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**FILED**

AUG 30 2011

1 Department of Real Estate  
2 320 W. 4<sup>TH</sup> Street, Suite 350  
3 Los Angeles, CA 90013-1105

DEPARTMENT OF REAL ESTATE  
BY: Quonita Valeriu

4 Telephone: (213) 576-6982

5  
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8  
9 BEFORE THE DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 \* \* \*

12 In the Matter of the Accusation of )

) No. H-36888 LA  
) L-2010120192  
)

13 )  
14 REAL ESTATE DREAMHOMES INC, )  
INTERLAKEN EQUITES, BRIAN PAUL )  
15 LOPICCOLO, individually and )  
16 formerly as designated officer of )  
Real Estate Dreamhomes Inc and )  
17 presently as designated officer of )  
Interlaken Equites, MINERVA BARAL )  
18 and EDILBERT G RIVERAL, )

STIPULATION AND AGREEMENT

19 Respondents. )  
20

21 It is hereby stipulated by and between Respondent  
22 BRIAN PAUL LOPICCOLO, represented by Steven C. Vondran, Esq. and  
23 the Complainant, acting by and through James A. Demus, Counsel  
24 for the Department of Real Estate, as follows for the purpose of  
25 settling and disposing of the Accusation ("Accusation") filed on  
26 October 28, 2010, in this matter:

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

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

7           2. Respondent has received, read and understands the  
8 Statement to Respondent, the Discovery Provisions of the APA and  
9 the Accusation filed by the Department of Real Estate in this  
10 proceeding.

11           3. Respondent timely filed a Notice of Defense  
12 pursuant to Section 11506 of the Government Code for the purpose  
13 of requesting a hearing on the allegations in the Accusation.  
14 Respondent hereby freely and voluntarily withdraws said Notice of  
15 Defense. Respondent acknowledges that he understands that by  
16 withdrawing said Notice of Defense he thereby waives the right to  
17 require the Commissioner to prove the allegations in the  
18 Accusation at a contested hearing held in accordance with the  
19 provisions of the APA and that he will waive other rights  
20 afforded to him in connection with the hearing such as the right  
21 to present evidence in his defense of the allegations in the  
22 Accusation and the right to cross-examine witnesses.

24           4. This Stipulation is based on the factual  
25 allegations contained in the Accusation. In the interest of  
26 expedience and economy, Respondent chooses not to contest these  
27

1 allegations, but to remain silent and understand that, as a  
2 result thereof, these factual allegations, without being admitted  
3 or denied, will serve as a prima facie basis for the disciplinary  
4 action stipulated to herein. The Real Estate Commissioner shall  
5 not be required to provide further evidence to prove said factual  
6 allegations.

7 5. This Stipulation is made for the purpose of  
8 reaching an agreed disposition of this proceeding and is  
9 expressly limited to this proceeding and any other proceeding or  
10 case in which the Department of Real Estate ("Department"), the  
11 state or federal government, or any agency of this state, another  
12 state or federal government is a party.

13 6. It is understood by the parties that the Real  
14 Estate Commissioner may adopt this Stipulation as her Decision in  
15 this matter thereby imposing the penalty and sanctions on  
16 Respondent's real estate license and license rights as set forth  
17 in the "Order" herein below. In the event that the Commissioner  
18 in her discretion does not adopt the Stipulation, it shall be  
19 void and of no effect and Respondent shall retain the right to a  
20 hearing and proceeding on the Accusation under the provisions of  
21 the APA and shall not be bound by any stipulation or waiver made  
22 herein.  
23

24 7. The Order or any subsequent Order of the Real  
25 Estate Commissioner made pursuant to this Stipulation shall not  
26 constitute an estoppel, merger or bar to any further  
27

1 administrative or civil proceedings by the Department of Real  
2 Estate with respect to any matters which were not specifically  
3 alleged to be causes for Accusation in this proceeding but do  
4 constitute a bar, estoppel and merger as to any allegations  
5 actually contained in the Accusation against Respondent herein.

6 8. Respondent understands that by agreeing to this  
7 Stipulation, Respondent agrees to pay, pursuant to Business and  
8 Professions Code Section 10148, the cost of the audit which led  
9 to this disciplinary action. The cost of said audit was \$4,448.

10 9. Respondent has received, read, and understands the  
11 "Notice Concerning Costs of Subsequent Audit." Respondent  
12 further understands that by agreeing to this Stipulation, the  
13 findings set forth below in the Determination of Issues become  
14 final, and the Commissioner may charge Respondent for the cost of  
15 any subsequent audit conducted pursuant to Business and  
16 Professions Code Section 10148 to determine if the violations  
17 have been corrected.  
18

19 DETERMINATION OF ISSUES

20 By reason of the foregoing, it is stipulated and agreed  
21 that the following determination of issues shall be made:

22 The conduct of BRIAN PAUL LOPICCOLO as described in  
23 Paragraph 4 above, is a basis for discipline of Respondent's  
24 license and license rights as violations of the Real Estate law  
25 pursuant to Business and Professions Code ("Code") Sections  
26 10145, 10085, 10177(d), 10177(g) and 10177(h).  
27

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

I.

