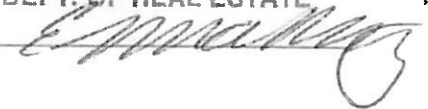


FILED

AUG 05 2021

DEPT. OF REAL ESTATE

By



BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of	)	No. H-41506 LA
	)	
REAL PROPERTY MORTGAGE, INC.,	)	<u>STIPULATION AND AGREEMENT</u>
doing business as Real Property	)	
Investments and Real Property	)	
Mortgage and Investments, and	)	
LUCIOUS ALEXANDER DOMIO,	)	
individually and as designated officer	)	
of Real Property Mortgage, Inc.,	)	
	)	
Respondents.	)	
	)	

It is hereby stipulated by and between Respondents REAL PROPERTY MORTGAGE, INC. and LUCIOUS ALEXANDER DOMIO ("Respondents"), represented by Ronald Talmo, and the Complainant, acting by and through Steve Chu, Counsel for the Department of Real Estate ("Department"), as follows for the purpose of settling and disposing of the Accusation filed on September 25, 2019, in this matter:

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1           1.       All issues which were to be contested and all evidence which was to be  
2 presented by Complainant and Respondents at a formal hearing on the Accusation, which  
3 hearing was to be held in accordance with the provisions of the Administrative Procedure Act  
4 ("APA"), shall instead and in place thereof be submitted solely on the basis of the provisions of  
5 this Stipulation and Agreement ("Stipulation").

6           2.       Respondents have received, read and understand the Statement to  
7 Respondent, the Discovery Provisions of the APA, and the Accusation filed by the Department  
8 of Real Estate in this proceeding.

9           3.       On October 9, 2019, 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 Accusation. Respondents hereby freely and voluntarily withdraw said Notice  
12 of Defense. Respondents acknowledge that Respondents understand that by withdrawing said  
13 Notice of Defense, Respondents will thereby waive Respondents' right to require the Real  
14 Estate Commissioner ("Commissioner") to prove the allegations in the Accusation at a  
15 contested hearing held in accordance with the provisions of the APA and that Respondents will  
16 waive other rights afforded to Respondents in connection with the hearing such as the right to  
17 present evidence in defense of the allegations in the Accusation and the right to cross-examine  
18 witnesses.

19           4.       Respondents, pursuant to the limitations set forth below, hereby admit  
20 that the factual allegations in the Accusation filed in this proceeding are true and correct and the  
21 Commissioner shall not be required to provide further evidence to prove such allegations.

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

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

12                               DETERMINATION OF ISSUES

13           By reason of the foregoing stipulations, admissions, and waivers, and solely for  
14 the purpose of settlement of the pending Accusation without a hearing, it is stipulated and  
15 agreed that the following Determination of Issues shall be made:

16                               I.

17           The conduct, acts, and/or omissions of Respondent REAL PROPERTY  
18 MORTGAGE, INC., as described in the Accusation, constitute cause for the suspension or  
19 revocation of all real estate licenses, license endorsements, and license rights of Respondent  
20 REAL PROPERTY MORTGAGE, INC. under California Business and Professions Code  
21 ("Code") section 10177(g) for violation of Code section 10145 and Title 10, Chapter 6,  
22 California Code of Regulations ("Regulations") sections 2831, 2831.1, 2831.2, 2832, 2832.1,  
23 and 2834.

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1 II.

2 The conduct, acts, and/or omissions of Respondent LUCIOUS ALEXANDER  
3 DOMIO, as described in the Accusation, constitute cause for the suspension or revocation of all  
4 real estate licenses, license endorsements, and license rights of Respondent LUCIOUS  
5 ALEXANDER DOMIO under Code section 10177(h) for violation of Code section 10159.2  
6 and Regulations section 2725.

7 ORDER

8 I.

9 All licenses, license endorsements, and license rights of Respondent REAL  
10 PROPERTY MORTGAGE, INC. under the Real Estate Law are suspended for a period of  
11 thirty (30) days from the effective date of this Decision and Order; provided, however, that:

12 1. Thirty (30) days of said suspension shall be stayed for two (2) years upon  
13 the following terms and conditions:

- 14 a. Respondent shall obey all laws, rules, and regulations governing  
15 the rights, duties, and responsibilities of a real estate licensee in the  
16 State of California.
- 17 b. No final determination be made after hearing or upon stipulation  
18 that cause for disciplinary action against any of the real estate  
19 licenses, license endorsements, and license rights of Respondent  
20 occurred within two (2) years from the effective date of this Decision  
21 and Order. Should such a determination be made, the Commissioner  
22 may, in his discretion, vacate and set aside the stay order and  
23 reimpose all or a portion of the stayed suspension. Should no such  
24 determination be made, the stay imposed herein shall become  
25 permanent.

