

Miss Gabe

FILED
FEB 16 2006
DEPARTMENT OF REAL ESTATE

1 ELLIOTT MAC LENNAN, SBN 66674
2 Department of Real Estate
3 320 West 4th Street, Ste. 350
4 Los Angeles, California 90013-1105

5 Telephone: (213) 576-6911 (direct)
6 -or- (213) 576-6982 (office)

By *[Signature]*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12)
13 WILLIAM B.E. NARDONI doing)
14 business as MD Mortgage)
15 and Thousand Oaks Mortgage,)
16)
17 Respondent,)

No. H-32070 LA
STIPULATION
AND
AGREEMENT

18 It is hereby stipulated by and between Respondent
19 WILLIAM B. E. NARDONI dba MD Mortgage and Thousand Oaks Mortgage
20 (sometimes referred to as "Respondent") and the Complainant,
21 acting by and through Elliott Mac Lennan, Counsel for the
22 Department of Real Estate, as follows for the purpose of settling
23 and disposing of the Accusation ("Accusation") filed on July 11,
24 2005, in this matter:

- 25
26 1. All issues which were to be contested and all
27 evidence which was to be presented by Complainant and Respondent

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

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

10 3. Respondent timely filed a Notice of Defense
11 pursuant to Section 11506 of the Government Code for the purpose
12 of requesting a hearing on the allegations in the Accusation.
13 Respondent hereby freely and voluntarily withdraws said Notice of
14 Defense. Respondent acknowledges that he understands that by
15 withdrawing said Notice of Defense he thereby waives his right to
16 require the Commissioner to prove the allegations in the
17 Accusation at a contested hearing held in accordance with the
18 provisions of the APA and that he will waive other rights
19 afforded to him in connection with the hearing such as the right
20 to present evidence in his defense the right to cross-examine
21 witnesses.
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23 4. This Stipulation is based on the factual
24 allegations contained in the Accusation. In the interest of
25 expedience and economy, Respondent chooses not to contest these
26 allegations, but to remain silent and understands that, as a
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1 result thereof, these factual allegations, without being admitted
2 or denied, will serve as a prima facie basis for the disciplinary
3 action stipulated to herein. The Real Estate Commissioner shall
4 not be required to provide further evidence to prove said factual
5 allegations.

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

13 6. It is understood by the parties that the Real
14 Estate Commissioner may adopt this Stipulation as his Decision in
15 this matter thereby imposing the penalty and sanctions on
16 Respondent's real estate licenses and license rights as set forth
17 in the "Order" herein below. In the event that the Commissioner
18 in his 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 Accusations against Respondent herein.

6 DETERMINATION OF ISSUES

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

9 I.

10 The conduct of WILLIAM B. E. NARDONI as described in
11 Paragraph 4, above, is in violation of Business and Professions
12 Code ("Code") Sections 10159.5, 10163, 10236.4, 10241 and 10240,
13 and Section 2731 and 2840 of Title 10, Chapter 6 of the
14 California Code of Regulations ("Regulations") and is a basis for
15 the suspension or revocation of Respondent's license and license
16 rights as violations of the Real Estate Law pursuant to Code
17 Section 10177(d).

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ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:


I.

All licenses and licensing rights of Respondent WILLIAM B. E. NARDONI, under the Real Estate Law are suspended for a period of thirty (30) days from the effective date of this Decision; provided, however, that all thirty (30) days of said suspension shall be stayed upon conditions that:

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 two (2) years from 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.

DATED: 01-18-06


ELLIOTT MAC LENNAN, Counsel for
the Department of Real Estate

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* * *

EXECUTION OF THE STIPULATION

I have read the Stipulation. 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: Elliott Mac Lennan at (213) 576-6917. Respondent agrees, acknowledges and understands that by electronically sending to the Department a fax copy of Respondent's actual signature as it appears on the Stipulation, that receipt of the faxed copy by the Department shall be as binding on Respondent as if the Department had received the original signed Stipulation.

DATED: _____

WILLIAM B. E. NARDONI Respondent

JAN-17-06 TUE 05:50 PM

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P. 06/07

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EXECUTION OF THIS STIPULATION

I have read the Stipulation. 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.

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DATED: 1/17/06


WILLIAM H. B. NARDONI Respondent

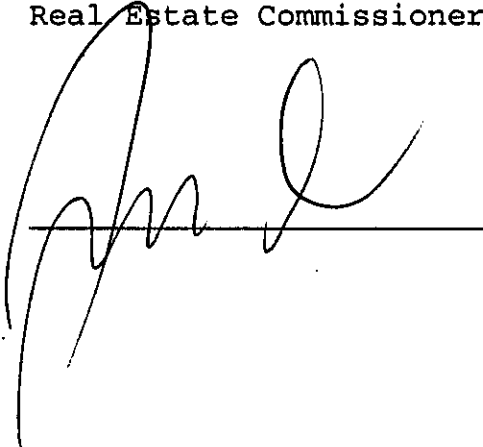
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The foregoing Stipulation and Agreement is hereby
adopted as my Decision as to Respondent WILLIAM B. E. NARDONI and
shall become effective at 12 o'clock noon on
MAR - 8, 2006.

IT IS SO ORDERED 2d, 2006.

JEFF DAVI
Real Estate Commissioner

A handwritten signature in black ink, appearing to read 'Jeff Davi', is written over a horizontal line. The signature is stylized and cursive.