All licenses and licensing rights of Respondent BRIAN PAUL LOPICCOLO under the Real Estate Law are suspended for a period of ninety (90) days from the effective date of this Decision; provided, however, that sixty (60) days of said suspension, shall be stayed for one (1) year upon the following terms and conditions:

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

2. That no final subsequent determination be made, after hearing or upon stipulation that cause for disciplinary action occurred within one (1) year of the effective date of this Decision. Should such a determination be made, the Commissioner may, in his discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed suspension. Should no such determination be made, the stay imposed herein shall become permanent.

II.

If Respondent petitions, an additional 30 days shall be stayed upon condition that:

1. Respondent pays a monetary penalty pursuant to Section 10175.2 of the Code at the rate of \$50 for each day of

1 the suspension for a total monetary penalty of \$1,500.

2 2. Said payment shall be in the form of a cashier's  
3 check or certified check made payable to the Recovery Account of  
4 the Real Estate Fund. Said check must be received by the  
5 Department prior to the effective date of the Decision in this  
6 matter.

7 3. No further cause for disciplinary action against  
8 the real estate license of Respondent occurs within one year from  
9 the effective date of the Decision in this matter.

10 4. If Respondent fails to pay the monetary penalty in  
11 accordance with the terms and conditions of the Decision, the  
12 Commissioner may, without a hearing, order the immediate  
13 execution of all or any part of the stayed suspension in which  
14 event the Respondent shall not be entitled to any repayment nor  
15 credit, prorated or otherwise, for money paid to the Department  
16 under the terms of this Decision.

17 5. If Respondent pays the monetary penalty and if no  
18 further cause for disciplinary action against the real estate  
19 license of Respondent occurs within two years from the effective  
20 date of the Decision, the stay hereby granted shall become  
21 permanent.  
22

23 III.

24 Pursuant to Section 10148 of the Business and  
25 Professions Code, Respondent shall pay the Commissioner's  
26 reasonable cost for: a) the audit which led to this disciplinary  
27

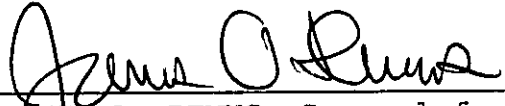
1 action and b) a subsequent audit to determine if Respondent has  
2 corrected the trust fund violations found in the Determination of  
3 Issues. In calculating the amount of the Commissioner's  
4 reasonable cost, the Commissioner may use the estimated average  
5 hourly salary for all persons performing audits of real estate  
6 brokers, and shall include an allocation for travel costs,  
7 including mileage, time to and from the auditor's place of work  
8 and per diem. Respondent shall pay such costs within 60 days of  
9 receiving an invoice from the Commissioner detailing the  
10 activities performed during the audit and the amount of time  
11 spent performing those activities. The Commissioner may, in his  
12 discretion, vacate and set aside the stay order, if payment is  
13 not timely made as provided for herein, or as provided for in a  
14 subsequent agreement between the Respondent and the Commissioner.  
15 The vacation and the set aside of the stay shall remain in effect  
16 until payment is made in full, or until Respondent enters into an  
17 agreement satisfactory to the Commissioner to provide for  
18 payment.  
19

20 IV.

21 Respondent BRIAN PAUL LOPICCOLO shall within six (6)  
22 months from the effective date of the Decision herein, take and  
23 pass the Professional Responsibility Examination administered by  
24 the Department including the payment of the appropriate  
25 examination fee. If Respondent BRIAN PAUL LOPICCOLO fails to  
26 satisfy this condition, the Commissioner may order suspension of  
27

1 Respondent BRIAN PAUL LOPICCOLO's license until Respondent passes  
2 the examination.

3  
4  
5 DATED: 7/28/11

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8 JAMES A. DEMUS, Counsel for  
9 the Department of Real Estate

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EXECUTION OF THE STIPULATION


I have read the Stipulation and discussed it with my  
counsel. Its terms are understood by me and are agreeable and  
acceptable to me. I understand that I am waiving rights given to  
me by the California Administrative Procedure Act (including but  
not limited to Sections 11506, 11508, 11509 and 11513 of the  
Government Code), and I willingly, intelligently and voluntarily  
waive those rights, including the right of requiring the  
Commissioner to prove the allegations in the Accusation at a  
hearing at which I would have the right to cross-examine  
witnesses against me and to present evidence in defense and  
mitigation of the charges.

Respondent can signify acceptance and approval of the  
terms and conditions of this Stipulation by faxing a copy of its  
signature page, as actually signed by Respondent, to the  
Department at the following telephone/fax number: James A. Demus  
at (213) 576-6917. Respondent agrees, acknowledges and  
understands that by electronically sending to the Department a



1 fax copy of Respondent's actual signature as it appears on the  
2 Stipulation, that receipt of the faxed copy by the Department  
3 shall be as binding on Respondent as if the Department had  
4 received the original signed Stipulation.


5  
6 DATED: July 12, 2011   
7 BRIAN PAUL LOPICCOLO Respondent

8  
9 DATED: 7/25/11   
10 STEVEN C. VONDRAN  
11 Attorney for Respondent

12  
13 \* \* \*

14 The foregoing Stipulation and Agreement is hereby  
15 adopted as my Decision as to Respondent BRIAN PAUL LOPICCOLO and  
16 shall become effective at 12 o'clock noon on  
17 SEP 19 2011, 2011.

