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FILED
DEC 23 1998
DEPARTMENT OF REAL ESTATE
By 

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)	H-27669 LA
RENEE BIBAL LOTERINA, individually)	L-1998050434
and dba Access Realty &)	
Investments, A & L Best Mortgage,)	
Coastland Mortgage, Executive)	
Mortgage, RBL Investments, Life)	
Union Mortgage, Mstar Mortgage and)	
Royal Financial and as designated)	
officer of Centerpointe Network,)	
Inc., GT Mortgage Corporation,)	
Allied Pacific Financial)	
Corporation, and of Coastland)	
Mortgage Corporation,)	
Respondent.)	

DECISION AFTER REJECTION

The matter came on for hearing before Paul M. Hogan, Administrative Law Judge of the Office of Administrative Hearings at Los Angeles, California, on August 4, 1998.

Sean Crahan, Counsel, represented the Complainant.

Respondent appeared without counsel.

Evidence was received and the matter stood submitted on August 4, 1998.

1 On August 5, 1998, the Administrative Law Judge
2 submitted a Proposed Decision which I declined to adopt as the
3 decision of the Real Estate Commissioner. Pursuant to Section
4 11517(c) of the Government Code of the State of California,
5 Respondent was served with a copy of the Proposed Decision dated
6 August 5, 1998, and with Notice that the case would be decided by
7 me upon the record, including the transcript of proceedings held
8 on August 4, 1998, and upon any written argument offered by the
9 parties.

10 Argument was submitted by Respondent on September 29,
11 1998. Complainant submitted a reply argument on December 10, 1998.

12 I have given careful consideration to the record in
13 this case, including the transcript of proceedings of
14 July 9, 1998.

15 FINDINGS OF FACT

16 I have determined that the Findings of Fact in the
17 Proposed Decision of the Administrative Law Judge, dated
18 August 5, 1998, are adopted as the Findings of Fact of the Real
19 Estate Commissioner in this proceeding.

20 DETERMINATION OF ISSUES

21 I have determined that all Determination of Issues of
22 the Administrative Law Judge dated August 5, 1998, are adopted
23 herein as the Determination of Issues of the Real Estate
24 Commissioner.

25 Further, Respondent's violation of Business and
26 Professions Code (Code) Section 10137 subjects her to a fine
27



1 pursuant to Code Section 10139.5. The fine assessed shall be
2 \$5,000.

3 ORDER

4 WHEREFORE, THE FOLLOWING ORDER is hereby made:

5 All licenses and license rights of Respondent RENEE
6 BIBAL LOTERINA under Part 1 of Division 4 of the Business and
7 Professions Code are revoked; provided, however, a restricted
8 real estate broker license shall be issued to Respondent RENEE
9 BIBAL LOTERINA pursuant to Section 10156.5 of the Code if
10 Respondent LOTERINA makes application therefor and pays to the
11 Department of Real Estate the appropriate fee for said licenses
12 within ninety (90) days from the effective date of the Decision.

13 1. A pre condition to the issuance of the restricted
14 license to Respondent, RENEE BIBAL LOTERINA, shall be that
15 Respondent shall pay to the Department of Real Estate, within
16 sixty (60) days of the effective date of this Decision, \$5,000
17 pursuant to Business and Professions Code Section 10139.5.

18 2. The restricted license issued to Respondent RENEE
19 BIBAL LOTERINA shall be subject to all of the provisions of
20 Section 10156.7 of the Business and Professions Code and to the
21 following limitations, conditions and restrictions imposed under
22 authority of Section 10156.6 of said Code and to the following
23 limitations, conditions and restrictions imposed under authority
24 of Section 10156.6 of said Code:

25 (a) The restricted license may be suspended prior
26 to hearing by order of the Real Estate Commissioner in the event
27 of Respondent RENEE BIBAL LOTERINA's conviction or plea of nolo



1 contendere to a crime which bears a significant relation to
2 Respondent's fitness or capacity as a real estate licensee.

3 (b) The restricted license may be suspended prior
4 to hearing by Order of the Real Estate Commissioner on evidence
5 satisfactory to the Commissioner that Respondent RENEE BIBAL
6 LOTERINA has, during the time she holds a restricted license,
7 violated provisions of the California Real Estate Law, the
8 Subdivided Lands Law, Regulations of the Real Estate
9 Commissioner, or the conditions attaching to these restricted
10 licenses.

11 (c) Respondent RENEE BIBAL LOTERINA shall not,
12 during the time she holds a restricted license, become or remain
13 an officer or designated officer of a corporate broker, nor
14 become the broker for a business of any form, unless she owns 51
15 or more percent of such corporation or business.