Handwritten initials/signature

1 ELLIOTT MAC LENNAN, SBN 66674
2 Department of Real Estate
3 320 West 4th Street, Ste. 350
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FILED
JUL 11 2005
DEPARTMENT OF REAL ESTATE

By *K. Millerholt*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 WILLIAM B. E. NARDONI,)
13 doing business as MD Mortgage and)
14 Thousand Oaks Mortgage,)
15 Respondent.)

No. H-32070 LA
A C C U S A T I O N

16 The Complainant, Janice Waddell, a Deputy Real Estate
17 Commissioner of the State of California, for cause of Accusation
18 against WILLIAM B. E. NARDONI, dba MD Mortgage and Thousand Oaks
19 Mortgage, ("NARDONI"), alleges as follows:

20 1.

21 The Complainant, Janice Waddell, acting in her official
22 capacity as a Deputy Real Estate Commissioner of the State of
23 California makes this Accusation against NARDONI.

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1 2.

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

5 LICENSE HISTORY

6 3.

7 At all times mentioned, NARDONI was licensed or had
8 license rights issued by the Department of Real Estate
9 (Department) as a restricted real estate broker. On May 27,
10 1987, NARDONI was originally licensed as a real estate broker.

11 Respondent's license was restricted effective December
12 12, 2000, based on the Decision in Case No. H-28561 LA. The
13 discipline was based on Respondent's conviction for a violation
14 of California Welfare and Institutions Code Section 10980(c)(2)
15 (Aid by Misrepresentation).

16 4.

17 At all times mentioned, in the City of Camarillo,
18 County of Ventura, NARDONI acted as a real estate broker and
19 conducted licensed activities within the meaning of Section
20 10131(d) of the Code in that NARDONI operated a mortgage and loan
21 brokerage dba MD Mortgage and Thousand Oaks Mortgage.

22 AUDIT

23 5.

24 On February 9, 2004, the Department completed an audit
25 examination of the books and records of NARDONI pertaining to the
26 mortgage and loan brokerage activities described in Paragraph 4
27 that require a real estate license. The audit examination

1 covered a period of time beginning on January 1, 2003 to December
2 31, 2003. The audit examination revealed violations of the Code
3 and the Regulations as set forth in the following paragraphs, and
4 more fully discussed in Audit Report LA 030238 and the attached
5 exhibits.

6 6.

7 At all times mentioned, in connection with the
8 activities described in Paragraph 4, above, NARDONI accepted or
9 received funds in trust (trust funds) from or on behalf of
10 borrowers and lenders and thereafter made disposition of such
11 funds. NARDONI did not maintain a trust account during the audit
12 period.

13 VIOLATIONS

14 7.

15 In the course of activities described in Paragraphs 4
16 and 6, above, and during the examination period described in
17 Paragraph 5, Respondent NARDONI, acted in violation of the Code
18 and the Regulations in that:
19

20 (a) The Good Faith Estimates provided to the borrowers
21 did not indicate the broker's real estate license number or a
22 clear and conspicuous statement stating that the Good Faith
23 Estimates did not constitute a loan commitment, in violation of
24 Code Section 10240 and Regulations 2840 and 2840.1.

25
26 (b) The mortgage loan disclosure statement provided by
27 NARDONI and/or his salespersons to borrower Albert Anaya did not

1 contain the name of the broker, his license number and the
2 address of the broker's licensed place of business, in violation
3 of Code Section 10241.

4 (c) The mortgage loan disclosure statements provided
5 to borrowers Robert Muckey, Agustin Barroso, Mark/Linda Collet
6 did not contain the broker's and/or his salesperson's license
7 number, in violation of Code Section 10236.4.

8 (d) Mortgage loan activity requiring a license was
9 conducted using fictitious business names, including but not
10 limited to "MD Express Financial", "MD Express" and "Thousand
11 Oaks Mortgage" that were not licensed by the Department, in
12 violation of Code Section 10159.5 and Regulation 2731.

13 (e) Respondent's salesperson Michelle De La Torre
14 conducted mortgage activities from her home office and a postal
15 mail station was used on correspondence and loan documents. De La
16 Torre's addresses and postal mailing station were not licensed by
17 the Department as branch offices of NARDONI, in violation of Code
18 Section 10163.

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The conduct of Respondent NARDONI, described in the Paragraph 7 above, violated the Code and the Regulations as set forth below:

<u>PARAGRAPH</u>	<u>PROVISIONS VIOLATED</u>
7(a)	Code Section 10240 and Regulations 2840 and 2840.1
7(b)	Code Section 10241
7(c)	Code Sections 10236.4
7(d)	Code Section 10159.5 and Regulation 2731
7(e)	Code Section 10163

The foregoing violations constitute cause for the suspension or revocation of the real estate license and license rights of NARDONI under the provisions of Code Sections 10177(d), 10177(g) and/or 10177(h).

9.

The overall conduct of Respondent NARDONI constitutes negligence or incompetence. This conduct and violation are cause for the suspension or revocation of the real estate license and license rights of Respondent NARDONI pursuant to Code Section 10177(g).

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1 WHEREFORE, Complainant prays that a hearing be conducted
2 on the allegations of this Accusation and that upon proof thereof,
3 a decision be rendered imposing disciplinary action against the
4 license and license rights of Respondent WILLIAM B. E. NARDONI,
5 dba MD Mortgage and Thousand Oaks Mortgage, under the Real Estate
6 Law (Part 1 of Division 4 of the Business and Professions Code)
7 and for such other and further relief as may be proper under
8 other applicable provisions of law.

9 Dated at Los Angeles, California

10 this 23 day of June, 2005.

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14 Deputy Real Estate Commissioner
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24 cc: William B. E. Nardoni
25 Janice Waddell
26 Sacto
27 MT
 LA Audits - Rolly Acuna