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FILED

JUN 10 2026

DEPT. OF REAL ESTATE
By- [REDACTED]

10 DEPARTMENT OF REAL ESTATE
11 STATE OF CALIFORNIA

12 * * * * *

13 In the Matter of the Accusation against) No. H-43216 LA
14 ROSEMARIE SCHIAVI) ACCUSATION
15 and)
16 RAFAEL RICARDO GONZALEZ,)
17 Respondents.)
18)
19)

20 The Complainant, Ray Dagnino, acting in his official capacity as a Supervising
21 Special Investigator of the State of California, for cause of Accusation against ROSEMARIE
22 SCHIAVI and RAFAEL RICARDO GONZALEZ is informed and alleges as follows:

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25 H-43216 LA: DRE Accusation against Rosemarie Schiavi and Rafael Ricardo Gonzalez
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1. 1.

2 All references to the "Code" are to the California Business and Professions Code
3 and all references to "Regulation" or "Regulations" are to Title 10, Chapter 6, California Code of
4 Regulations.

5 **DRE LICENSE HISTORY**

6 2.

7 **ROSEMARIE SCHIAVI**

8 According to DRE records to date and publicly accessible online at the DRE's
9 website (https://www2.dre.ca.gov/PublicASP/pplinfo.asp?License_id=01786741), Respondent
10 ROSEMARIE SCHIAVI (SCHIAVI) is presently licensed and/or has license rights under the
11 Real Estate Law (Part 1 of Division 4 of the Code) as a real estate salesperson (RES),
12 Department of Real Estate (DRE) license ID 01786741.

13 3.

14 According to DRE records to date and publicly accessible online at the
15 aforementioned DRE website described in Paragraph 2, SCHIAVI was originally licensed on or
16 about August 21, 2007 and the mailing address of record for DRE license ID 01786741 is
17 6695 E. Pacific Coast Hwy, Ste. 150, Long Beach, CA 90803.

18 4.

19 According to DRE records to date and publicly accessible online at the
20 aforementioned DRE website described in Paragraph 2, SCHIAVI's DRE license ID 01786741
21 is affiliated with responsible real estate broker (REB) of record Robert L. Stallings Inc (DRE
22 license ID 01363872). According to the aforementioned DRE website, DRE license ID
23 01786741 was formerly associated with responsible REB of record RAFAEL RICARDO
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1 GONZALEZ, from March 26, 2020 to May 29, 2023 and from July 18, 2023 to February 8,
2 2026.

3 5.

4 According to DRE records to date and publicly accessible online at the
5 aforementioned DRE website described in Paragraph 2, SCHIAVI's RES license (DRE license
6 ID 01786741) will expire on August 20, 2027. Upon license expiration and pursuant to Code
7 Section 10201, Respondent retains renewal rights, and pursuant to Code Section 10103, the DRE
8 retains jurisdiction.

9 6.

10 RAFAEL RICARDO GONZALEZ

11 According to DRE records to date and publicly accessible online at the DRE's
12 website (https://www2.dre.ca.gov/PublicASP/ppinfo.asp?License_id=01705011) Respondent
13 RAFAEL RICARDO GONZALEZ (GONZALEZ) f.k.a. Rafe Ricardo Gonzalez, is presently
14 licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the Code) as
15 a REB, DRE license ID 01705011.

16 7.

17 According to DRE records to date and publicly accessible online at the
18 aforementioned DRE website described in Paragraph 6, GONZALEZ was originally licensed as
19 a RES on or about August 22, 2005 and as a REB on or about May 30, 2019. The mailing
20 address of record for DRE license ID 01705011 is 29416 Spur Ct., Menifee, CA 92584 and the
21 main office address of record is 12440 Firestone Blvd, Suite 260, Norwalk, CA 90650.

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According to DRE records to date and publicly accessible online at the aforementioned DRE website described in Paragraph 6, GONZALEZ' DRE license ID 01705011 has one (1) active DBA for Centerpointe Real Estate, active as of March 25, 2020, and one (1) prior DBA for Centerpointe Real Estate Escrow Division A Non-Independent Broker Escrow, which was active from March 25, 2020 to February 9, 2026.

9.

According to DRE records to date and publicly accessible online at the aforementioned DRE website described in Paragraph 6, GONZALEZ' REB license (DRE license ID 01705011) has three (3) REB associates and 21 RES.

10.

According to DRE records to date and publicly accessible online at the aforementioned DRE website described in Paragraph 6, GONZALEZ' REB license (DRE license ID 01705011) will expire on July 5, 2027. Upon license expiration and pursuant to Code Section 10201, Respondent retains renewal rights, and pursuant to Code Section 10103, the DRE retains jurisdiction.

11.

At all times mentioned, in the State of California, GONZALEZ conducted licensed activities within the meaning of Code Section 10131¹, which require a real estate

¹ Pursuant to Code Section 10131 Broker Defined, "A real estate broker within this meaning of this part is a person who, for a compensation or in expectation of a compensation, regardless of the form or time of payment, does or negotiates to do one or more of the following acts for another or others: (a) Sells or offers to sell, buys or offers to buy, solicits prospective sellers or purchasers of, solicits or obtains listings of, or negotiates the purchase, sale or exchange of real property or a business opportunity. (b) Leases or rents or offers to lease or rent, or places for rent, or solicits listings of places for rent, or solicits for prospective tenants, or negotiates the sale, purchase or exchanges of leases on real property, or on a business opportunity, or collects rents from real property, or improvements

1 license, including, but not limited to activities performed by affiliated REB, RES, and non-
2 RES employees and agents.

3 **APPLICABLE SECTIONS OF THE REAL ESTATE LAW**

4 12.

5 **License Required**

6 **Code Section 10130**

7 Pursuant to Code Section 10130 *License Required:*

8 "It is unlawful for any person to engage in the business of, act in the capacity of,
9 advertise as, or assume to act as a real estate broker or a real estate salesperson within this state
10 without first obtaining a real estate license from the department, or to engage in the business of,
11 act in the capacity of, advertise as, or assume to act as a mortgage loan originator within this
12 state without having obtained a license endorsement. The commissioner may prefer a complaint
13 for violation of this section before any court of competent jurisdiction, and the commissioner and
14 his or her counsel, deputies, or assistants, may assist in presenting the law or facts at the trial.
15 Prosecution of Violations: It is the duty of the district attorney of each county in this state to
16 prosecute all violations of this section in their respective counties in which the violations occur."

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21 thereon, or from business opportunities. (c) Assists or offers to assist in filing an application for the purchase or
22 lease of, or in locating or entering upon, lands owned by the state or federal government. (d) Solicits borrowers or
23 lenders for or negotiates loans or collects payments or performs services for borrowers or lenders or note owners in
24 connection with loans secured directly or collaterally by liens on real property or on a business opportunity. (e) Sells
25 or offers to sell, buys or offers to buy, or exchanges or offers to exchange a real property sales contract, or a
26 promissory note secured directly or collaterally by a lien on real property or on a business opportunity, and performs
27 services for the holders thereof."

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Trust Fund Handling

(Code Section 10145 and Regulations: 2831.1; 2831.2; 2832; 2832.1, 2832.2; 2834; & 2950)

Pursuant to Code Section 10145 *Handling of Trust Funds* (selected portions):

“(a)(1): A real estate broker who accepts funds belonging to others in connection with a transaction subject to this part shall deposit all those funds that are not immediately placed into a neutral escrow depository or into the hands of the broker’s principal, into a trust fund account maintained by the broker in a bank or recognized depository in this state. All funds deposited by the broker in a trust account shall be maintained there until disbursed by the broker in accordance with instructions from the person entitled to the funds.

(2) Withdrawals may be made from a trust fund account of an individual broker only upon the signature of that broker, or in the case of a corporate broker, only upon the signature of an officer through whom the corporation is licensed pursuant to Section 10158 or 10211, or one, or more, of the following persons if specifically authorized in writing by the individual broker or officer:

(A) A real estate salesperson licensed to the broker.

(B) Another broker acting pursuant to a written agreement with the individual broker that conforms to the requirements of this part and any regulations promulgated pursuant to this part.

(C) An unlicensed employee of the individual broker, if the broker has fidelity bond coverage equal to at least the maximum amount of the trust funds to which the unlicensed employee has access at any time. For purposes of this section, bonds providing coverage may be written with a

1 deductible of up to 5 percent of the coverage amount. For bonds with a
2 deductible, the employing broker shall have evidence of financial
3 responsibility that is sufficient to protect members of the public against a
4 loss subject to the deductible amount.

5 Evidence of financial responsibility shall include one or more of the
6 following:

7 (i) Separate fidelity bond coverage adequate to cover the amount
8 of the fidelity bond deductible.

9 (ii) A cash deposit held in a separate account, apart from other
10 funds of the broker, the broker's employees, or the broker's
11 principals, in a bank or recognized depository in this state adequate
12 to cover the amount of the fidelity bond deductible and held
13 exclusively and solely for the purpose of paying the fidelity bond
14 deductible amount.

15 (iii) Any other evidence of financial responsibility approved by the
16 commissioner.

