

ANNETTE E. FERRANTE (SBN 258842)

Real Estate Counsel

California Bureau of Real Estate

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FILED

NOV 05 2015

BUREAU OF REAL ESTATE

By B. Nicholas

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of)	
)	No. H-6325 SAC
DANIEL YU DING,)	
)	<u>ACCUSATION</u>
Respondent.)	
)	

The Complainant, TRICIA D. PARKHURST, in her official capacity as a Supervising Special Investigator of the Bureau of Real Estate ("Bureau") of the State of California, brings this Accusation against DANIEL YU DING ("Respondent"), and is informed and alleges as follows:

1

Respondent is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the Business and Professions Code ("the Code") as a real estate broker.

2

At all times relevant herein, Respondent was and is a member of the State Bar of California ("State Bar") and has held a license to practice law ("law license") since on or about December 8, 2011. Since February 1, 2013, Respondent has voluntarily placed his law license on inactive status with the State Bar. On or about November 3, 2014, in Case No. 14-O-03201, after

1 giving Respondent fair notice of the pending charges and being afforded the opportunity for a
2 hearing and other due process protections, the State Bar Court of California and Respondent
3 entered into a "Stipulation Re Facts, Conclusions of Law and Disposition and Order Approving"
4 ("Stipulation") recommending to the California Supreme Court that Respondent be disciplined
5 by imposing one (1) year suspension from the practice of law within the State of California, all
6 stayed, along with other terms and conditions. The Stipulation was based upon the finding that
7 grounds to suspend Respondent's law license existed pursuant to Sections 6125 and 6126 of the
8 Code (holding oneself out as entitled to practice law when not an active member of the State
9 Bar). On or about March 19, 2015, in Case No. S223450, the California Supreme Court adopted
10 the Stipulation and ordered that Respondent be suspended from the practice of law for one (1)
11 year, with a stay of execution, and placed him on one (1) year of probation subject to enumerated
12 terms and conditions.

13 3

14 Respondent's law license suspension identified in paragraph 2, above, was for acts
15 which, if done by a real estate licensee, would be grounds for the suspension or revocation of a
16 California real estate license under Sections 10130 (unlawful advertisement or acting in capacity
17 of real estate licensee without an active real estate license) and 10177(g) (negligence in
18 performing an act requiring a license) of the Code.

19 4

20 The facts alleged in paragraphs 2 and 3, above, constitute cause for the suspension
21 or revocation of Respondent's real estate license and license rights pursuant to Sections 10177(f)
22 (license discipline for acts that, if done by a real estate licensee, would be grounds for the
23 suspension or revocation of a California real estate license) and 10177(g) (negligence in
24 performing an act requiring a license) of the Code.

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26 Pursuant to Section 10186.2 of the Code, effective January 1, 2012, a licensee
27 shall report in writing to the Bureau any disciplinary action taken by another licensing entity or

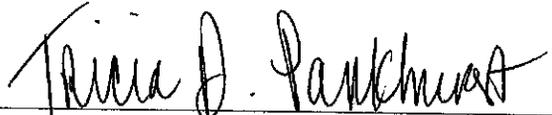
1 authority of this state or of another state or an agency of the federal government, within thirty
2 (30) days of the date of the disciplinary action. Respondent failed to report the State Bar
3 disciplinary action identified in paragraph 2, above, to the Bureau in writing within the time
4 required by Section 10186.2 of the Code. Such failure constitutes grounds for the suspension
5 or revocation of all licenses and license rights of Respondent pursuant to Section 10177(d)
6 (willful disregard or violation of the Real Estate Law) of the Code, in conjunction with Section
7 10186.2 of the Code.