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1           2.       All licenses, license endorsements, and license rights of REAL  
2       PROPERTY MORTGAGE, INC. are indefinitely suspended unless or until Respondent REAL  
3       PROPERTY MORTGAGE, INC. pays, jointly and severally with Respondent LUCIOUS  
4       ALEXANDER DOMIO, the sum of \$8,733.51 for the Commissioner's cost of the audit which  
5       led to this disciplinary action. Respondent REAL PROPERTY MORTGAGE, INC. shall pay  
6       such cost within sixty (60) days of receiving an invoice therefore from the Commissioner. Said  
7       payment shall be in the form of a cashier's check made payable to the Department of Real  
8       Estate. The audit cost must be delivered to the Department of Real Estate, Flag Section at  
9       P.O. Box 137013, Sacramento, CA 95813-7013.

10           3.       All licenses, license endorsements, and license rights of Respondent  
11       REAL PROPERTY MORTGAGE, INC. are indefinitely suspended unless or until Respondent  
12       REAL PROPERTY MORTGAGE, INC. pays, jointly and severally with Respondent  
13       LUCIOUS ALEXANDER DOMIO, the sum of \$2,225.00 for the Commissioner's reasonable  
14       cost of the investigation and enforcement which led to this disciplinary action. Said payment  
15       shall be in the form of a cashier's check made payable to the Department of Real Estate. The  
16       investigative and enforcement costs must be delivered to the Department of Real Estate, Flag  
17       Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this  
18       Decision and Order.

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4. Respondent REAL PROPERTY MORTGAGE, INC. shall pay the Commissioner's reasonable cost, not to exceed \$10,916.88, for any subsequent audit to determine if Respondent REAL PROPERTY MORTGAGE, INC. has corrected the violations found in the Determination of Issues. In calculating the amount of the Commissioner's reasonable cost, the Commissioner may use the estimated average hourly salary for all persons performing audits of real estate brokers, and shall include an allocation for travel time to and from the auditor's place of work. Respondent REAL PROPERTY MORTGAGE, INC. shall pay such cost within sixty (60) days of receiving an invoice therefore from the Commissioner. If Respondent REAL PROPERTY MORTGAGE, INC. fails to satisfy this condition in a timely manner as provided for herein, Respondent REAL PROPERTY MORTGAGE, INC.'S real estate licenses, license endorsements, and license rights shall automatically be suspended until payment is made in full, or until a decision providing otherwise is adopted following a hearing held pursuant to this condition.

## II.

All licenses, license endorsements, and license rights of Respondent LUCIOUS ALEXANDER DOMIO under the Real Estate Law are suspended for a period of thirty (30) days from the effective date of this Decision and Order; provided, however, that:

1. Thirty (30) days of said suspension shall be stayed for two (2) years upon the following terms and conditions:

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

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1                   b.       No final determination be made after hearing or upon stipulation  
2                   that cause for disciplinary action against any of the real estate  
3                   licenses, license endorsements, and license rights of Respondent  
4                   occurred within two (2) years from the effective date of this Decision  
5                   and Order. Should such a determination be made, the Commissioner  
6                   may, in his discretion, vacate and set aside the stay order and  
7                   reimpose all or a portion of the stayed suspension. Should no such  
8                   determination be made, the stay imposed herein shall become  
9                   permanent.

10                2.       All licenses, license endorsements, and license rights of Respondent are  
11 indefinitely suspended unless or until Respondent provides proof satisfactory to the  
12 Commissioner of having taken and successfully completed the continuing education course on  
13 trust fund accounting and handling specified in Code section 10170.5(a)(3). Proof of  
14 satisfaction of this requirement includes evidence that Respondent has successfully completed  
15 the trust fund accounting and handling continuing education course within one hundred twenty  
16 (120) days prior to the effective date of this Decision and Order. Proof of completion of the  
17 trust fund accounting and handling course must be delivered to the Department of Real Estate,  
18 Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of  
19 this Decision and Order.

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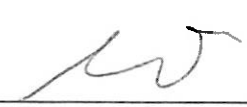
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1                   3.       All licenses, license endorsements, and license rights of Respondent  
2 LUCIOUS ALEXANDER DOMIO are indefinitely suspended unless or until Respondent  
3 LUCIOUS ALEXANDER DOMIO pays, jointly and severally with Respondent REAL  
4 PROPERTY MORTGAGE, INC., the sum of \$8,733.51 for the Commissioner's cost of the  
5 audit which led to this disciplinary action. Respondent LUCIOUS ALEXANDER DOMIO  
6 shall pay such cost within sixty (60) days of receiving an invoice therefore from the  
7 Commissioner. Said payment shall be in the form of a cashier's check made payable to the  
8 Department of Real Estate. The audit cost must be delivered to the Department of Real Estate,  
9 Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013.