17 (3) An arrangement under which a person enumerated in subparagraph
18 (A),(B), or (C) of paragraph (2) is authorized to make withdrawals from a trust fund account of a
19 broker shall not relieve an individual broker, nor the broker-officer of a corporate broker
20 licensee, from responsibility or liability as provided by law in handling trust funds in the broker's
21 custody.

1 (4)(b) A real estate broker acting as a principal pursuant to Section 10131.1²
2 shall place all funds received from others for the purchase of real property sales contracts or
3 promissory notes secured directly or collaterally by liens on real property in a neutral escrow
4 depository unless delivery of the contract or notes is made simultaneously with the receipt of the
5 purchase funds.

6
7 (4)(g) The broker shall maintain a separate record of the receipt and disposition of
8 all funds described in subdivisions (a) and (b), including any interest earned on the funds...”

9 14.

10 Pursuant to Regulation 2831.1 *Separate Record for Each Beneficiary or*
11 *Transaction:*

12 “(a) A broker shall keep a separate record for each beneficiary or transaction,
13 accounting for all funds which have been deposited to the broker’s trust bank account and
14 interest, if any, earned on the funds on deposit. The record shall include information sufficient to
15 identify the transaction and the parties to the transaction. Each record shall set forth in
16 chronological sequence the following information in columnar form:

- 17 (1) Date of deposit.
18 (2) Amount of deposit.
19 (3) Date of each related disbursement.
20 (4) Check number of each related disbursement.
21 (5) Amount of each related disbursement.

22
23 ²Code Section 10131.1 states, “(a) A real state broker within the meaning of this part is also a person who engages
24 as a principal in the business of making loans or buying from, selling to, or exchanging with the public, real property
sales contracts or promissory notes secured directly or collaterally by liens on real property...”

1 (6) If applicable, dates and amounts of interest earned and credited to the
2 account.

3 (7) Balance after posting transactions on any date.

4 (b) Maintenance of trust ledgers of separate beneficiaries or transactions, or
5 similar records, or automated data processing systems, including computer systems and
6 electronic storage and manipulation of information and documents, in accordance with generally
7 accepted accounting principles will constitute compliance with subdivision (a), provided that
8 such ledgers, records, or systems contain the elements required by subdivision (a) and that such
9 elements are maintained in a format that will readily enable tracing and reconciliation in
10 accordance with Section 2831.2.”

11 15.

12 Pursuant to Regulation 2831.2 *Trust Account Reconciliation*:

13 “The balance of all separate beneficiary or transaction records maintained
14 pursuant to the provisions of Section 2831.1 must be reconciled with the record of all trust funds
15 received and disbursed required by Section 2831, at least once a month, except in those months
16 when the bank account did not have any activities. A record of the reconciliation must be
17 maintained, and it must identify the bank account name and number, the date of the
18 reconciliation, the account number or name of the principals or beneficiaries or transactions, and
19 the trust fund liabilities of the broker to each of the principals, beneficiaries or transactions.”

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Pursuant to Regulation 2832 *Trust Fund Handling*:

“(a) Compliance with Section 10145 of the Code requires that the broker place funds accepted on behalf of another into the hands of the owner of the funds, into a neutral escrow depository or into a trust fund account in the name of the broker, or in a fictitious name if the broker is the holder of a license bearing such fictitious name, as trustee at a bank or other financial institution not later than three business days following receipt of the funds by the broker or by the broker’s salesperson.

(b) Except as expressly provided by subdivision (d) of Section 10145 of the Code or by a regulation in this article, the account into which the trust funds are deposited shall not be an interest-bearing account for which prior written notice can by law or regulation be required by the financial institution as a condition to the withdrawal of funds.

(c) A check received from the offeror may be held uncashed by the broker until acceptance of the offer if (1) the check by its terms is not negotiable by the broker or if the offeror has given written instructions that the check shall not be deposited nor cashed until acceptance of the offer and (2) the offeree is informed that the check is being so held before or at the time the offer is presented for acceptance.

(d) In these circumstances if the offeror’s check was held by the broker in accordance with subdivision (c) until acceptance of the offer, the check shall be placed into a neutral escrow depository or the trust fund account, or into the hands of the offeree if offeror and offeree expressly so provide in writing, not later than three business days following acceptance of the offer unless the broker receives written authorization from the offeree to continue to hold the check.

1 (e) Notwithstanding the provisions of subdivisions (a) and (d), a real estate broker
2 who is not licensed under the Escrow Law (Section 17000, et seq., of the Financial Code) when
3 acting in the capacity of an escrow holder in a real estate purchase and sale, exchange or loan
4 transaction in which the broker is performing acts for which a real estate license is required shall
5 place all funds accepted on behalf of another into the hands of the owner of the funds, into a
6 neutral escrow depository or into a trust fund account in the name of the broker, or in a fictitious
7 name if the broker is the holder of a license bearing such fictitious name, as trustee at a bank or
8 other financial institution not later than the next business day following receipt of the funds by
9 the broker or by the broker's salesperson."

10 17.

11 Pursuant to Regulation 2832.1 *Trust Fund Handling for Multiple Beneficiaries*:

12 "The written consent of every principal who is an owner of the funds in the
13 account shall be obtained by a real estate broker prior to each disbursement if such a
14 disbursement will reduce the balance of funds in the account to an amount less than the existing
15 aggregate trust fund liability of the broker to all owners of the funds."

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Pursuant to Regulation 2834 *Trust Account Withdrawals*:

(a) "Withdrawals may be made from a trust fund account of an individual broker only upon the signature of the broker or one or more of the following persons if specifically authorized in writing by the broker:

(1) a salesperson licensed to the broker.

(2) a person licensed as a broker who has entered into a written agreement pursuant to Section 2726 with the broker.

(3) an unlicensed employee of the broker with fidelity bond coverage at least equal to the maximum amount of the trust funds to which the employee has access at any time.

(b) Withdrawals may be made from the trust fund account of a corporate broker only upon the signature of:

(1) an officer through whom the corporation is licensed pursuant to Section 10158 or 10211 of the Code or

(2) one of the persons enumerated in paragraph (1), (2) or (3) of subdivision (a) above, provided that specific authorization in writing is given by the officer through whom the corporation is licensed and that the officer is an authorized signatory of the trust fund account.

(c) An arrangement under which a person enumerated in paragraph (1), (2) or (3) of subdivision (a) above is authorized to make withdrawals from a trust fund account of a broker shall not relieve an individual broker, nor the broker-officer of a corporate broker licensee, from responsibility or liability as provided by law in handling trust funds in the broker's custody."

Pursuant to Regulation 2950 *When Broker Handles Escrow*:

“The following acts in the handling of an escrow by a real estate broker exempted from the provisions of the Escrow Law (by Section 17006(a)(4) of the Financial Code) are prohibited and may be considered grounds for disciplinary action:

(a) Soliciting or accepting an escrow instruction (or amended or supplemental escrow instruction) containing any blank to be filled in after signing or initialing of such escrow instruction (or amended or supplemental escrow instruction).

(b) Permitting any person to make any addition to, deletion from, or alteration of an escrow instruction (or amended or supplemental escrow instruction) received by such licensee, unless such addition, deletion or alteration is signed or initialed by all persons who had signed or initialed such escrow instruction (or amended or supplemental escrow instruction) prior to such addition, deletion or alteration.

(c) Failing to deliver at the time of execution of any escrow instruction or amended or supplemental escrow instruction a copy thereof to all persons executing the same.

(d) Failing to maintain books, records and accounts in accordance with accepted principles of accounting and good business practice.

(e) Failing to maintain the office, place of books, records, accounts, safes, files, and papers relating to such escrows freely accessible and available for audit, inspection and examination by the commissioner.

(f) Failing to deposit all money received as an escrow agent and as part of an escrow transaction in a bank, trust account, or escrow account on or before the close of the next full working day after receipt thereof.

1 (g) Withdrawing or paying out any money deposited in such trustee account or
2 escrow account without the written instruction of the party or parties paying the money into
3 escrow.

4 (h) Failing to advise all parties in writing if he has knowledge that any licensee
5 acting as such in the transaction has any interest as a stockholder, officer, partner or owner of the
6 agency holding the escrow.

7 (i) Failing upon closing of an escrow transaction to render to each principal in the
8 transaction a written statement of all receipts and disbursements together with the name of the
9 person to whom any such disbursement is made.

10 (j) Delivering or recording any instrument which purportedly transfers a party's
11 title or interest in or to real property without first obtaining the written consent of that party to
12 the delivery or recording.”

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Retention of Records – Chargeable Audits – Cost Recovery –

Penalties for Unlawful Destruction of Records

(Code Section 10148)

Pursuant to Code Section 10148 *Retention of Records – Chargeable Audits – Cost Recovery – Penalties for Unlawful Destruction of Records:*

“(a) A licensed real estate broker shall retain for three years copies of all listings, deposit receipts, canceled checks, trust records, and other documents executed by the broker or obtained by the broker in connection with any transactions for which a real estate broker license is required. The retention period shall run from the date of the closing of the transaction or from the date of the listing if the transaction is not consummated. After notice, the books, accounts, and records shall be made available for examination, inspection, and copying by the commissioner or the commissioner’s designated representative during regular business hours; and shall, upon the appearance of sufficient cause, be subject to audit without further notice, except that the audit shall not be harassing in nature. This subdivision shall not be construed to require a licensed real estate broker to retain electronic messages of an ephemeral nature, as described in subdivision (d) of Section 1624 of the Civil Code.

