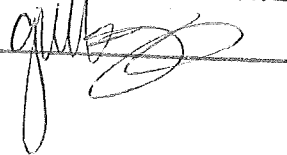


1 Bureau of Real Estate  
320 West Fourth Street, #350  
2 Los Angeles, California 90013

**FILED**

NOV - 9 2015

BUREAU OF REAL ESTATE

By 

7 BEFORE THE BUREAU OF REAL ESTATE

8 STATE OF CALIFORNIA

9 \* \* \*

10	In the Matter of the Accusation of	) CALBRE No. H-39708 LA
		) OAH No. 2015031072
11	BEST CORE GROUP, INC.;	)
	MICHAEL RAZNIK DERIAN; individually, and	)
12	as designated officer of Best Core Group, Inc.;	) SECOND REVISED
	DAVID MICHAEL FOGG; and	) STIPULATION & AGREEMENT
13	KRISTY ANN CISNEROZ,	)
		)
14	Respondents.	)
		)

16 It is hereby stipulated by and between Respondents BEST CORE GROUP, INC.,  
17 MICHAEL RAZNIK DERIAN, DAVID MICHAEL FOGG, and KRISTY ANN CISNEROZ  
18 (collectively "Respondents") and their attorneys, Steven D. Spile and Frank M. Buda, and the  
19 Complainant, acting by and through Lissete Garcia, Counsel for the Bureau of Real Estate, as  
20 follows for the purpose of settling and disposing of the Accusation filed on January 14, 2015, in  
21 this matter:

22 1. All issues which were to be contested and all evidence which was to be presented by  
23 Complainant and Respondents at a formal hearing on the Accusation, which hearing was to be  
24

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

4           2. Respondents have received, read and understand the Statement to Respondent, the  
5 Discovery Provisions of the APA and the Accusation filed by the Bureau of Real Estate  
6 (“Bureau”), in this proceeding.

7           3. Respondents served a Notice of Defense pursuant to Section 11506 of the Government  
8 Code for the purpose of requesting a hearing on the allegations in the Accusation. Respondents  
9 hereby freely and voluntarily withdraw said Notice of Defense. Respondents acknowledge that  
10 they understand that by withdrawing said Notice of Defense they will thereby waive their right to  
11 require the Commissioner to prove the allegations in the Accusation at a contested hearing held  
12 in accordance with the provisions of the APA and that they will waive other rights afforded to  
13 them in connection with the hearing such as the right to present evidence in defense of the  
14 allegations in the Accusation and the right to cross-examine witnesses.

15           4. This Stipulation is based on the factual allegations contained in the Accusation filed in  
16 this proceeding. In the interest of expedience and economy, Respondents choose not to contest  
17 these factual allegations, but to remain silent and understand that, as a result thereof, these  
18 factual statements, will serve as a prima facie basis for the disciplinary action stipulated to  
19 herein. The Real Estate Commissioner shall not be required to provide further evidence to prove  
20 such allegations.

21           5. This Stipulation and Respondents’ decision not to contest the Accusation are made for  
22 the purpose of reaching an agreed disposition of this proceeding and are expressly limited to this  
23 proceeding and any other proceeding or case in which the Bureau or another licensing agency of  
24

1 this state, another state or if the federal government is involved and otherwise shall not be  
2 admissible in any other criminal or civil proceedings.

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

10 7. The Order or any subsequent Order of the Real Estate Commissioner made pursuant to  
11 this Stipulation shall not constitute an estoppel, merger or bar to any further administrative or  
12 civil proceedings by the Bureau with respect to any conduct which was not specifically alleged  
13 to be causes for accusation in this proceeding.

14 DETERMINATION OF ISSUES

15 By reason of the foregoing stipulation and waiver and solely for the purpose of settlement  
16 of the pending Accusation without a hearing, it is stipulated and agreed that the following  
17 determination of issues shall be made:

18 I.

19 The conduct, acts and/or omissions of Respondents DAVID MICHAEL FOGG and  
20 KRISTY ANN CISNEROZ, as set forth in the Accusation, constitute cause for the suspension or  
21 revocation of the real estate licenses and license rights of Respondents DAVID MICHAEL  
22 FOGG and KRISTY ANN CISNEROZ under the provisions of Section 10177(g) (negligence) of  
23 the Business and Professions Code ("Code").  
24

1 II.

2 The conduct, acts and/or omissions of Respondents BEST CORE GROUP, INC. and  
3 MICHAEL RAZNIK DERIAN, as set forth in the Accusation, constitute cause for the  
4 suspension or revocation of the real estate licenses and license rights of Respondents BEST  
5 CORE GROUP, INC. and MICHAEL RAZNIK DERIAN under the provisions of Code Section  
6 10177(g) (negligence).