8 Cost Recovery

9 6

10 Section 10106 of the Code provides, in pertinent part, that in any order issued in
11 resolution of a disciplinary proceeding before the Bureau, the Commissioner may request the
12 administrative law judge to direct a licensee found to have committed a violation of this part to
13 pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

14 WHEREFORE, Complainant prays that a hearing be conducted on the
15 allegations of this Accusation and that upon proof thereof, a decision be rendered revoking all
16 licenses and license rights of Respondent under the Real Estate Law (Part 1 of Division 4 of the
17 Business and Professions Code), for the cost of investigation and enforcement as permitted by
18 law, and for such other and further relief as may be proper under other provisions of law.

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20 
21 TRICIA D. PARKHURST
22 Supervising Special Investigator

23 Dated at Sacramento, California,
24 this 3rd day of November 2015.
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27

FLAG

1 BUREAU OF REAL ESTATE
2 P. O. Box 137007
3 Sacramento, CA 95813-7007

4 Telephone: (916) 263-8672

FILED
APR 27 2015

BUREAU OF REAL ESTATE

By L. Just

8 STATE OF CALIFORNIA

9 BUREAU OF REAL ESTATE

10 To:
11 CAROLYN TOBIASON STUART,)
12 WILLIAM ROBINSON STUART,)
13 ZOE REBECCA HAMILTON,)
14 BEAR BRUIN VENTURES, INC. and)
15 MILESTONE FINANCIAL, LLC.)

No. H- 6235 SAC

SECOND AMENDED
ORDER TO DESIST AND REFRAIN
(B&P Code Section 10086)

16 The Commissioner of the California Bureau of Real Estate (Bureau) caused an
17 investigation to be made of the activities of CAROLYN TOBIASON STUART ("C.
18 STUART"), WILLIAM ROBINSON STUART ("W. STUART"), ZOE REBECCA
19 HAMILTON ("HAMILTON"), BEAR BRUIN VENTURES, INC., ("BEAR"), doing business
20 as "Page Mill Funding", and MILESTONE FINANCIAL, LLC ("MILESTONE"). Based on
21 that investigation, the Commissioner has determined that C. STUART, W. STUART,
22 HAMILTON, BEAR, and MILESTONE have engaged in, are engaging in, or are attempting to
23 engage in, acts or practices constituting violations of the California Business and Professions
24 Code (Code) and/or Title 10, Chapter 6, California Code of Regulations (Regulations),
25 including the business of, acting in the capacity of, and/or advertising or assuming to act as, a
26 real estate broker in the State of California within the meaning of Sections 10130 (act as a real
27 estate broker without a license), 10131(d) (solicits borrowers or lenders for or negotiates loans

1 5. MILESTONE is a corporation in the State of California, with a primary
2 place of business located at 4970 El Camino Real #230, Los Altos, CA 94022. At no time
3 herein mentioned was MILESTONE licensed by the Bureau in any capacity. At no time
4 mentioned, has MILESTONE obtained a mortgage loan originator license endorsement.

5 6. During the period of time set forth below, C. STUART, W. STUART,
6 HAMILTON, BEAR, and MILESTONE solicited borrowers or lenders for or negotiated loans or
7 collected payments or performed services for borrowers or lenders or note owners in connection
8 with loans secured directly or collaterally by liens on real property or on a business opportunity.

9 7. In or about March, 2014, MILESTONE solicited and/or offered borrowers
10 lending services through a flier which stated that MILESTONE is a "Wholesale Direct Lender"
11 offering "Fast Quotes", "Fast Closings" and "Competitive Rates". The MILESTONE flier is
12 attached hereto and is incorporated herein by reference as Exhibit "A".

13 8. The flier discussed above in Paragraph 7 also advertised a website for
14 MILESTONE at www.milestonelender.com. The website indicates that MILESTONE is "In the
15 business of originating or purchasing loans secured by California real estate." Additionally, the
16 website states that W. STUART "serves as the President of Page Mill Funding, a licensed real
17 estate broker and manager of Milestone", and that C. STUART is the "DRE broker for
18 Milestone."