(b) The commissioner shall charge a real estate broker for the cost of any audit, if the commissioner has found, in a final desist and refrain order issued under Section 10086 or in a final decision following a disciplinary hearing held in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code that the broker has violated Section 10145 or a regulation or rule of the commissioner interpreting Section 10145.

1 (c) If a broker fails to pay for the cost of an audit as described in subdivision (b)
2 within 60 days of mailing a notice of billing, the commissioner may suspend or revoke the
3 broker's license or deny renewal of the broker's license. The suspension or denial shall remain in
4 effect until the cost is paid or until the broker's right to renew a license has expired.

5 (d) The commissioner may maintain an action for the recovery of the cost of an
6 audit in any court of competent jurisdiction. In determining the cost incurred by the
7 commissioner for an audit, the commissioner may use the estimated average hourly cost for all
8 persons performing audits of real estate brokers.

9 (e) The department may suspend or revoke the license of any real estate broker,
10 real estate salesperson, or corporation licensed as a real estate broker, if the real estate broker,
11 real estate salesperson, or any director, officer, employee, or agent of the corporation licensed as
12 a real estate broker knowingly destroys, alters, conceals, mutilates, or falsifies any of the books,
13 papers, writings, documents, or tangible objects that are required to be maintained by this section
14 or that have been sought in connection with an investigation, audit, or examination of a real
15 estate licensee by the commissioner."

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Responsibility of Corporate Officer in Charge

(Code Section 10159.2)

Pursuant to Code Section 10159.2 *Responsibility of Corporate Officer in Charge*:

“(a) The officer designated by a corporate broker licensee pursuant to Section 10211 shall be responsible for the supervision and control of the activities conducted on behalf of the corporation by its officers and employees as necessary to secure full compliance with the provisions of this division, including the supervision of salespersons licensed to the corporation in the performance of acts for which a real estate license is required.

(b) A corporate broker licensee that has procured additional licenses in accordance with Section 10158 through officers other than the officer designated pursuant to Section 10211 may, by appropriate resolution of its board of directors, assign supervisory responsibility over salespersons licensed to the corporation to its broker officers.

(c) A certified copy of any resolution of the board of directors assigning supervisory responsibility over real estate salespersons licensed to the corporation shall be filed with the Real Estate Commissioner within five days after the adoption or modification thereof.”

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Broker Supervision

(Regulation 2725)

Pursuant to Regulation 2725 *Broker Supervision*:

“A broker shall exercise reasonable supervision over the activities of his or her salespersons. Reasonable supervision includes, as appropriate, the establishment of policies, rules, procedures and systems to review, oversee, inspect and manage:

(a) Transactions requiring a real estate license.

(b) Documents which may have a material effect upon the rights or obligations of a party to the transaction.

(c) Filing, storage and maintenance of such documents.

(d) The handling of trust funds.

(e) Advertising of any service for which a license is required.

(f) Familiarizing salespersons with the requirements of federal and state laws relating to the prohibition of discrimination.

(g) Regular and consistent reports of licensed activities of salespersons.

The form and extent of such policies, rules, procedures and systems shall take into consideration the number of salespersons employed and the number and location of branch offices. A broker shall establish a system for monitoring compliance with such policies, rules, procedures and systems. A broker may use the services of brokers and salespersons to assist in administering the provisions of this section so long as the broker does not relinquish overall responsibility for supervision of the acts of salespersons licensed to the broker.”

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False or Fictitious Business Name

(Code Section 10159.5 and Regulation 2731)

Pursuant to Code Section 10159.5 *Fictitious Name*:

“(a) (1) Every person applying for a license under this chapter who desires to have the license issued under a fictitious business name shall file with the application a certified copy of their fictitious business name statement filed with the county clerk pursuant to Chapter 5 (commencing with Section 17900) of Part 3 of Division 7.

(2) A responsible broker may, by contract, permit a salesperson to do all of the following: (A) File an application on behalf of a responsible broker with a county clerk to obtain a fictitious business name. (B) Deliver to the department an application, signed by the responsible broker, requesting the department’s approval to use a county approved fictitious business name that shall be identified with the responsible broker’s license number. (C) Pay for any fees associated with filing an application with a county or the department to obtain or use a fictitious business name. (D) Maintain ownership of a fictitious business name, as defined in paragraph (1) of subdivision (a) of Section 10159.7, that may be used subject to the control of the responsible broker.

(b) (1) A salesperson using a fictitious business name authorized by subdivision (a), shall use that name only as permitted by the responsible broker.

(2) This section does not change a real estate broker’s duties under this division to supervise a salesperson.

1 (c) A person applying to a county for a fictitious business name pursuant to
2 subdivision (a) may file the application in the county or counties where the fictitious business
3 name will be used.

4 (d) Advertising and solicitation materials, including business cards, print or
5 electronic media and “for sale” signage, using a fictitious business name obtained in accordance
6 with paragraph (2) of subdivision (a) shall include the responsible broker’s identity, as defined in
7 Section 10015.4, in a manner equally as prominent as the fictitious business name.

8 (e) Notwithstanding subdivision (b) of Section 10140.6, advertising and
9 solicitation materials, including print or electronic media and “for sale” signage, containing a
10 fictitious business name obtained in accordance with paragraph (2) of subdivision (a) shall
11 include the name and license number of the salesperson who is using the fictitious business
12 name.

13 (f) Notwithstanding Section 10185, a violation of this section is not a
14 misdemeanor.”

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Pursuant to Regulation 2731 *Use of False or Fictitious Name*:

“(a) A licensee shall not use a fictitious name in the conduct of any activity for which a license is required under the Real Estate Law unless the licensee is the holder of a license bearing the fictitious name.

(b) The Bureau shall issue a license required under the Real Estate Law only in the legal name of the licensee or in the fictitious business name of a broker who presents evidence of having complied with the provisions of Sections 17910 and 17917 of the Code.

(c) The commissioner may refuse to issue a license bearing a fictitious name to a broker if the fictitious name:

(1) Is misleading or would constitute false advertising.

(2) Implies a partnership or corporation when a partnership or corporation does not exist in fact.

(3) Includes the name of a real estate salesperson.

(4) Constitutes a violation of the provisions of Sections 17910, 17910.5, 17913 or 17917 of the Code.

(5) Is the name formerly used by a licensee whose license has since been revoked.

(d) A license may not be issued or renewed with a fictitious business name containing the term “escrow”, or any name which implies that escrow services are provided, unless the fictitious business name includes the term, “a non independent broker escrow” following the name. Licensees who have been or are issued a license with a fictitious business name with the term “escrow”, or any term which implies that escrow services are provided, must

1 include the term “a non-independent broker escrow” in any advertising, signs, or electronic
2 promotional material.

3 (e) Where a licensee is a natural person, the use of a nickname in place of his or
4 her legal given name (first name) shall not constitute a fictitious name for purposes of this
5 section, provided that where the nickname is used, the licensee also uses as a surname (last
6 name) his or her surname as it appears on his or her real estate license, and includes his or her
7 Bureau-issued license identification number as required by Section 10140.6 of the Code.”

8 25.

9 **Grounds for Revocation or Suspension**

10 **(Code Section 10176)**

11 Pursuant to Code Section 10176 *Grounds for Revocation or Suspension*:

12 “The commissioner may, upon his or her own motion, and shall, upon the verified
13 complaint in writing of any person, investigate the actions of any person engaged in the business
14 or acting in the capacity of a real estate licensee within this state, and he or she may temporarily
15 suspend or permanently revoke a real estate licensee at any time where the licensee, while a real
16 estate licensee, in performing or attempting to perform any of the acts within the scope of this
17 chapter has been guilty of any of the following:

- 18 (a) Making any substantial misrepresentation.
19 (b) Making any false promise of a character likely to influence, persuade, or
20 induce.
21 (c) A continued and flagrant course of misrepresentation or making of false
22 promises through licensees.
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- 1 (d) Acting for more than one party in a transaction without the knowledge or
2 consent of all parties thereto.
- 3 (e) Commingling with his or her own money or property the money or other
4 property of others which is received and held by him or her.
- 5 (f) Claiming, demanding, or receiving a fee, compensation, or commission under
6 any exclusive agreement authorizing a licensee to perform any acts set forth in
7 Section 10131 for compensation or commission where the agreement does not
8 contain a definite, specific date of final and complete termination.
- 9 (g) The claiming or taking by a licensee of any secret or undisclosed amount of
10 compensation, commission, or profit or the failure of a licensee to reveal to
11 the buyer or seller contracting with the licensee the full amount of the
12 licensee's compensation, commission, or profit under any agreement
13 authorizing the licensee to do any acts for which a license is required under
14 this chapter for compensation or commission prior to or coincident with the
15 signing of an agreement evidencing the meeting of the minds of the
16 contracting parties, regardless of the form of the agreement, whether
17 evidenced by documents in an escrow or by any other or different procedure.
- 18 (h) The use by a licensee of any provision, which allows the licensee an option to
19 purchase, in an agreement with a buyer or seller that authorizes the licensee to
20 sell, buy, or exchange real estate or a business opportunity for compensation
21 or commission, except when the licensee, prior to or coincident with election
22 to exercise the option to purchase, reveals in writing to the buyer or seller the
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24

1 full amount of the licensee's profit and obtains the written consent of the
2 buyer or seller approving the amount of the profit.