7 ORDER

8 WHEREFORE, THE FOLLOWING ORDER is hereby made:

9 I.

10 All licenses and licensing rights of Respondent BEST CORE GROUP are hereby  
11 publicly reprovred.

12 II.

13 Respondent MICHAEL RAZNIK DERIAN shall, within six (6) months from the  
14 effective date of this Order, take and pass the Professional Responsibility Examination  
15 administered by the Bureau including the payment of the appropriate examination fee. If  
16 Respondent fails to satisfy this condition, Respondent's real estate license shall automatically be  
17 suspended until Respondent passes the examination.

18 III.

19 All licenses and licensing rights of Respondent DAVID MICHAEL FOGG under the  
20 Real Estate Law are suspended for a period of thirty (30) days from the effective date of this  
21 Order; provided, however, that:

22 1) Thirty (30) days of said suspension shall be stayed, upon the condition that

23 Respondent petitions pursuant to Section 10175.2 of the Code and pays a  
24

1 monetary penalty pursuant to Section 10175.2 of the Code at a rate of \$50 for  
2 each day of the suspension for a total monetary penalty of \$1,500.

3 2) Said payment shall be in the form of a cashier's check made payable to the

4 Bureau of Real Estate. Said check must be delivered to the Bureau of Real  
5 Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior  
6 to the effective date of this Order.

7 3) No further cause for disciplinary action against the Real Estate licenses of

8 Respondent occurs within one (1) year from the effective date of the Order in  
9 this matter.

10 4) If Respondent fails to pay the monetary penalty in accordance with the terms

11 and conditions of this Decision and Order, the suspension shall go into effect  
12 automatically. Respondent shall not be entitled to any repayment nor credit,  
13 prorated or otherwise, for money paid to the Bureau under the terms of this  
14 Decision and Order.

15 5) If Respondent pays the monetary penalty and any other moneys due under this

16 Stipulation and Agreement and if no further cause for disciplinary action  
17 against the real estate license of said Respondent occurs within one (1) year  
18 from the effective date of this Order, the entire stay hereby granted pursuant to  
19 this Order, as to said Respondent DAVID MICHAEL FOGG only, shall  
20 become permanent.

21 6) Respondent DAVID MICHAEL FOGG shall, within six (6) months from the

22 effective date of this Order, take and pass the Professional Responsibility  
23 Examination administered by the Bureau including the payment of the  
24

1 appropriate examination fee. If Respondent fails to satisfy this condition,  
2 Respondent's real estate license shall automatically be suspended until  
3 Respondent passes the examination.

4 IV.

5 All licenses and licensing rights of Respondent KRISTY ANN CISNEROZ under the  
6 Real Estate Law are suspended for a period of thirty (30) days from the effective date of this  
7 Order; provided, however, that:

- 8 1) Thirty (30) days of said suspension shall be stayed, upon the condition that  
9 Respondent petitions pursuant to Section 10175.2 of the Code and pays a  
10 monetary penalty pursuant to Section 10175.2 of the Code at a rate of \$50 for  
11 each day of the suspension for a total monetary penalty of \$1,500.
- 12 2) Said payment shall be in the form of a cashier's check made payable to the  
13 Bureau of Real Estate. Said check must be delivered to the Bureau of Real  
14 Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior  
15 to the effective date of this Order.
- 16 3) No further cause for disciplinary action against the Real Estate licenses of  
17 Respondent occurs within one (1) year from the effective date of the Order in  
18 this matter.
- 19 4) If Respondent fails to pay the monetary penalty in accordance with the terms  
20 and conditions of this Decision and Order, the suspension shall go into effect  
21 automatically. Respondent shall not be entitled to any repayment nor credit,  
22 prorated or otherwise, for money paid to the Bureau under the terms of this  
23 Decision and Order.
- 24

1 5) If Respondent pays the monetary penalty and any other moneys due under this

2 Stipulation and Agreement and if no further cause for disciplinary action  
3 against the real estate license of said Respondent occurs within one (1) year  
4 from the effective date of this Order, the entire stay hereby granted pursuant to  
5 this Order, as to said Respondent KRISTY ANN CISNEROZ only, shall  
6 become permanent.

7 6) Respondent KRISTY ANN CISNEROZ shall, within six (6) months from the

8 effective date of this Order, take and pass the Professional Responsibility  
9 Examination administered by the Bureau including the payment of the  
10 appropriate examination fee. If Respondent fails to satisfy this condition,  
11 Respondent's real estate license shall automatically be suspended until  
12 Respondent passes the examination.

13 V.


14 Respondents BEST CORE GROUP, INC., MICHAEL RAZNIK DERIAN, DAVID

15 MICHAEL FOGG, and KRISTY ANN CISNEROZ are jointly or severally liable for payment of  
16 \$2,705.70 for the Commissioner's reasonable cost of the investigation and enforcement which  
17 led to this disciplinary action. Said payment shall be in the form of a cashier's check made  
18 payable to the Bureau of Real Estate. The investigative and enforcement costs must be delivered  
19 to the Bureau of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013,  
20 prior to the effective date of this Order.