19 9. Between June 10, 2014 and July 1, 2014, a Special Investigator for the
20 Bureau's Sacramento District Office ("Investigator") engaged in email correspondence with
21 HAMILTON, acting on behalf of MILESTONE. Within the course of the email
22 correspondence, HAMILTON solicited mortgage loan originator activity on behalf of
23 MILESTONE and arranged to meet the Investigator with the purpose of negotiating a
24 residential mortgage loan refinance agreement.

25 10. On or about July 2, 2014, the Investigator met with HAMILTON at the
26 MILESTONE office address advertised on the MILESTONE flier (See Exhibit "A".) At the
27 meeting, HAMILTON, acting on behalf of MILESTONE, solicited and/or offered to negotiate

1 the terms and rates of a residential mortgage loan refinance with the Investigator concerning a
2 piece of real property located within the State of California.

3 CONCLUSIONS OF LAW

4 1. Based on the findings of fact contained in paragraphs 1 through 10, C.
5 STUART, W. STUART, HAMILTON, BEAR, and MILESTONE solicited, offered, and/or
6 negotiated terms of a residential mortgage loan for one or more borrowers without obtaining a
7 mortgage loan originator license endorsement in violation of Section 10166.02(b) of the Code.

8 2. Based on the Findings of Fact contained in Paragraphs 9 through 10,
9 HAMILTON has performed and/or participated in mortgage loan activities which require a real
10 estate license under Code Sections 10130 and 10131(b) during a period of time when
11 HAMILTON's real estate salesperson license was expired.

12 3. Based on the Findings of Fact contained in Paragraphs 9 through 10,
13 MILESTONE has performed and/or participated in mortgage loan activities which require a real
14 estate license under Code Sections 10130 and 10131(b) during a period of time when
15 MILESTONE was not licensed by the Bureau in any capacity.

16 DESIST AND REFRAIN ORDER

17
18 I. As to C. STUART, W. STUART, and BEAR

19 Based on the Findings of Fact and Conclusions of Law stated herein,
20 C. STUART, W. STUART, and BEAR, whether doing business under your own name, or any
21 other names or fictitious names, ARE HEREBY ORDERED to:

22 Immediately desist and refrain from performing any acts within the State of California
23 for which a mortgage loan originator license endorsement is required, unless and until you obtain
24 a mortgage loan originator license endorsement issued by the Bureau.
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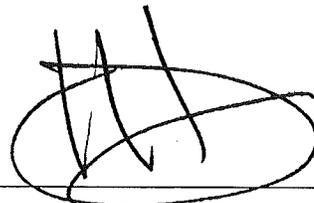
II. As to HAMILTON and MILESTONE

Based on the Findings of Fact and Conclusions of Law stated herein, HAMILTON and MILESTONE, whether doing business under your own name, or any other names or fictitious names, ARE HEREBY ORDERED to:

- (1) Immediately desist and refrain from performing any acts within the State of California for which a real estate broker license is required unless and until you obtain the appropriate license issued by the Bureau; and
- (2) Immediately desist and refrain from performing any acts within the State of California for which a real estate broker license and mortgage loan originator license endorsement are required, unless and until you obtain the appropriate license issued by the Bureau and a mortgage loan originator license endorsement issued by the Bureau.

DATED: APR 23 2015

REAL ESTATE COMMISSIONER



By: **JEFFREY MASON**
Chief Deputy Commissioner

- NOTICE -

Business and Professions Code Section 10139 provides that "Any person acting as a real estate broker or real estate salesperson without a license or who advertises using words indicating that he or she is a real estate broker without being so licensed shall be guilty of a public offense punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by imprisonment in the county jail for a term not to exceed six months, or by both fine and imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars (\$60,000)."

Slay

FILED

1 BUREAU OF REAL ESTATE
2 P. O. Box 137007
3 Sacramento, CA 95813-7007
4 Telephone: (916) 263-8672
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MAR 13 2015

BUREAU OF REAL ESTATE
By S. Black

STATE OF CALIFORNIA

BUREAU OF REAL ESTATE

To:

CAROLYN TOBIASON STUART,
WILLIAM ROBINSON STUART,
ZOE REBECCA HAMILTON,
BEAR BRUIN VENTURES, INC. and
MILESTONE FINANCIAL, LLC.