- 3 (i) Any other conduct, whether of the same or of a different character than
4 specified in this section, which constitutes fraud or dishonest dealing.
- 5 (j) Obtaining the signature of a prospective buyer to an agreement which
6 provides that the prospective buyer shall either transact the purchasing,
7 leasing, renting, or exchanging of a business opportunity property through the
8 broker obtaining the signature, or pay a compensation to the broker if the
9 property is purchased, leased, rented, or exchanged without the broker first
10 having obtained the written authorization of the owner of the property
11 concerned to offer the property for sale, lease, exchange, or rent.
- 12 (k) Failing to disburse funds in accordance with a commitment to make a
13 mortgage loan that is accepted by the applicant when the real estate broker
14 represents to the applicant that the broker is either of the following:
- 15 (1) The lender.
- 16 (2) Authorized to issue the commitment on behalf of the lender or lenders in
17 the mortgage loan transaction.
- 18 (l) Intentionally delaying the closing of a mortgage loan for the sole purpose of
19 increasing interest, costs, fees, or charges payable by the borrower.
- 20 (m) Violating any section, division, or article of law which provides that a
21 violation of that section, division, or article of law by a licensed person is a
22 violation of that person's licensing law, if it occurs within the scope of that
23 person's duties as a licensee."
24

Further Grounds for Disciplinary Action

(Code Section 10177 (selected portions))

Pursuant to Code Section 10177 *Further Grounds for Disciplinary Action*:

“The commissioner may suspend or revoke the license of a real estate licensee, delay the renewal of a license of a real estate licensee, or deny the issuance of a license to an applicant, who has done any of the following:

...

(d) Willfully disregarded or violated the Real Estate Law (Part 1 (commencing with Section 10000)) or Chapter 1 (commencing with Section 11000) of Part 2 or the rules and regulations of the commissioner for the administration and enforcement of the Real Estate Law and Chapter 1 (commencing with Section 11000) of Part 2.

...

(g) Demonstrated negligence or incompetence in performing an act for which he or she is required to hold a license.

(h) As a broker licensee, failed to exercise reasonable supervision over the activities of that licensee’s salespersons, or, as the officer designated by a corporate broker licensee, failed to exercise reasonable supervision and control of the activities of the corporation for which a real estate license is required.

...

(j) Engaged in any other conduct, whether of the same or of a different character than specified in this section, that constitutes fraud or dishonest dealing...”

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Cost Recovery

(Code Section 10106)

Pursuant to Code Section 10106 *Cost Recovery of Investigations*:

“(a) Except as otherwise provided by law, in any order issued in resolution of a disciplinary proceeding before the department, the commissioner may request the administrative law judge to direct a licensee found to have committed a violation of this part to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

(b) In the case of a disciplined licensee that is a corporation or a partnership, the order may be made against the licensed corporate entity or licensed partnership.

(c) A certified copy of the actual costs, or a good faith estimate of costs where actual costs are not available, signed by the commissioner or the commissioner’s designated representative, shall be prima facie evidence of reasonable costs of investigation and prosecution of the case. The costs shall include the amount of investigative and enforcement costs up to the date of the hearing, including, but not limited to, charges imposed by the Attorney General.

(d) The administrative law judge shall make a proposed finding of the amount of reasonable costs of investigation and prosecution of the case when requested pursuant to subdivision (a). The finding of the administrative law judge with regard to costs shall not be reviewable by the commissioner to increase the cost award. The commissioner may reduce or eliminate the cost award, or remand to the administrative law judge where the proposed decision fails to make a finding on costs requested pursuant to subdivision (a).

(e) Where an order for recovery of costs is made and timely payment is not made as directed in the commissioner’s decision, the commissioner may enforce the order for

1 repayment in any appropriate court. This right of enforcement shall be in addition to any other
2 rights the commissioner may have as to any licentiate to pay costs.

3 (f) In any action for recovery of costs, proof of the commissioner's decision shall
4 be conclusive proof of the validity of the order of payment and the terms for payment.

5 (g) (1) Except as provided in paragraph (2), the department shall not renew or
6 reinstate the license of any licensee who has failed to pay all of the costs ordered under this
7 section.

8 (2) The department may, in its discretion, conditionally renew or reinstate
9 for a maximum of one year the license of any licensee who demonstrates
10 financial hardship and who enters into a formal agreement with the
11 department to reimburse the department within that one-year period for the
12 unpaid costs.

13 (h) All costs recovered under this section shall be considered a reimbursement for
14 costs incurred and shall be deposited in the Real Estate Fund to be available, notwithstanding
15 Section 10451, upon appropriation by the Legislature.

16 (i) Nothing in this section shall preclude the department from including the
17 recovery of the costs of investigation and enforcement of a case in any stipulated settlement.”

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Chargeable Audits – Cost Recovery**(Code Section 10148)**

Pursuant to Code Section 10148 *Retention of Records – Chargeable Audits – Cost Recovery – Penalties for Unlawful Destruction of Records:*

“(a) A licensed real estate broker shall retain for three years copies of all listings, deposit receipts, cancelled checks, trust records, and other documents executed by him or her or obtained by him or her in connection with any transactions for which a real estate broker license is required. The retention period shall run from the date of the closing of the transaction or from the date of the listing if the transaction is not consummated. After notice, the books, accounts, and records shall be made available for examination, inspection, and copying by the commissioner or his or her designated representative during regular business hours; and shall, upon the appearance of sufficient cause, be subject to audit without further notice, except that the audit shall not be harassing in nature. This subdivision shall not be construed to require a licensed real estate broker to retain electronic messages of an ephemeral nature, as described in subdivision (d) of Section 1624 of the Civil Code.

(b) The commissioner shall charge a real estate broker for the cost of any audit, if the commissioner has found, in a final desist and refrain order issued under Section 10086 or in a final decision following a disciplinary hearing held in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code that the broker has violated Section 10145 or a regulation or rule of the commissioner interpreting Section 10145.

1 (c) The bureau may suspend or revoke the license of any real estate broker, real
2 estate salesperson , or corporation licensed as a real estate broker, if the real estate broker, real
3 estate salesperson, or any director, officer, employee, or agent of the corporation licensed as a
4 real estate broker knowingly destroys, alters, conceals, mutilates, or falsifies any of the books,
5 papers, writings, documents, or tangible objects that are required to be maintained by this section
6 or that have been sought in connection with an investigation, audit, or examination of a real
7 estate licensee by the commissioner.”

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1 **FACTS DISCOVERED BY THE DRE**

2 29.

3 **Consumer Complaint Lodged, DRE Investigation Initiated**

4 (January 11, 2024)

5 On January 11, 2024, Joceyln M. submitted a complaint through the DRE's online
6 portal (011124 Complaint) against SCHIAVI and GONZALEZ/Centerpoint [sic] Real Estate
7 regarding real property located at ##### Molette Street, Norwalk, CA 90650 (subject property)
8 that alleged, "Realtor was informed that listing agreement was not valid due to clients [sic]
9 mental state at the time of signing. Realtor sold the home to her broker and it is unknown if the
10 client received fair market value or if the client received the full amount of proceeds from the
11 sale...Realtor has since taken the client under her wing stating she's the caregiver and now his
12 POA..." Said 011124 Complaint also listed and alleged transaction dates for the purchase or
13 sale (December 6, 2023) and for unlicensed real estate activity (October 30, 2023).

14 30.

15 **City of Norwalk Declaration of Substandard Property**

16 (September 12, 2023)

17 As part of the DRE's investigation, a records request was submitted to the City of
18 Norwalk (the City) regarding the subject property. According to records received by the DRE on
19 or about August 15, 2024 from the City's Building and Development department (081524
20 Norwalk records), on March 7, 2023, in Case #CN23010004, a City of Norwalk Request for
21 Inspection (RFI) was filed and served to the subject property address to the attention of
22 "Property Owner" (no name listed) by the Public Safety Department, Code Compliance Division
23 Inspector J. Cortez. Said RFI indicated, "The Code Compliance Division has received alleged
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1 information regarding your property. It is requested that you contact me...to set an appointment
2 for a joint inspection of your property to determine if a violation exists.”

3 31.

4 City of Norwalk Notice of Substandard Building and Order to Abate Notice

5 (September 11, 2023)

6 According to the 081524 Norwalk records, on September 11, 2023, a “Notice of
7 Substandard Building/Property Notice and Order to Abate Notice to Vacate and Remain
8 Vacated” (091123 Notice) was issued, pursuant to Norwalk Administrative Code (NMC)
9 15.32.160.10, to the “owner of record” (no name listed) of the subject property that ordered the
10 building “to be vacated IMMEDIATELY and may not be reoccupied until all health and safety
11 violations are substantially corrected and such corrections are inspected and approved by the
12 City of Norwalk Building and Safety Division.”

13 32.