18 IT IS SO ORDERED 8/26/11, 2011.

19  
20 BARBARA J. BIGBY  
21 Acting Real Estate Commissioner  
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Department of Real Estate  
320 West Fourth Street, #350  
Los Angeles, California 90013

DEPARTMENT OF REAL ESTATE  
BY: *Guadalupe Valencia*

(213) 576-6982  
(213) 576-6910

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of  
  
REAL ESTATE DREAMHOMES INC,  
INTERLAKEN EQUITES, BRIAN PAUL  
LOPICCOLO, individually and  
formerly as designated officer of  
Real Estate Dreamhomes Inc and  
presently as designated officer of  
Interlaken Equites, MINERVA BARAL  
and EDILBERT G RIVERAL,  
  
Respondents.

No. H-36888 LA  
L-2010120192

STIPULATION AND AGREEMENT

It is hereby stipulated by and between MINERVA BARAL  
(sometimes referred to as "Respondent") and her attorney of  
record, Steven C. Vondran, and the Complainant, acting by and  
through James A. Demus, Counsel for the Department of Real  
Estate, as follows for the purpose of settling and disposing of  
the Accusation filed on October 28, 2010, 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

1 was to be held in accordance with the provisions of the  
2 Administrative Procedure Act ("APA"), shall instead and in place  
3 thereof be submitted solely on the basis of the provisions of  
4 this Stipulation and Agreement ("Stipulation").

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

9           3. On November 8, 2010, Respondent filed a Notice of  
10 Defense pursuant to Section 11506 of the Government Code for the  
11 purpose of requesting a hearing on the allegations in the  
12 Accusation. Respondent hereby freely and voluntarily withdraws  
13 said Notice of Defense. Respondent acknowledges that she  
14 understands that by withdrawing said Notice of Defense, she will  
15 thereby waive her right to require the Commissioner to prove the  
16 allegations in the Accusation at a contested hearing held in  
17 accordance with the provisions of the APA and that she will  
18 waive other rights afforded to her in connection with the  
19 hearing such as the right to present evidence in defense of the  
20 allegations in the Accusation and the right to cross-examine  
21 witnesses.

22           4. This Stipulation is based on the factual  
23 allegations contained in the Accusation filed in this  
24 proceeding. In the interest of expedience and economy,  
25 Respondent chooses not to contest these factual allegations, but  
26 to remain silent and understands that, as a result thereof,  
27 these factual statements will serve as a prima facie basis for

1 the disciplinary action stipulated to herein. The Real Estate  
2 Commissioner shall not be required to provide further evidence  
3 to prove such allegations.

4 5. This Stipulation and Respondent's decision not to  
5 contest the Accusation are made for the purpose of reaching an  
6 agreed disposition of this proceeding and are expressly limited  
7 to this proceeding and any other proceeding or case in which the  
8 Department of Real Estate ("Department"), or another licensing  
9 agency of this state, another state or if the federal government  
10 is involved and otherwise shall not be admissible in any other  
11 criminal or civil proceedings.

12 6. It is understood by the parties that the Real  
13 Estate Commissioner may adopt the Stipulation as her decision in  
14 this matter thereby imposing the penalty and sanctions on  
15 Respondent's real estate license and license rights as set forth  
16 in the below "Order". In the event that the Commissioner in her  
17 discretion does not adopt the Stipulation, the Stipulation shall  
18 be void and of no effect, and Respondent shall retain the right  
19 to a hearing on the Accusation under all the provisions of the  
20 APA and shall not be bound by any stipulation or waiver made  
21 herein.

22 7. The Order or any subsequent Order of the Real  
23 Estate Commissioner made pursuant to this Stipulation shall not  
24 constitute an estoppel, merger or bar to any further  
25 administrative or civil proceedings by the Department of Real  
26 Estate with respect to any conduct which was not specifically  
27 alleged to be causes for accusation in this proceeding.

1 DETERMINATION OF ISSUES

2 By reason of the foregoing stipulations and waivers and  
3 solely for the purpose of settlement of the pending Accusation  
4 without a hearing, it is stipulated and agreed that the following  
5 determination of issues shall be made:

6 The conduct, acts and/or omissions of Respondent  
7 MINERVA BARAL as described in Paragraph 4, constitute cause for  
8 the suspension or revocation of all the real estate licenses and  
9 license rights of Respondent MINERVA BARAL under the provisions  
10 of Sections 10085, 10177(d) and 10177(g) of the Business and  
11 Professions Code ("Code").

12 ORDER

13 WHEREFORE, THE FOLLOWING ORDER is hereby made:

14 I

15 A. All licenses and license rights of Respondent  
16 MINERVA BARAL under the Real Estate Law are suspended for a  
17 period of sixty (60) days from the effective date of this  
18 Decision; provided, however, that the initial thirty (30) days  
19 of said suspension shall be stayed upon the following terms and  
20 conditions:

21 1. Respondent pays a monetary penalty pursuant to  
22 Section 10175.2 of the Business and Professions Code at the rate  
23 of \$50 for each day of the suspension for a total monetary  
24 penalty of \$1,500.