No. H- 6235 SAC

ORDER TO DESIST AND REFRAIN
(B&P Code Section 10086)

16 The Commissioner of the California Bureau of Real Estate (Bureau) caused an
17 investigation to be made of the activities of CAROLYN TOBIASON STUART ("C.
18 STUART"), WILLIAM ROBINSON STUART ("W. STUART"), ZOE REBECCA
19 HAMILTON ("HAMILTON"), BEAR BRUIN VENTURES, INC., ("BEAR"), doing business
20 as "Page Mill Funding", and MILESTONE FINANCIAL, LLC ("MILESTONE"). Based on
21 that investigation, the Commissioner has determined that C. STUART, W. STUART,
22 HAMILTON, BEAR, and MILESTONE have engaged in, are engaging in, or are attempting to
23 engage in, acts or practices constituting violations of the California Business and Professions
24 Code (Code) and/or Title 10, Chapter 6, California Code of Regulations (Regulations),
25 including the business of, acting in the capacity of, and/or advertising or assuming to act as, a
26 real estate broker in the State of California within the meaning of Sections 10130 (act as a real
27 estate broker without a license), 10131(d) (solicits borrowers or lenders for or negotiates loans

1 or collects payments or performs services for borrowers or lenders or note owners in connection
2 with loans secured directly or collaterally by liens on real property or on a business
3 opportunity), and/or 10166.02(b) (failing to obtain a mortgage loan originator license
4 endorsement) of the Code. Furthermore, based on the investigation, the Commissioner hereby
5 issues the following Findings of Fact, Conclusions of Law, and Desist and Refrain Order under
6 the authority of Section 10086 of the Code.

7 Whenever acts referred to below are attributed to BEAR, "Page Mill Funding"
8 and/or MILESTONE, those acts are alleged to have been done by C. STUART, W. STUART,
9 and/or HAMILTON, acting by themselves, or by and/or through one or more agents, associates,
10 affiliates, and/or co-conspirators, and using the name BEAR, "Page Mill Funding" and/or
11 MILESTONE, or other names or fictitious names unknown at this time.

12 FINDINGS OF FACT

13 1. At all times mentioned, C. STUART has been licensed by the Bureau as
14 a real estate broker. At no time mentioned has C. STUART obtained a mortgage loan
15 originator license endorsement.

16 2. At all times mentioned, W. STUART has been licensed by the Bureau as
17 a real estate salesperson. At no time mentioned has W. STUART obtained a mortgage loan
18 originator license endorsement.

19 3. HAMILTON has been licensed by the Bureau as a real estate
20 salesperson. On December 22, 2004, HAMILTON's real estate salesperson license expired
21 and said license has not been renewed or reinstated. At no time mentioned has HAMILTON
22 obtained a mortgage loan originator license endorsement.

23 4. BEAR is a corporation in the State of California, with a primary place of
24 business located at 2626 Hanover St., Palo Alto, CA 94304. At all times mentioned, BEAR
25 has been licensed by the Bureau as a corporate real estate broker. At no time mentioned, has
26 BEAR obtained a mortgage loan originator license endorsement. At all times mentioned,
27 BEAR was doing business as Page Mill Funding.

1 5. MILESTONE is a corporation in the State of California, with a primary
2 place of business located at 4970 El Camino Real #230, Los Altos, CA 94022. At no time
3 herein mentioned was MILESTONE licensed by the Bureau in any capacity. At no time
4 mentioned, has MILESTONE obtained a mortgage loan originator license endorsement.

5 6. During the period of time set forth below, C. STUART, W. STUART,
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8 with loans secured directly or collaterally by liens on real property or on a business opportunity.