14 The 091123 Notice enumerated specific violations of the NMC, including, but not
15 limited to:

- 16 a. NMC 15.32.160.4(E)(2) 8.36.040(A)(5)(b) (unlawful, a public
17 nuisance and a substandard condition to maintain inadequate or
18 hazardous wiring);
- 19 b. NMC 15.32.160(F)(1) and (F2) (unlawful and a public nuisance and a
20 substandard condition to maintain inadequate or faulty plumbing);
- 21 c. NMC 15.32.160.4(G)(1) (unlawful, a public nuisance and a
22 substandard condition to maintain inadequate or faulty mechanical
23 equipment);

- d. NMC 15.32.160.4(J) (unlawful, a public nuisance and a substandard condition to maintain a hazardous or unsanitary conditions (sic)); and
- e. NMC 8.36.040(A)(17) (conditions constituting property nuisances).
- f. in Case CN23010004, Maged Soliman, Building and Safety Manager for the City of Norwalk declared the property located at ##### Molette Street, Norwalk, CA 90660 (subject property) to be substandard as defined in City of Norwalk Administrative Code Section 15.32.160.3.

33.

According to the 081524 Norwalk records, on August 21, 2023, the City boarded up the subject property.

34.

City of Norwalk Request to Southern California Edison to Terminate Utility Connection

(August 17, 2023)

According to the 081524 Norwalk records, in a letter dated August 17, 2023 from the City of Norwalk (Building and Safety Manager Maged Soliman) to Southern California Edison (SCE) regarding the subject property, the City advised that the subject property was inspected on August 16, 2023 pursuant to NMC Section 15.32.110.2 (authority to disconnect service utilities), was found to be substandard (081723 SCE letter). Said 081723 SCE letter stated, "The electrical system is potentially Unsafe (sic)." and requested SCE's assistance "by removing the Edison meter and by Terminating the utility connection at the power pole."

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1 35.

2 City of Norwalk Request to Southern California Gas Company to Remove Gas Meter

3 (August 17, 2023)

4 According to the 081524 Norwalk records, in a letter dated August 17, 2023 from
5 the City of Norwalk (Building and Safety Manager Maged Soliman) to Southern California Gas
6 Company (SC Gas) regarding the subject property, the City also advised that the subject property
7 was inspected and found to be substandard (081723 SC Gas letter). Said 081723 SC Gas letter
8 stated, "The gas system is potentially unsafe." and requested SC Gas' assistance "by terminating
9 all utility service by removing the gas meter ONLY at this location."

10 36.

11 City of Norwalk Declaration of Substandard Building and Property

12 (September 12, 2023)

13 According to the 081524 Norwalk records, the City issued a Declaration of
14 Substandard Building and Property against the subject property on September 12, 2023 (091223
15 Substandard Declaration) to Owner Robert A. at the subject property address. Said 091223
16 Substandard Declaration was recorded at the Los Angeles County Recorder's Office on the same
17 date, at 10:50 A.M.

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1 37.

2 City of Norwalk Termination of Declaration of Substandard Property

3 (June 13, 2024)

4 According to the 081524 Norwalk records, approximately nine (9) months later,
5 on June 13, 2024, the City issued a Termination of Declaration of Substandard Property for the
6 subject property on June 13, 2024 (061324 Termination Declaration) to Owner RC & Associate
7 Group INC at the address 12440 Firestone Blvd #260, Norwalk, CA 90650. Said 061324
8 Termination Declaration was recorded at the Los Angeles County Recorder's Office on June 14,
9 2024 at 2:19 PM.

10 38.

11 011124 Complaint

12 Jocelyn M.'s 011124 Complaint, as described above in Paragraph 29, was lodged
13 during the time period between the City of Norwalk's 091223 Substandard Declaration and
14 061324 Termination Declaration.

15 39.

16 Subject Property Transaction File from Escrow

17 (received by the DRE on June 1, 2024)

18 As part of the DRE investigation, a request of escrow records was made to REB
19 GONZALEZ, who was both SCHIAVI's REB of record at the time of the subject property
20 transaction (as described above in Paragraph 4), and the owner and operator of the DBA
21 Centerpointe Real Estate Escrow Division A Non-Independent Broker Escrow. During the
22 subject property transaction, REB GONZALEZ was responsible for supervising the underlying
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1 transaction and supervising the close of escrow. On or about June 1, 2024, GONZALEZ
2 produced to the DRE the requested documents (060124 transaction documents).

3 40.

4 Residential Listing Agreement Signed by Robert A. as "Seller"

5 (October 30, 2023)

6 Included with the 060124 transaction documents was a Residential Listing
7 Agreement dated October 30, 2023 (103023 RLA) signed by Robert A. as "seller" and SCHIAVI
8 for REB Centerpointe Real Estate to sell or exchange the subject property for the period October
9 30, 2023 to April 30, 2024 at a listing price of \$600,000. On the same date, Robert A. and
10 SCHIAVI (for Centerpointe Real Estate) also signed a Disclosure Regarding Real Estate Agency
11 Relationship (103023 Disclosure). According to the footer of both the 103023 RLA and the
12 103023 Disclosure, both documents were prepared using the platform Lone Wolf Transactions
13 by SCHIAVI and All Coastal Real Estate³, 311 Main St., #16, Seal Beach, CA 90740 (ACRE).

14 41.

15 Residential Purchase Agreement

16 (November 2, 2023)

17 Also included in the 060124 transaction documents was a Residential Purchase
18 Agreement dated November 2, 2023 (110223 RPA) from RC & Associates Group Inc. as
19 "buyer" and SCHIAVI/Centerpointe Real Estate as both Seller and Buyer's agent and brokerage,
20 respectively; said tendered offer was for a purchase price of \$535,000. At page 15 of 16 of said
21 110223 RPA was a box titled "Offer Not Accepted" that contained initials in the space for

22 _____
23 ³ According to the DRE records to date and publicly accessible online at the DRE's website
24 (https://www2.dre.ca.gov/PublicASP/pplinfo.asp?License_id=00708319), All Coastal Real Estate is a DBA of DRE
license ID 00708319, which belongs to real estate broker Patricia Ann Hale.

1 Seller's Initials to mark "No Counter Offer is being made. This offer was not accepted by Seller"
2 with a handwritten notation for the date of "11/02/23." According to the footer of the 110223
3 RPA, the document was prepared using the platform Lone Wolf Transactions by SCHIAMI and
4 ACRE.

5 42.

6 Netsheet Report

7 (October 30, 2023)

8 Included in the 060124 transaction documents was also a netsheet report for the
9 subject property prepared, signed and dated by SCHIAMI and Centerpointe Real Estate on
10 October 30, 2023 and an undated seller signature for Robert A. Said netsheet report showed two
11 Scenarios:

12 A. In the column for Scenario 1 with a proposed price of \$600,000, the Listing
13 Broker Fee and the Seller Broker Fee showed as \$15,000 each with an
14 "Estimated Equity to Seller" amount of \$565,150.50. and Scenario 2 with a
15 proposed price of \$535,000.

16 B. In the column for Scenario 2 with a proposed price of \$535,000, the Listing
17 Broker Fee and the Seller Broker Fee showed as \$13,375 each with an
18 "Estimated Equity to Seller" amount of \$503,400.50.

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1 43.

2 Comparative Market Analysis

3 (October 30, 2023 signature)

4 Also included in the 060124 transaction documents was a comparative market
5 analysis for the subject property generated by SCHIABI on November 8, 2023 (comps). Said
6 comps showed a median home value of \$664,819 and a first quarter home price forecast of
7 \$666,231. The third page of the three-page comps was a Quick CMA report that showed a total
8 of nine (9) listings that yielded a median list price of \$689,898 and a median sold price of
9 \$775,500. At the bottom of the Quick CMA report is a signature dated October 30, 2023.

10 44.

11 Multiple Listing Service Listing Page for Subject Property

12 (November 9, 2023)

13 Also included in the 060124 transaction documents was a printout of the Multiple
14 Listing Service (MLS) listing page for the subject property showing a list price of \$600,000, a
15 status of "Coming Soon," a "Start Showing" date of November 15, 2023, and
16 SCHIABI/Centerpointe Real Estate as the listing agent/listing office (110923 MLS). According
17 to the footer, the 110923 MLS printout was printed by SCHIABI on November 9, 2023.

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1 45.

2 Settlement Statements (2)

3 (December 6, 2023)

4 The 060124 transaction documents included two (2) settlement statements printed
5 December 6, 2023 for the subject property printed on the letterhead of Centerpointe Real Estate.

6 46.

7 Settlement Statement No. 1

8 (Printed 12-06-23 at 1:53 P.M.)

9 According to one version of the Master Final Settlement Statement (printed on
10 December 6, 2023 at 1:53 P.M.) (MFSS1), Escrow No. 001616-CG on the \$535,000 sale of the
11 subject property closed on December 6, 2023 (COE). MFSS1 showed in the Seller Debits
12 column that there were two (2) “Commission Charges” in the amount of \$13,375 each that were
13 paid to Centerpointe Real Estate, and that Seller’s Net Proceeds were \$261,458.40. Included
14 with MFSS1 was the Buyer’s Final Settlement Statement (for buyer RC & Associates Group
15 Inc.). Also included with MFSS1 was the “Instructions for Proceeds” sheet with the box marked
16 for “Check for proceeds will be picked up at your office,” and a signature on the line designated
17 for Robert A.

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1 47.

2 Settlement Statement No. 2

3 (Printed 12-06-23 at 2:24 P.M.)