25 2. Said payment shall be in the form of a cashier's  
26 check or certified check made payable to the Recovery Account of  
27 the Real Estate Fund. Said check must be received by the

1 Department prior to the effective date of the Decision in this  
2 matter.

3 3. No further cause for disciplinary action against  
4 the real estate license of Respondent occurs within one year  
5 from the effective date of the Decision in this matter.

6 4. If Respondent fails to pay the monetary penalty  
7 in accordance with the terms and conditions of the Decision, the  
8 Commissioner may, without a hearing, order the immediate  
9 execution of all or any part of the stayed suspension in which  
10 event the Respondent shall not be entitled to any repayment nor  
11 credit, prorated or otherwise, for money paid to the Department  
12 under the terms of this Decision.

13 5. If Respondent pays the monetary penalty and if no  
14 further cause for disciplinary action against the real estate  
15 license of Respondent occurs within one year from the effective  
16 date of the Decision, the stay hereby granted shall become  
17 permanent.


18 B. The remaining thirty (30) days of the sixty (60)  
19 day suspension shall be stayed for one (1) year upon the  
20 following terms and conditions:

21 (1) Respondent MINERVA BARAL shall obey all laws,  
22 rules and regulations governing the rights, duties and  
23 responsibilities of a real estate licensee in the State of  
24 California; and

25 (2) That no final subsequent determination be made  
26 after hearing or upon stipulation, that cause for disciplinary  
27 action occurred within one (1) year from the effective date of

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

6  
7 DATED: 7/28/11

  
8 JAMES A. DEMUS, Counsel for the  
9 Department of Real Estate

10 \* \* \*

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


22 Respondent can signify acceptance and approval of the terms  
23 and conditions of this Stipulation and Agreement by faxing a  
24 copy of the signature page, as actually signed by Respondent, to  
25 the Department at the following fax number: (213) 576-6917.

26 Respondent agrees, acknowledges and understands that by  
27


1 electronically sending to the Department a fax copy of her  
2 actual signature as it appears on the Stipulation and Agreement,  
3 that receipt of the faxed copy by the Department shall be as  
4 binding on Respondent as if the Department had received the  
5 original signed Stipulation and Agreement.

6 Further, if the Respondent is represented by counsel,  
7 Respondent's counsel can signify his agreement to the terms and  
8 conditions of the Stipulation and Agreement by submitting that  
9 signature via fax.

10  
11  
12 DATED: 7/12/11

  
13 MINERVA BARAL  
Respondent

14 DATED: 7/25/11

  
15 Steven C. Vondran  
16 Attorney for Respondent

17 \* \* \*

18 The foregoing Stipulation and Agreement is hereby  
19 adopted as my Decision and Order in this matter, and shall  
20 become effective at 12 o'clock noon on **SEP 19 2011**

21  
22 IT IS SO ORDERED 8/26/11, 2011.

23 BARBARA J. BIGBY  
24 Acting Real Estate Commissioner

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**FILED**

AUG 30 2011

DEPARTMENT OF REAL ESTATE  
BY: Suzanne Noleud

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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In the Matter of the Accusation of )  
 )  
 REAL ESTATE DREAMHOMES INC, )  
 INTERLAKEN EQUITES, BRIAN PAUL )  
 LOPICCOLO, individually and )  
 formerly as designated officer of )  
 Real Estate Dreamhomes Inc and )  
 presently as designated officer of )  
 Interlaken Equites, MINERVA BARAL )  
 and EDILBERT G. RIVERAL, )  
 Respondents. )  
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No. H-36888 LA

DECISION

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on , 2011 and the findings of fact set forth herein are based on one or more of the following: (1) EDILBERT G. RIVERAL's express admissions; (2) affidavits; and (3) other evidence.

FINDINGS OF FACT

1.

On August 4, 2010, Joseph Aiu made the Accusation in his official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statement to Respondent, and Notice of Defense were mailed by certified mail, return receipt requested, and by regular mail to EDILBERT G. RIVERAL's ("RIVERAL") last known mailing address on file with

the Department on October 28, 2010. No response has been received from RIVERAL to date.

On August 15, 2011, no Notice of Defense having been filed by RIVERAL herein within the time prescribed by Section 11506 of the Government Code, RIVERAL's default was entered herein.

2.

RIVERAL presently has license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code ("Code") as a real estate salesperson. On August 14, 2010, RIVERAL's license expired. However, the Department holds jurisdiction over the lapsed license, pursuant to Code Section 10103.

3.

In or about September 2008, RIVERAL collected advance fees for loan modification service from Clifford and Emma Overton, on behalf of Real Estate Dreamhomes Inc. This transaction constituted an advance fee agreement. Neither Real Estate Dreamhomes Inc, nor RIVERAL, had submitted this advance fee agreement to the Commissioner 10 days before using it.

#### DETERMINATION OF ISSUES

1.

The conduct, acts and omissions of RIVERAL, as set forth above, provide cause for the suspension or revocation of the licenses and license rights of RIVERAL pursuant to Code Sections 10085, 10177(d) and 10177(g).

2.

The standard of proof applied was clear and convincing proof to a reasonable certainty.

///

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///

ORDER

The license and license rights EDILBERT G. RIVERAL  
under the provisions of Part I of Division 4 of the Business and  
Professions Code are revoked.

This Decision shall become effective at 12 o'clock  
noon on SEP 19 2011.