10                   4.       All licenses, license endorsements, and license rights of Respondent  
11 LUCIOUS ALEXANDER DOMIO are indefinitely suspended unless or until Respondent  
12 LUCIOUS ALEXANDER DOMIO pays, jointly and severally with Respondent REAL  
13 PROPERTY MORTGAGE, INC., the sum of \$2,225.00 for the Commissioner's reasonable  
14 cost of the investigation and enforcement which led to this disciplinary action. Said payment  
15 shall be in the form of a cashier's check made payable to the Department of Real Estate. The  
16 investigative and enforcement costs must be delivered to the Department of Real Estate, Flag  
17 Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this  
18 Decision and Order.

19  
20 DATED: 6-10-2021

  
\_\_\_\_\_  
Steve Chu, Counsel  
Department of Real Estate

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We have read the Stipulation and Agreement. We understand that we are waiving rights given to us by the California Administrative Procedure Act, (including but not limited to sections 11521 and 11523 of the Government Code), and we willingly, intelligently, and voluntarily waive those rights, including the right to seek reconsideration and the right to seek judicial review of the Commissioner's Decision and Order by way of a writ of mandate.

We agree, acknowledge, and understand that we cannot rescind or amend this Stipulation and Agreement.

We can signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by mailing the original signed Stipulation and Agreement to: Steve Chu, Department of Real Estate, 320 West 4th Street, Suite 350, Los Angeles, California 90013-1105. Steve Chu must receive the original signed Stipulation and Agreement or a copy faxed to (213) 576-6917 by April 28, 2021; if not, this Stipulation and Agreement is invalid and void because the sum for the Commissioner's reasonable cost of the investigation and enforcement which led to this disciplinary action will increase.

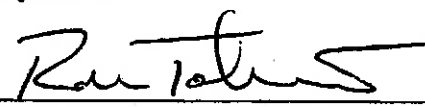
DATED: 4-26-2021

  
REAL PROPERTY MORTGAGE, INC.  
Respondent  
By LUCIOUS ALEXANDER DOMIO,  
as designated officer of  
Real Property Mortgage, Inc.

DATED: 4-26-2021

  
LUCIOUS ALEXANDER DOMIO  
Respondent

DATED: 4/26/2021

  
Ronald Talmo  
Counsel for Respondents  
Approved as to Form

1 \* \* \*

2 We have read the Stipulation and Agreement. We understand that we are  
3 waiving rights given to us by the California Administrative Procedure Act, (including but not  
4 limited to sections 11521 and 11523 of the Government Code), and we willingly, intelligently,  
5 and voluntarily waive those rights, including the right to seek reconsideration and the right to  
6 seek judicial review of the Commissioner's Decision and Order by way of a writ of mandate.

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10 Stipulation and Agreement by mailing the original signed Stipulation and Agreement to:  
11 Steve Chu, Department of Real Estate, 320 West 4th Street, Suite 350, Los Angeles,  
12 California 90013-1105. Steve Chu must receive the original signed Stipulation and Agreement  
13 or a copy faxed to (213) 576-6917 by April 28, 2021; if not, this Stipulation and Agreement is  
14 invalid and void because the sum for the Commissioner's reasonable cost of the investigation  
15 and enforcement which led to this disciplinary action will increase.

16  
17 DATED: \_\_\_\_\_

18 REAL PROPERTY MORTGAGE, INC.  
19 Respondent  
20 By LUCIOUS ALEXANDER DOMIO,  
21 as designated officer of  
22 Real Property Mortgage, Inc.

23  
24 DATED: \_\_\_\_\_

25 LUCIOUS ALEXANDER DOMIO  
26 Respondent

27 DATED: \_\_\_\_\_

Ronald Talmo  
Counsel for Respondents  
Approved as to Form

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The foregoing Stipulation and Agreement is hereby adopted by me as my  
Decision in this matter as to Respondents REAL PROPERTY MORTGAGE, INC. and  
LUCIOUS ALEXANDER DOMIO, and shall become effective at 12 o'clock noon  
on 9/3/2021.

IT IS SO ORDERED 7.15.21

DOUGLAS R. McCAULEY  
REAL ESTATE COMMISSIONER

Douglas R. McCauley