4 According to the other version of the Master Final Settlement Statement (printed
5 on December 6, 2023 at 2:24 P.M.) (MFSS2), Escrow 001616-CG on the \$535,000 sale of the
6 subject property had the same COE of December 6, 2023. MFSS2 showed in the Seller Debits
7 column that there were two (2) "Commission Charges" in the amount of \$16,050 each that were
8 paid to Centerpointe Real Estate, and that Seller's Net Proceeds were \$255,508.40. Included
9 with MFSS2 were two (2) copies of the Seller's Final Settlement Statement.

10 A. One copy of the Seller's Final Settlement Statement showed net proceeds to
11 seller in the amount of \$255,508.40, the same seller net proceeds amount that
12 appeared in the MFSS2.

13 B. The other copy of the Seller's Final Settlement Statement showed net
14 proceeds to seller in the amount of \$261,458.40.

15 48.

16 Letter of Explanation from GONZALEZ

17 (June 27, 2024)

18 According to GONZALEZ' written statement to the DRE dated June 27, 2024
19 (062724 statement), before the subject property was listed, seller Robert A. was hospitalized and
20 had asked a nurse to find SCHIAVI (and her telephone number) on Facebook, to ask SCHIAVI
21 to represent him in the sale of his home. According to GONZALEZ, seller, and his ex-wife had
22 known SCHIAVI for over 40 years, and Robert A. wanted to leave the hospital with SCHIAVI
23 since she holds a State of California caregiver license.

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1 49.

2 According to GONZALEZ' 062724 statement, Robert A. wanted to sell his home
3 because the City had deemed the home uninhabitable and before he could move back in, he
4 would have to fix all the violations cited by the City. According to GONZALEZ, since Robert
5 A. had no means to fix the violations and no hope of moving back into his home, he decided to
6 sell the subject property and signed an RLA with Centerpointe Real Estate/SCHIAVI.

7 50.

8 GONZALEZ indicated in his 062724 statement that, upon signing the RLA,
9 Robert A. and SCHIAVI contacted the City to ask permission to enter the subject property to
10 retrieve some belongings. At a meeting between Robert A., SCHIAVI and the City's officials,
11 they were informed that the subject property listing could not be marketed until the following
12 week. Per GONZALEZ, this is the reason why SCHIAVI did not list the property on the MLS
13 within two (2) days of the RLA. According to GONZALEZ, SCHIAVI received verbal offers
14 that were "not acceptable up to \$525,000.00."

15 51.

16 According to GONZALEZ, when RC and Associates Group Inc had SCHIAVI
17 write up a \$535,000 offer, seller Robert A. wanted his home sold as soon as possible and
18 accepted said offer. According to GONZALEZ, Robert A. used the proceeds from the sale to
19 RC and Associates to purchase a mobile home, and with the remaining proceeds, Robert A.
20 opened a bank account.

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1 52.

2 **DRE Letter to Seller Robert A., SCHIAVI Telephone Call to DRE In Robert A.'s Stead**

3 (August 14, 2024 DRE Letter)

4 Following the DRE's receipt of GONZALEZ' 062724 statement, the Special
5 Investigator (SI) mailed an investigative letter dated August 14, 2024 to seller Robert A. in
6 which the SI requested a telephone call or email correspondence.

7 53.

8 (August 20, 2024 SCHIAVI Telephone Call)

9 On or about August 20, 2024, SCHIAVI called the SI and acknowledged the
10 certified mail that was sent to Robert A. SCHIAVI relayed to the SI that she is Robert A.'s
11 caregiver and had power of attorney over him. SCHIAVI told the SI that seller did not have a
12 cell phone because he constantly lost phones.

13 54.

14 When the SI asked SCHIAVI how anyone would communicate with Robert A. in
15 the event of an emergency, SCHIAVI stated that she lived with seller part-time, and would be
16 there to assist, like when she helped seller get his home back from the City in order to sell and
17 collect his equity to purchase his new mobile home. SCHIAVI added that she had already
18 spoken to the Los Angeles County Sheriff and had proven seller was in good care and that she
19 had legal power of attorney.

20 55.

21 When the SI asked SCHIAVI to explain Robert A.'s mental health and ability to
22 understand the sale of the subject property, SCHIAVI explained that he understood he sold his
23
24

1 property, signed his real estate contract and used the seller proceeds to purchase his mobile home
2 to live in the City.

3 56.

4 **DRE Interview of SCHIAVI and Robert A.**

5 (December 2, 2024)

6 On December 2, 2024, the SI conducted an in-person interview at the DRE's Los
7 Angeles District Office with SCHIAVI and seller Robert A. When the SI asked Robert A. if he
8 knew why he was at the LADO interview, the SI observed that Robert A. began stating that he
9 was at the LADO with SCHIAVI, he was unable to provide a complete sentence in response.

10 57.

11 When the SI asked Robert A. if he knew about signing documents to sell the
12 subject property, he responded with "Yes, I did sell my home so I would not be placed out in the
13 street." The SI asked why Robert A. believed he would be placed on the street if he owned the
14 subject property without any mortgage payments; the SI waited approximately two (2) minutes
15 for Robert A to respond and observed that Robert A. appeared to be confused.

16 58.

17 According to the SI, SCHIAVI alleged seller Robert A.'s speech has been
18 confused due to having contacted COVID-19 in January 2024. When the SI asked SCHIAVI if
19 she could provide the DRE with documents confirming Robert A.'s mental health at the time he
20 signed the RLA (October 31, 2023) and RPA (November 2-2023), SCHIAVI indicated she was
21 unable, and stated she did not do anything wrong with Robert A., that he signed all documents in
22 the presence of SCHIAVI's REB, and that she read all the contract documents to him to help him
23
24

1 understand what he was signing. SCHIAVI told the SI that Robert A. would not know or
2 remember how much he received from his seller proceeds.

3 59.

4 When the SI inquired as to why SCHIAVI had power of attorney over Robert A.
5 if he was, as she alleged, of sound mental health at the time he sold the subject property,
6 SCHIAVI stated that he told SCHIAVI he would sign a power of attorney to take care of him
7 given he had no family who wanted to care for him. When the SI directed the same question to
8 Robert A., the SI observed that he did not appear to understand what was being asked.
9 According to the SI, SCHIAVI interrupted and stated that Robert A. is not going to understand
10 anymore and that the multiple questions were confusing him. According to SCHIAVI, Robert A.
11 had sufficient knowledge to understand that he sold his property, signed his real estate contract,
12 and used the seller proceeds to purchase a mobile home in the City.

13 60.

14 At the conclusion of the DRE interview on December 2, 2024, the SI requested
15 signed declarations from SCHIAVI and from Robert A. regarding the subject property sale,
16 including a summary of events that authorized SCHIAVI's sale of the subject property.

17 61.

18 **SCHIAVI Declaration**

19 **(December 2, 2024)**

20 SCHIAVI's Declaration signed and dated December 2, 2024 stated, among other
21 things, that she is a caregiver for Robert A. to perform caregiving duties, that seller did not want
22 to be alone and has known her for 40 years as a friend. SCHIAVI's Declaration stated that
23 Robert A. wanted her to have power of attorney to watch over both his physical and financial
24

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1 well-being. SCHIAVI declared that in 2023 seller was of sound mind at the time he signed
2 contracts, sold his home and bought his manufactured home. SCHIAVI declared she was with
3 seller at the LADO when seller had a “block in his mind of answering questions...because of
4 confusion...he wasn’t that way in the time of signing contracts...I was asked to be power of
5 attorney because of state of mind after his 3 weeks of covid in month [sic] of January 2024...”

6 62.

7 **Robert A. Declaration**

8 **(December 2, 2024)**

9 The entirety of Seller’s Declaration, signed and dated December 2, 2024 was, “I
10 Robert A. Dec. 2nd 2424 [sic] I don’t remember The exact amount I received in cash.”

11 63.

12 **DRE Subpoena to U.S. Bank, DRE Request for Investigative Audit**

13 The DRE proceeded to conduct an investigative audit of the books and records of
14 RAFAEL RICARDO GONZALEZ, and also served a *subpoena duces tecum* on U.S. Bank for
15 all documents pertaining to bank accounts belonging to [seller’s name, Robert A.] and/or
16 ROSEMARIE SCHIAVI.

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1 64.

2 **INVESTIGATIVE AUDIT LA240024: RAFEL RICARDO GONZALEZ**

3 **(Violations from August 1, 2023 to October 31, 2024)**

4 On August 7, 2025, the DRE completed its investigative audit examination of the
5 books and records of Respondent GONZALEZ (FBN: Centerpointe Real Estate; Centerpointe
6 Real Estate Escrow Division A non-Independent Broker Escrow) (Audit LA240024), which
7 require a real estate license; the auditor attempted to audit the accounting and other records
8 related to the escrow real estate activities of GONZALEZ.

9 65.

10 The audit examination covered the period of time beginning on August 1, 2023
11 and ending October 31, 2024 (audit period), and the examination was conducted between
12 November 5, 2024 and August 7, 2025 with records being examined and copied on a sample
13 basis at the DRE's Los Angeles District Office (LADO) located at 320 W. 4th Street, Suite 350,
14 Los Angeles, CA 90013-1105.