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

8/24/11

BARBARA J. BIGBY  
Acting Real Estate Commissioner



AUG 15 2011

1 Department of Real Estate  
2 320 West Fourth Street, Suite 350  
3 Los Angeles, CA 90013

DEPARTMENT OF REAL ESTATE  
BY: James B. Olson

4  
5  
6  
7 (213) 576-6982

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

|    |                                      |                      |
|----|--------------------------------------|----------------------|
| 11 | In the Matter of the Accusation of ) | NO. H-36888 LA       |
|    | )                                    |                      |
| 12 | REAL ESTATE DREAMHOMES INC, )        | <u>DEFAULT ORDER</u> |
|    | INTERLAKEN EQUITES, BRIAN PAUL )     |                      |
| 13 | LOPICCOLO, individually and )        |                      |
|    | formerly as designated officer of )  |                      |
| 14 | Real Estate Dreamhomes Inc and )     |                      |
|    | presently as designated officer of ) |                      |
| 15 | Interlaken Equites, MINERVA BARAL )  |                      |
|    | and <u>EDILBERT G. RIVERAL,</u> )    |                      |
| 16 | )                                    |                      |
|    | )                                    |                      |
| 17 | Respondents. )                       |                      |
|    | )                                    |                      |

18  
19 Respondent EDILBERT G RIVERAL, having failed to  
20 file a Notice of Defense within the time required by Section  
21 11506 of the Government Code, is now in default. It is,  
22 therefore, ordered that a default be entered on the record in  
23 this matter.

24 IT IS SO ORDERED

August 15, 2011

25 BARBARA J. BIGBY  
26 Acting Real Estate Commissioner

27 BY: Dolores Weeks  
DOLORES WEEKS  
Regional Manager

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**FILED**

AUG 30 2011

DEPARTMENT OF REAL ESTATE  
BY: *Shirley L. Johnson*

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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

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|------------------------------------|---|----------------|
| In the Matter of the Accusation of | ) | No. H-36888 LA |
|                                    | ) |                |
| REAL ESTATE DREAMHOMES INC and     | ) |                |
| INTERLAKEN EQUITES                 | ) |                |
|                                    | ) |                |
| Respondent.                        | ) |                |

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On October 28, 2010, an Accusation was filed in this matter against Respondents REAL ESTATE DREAMHOMES INC and INTERLAKEN EQUITES.

On July 18, 2011, Respondents petitioned the Commissioner to voluntarily surrender their real estate licenses pursuant to Section 10100.2 of the Business and Professions Code.

IT IS HEREBY ORDERED that Respondents REAL ESTATE DREAMHOMES INC and INTERLAKEN EQUITES' petition for voluntary surrender of their real estate licenses is accepted as of the effective date of this Order as set forth below, based upon the understanding and agreement expressed in Respondents' Declaration dated July 18, 2011 (attached as Exhibit "A" hereto).

1 Respondents' license certificates, pocket cards and any branch  
2 office license certificates shall be sent to the below listed  
3 address so that they reach the Department on or before the  
4 effective date of this Order:

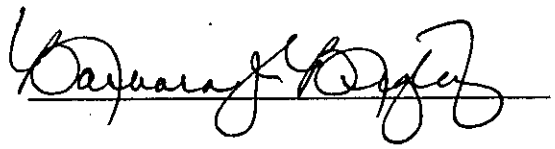
5 DEPARTMENT OF REAL ESTATE  
6 Attn: Licensing Flag Section  
7 P. O. Box 187000  
8 Sacramento, CA 95818-7000

9 This Order shall become effective at 12 o'clock noon  
10 **SEP 1-9 2011**

11 on \_\_\_\_\_

12 DATED: 8/26/11

13 BARBARA J BIGBY  
14 Acting Real Estate Commissioner

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"EXHIBIT     A    "

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

|                                       |   |                |
|---------------------------------------|---|----------------|
| In the Matter of the Accusation of    | ) | No. H-36888 LA |
|                                       | ) |                |
|                                       | ) |                |
| <u>REAL ESTATE DREAMHOMES INC,</u>    | ) |                |
| <u>INTERLAKEN EQUITES, BRIAN PAUL</u> | ) |                |
| LOPICCOLO, individually and           | ) |                |
| formerly as designated officer of     | ) |                |
| Real Estate Dreamhomes Inc and        | ) |                |
| presently as designated officer of    | ) |                |
| Interlaken Equites, MINERVA BARAL     | ) |                |
| and EDILBERT G RIVERAL,               | ) |                |
|                                       | ) |                |
| Respondents.                          | ) |                |

DECLARATION

My name is Brian Paul Lopiccolo and I am authorized and empowered to sign this declaration on behalf of REAL ESTATE DREAMOMES INC and INTERLAKEN EQUITIES which presently have license rights as corporate real estate brokers. I am also currently an officer of INTERLAKEN EQUITES, which is licensed as a corporate real estate broker and/or has license rights with respect to said license. REAL ESTATE DREAMHOMES INC and

1 INTERLAKEN EQUITES are represented in this matter by Steven C.  
2 Vondran, Attorney at Law.

3           In lieu of proceeding in this matter in accordance with  
4 the provisions of the Administrative Procedure Act (Sections  
5 11400 et seq., of the Government Code) REAL ESTATE DREAMHOMES INC  
6 and INTERLAKEN EQUITES wish to voluntarily surrender their real  
7 estate licenses issued by the Department of Real Estate  
8 ("Department"), pursuant to Business and Professions Code Section  
9 10100.2.

