Section 10148 of the Code, the cost of the audit which  
14 resulted in the determination that Respondents committed the violations found in the  
15 Determination of Issues. The amount of said costs for the original audit (Audit No. LA150156)  
16 is \$7,333.32. Respondents agree to pay, pursuant to Section 10148 of the Code, to pay  
17 \$7,333.32 for the cost of Audit No. LA150156.

18           9. Respondents have received, read, and understand the "Notice Concerning  
19 Costs of Subsequent Audit." Respondents further understand that by agreeing to this Stipulation,  
20 the findings set forth below in the Determination of Issues become final, and the Commissioner  
21 may charge Respondents for the cost of any subsequent audits conducted pursuant to Business  
22 and Professions Code Section 10148 to determine if the violations have been corrected. The  
23 maximum cost of the follow-up audits will not exceed one hundred twenty-five percent (125%)  
24 of the cost of the original audit. In the instant case, the total cost of the original audit LA150156  
25 is \$7,333.32, and the maximum cost of the follow-up audit will not exceed \$9,166.65.

1 Therefore, Respondents may be charged a maximum of \$9,166.65 in the event of a subsequent  
2 audit.

3 10. Respondents understand that by agreeing to this Stipulation and Agreement,  
4 Respondents agree to pay, pursuant to Section 10106 of the California Business and Professions  
5 Code ("Code"), the cost of the investigation and enforcement which resulted in the  
6 determination that Respondents committed the violations found in the Determination of Issues.  
7 The amount of said costs is \$2,329.75; therefore, Respondents agree to pay, pursuant to Section  
8 10106 of the Code, \$2,329.75 for investigation and enforcement costs.

9 DETERMINATION OF ISSUES

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

13 The conduct, acts or omissions of Respondents PONDCO and SABILLO, as  
14 described in Paragraph 4, herein above, are in violation of: Business and Professions Code  
15 ("Code") Section 10145 and Regulation 2832.1; Code Section 10145 and Regulation 2831; Code  
16 Section 10145 and Regulation 2831.1; Code Section 10145 and Regulation 2831.2; Code Section  
17 10145 and Regulation 2832; Code Section 10145 and Regulation 2834; and [as to Respondent  
18 SABILLO only] Code Section 10159.2 and Regulation 2725, and are bases for the suspension or  
19 revocation of Respondents PONDCO and SABILLO's licenses and license rights as violations  
20 of the Real Estate Law pursuant to Code Sections 10177(d), 10177(g), and 10177(h) (SABILLO).

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All licenses and licensing rights of Respondents PONDCO INC and ROBERT

1. One hundred and twenty (120) days of said suspension shall be stayed for two

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

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

1 handling courses must be delivered to the Bureau of Real Estate, Flag Section, at P.O. Box  
2 137013, Sacramento, CA 95813-7013 or by fax at 916-263-8758, prior to the effective date of  
3 this Decision and Order.

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

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

19 5. All licenses and licensing rights of Respondents are indefinitely suspended  
20 unless or until Respondents pay the sum of \$2,329.75 for the Commissioner's reasonable cost of  
21 the investigation and enforcement which led to this disciplinary action. Said payment shall be in  
22 the form of a cashier's check or certified check made payable to the Bureau of Real Estate. The  
23 investigation and enforcement costs must be delivered to the Bureau of Real Estate, Flag Section  
24 at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this Decision and  
25 Order.



1                    6. Pursuant to Section 10148 of the Code, Respondents shall pay the sum of  
2     \$7,333.32 for the Commissioner's cost of the audit which led to this disciplinary action.  
3     Respondents shall pay such cost within sixty (60) days of receiving an invoice therefore from the  
4     Commissioner. Payment of audit costs should not be made until Respondents receive the  
5     invoice. If Respondents fail to satisfy this condition in a timely manner as provided for herein,  
6     Respondents' real estate license shall automatically be suspended until payment is made in full,  
7     or until a decision providing otherwise is adopted following a hearing held pursuant to this  
8     condition.

9     DATED: 6-12-18



Julie L. To, Counsel for Complainant

\* \* \*

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

20                    Respondents shall send a hard copy of the original signed Stipulation and  
21     Agreement to: Julie L. To, Bureau of Real Estate, 320 West Fourth Street, Suite 350, Los  
22     Angeles, CA 90013. In the event of time constraints before an administrative hearing,  
23     Respondents can signify acceptance and approval of the terms and conditions of this Stipulation  
24     and Agreement by emailing a scanned copy of the signature page, as actually signed by  
25     Respondents, to the Bureau counsel assigned to this case. Respondents agree, acknowledge and  
26

1 understand that by electronically sending the Bureau a scan of Respondents' actual signatures as  
2 they appear on the Stipulation and Agreement, that receipt of the scan by the Bureau shall be  
3 binding on Respondents as if the Bureau had received the original signed Stipulation and  
4 Agreement.

5  
6 DATED: 6-7-18

[Signature]  
ROBERT DEVIO SABILLO, Respondent

7  
8 DATED: 6-7-18

[Signature]  
PONDICO INC, Respondent  
by ROBERT DEVIO SABILLO, Designated Officer

9  
10  
11 *I have reviewed the Stipulation and Agreement as to form and content and have*  
12 *advised my clients accordingly.*

13 DATED: 6-7-18

[Signature]  
Frank M. Buda, Attorney for Respondents  
ROBERT DEVIO SABILLO and PONDICO INC

15 \* \* \*

16  
17 The foregoing Stipulation and Agreement is hereby adopted as my Decision in  
18 this matter and shall become effective at 12 o'clock noon on \_\_\_\_\_.

19 IT IS SO ORDERED \_\_\_\_\_.

20 REAL ESTATE COMMISSIONER

21  
22 WAYNE S. BELL

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27 CalBRE Stipulation & Agreement - PONDICO INC & ROBERT DEVIO SABILLO, H-40894 LA



1 understand that by electronically sending the Bureau a scan of Respondents' actual signatures as  
2 they appear on the Stipulation and Agreement, that receipt of the scan by the Bureau shall be  
3 binding on Respondents as if the Bureau had received the original signed Stipulation and  
4 Agreement.

5  
6 DATED: \_\_\_\_\_

7 ROBERT DEVIO SABILLO, Respondent

8 DATED: \_\_\_\_\_

9 PONDICO INC, Respondent  
10 by: ROBERT DEVIO SABILLO, Designated Officer

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

13 DATED: \_\_\_\_\_

14 Frank M. Buda, Attorney for Respondents  
15 ROBERT DEVIO SABILLO and PONDICO INC

16 \* \* \*

17 The foregoing Stipulation and Agreement is hereby adopted as my Decision in  
18 this matter and shall become effective at 12 o'clock noon on JUL 23 2018

19 IT IS SO ORDERED June 25, 2018

20 WAYNE S. BELL  
21 REAL ESTATE COMMISSIONER

22 

23 By: DANIEL J. SANDRI  
24 Chief Deputy Commissioner