15 66.

16 The DRE audit examined records including, but not limited to the following:
17 licensing printout(s), independent contractor agreement(s), bank signature cards, bank
18 statements, separate records, escrow logs, escrow files, and subpoenaed bank records.

19 67.

20 The final audit report dated August 7, 2025 revealed violations of the Code and
21 the Regulations as set forth in the following paragraphs, and more fully discussed in Audit
22 Report LA240024 (Form RE 4541 (Rev. 09/24)).

23 ///

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1 68.

2 License Information

3 At the time of Audit LA240024 and according to DRE records dated May 13,
4 2025 and August 5, 2025, GONZALEZ is a REB, DRE license ID 01705011, doing business as
5 (DBA)/with two fictitious business names (FBN), "Centerpointe Real Estate" and "Centerpointe
6 Real Estate Escrow Division A Non-Independent Broker Escrow," both active as of March 25,
7 2020. GONZALEZ had affiliated with his DRE license 21 RES and two (2) REB associates
8 employed under his license and no branch offices. According to GONZALEZ, restricted RES
9 John Jerome Villaescusa, DRE license ID 01090890 (Villaescusa), is the owner of DBA
10 "Centerpointe Real Estate Escrow Division A Non-Independent Broker Escrow," a DBA under
11 GONZALEZ' REB license.

12 69.

13
14 REB Martha Ayala, DRE license ID 01016780, "licensed NBA" (Ayala) is the
15 signer on account no. #####5314; in addition, Ayala's license number was listed on some of the
16 escrow files examined. Ayala has a mailing address of record but no main office address of
17 record. Ayala was not licensed as a REB associate under GONZALEZ during the audit period.
18 Ayala had affiliated with her DRE license two (2) DBAS, "Centerpointe Real Estate" and
19 "Centerpointe Real Estate Escrow Division A Non Independent Broker Escrow," active from
20 June 27, 2011 to January 15, 2020.

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1 70.

2 Business Activities

3 According to GONZALEZ and the records examined for audit, he was engaged in
4 REB escrow activity during the audit period described above in Paragraph 65, and closed about
5 sixteen (16) escrow transactions in connection with his real estate activity during said period.
6 GONZALEZ collected about \$6,300,000.00 in escrow trust funds in the last twelve (12) months.

7 71.

8 Chronology of Events

9 On November 5, 2024, the DRE auditor telephonically scheduled an appointment
10 with GONZALEZ for an entrance conference on November 12, 2024; a subsequent audit
11 confirmation letter was sent to GONZALEZ with a list of requested records for the audit. On
12 November 6, 2024, the DRE special investigator served a *subpoena duces tecum* (SDT) via U.S.
13 mail to GONZALEZ/Centerpointe Real Estate Escrow Division A Non-Independent Broker
14 Escrow; according to the SDT, GONZALEZ was to produce records to the special investigator at
15 the LADO on November 18, 2024. As of the date of the audit report, GONZALEZ did not
16 provide all books and records for the audit examination.

17 72.

18 On November 12, 2024, the auditor held an entrance conference with
19 GONZALEZ via telephone. On December 11, 2024, the auditor emailed GONZALEZ and
20 requested the general ledger, all escrow reports, check register, deposit report and monthly
21 reconciliation for bank account no. #####5314. As of the date of the audit report, GONZALEZ
22 provided only partial monthly reconciliation reports.

1 73.

2 On December 12, 2024, the auditor emailed GONZALEZ and requested the
3 escrow receipts and disbursement reports. As of the date of the audit report, GONZALES did not
4 provide the escrow reports/separate records for each escrow closed during the audit period.

5 74.

6 On December 12, 2024, the audit emailed GONZALEZ and requested more
7 information on two (2) outgoing wires from account no. #####5314. GONZALEZ did no
8 provide the requested information.

9 75.

10 On December 16, 2024, the SI served a SDT to JPMorgan Chase Bank to produce
11 records at the LADO on December 31, 2024 (121624 SDT). On December 31, 2024, JP Morgan
12 Chase Bank requested a time extension until January 31, 2025 to provide the records listed on
13 the121624 SDT.

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1 **CAUSES FOR DISCIPLINE**

2 **Violations of the Real Estate Law**

3 76.

4 In the course of GONZALEZ' real estate activities described in Paragraph 70
5 during the subject audit period described above in Paragraph 65, the DRE auditor made findings
6 that GONZALEZ violated the Code and the Regulations, as described below, and more fully
7 discussed in the DRE's Audit Report for Audit LA240024 dated August 7, 2025.
8

9 77.

10 **Bank Account**

11 **Bank Account 1 (B/A 1)**

12 Bank: JPMorgan Chase Bank

13 Bank Address: 11618 Rosecrans Ave., Norwalk, CA 90650

14 Account Name: JJE Investments Inc DBA Centerpointe Real Estate Escrow

15 Division

16 Account Number: #####5314

17 Signatories: Villaescusa, Ayala

18 Signatures Required: one (1)

19 Bank Account 1 (B/A 1) for multiple beneficiaries was maintained for handling the escrow
20 receipts and disbursements of trust funds in connection with GONZALEZ' broker-escrow
21 activity. GONZALEZ was not an authorized signer for B/A 1. Escrow trust funds from B/A 1
22 were transferred to the general account (account no. #####8216) (G/A 1) during the audit period.
23 Bank statements for G/A 1 were also subpoenaed from JPMorgan Chase Bank during the audit
24 examination.

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Audit LA240024 - Issue One:**Handling of Trust Funds/Trust Fund Handling for Multiple Beneficiaries/When Broker
Handles Escrow****(Code Section 10145(a) and Regulation 2832.1/2950(g)/2951)**

A minimum bank reconciliation was prepared for B/A 1 as of the October 31, 2024 cutoff date. The minimum adjusted bank balance was compared to the minimum total balance of the separate records (accountability). Not all records were provided for examination. The auditor reconstructed the accountability based on subpoenaed bank records and the escrow files provided. GONZALEZ did not provide the trust fund records for B/A 1 for the audit examination.

- A. At the audit cutoff of October 31, 2024, based on limited bank statements provided by JPMorgan Chase Bank and copies of six (6) escrow files provided by GONZALEZ, B/A 1 had a minimum trust fund shortage of <\$526,541.21> caused by:
1. minimum negative escrow balances: <\$105,103.46>;
 2. minimum unauthorized disbursements/commingling of trust funds: <\$297,559.69>; and
 3. minimum unidentified trust fund shortage: <\$123,878.06>.
- B. GONZALEZ did not provide the books and records related to his broker escrow activity for the audit examination.
- C. GONZALEZ provided no evidence that the owners of the trust funds had given their written consent to allow him to reduce the balance of funds in B/A

1 to an amount less than the aggregate trust funds liabilities, in violation of
2 **Code Section 10145 and Regulations 2832.1, 2950(g) and 2951.**

3 79.

4 **Audit LA240024 - Issue Three:**

5 **Handling of Trust Funds/Trust Account Designation/When Broker Handles Escrow**
6 **(Code Section 10145 and Regulation 2832/2950(d)/2951**

7 Based on an examination of the bank signature card for B/A 1, the bank account
8 that was used for the handling of all trust fund receipts and disbursements for GONZALEZ'
9 escrow activity, B/A 1 was not set up in the name of GONZALEZ as trustee and not designated
10 as a trust account. Instead, B/A 1 was set up in the name of "JJE Investments Inc DBA
11 Centerpointe Real Estate Escrow Division," in violation of **Code Section 10145 and**
12 **Regulations 2832, 2950(d) and 2951.**

13 80.

14 **Audit LA240024- Issue Four:**

15 **Handling of Trust Funds/Trust Account Withdrawals/When Broker Handles Escrow**
16 **(Code Section 10145 and Regulations 2834/2950(g)/2951)**

17 According to the JPMorgan Chase Bank signature card provided, Ayala was
18 authorized as a signer for B/A 1 without a fidelity bond or insurance coverage. Ayala was not
19 authorized in writing by GONZALEZ to be a B/A 1 signer between August 1, 2023 and October
20 31, 2024, in violation of **Code Section 10145 and Regulations 2834, 2950(g) and 2951.**

21 A. According to the DRE's licensing records, Ayala was not a registered REB
22 associate under GONZALEZ' license during the audit period; Ayala's license
23 was "Licensed NBA" with a mailing address in San Antonio, Texas. Ayala's
24

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1 DRE license ID was listed in five (5) of the six (6) escrow files provided by
2 GONZALEZ for examination.

3 B. GONZALEZ was not a signer on B/A during the audit period ending October
4 31, 2024.

5 81.

6 **Audit LA240024- Issue Five:**

7 **Handling of Trust Funds/Separate Records for Each Beneficiary or Transaction/
8 When Broker Handles Escrow**

9 **(Code Section 10145 and Regulations 2831.1, 2950(g)/2951)**

10 According to the limited books and records provided by GONZALEZ of the
11 “receipts and disbursements listing” records (separate records), GONZALEZ did not maintain
12 accurate and complete separate records of escrow trust funds deposited and disbursed in
13 connection with his broker escrow activity, in violation of, **Code Section 10145 and**
14 **Regulations 2831.1, 2950(g) and 2951.**

- 15 A. The trust funds received and deposited were not posted to the separate
16 records.
- 17 B. Disbursements made were not posted to the separate records, and the separate
18 records provided by GONZALEZ were not in chronological sequence and had
19 no balance after posting transactions on any given day.
- 20 C. The disbursements and deposits made were not in chronological order.
- 21 D. There was no running balance after posting transactions on any day.