10           I understand that REAL ESTATE DREAMHOMES INC and  
11 INTERLAKEN EQUITIES, by so voluntarily surrendering their  
12 licenses, can only have them reinstated in accordance with the  
13 provisions of Section 11522 of the Government Code. I also  
14 understand that by so voluntarily surrendering their licenses,  
15 REAL ESTATE DREAMHOMES INC and INTERLAKEN EQUITIES agree to the  
16 following:

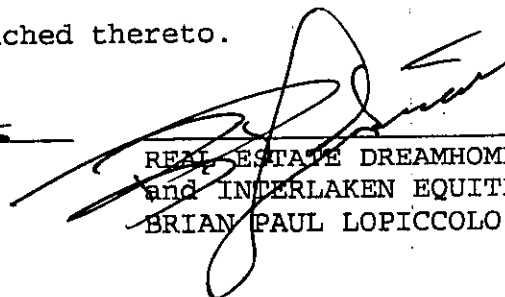
17           The filing of this Declaration shall be deemed as their  
18 petition for voluntary surrender. It shall also be deemed to be  
19 an understanding and agreement by REAL ESTATE DREAMHOMES INC and  
20 INTERLAKEN EQUITES that they waive all rights they have to  
21 require the Commissioner to prove the allegations contained in  
22 the Accusation filed in this matter at a hearing held in  
23 accordance with the provisions of the Administrative Procedure  
24 Act (Government Code Sections 11400 et seq.), and that they also  
25 waive other rights afforded to them in connection with the  
26 hearing such as the right to discovery, the right to present  
27 evidence in defense of the allegations in the Accusation and the



1 right to cross-examine witnesses. I further agree on behalf of  
2 REAL ESTATE DREAMHOMES INC and INTERLAKEN EQUITES that upon  
3 acceptance by the Commissioner, as evidenced by an appropriate  
4 order, all affidavits and all relevant evidence obtained by the  
5 Department in this matter prior to the Commissioner's acceptance,  
6 and all allegations contained in the Accusation filed in the  
7 Department Case No. H-36888 LA, may be considered by the  
8 Department to be true and correct for the purpose of deciding  
9 whether or not to grant reinstatement the licenses of REAL ESTATE  
10 DREAMHOMES INC and INTERLAKEN EQUITES, pursuant to Government  
11 Code Section 11522.

12 I declare under penalty of perjury under the laws of  
13 the State of California that the above is true and correct and  
14 that I am acting freely and voluntarily on behalf of REAL ESTATE  
15 DREAMHOMES INC and INTERLAKEN EQUITES to surrender their licenses  
16 and all license rights attached thereto.

17 7/19/2011, Chicago CA  
18 Date and Place

  
19 REAL ESTATE DREAMHOMES INC a  
20 and INTERLAKEN EQUITES by  
21 BRIAN PAUL LOPICCOLO  
22  
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**FILED**

OCT 28 2010

1 JAMES DEMUS, Counsel (SBN 225005)  
2 Department of Real Estate  
3 320 West Fourth St., #350  
4 Los Angeles, CA 90013

DEPARTMENT OF REAL ESTATE  
BY: James B. Demus

4 (213) 576-6982  
5 (213) 576-6910 (direct)

9 BEFORE THE DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 \* \* \*

12 In the Matter of the Accusation of )

No. H-36888 LA

13 REAL ESTATE DREAMHOMES INC, )  
14 INTERLAKEN EQUITES, BRIAN PAUL )  
15 LOPICCOLO, individually and )  
16 formerly as designated officer of )  
17 Real Estate Dreamhomes Inc and )  
18 presently as designated officer of )  
19 Interlaken Equites, MINERVA BARAL )  
20 and EDILBERT G RIVERAL, )

A C C U S A T I O N

21 Respondents. )

20 The Complainant, Joseph Aiu, a Deputy Real Estate  
21 Commissioner of the State of California, for cause of  
22 Accusation against REAL ESTATE DREAMHOMES INC, INTERLAKEN  
23 EQUITES, BRIAN PAUL LOPICCOLO, individually and formerly as  
24 designated officer of Real Estate Dreamhomes Inc and presently  
25 as designated officer of Interlaken EQUITES, MINERVA BARAL and  
26 EDILBERT G RIVERAL is informed and alleges as follows:

27 ///

1 1.

2 The Complainant, Joseph Aiu, a Deputy Real Estate  
3 Commissioner of the State of California, makes this Accusation  
4 in his official capacity.

5 2.

6 REAL ESTATE DREAMHOMES INC, dba Commercial Real  
7 Estate & Funding, Dreamloans Mortgage, National Funders,  
8 Reality Homes, and Serenity Realty (hereinafter "REDI")  
9 presently has license rights under the Real Estate Law (Part 1  
10 of Division 4 of the Business and Professions Code, hereinafter  
11 "Code"), as a corporate real estate broker. On December 4,  
12 2009, REDI's licensed expired. Pursuant to Business and  
13 Professions Code Section 10201, REDI retains renewal rights for  
14 two years. The Department of Real Estate holds jurisdiction  
15 over the lapsed license, pursuant to Business and Professions  
16 Code Section 10103.