9 7. In or about March, 2014, MILESTONE solicited and/or offered borrowers
10 lending services through a flier which stated that MILESTONE is a "Wholesale Direct Lender"
11 offering "Fast Quotes", "Fast Closings" and "Competitive Rates". The MILESTONE flier is
12 attached hereto and is incorporated herein by reference as Exhibit "A".

13 8. The flier discussed above in Paragraph 7 also advertised a website for
14 MILESTONE at www.milestonelender.com. The website indicates that MILESTONE is "In the
15 business of originating or purchasing loans secured by California real estate." Additionally, the
16 website states that W. STUART "serves as the President of Page Mill Funding, a licensed real
17 estate broker and manager of Milestone", and that C. STUART is the "DRE broker for
18 Milestone."

19 9. Between June 10, 2014 and July 1, 2014, a Special Investigator for the
20 Bureau's Sacramento District Office ("Investigator") engaged in email correspondence with
21 HAMILTON, acting on behalf of MILESTONE. Within the course of the email
22 correspondence, HAMILTON solicited mortgage loan originator activity on behalf of
23 MILESTONE and arranged to meet the Investigator with the purpose of negotiating a
24 residential mortgage loan refinance agreement.

25 10. On or about July 2, 2014, the Investigator met with HAMILTON at the
26 MILESTONE office address advertised on the MILESTONE flier (See Exhibit "A".) At the
27 meeting, HAMILTON, acting on behalf of MILESTONE, solicited and/or offered to negotiate

1 the terms and rates of a residential mortgage loan refinance with the Investigator concerning a
2 piece of real property located within the State of California.

3 CONCLUSIONS OF LAW

4 1. Based on the findings of fact contained in paragraphs 1 through 10, C.
5 STUART, W. STUART, HAMILTON, BEAR, and MILESTONE solicited, offered, and/or
6 negotiated terms of a residential mortgage loan for one or more borrowers without obtaining a
7 mortgage loan originator license endorsement in violation of Section 10166.02(b) of the Code.

8 2. Based on the Findings of Fact contained in Paragraphs 9 through 10,
9 HAMILTON has performed and/or participated in mortgage loan activities which require a real
10 estate license under Code Sections 10130 and 10131(b) during a period of time when
11 HAMILTON's real estate salesperson license was expired.

12 3. Based on the Findings of Fact contained in Paragraphs 9 through 10,
13 MILESTONE has performed and/or participated in mortgage loan activities which require a real
14 estate license under Code Sections 10130 and 10131(b) during a period of time when
15 MILESTONE was not licensed by the Bureau in any capacity.

16 DESIST AND REFRAIN ORDER

17 Based on the Findings of Fact and Conclusions of Law stated herein, C.
18 STUART, W. STUART, HAMILTON, BEAR, and MILESTONE, whether doing business under
19 your own name, or any other names or fictitious names, ARE HEREBY ORDERED to:

20 Immediately desist and refrain from performing any acts within the State of
21 California for which a real estate broker license and/or mortgage loan originator license
22 endorsement is required. In particular, you are ordered to desist and refrain from soliciting
23 borrowers and/or performing services for borrowers or lenders in connection with loans secured

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1 directly or collaterally by one or more liens on real property, unless and until you obtain a real
2 estate broker license and a mortgage loan originator license endorsement issued by the Bureau.

3 DATED: FEBRUARY 15, 2015

4 REAL ESTATE COMMISSIONER

5 

6
7 By: JEFFREY MASON
8 Chief Deputy Commissioner

9
10 **- NOTICE -**

11 Business and Professions Code Section 10139 provides that "Any person acting as a real estate
12 broker or real estate salesperson without a license or who advertises using words indicating that
13 he or she is a real estate broker without being so licensed shall be guilty of a public offense
14 punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by imprisonment in the
15 county jail for a term not to exceed six months, or by both fine and imprisonment; or if a
16 corporation, be punished by a fine not exceeding sixty thousand dollars (\$60,000)."