

FILED

DEC 16 2024

DEPT. OF REAL ESTATE

By 

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Attorney for Respondents SARINANA, INC., DAVID SARINANA, RUBEN SARINANA, JR., and KAREN YADIRA CASTILLO

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of

Case No: H-42813 LA

SARINANA, INC., DAVID SARINANA,
individually and as designated
officer/officer of Sarinana, Inc., RUBEN
SARINANA, JR., AND KAREN YADIRA
CASTILLO

**STIPULATION AND AGREEMENT IN
SETTLEMENT AND ORDER**

Respondent(s).

It is hereby stipulated by and between SARINANA, INC., DAVID SARINANA, RUBEN SARINANA, JR., and KAREN YADIRA CASTILLO (collectively "Respondents"), acting by and through their attorney Andrew L. Leff, and the Complainant, acting by and through Kevin H. Sun, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on April 3, 2024, 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 ("APA"), shall instead and in place thereof be submitted on the basis of the provisions of this Stipulation and Agreement in Settlement and Order ("Stipulation and Agreement").

2. Respondents have received, read and understand the Statement to Respondents, the Discovery Provisions of the APA and the Accusation filed by the Department of Real Estate ("Department") in this proceeding.

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1 3. On or about April 18, 2024, Respondents filed a Notices of Defense
2 pursuant to Section 11506 of the Government Code for the purpose of requesting a
3 hearing on the allegations in the Accusation in Case No. H-42813 LA. Respondents
4 hereby freely and voluntarily withdraw such Notices of Defense. Respondents
5 acknowledge that they understand that by withdrawing such Notices of Defense that
6 Respondents thereby waive their right to require the Real Estate Commissioner
7 ("Commissioner") to prove the allegations in the Accusation at a contested hearing held
8 in accordance with the provisions of the APA and that Respondents will waive other
9 rights afforded to them in connection with the hearing such as the right to present
10 evidence in their defense of the allegations in the Accusation and the right to cross-
11 examine witnesses.

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

19 5. This Stipulation and Agreement and Respondents' decision not to contest
20 the allegations in the Accusation are made for the purpose of reaching an agreed
21 settlement of this proceeding and are expressly limited to this proceeding and any other
22 proceeding or case in which the Department, the state of federal government, an agency
23 of this state, or an agency of another state is involved and otherwise shall not be
24 admissible in any other criminal or civil proceeding.

25 6. It is understood by the parties hereto that the Commissioner may adopt this
26 Stipulation and Agreement as his/her decision in this matter thereby imposing the penalty
27 and sanctions of Respondents' real estate licenses and license rights as set forth in the
28 below "Order". In the event that the Commissioner in his/her discretion does not adopt

1 this Stipulation and Agreement, this Stipulation and Agreement shall be void and of no
2 effect, and Respondents shall retain the right to a hearing and proceed on the Accusation
3 under all the provisions of the APA and shall not be bound by any stipulation or waiver
4 made herein.

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

9 **DETERMINATION OF ISSUES**

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

13 1. The conduct, acts and/or omissions of Respondents SARINANA INC,
14 RUBEN SARINANA, JR., and KAREN YADRIA CASTILLO, as described in the
15 Accusation, are in violation of Business and Professions Code ("Code") Section 10137
16 and are a grounds for disciplinary action against said Respondents' licenses and license
17 rights under the provisions of Code Sections 10177(d) and 10177(g).

18 2. The conduct, acts and/or omissions of Respondent DAVID SARINANA, as
19 described in the Accusation, are in violation of Title 10, Chapter 6, California Code of
20 Regulations ("Regulations") 2725 and are a grounds for disciplinary action against said
21 Respondent's licenses and license rights under the provisions of Code Sections
22 10177(d), 10177(g), and 10177(h).

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All licenses and licensed rights of Respondent SARINANA INC under the Real Estate Law are revoked; provided, however, a restricted real estate corporate license shall be issued to Respondent pursuant to Section 10156.5 of the Business and Professions Code if Respondent makes application therefor and pays to the Department 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 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:

2. The restricted license issued to Respondent 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 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 two (2) year has elapsed from the effective date of this Decision and Order. Respondent shall not be eligible to apply for any unrestricted licenses until all restrictions attaching to the license have been removed.

4. Respondent shall, within nine (9) months from the effective date of this Order, present evidence satisfactory to the Commissioner that Respondent has, since the most recent issuance of an original or renewal real estate license, taken and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate license. If Respondent fails to satisfy this condition, Respondent's real estate license shall automatically be suspended until Respondent presents evidence satisfactory to the Commissioner of having taken and successfully completed the continuing education requirements. Proof of completion of the continuing education courses must be delivered to the Department of Real Estate, Flag Section at 651 Bannon Street, Suite 504, Sacramento, CA 95811.

II.

(DAVID SARINANA)

All licenses and licensed rights of Respondent DAVID SARINANA under the Real Estate Law are revoked; provided, however, a restricted real estate broker license shall be issued to Respondent pursuant to Section 10156.5 of the Business and Professions Code if Respondent makes application therefor and pays to the Department 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 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 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 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,

1 the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions
2 attaching to the restricted license.

3 3. Respondent shall not be eligible to petition for the issuance of any
4 unrestricted real estate license nor for removal of any of the conditions, limitations or
5 restrictions of a restricted license until two (2) year has elapsed from the effective date of
6 this Decision and Order. Respondent shall not be eligible to apply for any unrestricted
7 licenses until all restrictions attaching to the license have been removed.