17 3.

18 INERLAKEN EQUITES (hereinafter "INTERLAKEN") is  
19 presently licensed and/or has license rights under the Real  
20 Estate Law (Part 1 of Division 4 of the Business and  
21 Professions Code, hereinafter "Code"), as a corporate real  
22 estate broker.

23 4.

24 BRIAN PAUL LOPICCOLO (hereinafter "LOPICCOLO") is  
25 presently licensed and/or has license rights under the Real  
26 Estate Law, as a real estate broker. LOPICCOLO was the  
27 designated officer of REDI from December 5, 2005 to December 4,

1 2009. From February 18, 2010 through the present, LOPICCOLO  
2 has been the designated officer of INTERLAKEN.

3 5.

4 MINERVA BARAL (hereinafter "BARAL") is presently  
5 licensed and/or has license rights under the Real Estate Law,  
6 as a real estate salesperson. From December 16, 2007 to  
7 December 4, 2009, BARAL was employed by REDI. From February 3,  
8 2010 to March 24, 2010, BARAL was employed by LOPICCOLO. From  
9 April 21, 2010 through the present BARAL has been employed by  
10 INERLAKEN.

11 6.

12 EDILBERT G RIVERAL (hereinafter "RIVERAL") is  
13 presently licensed and/or has license rights under the Real  
14 Estate Law, as a real estate salesperson. From April 20, 2007  
15 to June 30, 2009, RIVERAL was employed by REDI.

16 FIRST CAUSE OF ACCUSATION

17 (Advance Fee Violations)

18 7.

19 REDI engaged in the business of a real estate broker  
20 in the State of California within the meaning of Code Sections  
21 10131(d) and 10131.2, including brokering mortgage loans and  
22 performing loan modification activities and claiming,  
23 demanding, charging, receiving, collecting or contracting for  
24 the collection of an advance fee, within the meaning of Code  
25 Section 10026, including, but not limited to, the following  
26 loan modification activities with respect to loans which were  
27 secured by liens on real property.

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8.

On or about July 16, 2008, Donald Frohriep (Frohriep) contacted REDI regarding a loan modification with respect to a loan secured by a lien(s) on real property located at 6460 El Dorado Avenue, Yucca Valley, CA, 92284. He talked to BARAL, who agreed to provide a loan modification if Frohriep paid a \$2,000 advance fee to REDI. On or about August 1, 2008, Frohriep issued a \$2,000 cashiers check to "Dream Homes Inc."

9.

On or about September 2008, Clifford and Emma Overton ("the Overtons") contacted REDI regarding a loan modification with respect to a loan secured by a lien(s) on real property located at 4414 Stay Ct., Orange, CA, 92862. They talked to RIVERAL, who agreed to provide a loan modification if the Overtons paid advance fees to REDI. After supplying several advance fee payments to REDI and RIVERAL, the Overtons were informed that their loan servicer had not been contacted by any loan modification company. RIVERAL refused to provide a copy of the loan modification agreement when it was requested by the Overtons.

10.

On or about January 15, 2009, REDI and BARAL entered into an agreement with Virginia Wenceslao ("Wenceslao") to negotiate a loan modification with respect to her loan secured by a lien(s) on the real property located at 3873 Schaefer Avenue, Suite F, Chino, CA 91710, in exchange for an advance

1 fee payment by Wenceslao of \$2,500, which Wenceslao submitted  
2 by cashier's check on January 20, 2009.

3 11.

4 On or about March 10, 2009, Alexander J. Israel  
5 ("Israel") entered into a loan modification agreement with REDI  
6 and BARAL, to negotiate a loan modification with respect to a  
7 loan secured by a lien(s) on real property located at 112 Poxon  
8 Place, West Covina, CA, 91790, in exchange for an advance fee  
9 payment by Israel of \$2,500, which Israel submitted by check on  
10 March 10, 2009.

11 12.

12 On or about June 12, 2009, Rickey and Catherine  
13 Wilson (the Wilsons) were solicited by REDI regarding a loan  
14 modification for their home located at 2375 Chandler Grove  
15 Drive, Buford, GA 30519. On June 17, 2009, the Wilsons entered  
16 into an agreement with REDI in which the Wilsons agreed to pay  
17 advance fees of \$2,700 in exchange for loan modification  
18 services. During June and July of 2009, the Wilsons submitted  
19 payment totaling \$2,700 to REDI as advance payments.

20 13.

21 The fees collected by REDI, as described in  
22 Paragraphs 8 and 9 above, constitute advance fee agreements  
23 within the meaning of Code Section 10026. REDI failed to submit  
24 the advance fee agreements referred to in Paragraphs 8 and 9 to  
25 the Commissioner ten days before using them, in violation of  
26 Code Section 10085 and Section 2970 of Title 10, California  
27 Code of Regulations ("Regulations").

14.