21 The Commissioner shall suspend Respondents' licenses pending a hearing held in  
22 accordance with California Government Code Section 11500, et seq., if payment is not timely  
23 made as provided for herein. The suspensions shall remain in effect until payment is made in  
24

1 full or until a decision providing otherwise is adopted following a hearing held pursuant to this  
2 condition.

3 DATED: 10/13/2015

  
\_\_\_\_\_  
LISSETE GARCIA Counsel for Complainant  
\* \* \*

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

13 Respondents can signify acceptance and approval of the terms and conditions of this  
14 Stipulation and Agreement by faxing a copy of the signature page, as actually signed by  
15 Respondents, to the Bureau at fax number (213) 576-6917. Respondents agree, acknowledge,  
16 and understand that by electronically sending to the Bureau a fax copy of their actual signatures  
17 as they appear on the Stipulation and Agreement, that receipt of the faxed copy by the Bureau  
18 shall be as binding on Respondents as if the Bureau had received the original signed Stipulation  
19 and Agreement.

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

\_\_\_\_\_  
On behalf of BEST CORE GROUP, INC.,  
Respondent

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

\_\_\_\_\_  
MICHAEL RAZNIK DERIAN, Respondent

24



10/13/2015 16:03 818-999-9869

1 full or until a decision providing otherwise is adopted following a hearing held pursuant to this  
2 condition.

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

LISSETE GARCIA Counsel for Complainant  
\* \* \*

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

13 Respondents can signify acceptance and approval of the terms and conditions of this  
14 Stipulation and Agreement by faxing a copy of the signature page, as actually signed by  
15 Respondents, to the Bureau at fax number (213) 576-6917. Respondents agree, acknowledge,  
16 and understand that by electronically sending to the Bureau a fax copy of their actual signatures  
17 as they appear on the Stipulation and Agreement, that receipt of the faxed copy by the Bureau  
18 shall be as binding on Respondents as if the Bureau had received the original signed Stipulation  
19 and Agreement.

20 DATED: 10/9/15

Michael Derian  
On behalf of BEST CORE GROUP, INC.,  
Respondent


23 DATED: 10/9/15

Michael Derian  
MICHAEL RAZNIK DERIAN, Respondent

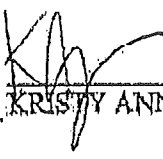
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DATED: 10-9-15

  
\_\_\_\_\_  
DAVID MICHAEL FOGG, Respondent

DATED: 10/13/15

  
\_\_\_\_\_  
KRISTY ANN CISNEROZ, Respondent

*I have reviewed the Stipulation and Agreement as to form and content and have advised my clients accordingly.*

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

\_\_\_\_\_  
Steven D. Spile,  
Attorney for Respondents

*I have reviewed the Stipulation and Agreement as to form and content and have advised my clients accordingly.*

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

\_\_\_\_\_  
Frank M. Buda,  
Attorney for Respondents

\*\*\*

The foregoing Stipulation and Agreement is hereby adopted as my Decision in this matter and shall become effective at 12 o'clock noon on \_\_\_\_\_.

IT IS SO ORDERED \_\_\_\_\_

REAL ESTATE COMMISSIONER

10/07/2015 WED 13:27 FAX FRANK BUDA

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


DAVID MICHAEL FOGG, Respondent

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

KRISTY ANN CISNEROZ, Respondent


*I have reviewed the Stipulation and Agreement as to form and content and have advised my clients accordingly.*

DATED: 10/12/15

  
Steven D. Spile,  
Attorney for Respondents

*I have reviewed the Stipulation and Agreement as to form and content and have advised my clients accordingly.*

DATED: 10-8-15

  
Frank M. Buda,  
Attorney for Respondents

\*\*\*

The foregoing Stipulation and Agreement is hereby adopted as my Decision in this matter and shall become effective at 12 o'clock noon on \_\_\_\_\_

IT IS SO ORDERED \_\_\_\_\_

REAL ESTATE COMMISSIONER

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

DAVID MICHAEL FOGG, Respondent

2

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

KRISTY ANN CISNEROZ, Respondent

4

5

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

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

Steven D. Spile,  
Attorney for Respondents

9

10 *I have reviewed the Stipulation and Agreement as to form and content and have*  
11 *advised my clients accordingly.*

12

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

Frank M. Buda,  
Attorney for Respondents

14

\* \* \*

15

16 The foregoing Stipulation and Agreement is hereby adopted as my Decision in  
17 this matter and shall become effective at 12 o'clock noon on NOV 30 2015

18

IT IS SO ORDERED OCTOBER 31, 2015

19

WAYNE S. BELL  
REAL ESTATE COMMISSIONER

20



21

By: JEFFREY MASON  
Chief Deputy Commissioner

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