16 (d) Respondent RENEE BIBAL LOTERINA shall not be
17 eligible to apply for the issuance of an unrestricted real estate
18 license nor the removal of any of the conditions, limitations or
19 restrictions of a restricted license until two (2) years has
20 elapsed from the date of issuance of the restricted license to
21 Respondent.

22 (e) Respondent RENEE BIBAL LOTERINA shall report
23 in writing to the Department of Real Estate as the Real Estate
24 Commissioner shall direct by his Order herein or by separate
25 written order issued while Respondent holds a restricted license,
26 such information concerning Respondent's activities for which a
27 real estate license is required as the Commissioner shall deem to



1 be appropriate to protect the public interest.

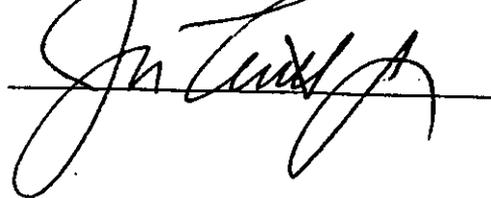
2 (f) Respondent RENEE BIBAL LOTERINA shall, within
3 nine months from the effective date of this Decision, present
4 evidence satisfactory to the Real Estate Commissioner that
5 Respondent has, since the most recent issuance of an original or
6 renewal real estate license, taken and successfully completed the
7 continuing education requirements of Article 2.5 of Chapter 3 of
8 the Real Estate Law for renewal of a real estate license. If
9 Respondent fails to satisfy this condition, the Commissioner may
10 order the suspension of the restricted license until the
11 Respondent presents such evidence. The Commissioner shall afford
12 Respondent the opportunity for a hearing pursuant to the
13 Administrative Procedure Act to present such evidence.

14 (g) Respondent RENEE BIBAL LOTERINA shall, within
15 six months from the effective date of this Decision, take and
16 pass the Professional Responsibility Examination administered by
17 the Department including the payment of the appropriate
18 examination fee. If Respondent fails to satisfy this condition,
19 the Commissioner may order suspension of Respondent's license
20 until Respondent passes the examination.

21 This Decision shall become effective at 12 o'clock noon
22 on January 12, 1999.

23 IT IS SO ORDERED

12/17/98
24 JIM ANTT, JR.
25 Real Estate Commissioner

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*Sacto
Frag*

FILED
AUG 26 1998
DEPARTMENT OF REAL ESTATE

By *Laura B. Orera*

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
RENEE BIBAL LOTERINA,)
Respondent.)

NO. H-27669 LA
L-1998050434

NOTICE

TO: Respondent RENEE BIBAL LOTERINA.

YOU ARE HEREBY NOTIFIED that the Proposed Decision herein dated August 5, 1998, of the Administrative Law Judge is not adopted as the Decision of the Real Estate Commissioner. A copy of the Proposed Decision dated August 5, 1998, is attached for your information.

In accordance with Section 11517(c) of the Government Code of the State of California, the disposition of this case will be determined by me after consideration of the record herein including the transcript of the proceedings held on August 4, 1998, and any written argument hereafter submitted on behalf of Respondent and Complainant.

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation)	No. 27669 LA
against:)	
)	L-1998050434
RENEE BIBAL LOTERINA,)	
etc.,)	
)	
Respondent.)	
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)	
)	

PROPOSED DECISION

This matter came on regularly to be heard before Paul M. Hogan, Administrative Law Judge of the Office of Administrative Hearings, at Los Angeles, California on August 4, 1998.

Complainant was represented by Sean Crahan, Counsel. RENEE BIBAL LOTERINA, respondent, appeared personally without legal counsel.

Evidence, both oral and documentary, was presented, and the matter was submitted for decision. The Administrative Law Judge makes his proposed decision as follows:

Findings of Fact

1. Complainant, Thomas Mc Crady, filed and served, and caused to be filed and served, the accusatory pleadings on file herein while acting solely in his official capacity as a Deputy Real Estate Commissioner of the State of California.
2. Respondent was and is a licensed real estate broker in the State of California.
3. During the period from March 5, 1996 to on or about April 22, 1997, respondent reported to the Department that she was using the title "Life Union Mortgage" as a doing business name. Life Union Mortgage was a partnership consisting of unlicensed persons, Mimi Bibera and Bohbbie Milletante. Respondent knew Ms. Bibera socially, and, in March of 1996, Ms. Bibera told respondent she needed a licensed broker so she could carry on her mortgage loan brokerage at Life Union. Respondent and Life Union arranged for respondent to report her affiliation to the Department, and to super

vis generally the paperwork created at Life Union in exchange for the payment to respondent of the sum of \$200.00 per loan. This arrangement continued until April of 1997, when Ms. Loterina terminated it to pay more attention to her own business affairs.