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Audit LA240024 - Issue Six:

**Trust Account Reconciliation/When Broker Handles Escrow
(Code Section 10145 and Regulations 2831.2, 2950(d)/2951)**

During the audit period, GONZALEZ failed to maintain monthly reconciliations comparing the balance of all separate beneficiary or transaction records (separate records) with the balance of the record of all trust funds received and disbursed (control record) for B/A 1 as required by Regulation 2831.2, in violation of **Code Section 10145 and Regulations 2831.2, 2950(d) and 2951.**

- A. The reconciliation report “Centerpointe Escrow Trust Account Reconciliation Detail” for the period ending October 31, 2024 that GONZALEZ provided for the audit reflected only bank reconciliation.
- B. GONZALEZ did not provide all the separate records and the control record for B/A 1.
- C. The bank reconciliation for B/A that GONZALEZ provided was inaccurate, as it indicated two (2) checks issued that were still outstanding, while, according to the B/A bank statements, the checks were reversed as deposits in March 2024.
- D. The monthly reconciliation reports provided by GONZALEZ did not indicate the list of each escrow or separate record and its balance in order to equal the total “Register Balance” in the report.

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83.

Audit LA240024- Issue Seven:

**Mishandling of Trust Funds/Minimum Unauthorized Disbursements/Commingling of Trust Funds/Trust Funds Handling/When Broker Handles Escrow
(Code Sections 10145 and 10176(e) and Regulations 2832/2950(g)/2951)**

According to the copies of bank statements produced in response to the bank subpoena for B/A 1, there were minimum unauthorized disbursements of escrow trust funds transferred from B/A 1 to G/A1, a bank account not set up in GONZALEZ' name and not designated as a trust account. Escrow trust funds in B/A 1 were commingled with the REB's funds in the account "JJE Investments Inc DBA Ayala Realty DBA Centerpointe Real Estate (G/A 1) in the amount of \$297,559.69 during the period between January 2, 2024 and July 1, 2024, in violation of **Code Sections 10145 and 10176(e) and Regulations 2832, 2950(g) and 2951.**

84.

Audit LA240024- Issue Eight:

**Making Any Substantial Misrepresentation
(Code Section 10176(a))**

In five (5) of the six (6) escrow files provided by GONZALEZ for examination, GONZALEZ misled buyers and sellers in the escrow transactions by failing to disclose his license number in the escrow instructions. Instead, the license number for Ayala was disclosed in the escrow instructions prepared by "Centerpointe Real Estate Escrow Division," in violation of **Code Section 10176(a)**. Ayala was "licensed NBA."

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1 85.

2 **Audit LA240024- Issue Nine:**

3 **Failure to Disclose Interest in the Agency Holding the Escrow/
4 When Broker Handles Escrow
5 (Regulation 2950(h))**

6 According to the escrow transaction files provided by GONZALEZ for the audit
7 examination, GONZALEZ did not advise all parties in writing that he had knowledge that any
8 licensee acting as such in the transaction had any interest as a stockholder, officer, partner or
9 owner of the agency holding the escrow, in violation of **Regulation 2950(h)**.

10 86.

11 **Audit LA240024- Issue Ten:**

12 **Use of False or Fictitious Business Name/ License Required
13 (Code Sections 10159.5 and 10130 and Regulation 2731)**

14 GONZALEZ conducted escrow activities using unlicensed FBNs (DBAs)
15 “Centerpointe Real Estate Escrow Division” and “JJE Investments Inc” when GONZALEZ was
16 not the holder of license(s) bearing said fictitious names, in violation of **Code Sections 10159.5
17 and 10130 and Regulation 2731**.

18 A. Said fictitious names were found in GONZALEZ’ bank records, in the sales
19 escrow instructions and the final sales closing statements.

20 B. The DRE licensing records did not show either of said names as FBNs.

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Audit LA240024- Issue Eleven:

Retention of Records/When Broker Handles Escrow

(Code Section 10148 and Regulation 2950(e))

GONZALEZ failed to retain books and records and failed to make them available for the DRE audit examination of his REB escrow activities for the audit period, in violation of **Code Section 10148 and Regulation 2950(e)**.

A. Books and records related to GONZALEZ' B/A 1 used for his REB escrow activities, were not provided for the audit examination; neither were all escrow transaction files provided for examination.

B. On November 6, 2024, the DRE's special investigator served a SDT by mail to GONZALEZ/Centerpointe Real Estate Escrow Division A non-Independent Broker Escrow; per said SDT, GONZALEZ was to produce records to the special investigator at the LADO on November 18, 2024. As of the audit report date, not all of GONZALEZ' books and records requested for the audit period were made available for the audit examination.

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1 88.

2 **Audit LA240024- Issue Twelve:**

3 **Broker Supervision**

4 **(Regulation 2725)**

5 Based on the foregoing findings, GONZALEZ did not supervise and control real
6 estate activities conducted by his licensees and/or employees to ensure full compliance with the
7 Real Estate Laws and Regulations. GONZALEZ did not establish policies, rules, procedures and
8 systems to review, oversee inspect and manage the handling of trust funds and escrow
9 transactions, in violation of **Regulation 2725**.

10 A. Neither was GONZALEZ an authorized signer on B/A 1.

11 89.

12 Complainant re-alleges and incorporates by reference the preceding paragraphs as
13 set forth herein.

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25 H-43216 LA: DRE Accusation against Rosemarie Schiavi and Rafael Ricardo Gonzalez
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1 **Additional Violations of the Real Estate Law**

2 90.

3 **Responsibility of Corporate Officer in Charge/Broker Supervision**

4 **(Code Section 10159.2)**

5 Based on the above findings, GONZALEZ did not adequately supervise and
6 control the real estate activities of his licensees and/or employees, in violation of **Code Sections**
7 **10159.2 and 10177(h).**

8 91.

9 **Substantial Misrepresentation**

10 **(Code Section 10176(a))**

11 Based on the above findings, the overall conduct of Respondents SCHIAMI and
12 GONZALEZ is in violation of the Real Estate Law and constitutes cause for the suspension or
13 revocation of their real estate licenses and license rights under the provisions of **Code Section**
14 **10176(a).**

15 92.

16 **Dishonest Dealing**

17 **(Code Section 10176(i))**

18 Based on the above findings, the overall conduct of Respondents SCHIAMI and
19 GONZALEZ is in violation of the Real Estate Law and constitutes cause for the suspension or
20 revocation of their real estate licenses and license rights under the provisions of **Code Section**
21 **10176(i).**

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1 93.

2 **Willful Disregard of the Real Estate Law**

3 **(Code Section 10177(d))**

4 Based on the above findings, the overall conduct of Respondents SCHIAMI and
5 GONZALEZ is in violation of the Real Estate Law and constitutes cause for the suspension or
6 revocation of their real estate licenses and license rights under the provisions of **Code Section**
7 **10177(d)**.

8 94.

9 **Negligence**

10 **(Code Section 10177(g))**

11 Based on the above findings, the overall conduct of Respondents SCHIAMI and
12 GONZALEZ is in violation of the Real Estate Law and constitutes cause for the suspension or
13 revocation of their real estate licenses and license rights under the provisions of **Code Section**
14 **10177(g)**.

15 **COSTS**

16 95.

17 **Investigation & Enforcement Costs**

18 **(Code Section 10106)**

19 Code Section 10106 provides, in pertinent part, that in any order issued in
20 resolution of a disciplinary proceeding before the Department of Real Estate, the Commissioner
21 may request the administrative law judge to direct a licensee found to have committed a violation
22 of this part to pay a sum not to exceed the reasonable costs of the investigation and enforcement
23 of the case.

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1 96.

2 **Audit Costs**

3 **(Code Section 10148)**

4 Code Section 10148(b) provides, in pertinent part, the Commissioner shall charge
5 a real estate broker for the cost of any audit, if the Commissioner has found in a final decision
6 following a disciplinary hearing that the broker has violated Code Section 10145 or a regulation
7 or rule of the Commissioner interpreting said section.

8 WHEREFORE, Complainant prays that a hearing be conducted on the allegations
9 of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary
10 action against the license and license rights of Respondents **ROSEMARIE SCHIAVI** and
11 **RAFAEL RICARDO GONZALEZ** under the Real Estate Law (Part 1 of vision 4 of the
12 Business and Professions Code), for the cost of investigation and enforcement as permitted by
13 law, and for such other and further relief as may be proper under other provisions of law.

14 Dated at Los Angeles, California: June 4, 2026.

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16 
17 _____
18 Ray Dagnino
19 Supervising Special Investigator

20 cc: Rosemarie Schiavi
21 Rafael Ricardo Gonzalez
22 Robert L Stallings Inc (Attn: D.O. Robert Lee Stallings)
23 Enforcement – R. Dagnino
24 Audits – Los Angeles
25 Sacto.

26 H-43216 LA: DRE Accusation against Rosemarie Schiavi and Rafael Ricardo Gonzalez