On or about November 20, 2008, the Department issued a "no objection letter" for an Advance Fee Agreement submitted on behalf of REDI and LOPICCOLO on November 11, 2008. The advance fee agreements described in paragraphs 10 through 12 above were signed after issuance of the "no objection letter". However, they were not the same agreement that was submitted to the Department on November 11, 2008. All three of these advance fee agreement contained additional attachments, including a "non refundable fee" provision, which was added to the agreements described in paragraphs 10 and 11 above. Accordingly, the advance fee agreements referred to in paragraphs 10 through 12 above were not submitted to the Commissioner ten days before using them, in violation of Code Section 10085 and Regulation 2970.

SECOND CAUSE OF ACCUSATION

(Unlicensed Fictitious Business Names)

15.

Beginning at an unknown time and continuing to at least May 5, 2010, INTERLAKEN and BARAL advertised real estate services on the website <http://serenityrm.com> using the fictitious business name "Serenity Realty". The website also used the fictitious business name "Dream Loans Mortgage." At the time of this solicitation, INTERLAKEN had not registered either of these fictitious business names with the Department of Real Estate for the State of California ("Department"), in violation of Code Section 10159.5 and Regulation 2731.





1 (c) The license numbers of REDI and the loan agents  
2 negotiating the loans were not included in four out of five  
3 loan files examined, in violation of Code Section 10236.4(b).

4 18.

5 The conduct of Respondents REDI and LOPICCOLO,  
6 described in Paragraph 17, above, violated the Code and the  
7 Regulations as set forth below:

| <u>PARAGRAPH</u> | <u>PROVISIONS VIOLATED</u>                   |
|------------------|--|
| 17(a)            | Code Sections 10145 and<br>Regulation 2831.2 |
| 17(b)            | Code Section 10240 and Regulation<br>2840    |
| 17(c)            | Code Section 10236.4(b)                      |

15 19.

16 The conduct, acts and/or omissions of Respondents  
17 REDI and LOPICCOLO, as set forth in paragraphs 7 through 14  
18 above, violates Code Section 10085 and Regulation 2970, and is  
19 cause for the suspension or revocation of the licenses and  
20 license rights of Respondents REDI and LOPICCOLO pursuant to  
21 Code Sections 10085, 10177(d) and/or 10177(g).

22 20.

23 The conduct, acts and/or omissions of Respondent  
24 BARAL, as set forth in paragraphs 8, 10, 11, 13 and 14, is in  
25 violation of Code Sections 10085 and Regulation 2970, providing  
26 cause for the suspension or revocation of the licenses and  
27

1 license rights of Respondent BARAL pursuant to Code Sections  
2 10085, 10177(d) and/or 10177(g).

3 21.

4 The conduct, acts and/or omissions of Respondent  
5 RIVERAL, as set forth in paragraphs 9 and 13, is in violation  
6 of Code Section 10085 and Regulation 2970, providing cause for  
7 the suspension or revocation of the licenses and license rights  
8 of Respondent RIVERAL pursuant to Code Sections 10085, 10177(d)  
9 and/or 10177(g).

10 22.

11 The conduct, acts and/or omissions of Respondents  
12 INTERLAKEN and LOPICCOLO, as set forth in paragraph 15 above,  
13 is in violation of Code Section 10159.5 and Regulation 2731,  
14 providing cause for the suspension or revocation of the  
15 licenses and license rights of Respondent REDI and LOPICCOLO  
16 pursuant to Code Sections 10177(d) and/or 10177(g).

17 23.

18 The violations set forth in paragraphs 16, 17 and 19  
19 above constitute cause for the suspension or revocation of the  
20 real estate license and license rights of REDI and LOPICCOLO,  
21 under the provisions of Code Sections 10177(d) and/or 10177(g).

22 FOURTH CAUSE OF ACCUSATION

23 Supervision and Compliance

24 24.

25 The overall conduct of Respondent LOPICCOLO  
26 constitutes a failure on his part, as officer designated by a  
27 corporate broker licensee, to exercise the reasonable

1 supervision and control over the licensed activities of REDI  
2 and INTERLAKEN, as required by Code Section 10159.2, and to  
3 keep REDI and INTERLAKEN in compliance with the Real Estate  
4 Law, and is cause for the suspension or revocation of the real  
5 estate license and license rights of LOPICCOLO pursuant to the  
6 provisions of Code Sections 10177(d), 10177(g) and 10177(h).

7 WHEREFORE, Complainant prays that a hearing be  
8 conducted on the allegations of this Accusation and that upon  
9 proof thereof, a decision be rendered imposing disciplinary  
10 action against all the licenses and license rights of  
11 Respondents REAL ESTATE DREAMHOMES INC, INTERLAKEN EQUITES,  
12 BRIAN PAUL LOPICCOLO, individually and formerly as designated  
13 officer of Real Estate Dreamhomes Inc and presently as  
14 designated officer of Interlaken Equites, MINERVA BARAL and  
15 EDILBERT G RIVERAL under the Real Estate Law, and for such  
16 other and further relief as may be proper under other  
17 applicable provisions of law.

18 Dated at San Diego, California  
19 this 4 day of August, 2010.

20  
21  
22   
23 Joseph Aiu  
Deputy Real Estate Commissioner

24 cc: Real Estate Dreamhomes Inc.  
25 Interlaken Equites  
26 Brian Paul Lopiccolo  
27 Minerva Baral  
Edilbert G. Rivalal  
Joseph Aiu  
Sacto.