4. During the life of the arrangement, Ms. Bibera provably accepted a referral of a potential borrower who desired to finance a purchase money loan for real estate. She proceeded to solicit a lender, and to finalize the loan and fund the proposed purchase. In so doing she used the services of May Baysa, who was a contract loan processor; Ms. Baysa interviewed the borrower, and assembled the information required to complete the formal, written loan application. Ms. Bibera then went forward with the application and negotiated the loan.

5. Ms. Loterina's supervision of the day to day operations of Life Union was minimal; she came into the loan transaction above described very late in the proceedings. It is fair to infer that the bulk of Ms. Loterina's activities with Life Union was to receive her compensation checks, which were about as minimal as was her supervision.

6. Essentially, Ms. Loterina furnished Bibera and Milletante with license coverage for their mortgage loan activities. Neither Bibera, Milletante nor Baysa held any real estate license whatever. It is not clear that Baysa engaged in any activity requiring a license, but it is clear that Bibera did, and thus, because of involvement in Life Union as an owner, so did Milletante.

Determination of Issues

The acts and omissions of respondent, RENEE BIBAL LOTERINA, above set forth, subject her real estate license to discipline under the provisions of Business and Professions Code Section 10137 for compensating unlicensed persons, Mimi Bibera and Bohbbie Milletante for the performance of acts requiring a real estate license. In this connection, it is specifically found and determined that:

Bibera and Milletante solicited a lender in connection with a loan secured by a lien on real property within the meaning of sub-paragraph (d) of Section 10131 of the Business and Professions Code. Section 10130 of the Code generally provides that such activity cannot lawfully be performed on behalf of another unless the actor possesses a real estate license.

Loterina's disciplinary liability is founded upon the provisions of Section 10137 of the Code, which provide that any licensed real estate broker who compensates, directly, or indirectly any person for performing any of the acts described in "this chapter" (Sections 10130 and 10131 are thus embraced) who holds no real estate license is subject to discipline. By permitting Bibera and Milletante to act under her aegis, Loterina

effectively enabled them to charge and obtain commissions for their services to which they were not legally entitled; thus, Loterina subjected her license to discipline upon this ground.

It is further found and determined that Loterina's license is further subject to discipline by reason of her negligence in entering into this arrangement, pursuant to Section 10177(g) of the Code, and by reason of her failure to supervise adequately the activities of Bibera and Milletante within the meaning of Section 10177(h) of the Code.

Notwithstanding the foregoing, it is determined, in light of the absence of any adverse action against respondent during her eighteen years of licensure, and of any evidence of damage to consumers resulting from her activities, that the public interest will be adequately served by imposition of minimal discipline.

Order

The real estate broker's license heretofore issued to respondent, RENEE BIBAL LOTERINA, is hereby suspended for a period of thirty (30) days, commencing upon thirtieth day following the effective date of this decision.

August 5, 1998



PAUL M. HOGAN

Administrative Law Judge
Office of Administrative Hearings

*Sacto
Joey*

FILED
AUG - 4 1998
DEPARTMENT OF REAL ESTATE

By *Lana B. Orr*

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Sean Crahan, Counsel
State Bar No. 49351
Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, California, 90012

(213) 897-3937

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)	
RENEE BIBAL LOTERINA,)	H-27669 LA LA
individually and dba Access)	
Realty & Investments, A & L)	<u>F I R S T A M E N D E D</u>
Best Mortgage, Coastland)	
Mortgage, Executive Mortgage,)	<u>A C C U S A T I O N</u>
RBL Investments, Life Union)	
Mortgage, Mstar Mortgage and)	
Royal Financial and as)	
designated officer of)	
Centerpointe Network, Inc.,)	
GT Mortgage Corporation,)	
Allied Pacific Financial)	
Corporation, and of Coastland)	
Mortgage Corporation,)	
Respondent.)	

The Complainant, Thomas Mc Crady, a Deputy Real Estate Commissioner of the State of California, for cause of accusation against RENEE BIBAL LOTERINA, individually and doing business as Access Realty & Investments, A & L Best Mortgage, Coastland Mortgage, Executive Mortgage, RBL Investments, Life Union Mortgage, Mstar Mortgage and Royal Financial and as designated officer of Centerpointe Network, Inc., GT Mortgage

1 Corporation, Allied Pacific Financial Corporation, and of
2 Coastland Mortgage Corporation, amends this accusation in
3 underscore and alleges as follows:
4

5 1.