8 4. Respondent shall, within nine (9) months from the effective date of this
9 Order, present evidence satisfactory to the Commissioner that Respondent has, since the
10 most recent issuance of an original or renewal real estate license, taken and successfully
11 completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real
12 Estate Law for renewal of a real estate license. If Respondent fails to satisfy this
13 condition, Respondent's real estate license shall automatically be suspended until
14 Respondent presents evidence satisfactory to the Commissioner of having taken and
15 successfully completed the continuing education requirements. Proof of completion of
16 the continuing education courses must be delivered to the Department of Real Estate,
17 Flag Section at 651 Bannon Street, Suite 504, Sacramento, CA 95811.

18 III.

19 (RUBEN SARINANA, JR.)

20 All licenses and licensing rights of Respondent RUBEN SARINANA, JR. under the
21 Real Estate Law are suspended for a period of 30 days from the effective date of this
22 Decision and Order; provided, however, that:

23 1. 30 days of said suspension shall be stayed for two (2) years upon the
24 following terms and conditions:

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

28 b. That no final subsequent determination be made, after hearing or
upon stipulation, that cause for disciplinary action occurred within two (2)

1 years from the effective date of this Decision and Order. Should such a
2 determination be made, the Commissioner may, in his discretion, vacate
3 and set aside the stay order and reimpose all or a portion of the stayed
4 suspension. Should no such determination be made, the stay imposed
5 herein shall become permanent.

6 IV.

7 (KAREN YADIRA CASTILLO)

8 All licenses and licensing rights of Respondent KAREN YADIRA CASTILLO under
9 the Real Estate Law are suspended for a period of 30 days from the effective date of this
10 Decision and Order; provided, however, that:

11 1. 30 days of said suspension shall be stayed for two (2) years upon the
12 following terms and conditions:

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

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

23 V.

24 (SARINANA, INC., DAVID SARINANA, RUBEN SARINANA, JR., and KAREN YADIRA
25 CASTILLO)

26 1. All licenses and licensing rights of Respondents are indefinitely suspended
27 unless or until Respondents pays the sum of \$ 6,672.96 for the Commissioner's
28 reasonable cost of the investigation and enforcement which led to this disciplinary action.
Said payment shall be in the form of a cashier's check made payable to the Department

1 of Real Estate. The investigative and enforcement costs must be delivered to the
2 Department of Real Estate, Flag Section, prior to the effective date of this Order, at 651
3 Bannan Street, Suite 504, Sacramento, CA 95811.

4
5 10/21/2024
6 DATED

KEVIN H. SUN, ESQ.

7 * * * *

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

16 Respondents can signify acceptance and approval of the terms and conditions of
17 this Stipulation and Agreement by emailing a copy of their signature pages to
18 Kevin.Sun@dre.ca.gov. Respondents agree, acknowledge and understand that by
19 emailing a copy of Respondents' actual signatures as they appear on this Stipulation and
20 Agreement, that receipt by the Department shall be as binding on Respondents as if the
21 Department had received the originally-signed Stipulation and Agreement.

22
23 10-09-2024
24 DATED

By: David Samirana

25
26 10-09-2024
27 DATED

DAVI

1 10-9-2024

2 DATED

3
4 DATED

KAREN YADIRA CASTILLO

5 * * * *

6 I have reviewed this Stipulation and Agreement as to form and content and have
7 advised my clients accordingly.

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9
10 DATED

ANDREW

Attorney for Respondents

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12
13 The foregoing Stipulation and Agreement in Settlement and Order is hereby
14 adopted as my Decision as to Respondents SARINANA, INC., DAVID SARINANA,
15 RUBEN SARINANA, JR., and KAREN YADIRA CASTILLO in this matter and shall
16 become effective at 12 o'clock noon on _____, 2024.

17
18 IT IS SO ORDERED: _____, 2024.

19
20 CHIKA SUNQUIST
21 REAL ESTATE COMMISSIONER

22
23 By: Marcus L. McCarther
24 Chief Deputy Real Estate Commissioner

1 10-9-2024
2 DATED

3 10-10-2024
4 DATED LO

5 *****

6 I have reviewed this Stipulation and Agreement as to form and content and have
7 advised my clients accordingly.

8
9 10-9-24
10 DATED ANDRE
11 Attorney

12 *****

13 The foregoing Stipulation and Agreement in Settlement and Order is hereby
14 adopted as my Decision as to Respondents SARINANA, INC., DAVID SARINANA,
15 RUBEN SARINANA, JR., and KAREN YADIRA CASTILLO in this matter and shall
16 become effective at 12 o'clock noon on _____, 2024.

17
18 IT IS SO ORDERED: _____, 2024.

19
20 CHIKA SUNQUIST
21 REAL ESTATE COMMISSIONER

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23 By: Marcus L. McCarther
24 Chief Deputy Real Estate Commissioner
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4 DATED

RUBEN SARINANA, JR.

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8 DATED

KAREN YADIRA CASTILLO

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10 * * * *

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

13
14 DATED

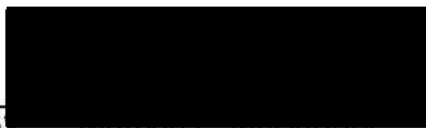
ANDREW L. LEFF, ESQ.
Attorney for Respondents

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16 * * * *

17 The foregoing Stipulation and Agreement in Settlement and Order is hereby
18 adopted as my Decision as to Respondents SARINANA, INC., DAVID SARINANA,
19 RUBEN SARINANA, JR., and KAREN YADIRA CASTILLO in this matter and shall
20 become effective at 12 o'clock noon on JAN 15 2025, 2024.

21 IT IS SO ORDERED: 12/10/24, 2024.

22
23 CHIKA SUNQUIST
REAL ESTATE COMMISSIONER

24 By: 
Chief Deputy Real Estate Commissioner