6 The Complainant, Thomas Mc Crady, a Deputy Real
7 Estate Commissioner of the State of California, makes this
8 Accusation in his official capacity.

9 2.

10 RENEE BIBAL LOTERINA (hereafter respondent) is
11 presently licensed and/or has license rights under the Real Estate
12 Law, Part 1 of Division 4 of the Business and Professions Code
13 (herein "the Code") as real estate brokers. At all times
14 mentioned herein, respondent was and now is licensed by the
15 Department of Real Estate of the State of California (herein "the
16 Department") as a real estate broker, individually and doing
17 business as Access Realty & Investments, A & L Best Mortgage,
18 Coastland Mortgage, Executive Mortgage, RBL Investments, Life
19 Union Mortgage, Mstar Mortgage and Royal Financial and as
20 designated officer of Centerpointe Network, Inc., GT Mortgage
21 Corporation, Allied Pacific Financial Corporation, and of
22 Coastland Mortgage Corporation.

23 3.

24 At no time herein mentioned was May Baysa
25 (hereafter Baysa) or Mimi Bibera (Bibera) licensed by the
26 Department as a real estate broker- or salesperson-.

27 4.



1
2 While doing business as Life Union Mortgage,
3 respondent employed or compensated Baysa or Bibera to solicit and
4 negotiate with prospective borrowers on loans secured by real
5 property.

6 5.

7 On or about April 24, 1996, Bibera and or Baysa
8 acting on behalf of respondent doing business as Life Union
9 Mortgage, solicited and negotiated with Paul Abad to become a
10 borrower on a loan to be secured by 7271 Middlesex, Stanton,
11 California. Baysa also solicited and negotiated with Valentine
12 Mortgage Company to become the lender on this loan. On or about
13 August 2, 1996, Valentine Mortgage Company funded a loan of
14 \$119,920 to Paul Abad secured by 7271 Middlesex, Stanton,
15 California.

16 6.

17 The conduct or omissions of respondent, as set
18 forth above, subjects her real estate license to suspension or
19 revocation under the provisions of Code Section 10137 for
20 employing or compensating an unlicensed person, May Baysa, to
21 perform acts requiring a real estate license.

22 WHEREFORE, Complainant prays that a hearing be
23 conducted on the allegations of this first amended accusation and
24 that upon proof thereof, a decision be rendered imposing
25 disciplinary action against all licenses and license rights of
26 respondent RENEE BIBAL LOTERINA, individually and doing business
27 as Access Realty & Investments, A & L Best Mortgage, Coastland
Mortgage, Executive Mortgage, RBL Investments, Life Union



1 Mortgage, Mstar Mortgage and Royal Financial and as designated
2 officer of Centerpointe Network, Inc., GT Mortgage Corporation,
3 Allied Pacific Financial Corporation, and of Coastland Mortgage
4 Corporation, under the Real Estate Law (Part 1 of Division 4 of
5 the Business and Professions Code) and for such other and further
6 relief as may be proper under other applicable provisions of law,
7 including the imposition of a fine of up to \$10,000 pursuant to
8 the provisions of Section 10139.5 of the Business and Professions
9 Code.

10
11 Dated at Los Angeles, California
12 this day of 4th day of August , 1998.

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14 Thomas McCrady / NS
15 Thomas Mc Crady,
16 Deputy Real Estate Commissioner
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24 cc: Renee Bibal Loterina
25 Sacto
26 AK

27 SC/sc



Sacto Gary

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
JUN - 9 1998

In the Matter of the Accusation of)
RENEE BIBAL LOTERINA,)
Respondent.)

Case No. H-27669 LA DEPARTMENT OF REAL ESTATE
OAH No. L- 1998050434

By *Laura B. Orma*

NOTICE OF HEARING ON ACCUSATION

To the above-named Respondent(s):

You are hereby notified that a hearing will be held before the Department of Real Estate at Office of Administrative Hearings, 107 South Broadway, 2nd Floor, Los Angeles, California, on AUGUST 4 & 5, 1998, at the hour of 9:00 a.m. or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served upon you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

Dated: JUN - 9 1998

DEPARTMENT OF REAL ESTATE

By: *Sean Crahan*
SEAN CRAHAN, Counsel

cc: Renee Bibal Loterina
Sacto.
OAH

Sachs
July

1 Sean Crahan, Counsel
2 State Bar No. 49351
3 Department of Real Estate
4 107 South Broadway, Room 8107
5 Los Angeles, California, 90012
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10 (213) 897-3937

FILED
APR 30 1998
DEPARTMENT OF REAL ESTATE

By *Laura B. Orne*

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * * *

11 In the Matter of the Accusation of)
12)
13 RENEЕ BIBAL LOTERINA,)
14 individually and dba Access)
15 Realty & Investments, A & L)
16 Best Mortgage, Coastland)
17 Mortgage, Executive Mortgage,)
18 RBL Investments, Life Union)
19 Mortgage, Mstar Mortgage and)
20 Royal Financial and as)
designated officer of)
Centerpointe Network, Inc.,)
GT Mortgage Corporation,)
Allied Pacific Financial)
Corporation, and of Coastland)
Mortgage Corporation,)
Respondent.)

H-27669 LA
A C C U S A T I O N

21 The Complainant, Thomas Mc Crady, a Deputy Real
22 Estate Commissioner of the State of California, for cause of
23 accusation against RENEЕ BIBAL LOTERINA, individually and doing
24 business as Access Realty & Investments, A & L Best Mortgage,
25 Coastland Mortgage, Executive Mortgage, RBL Investments, Life
26 Union Mortgage, Mstar Mortgage and Royal Financial and as
27 designated officer of Centerpointe Network, Inc., GT Mortgage

1 Corporation, Allied Pacific Financial Corporation, and of
2 Coastland Mortgage Corporation, alleges as follows:

3 1.

4 The Complainant, Thomas Mc Crady, a Deputy Real
5 Estate Commissioner of the State of California, makes this
6 Accusation in his official capacity.

7 2.

8 RENEE BIBAL LOTERINA (hereafter respondent) is
9 presently licensed and/or has license rights under the Real Estate
10 Law, Part 1 of Division 4 of the Business and Professions Code
11 (herein "the Code") as real estate broker. At all times
12 mentioned herein, respondent was and now is licensed by the
13 Department of Real Estate of the State of California (herein "the
14 Department") as a real estate broker, individually and doing
15 business as Access Realty & Investments, A & L Best Mortgage,
16 Coastland Mortgage, Executive Mortgage, RBL Investments, Life
17 Union Mortgage, Mstar Mortgage and Royal Financial and as
18 designated officer of Centerpointe Network, Inc., GT Mortgage
19 Corporation, Allied Pacific Financial Corporation, and of
20 Coastland Mortgage Corporation.

21 3.

22 At no time herein mentioned was May Baysa
23 (hereafter Baysa) licensed by the Department as a real estate
24 broker or salesperson.

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4.

While doing business as Life Union Mortgage, respondent employed or compensated Baysa to solicit and negotiate with prospective borrowers on loans secured by real property.

5.

On or about April 24, 1996, Baysa acting on behalf of respondent doing business as Life Union Mortgage, solicited and negotiated with Paul Abad to become a borrower on a loan to be secured by 7271 Middlesex, Stanton, California. Baysa also solicited and negotiated with Valentine Mortgage Company to become the lender on this loan. On or about August 2, 1996, Valentine Mortgage Company funded a loan of \$119,920 to Paul Abad secured by 7271 Middlesex, Stanton, California.

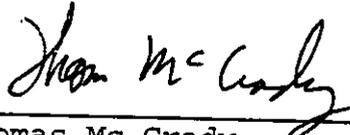
6.

The conduct or omissions of respondent, as set forth above, subjects her real estate license to suspension or revocation under the provisions of Code Section 10137 for employing or compensating an unlicensed person, May Baysa, to perform acts requiring a real estate license.

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against all licenses and license rights of respondent RENEE BIBAL LOTERINA, individually and doing business as Access Realty & Investments, A & L Best Mortgage, Coastland Mortgage, Executive Mortgage, RBL Investments, Life Union Mortgage, Mstar Mortgage and Royal Financial and as designated officer of Centerpointe Network,

1 Inc., GT Mortgage Corporation, Allied Pacific Financial
2 Corporation, and of Coastland Mortgage Corporation, under the Real
3 Estate Law (Part 1 of Division 4 of the Business and Professions
4 Code) and for such other and further relief as may be proper under
5 other applicable provisions of law, including the imposition of a
6 fine of up to \$10,000 pursuant to the provisions of Section
7 10139.5 of the Business and Professions Code.

8
9 Dated at Los Angeles, California
10 this 30th day of April , 1998.

11 
12 _____
13 Thomas Mc Crady,
14 Deputy Real Estate Commissioner
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25 cc: Renee Bibal Loterina
26 Sacto
AK

27 SC/sc