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FILED

NOV 21 2013

BUREAU OF REAL ESTATE

By Jean Burro

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation

No. H-38070 LA

AUTHORITY LENDING)
CORPORATION; and DERRICK)
ANTHONY JONES,)
individually, and as desig-)
nated officer for Authority)
Lending Corporation,)
)
Respondents.)
_____)

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On April 19, 2012, an Accusation was filed in this matter against Respondent Authority Lending Corporation.

On October 18, 2013, Respondent Authority Lending Corporation was deemed to have petitioned the Commissioner to voluntarily surrender its real estate broker license(s) pursuant to Section 10100.2 of the Business and Professions Code.

IT IS HEREBY ORDERED that Respondent AUTHORITY LENDING CORPORATION's petition for voluntary surrender of its real estate broker license(s) is accepted as of the effective date of this Order as set forth below, based upon the understanding and

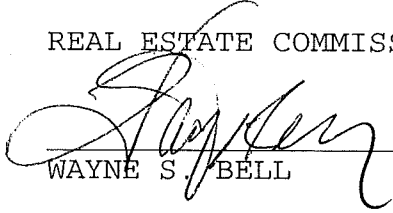
1 agreement expressed in the Proposed Decision of October 18, 2013,
2 in Case No. H-38070 LA. Respondent's license certificate(s),
3 pocket card(s) and any branch office license certificate(s) shall
4 be sent to the below listed address so that they reach the Bureau
5 on or before the effective date of this Order:

6
7 Bureau of Real Estate
8 Attn: Licensing Flag Section
9 P.O. Box 137013
10 Sacramento, CA 95813-7013

11 This Order shall become effective at 12 o'clock noon
12 on DEC 12 2013

13 DATED: 11/18/2013

14 REAL ESTATE COMMISSIONER

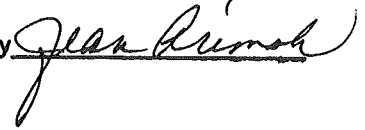
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16 WAYNE S. BELL
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FILED

NOV 21 2013

BUREAU OF REAL ESTATE

By



BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

AUTHORITY LENDING CORPORATION,
and DERRICK ANTHONY JONES,
individually, and as designated officer for
Authority Lending Corporation,

Respondents.

NO. H-38070 LA

OAH No. 2012050769

DECISION

The Proposed Decision dated October 18, 2013, of the Administrative Law Judge of the Office of Administrative Hearings is hereby adopted as the Decision of the Real Estate Commissioner in the above-entitled matter.

Pursuant to Section 11517(c)(2) of the Government Code, the following corrections are made to the Proposed Decision:

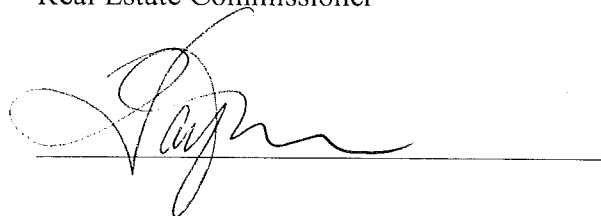
Order, Page 6, Paragraph 7, Line 3, "Respondent's failure to pay result in the suspension of the license." is corrected to read, "Respondent's failure to pay may result in the suspension of the license."

This Decision shall become effective at 12 o'clock noon on

DEC 12 2013

IT IS SO ORDERED 11/19/2013.

WAYNE S. BELL
Real Estate Commissioner



BEFORE THE
BUREAU OF REAL ESTATE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

AUTHORITY LENDING CORPORATION
and
DERRICK ANTHONY JONES, individually
and as designated officer for Authority
Lending Corporation,

Respondents.

Case No. H-38070 LA

OAH No. 2012050769

PROPOSED DECISION BASED ON SETTLEMENT AGREEMENT

This Proposed Decision is made after Administrative Law Judge (ALJ) Ralph B. Dash heard Complainant's Motion to Enforce Settlement Agreement (Motion) on October 16, 2013, in Los Angeles, California. The settlement agreement was placed on the record at a hearing held before ALJ Dash on November 15, 2012, at Los Angeles, California.

At all times, Cheryl D. Keily, Staff Counsel represented Complainant.

At all times, Derrick Anthony Jones (Respondent) represented himself and also represented Authority Lending Corporation (Authority).

FACTUAL FINDINGS

1. Maria Suarez, a Deputy Real Estate Commissioner of the State of California, filed an Accusation against Respondent and Authority in her official capacity on April 19, 2012.

2. Respondent has been a licensed real estate broker since July 9, 2002. His license has been renewed through July 8, 2014. The Department of Real Estate (now the Bureau of Real Estate) issued Authority a corporate license on March 3, 2006, with Respondent as the Designated Officer. That license has been renewed through March 2, 2014.

3. On May 7, 2012, Respondent filed a Notice of Defense to the Accusation on his own behalf, specifying his mailing address as 4391 Jasmine Hill Court, Chino Hills,

California, which is the same address on file for him in the Bureau's records. Authority did not file a Notice of Defense; however, Respondent represented himself and also represented Authority at the hearing on the Accusation which was held on November 15, 2012 (hearing) before ALJ Dash in Los Angeles, California.

4. The hearing commenced at 9:00 a.m. and proceeded for several hours. During a recess of the hearing, Ms. Keily, on behalf of Complainant, and Respondent on his own behalf and on behalf of Authority, reached a settlement of all issues raised in the Accusation. The settlement terms were placed on the record. Respondent's broker's license was to be revoked, but a restricted salesperson's license would be issued to him. The terms of the restrictions are all set forth in Exhibit 12. Authority's license was to be surrendered. The ALJ admonished the parties that, even though they contemplated executing a written agreement, once the settlement terms were placed on the record and agreed to, both parties were bound thereby until the agreement was acted upon by the Real Estate Commissioner. The parties placed all terms of the settlement on the record.

5. The ALJ's admonishment was, in part, as follows (verbatim from Transcript, page 105, line 14 through page 107, line 22:

ALJ: I explained to the Respondent while we were off the record the ramifications of his agreeing to the terms of this settlement. And I told him I will say the same things on the record.

And once I have Respondent's affirmation of the terms of the settlement, both he and Complainant are bound thereby.

And sir, if you get buyer's remorse - -

Mr. Jones: Too bad.

ALJ: - - one minute after you say yes - -

Mr. Jones: It's too bad.

ALJ: It's too late.

For whatever reason you don't comply with the terms of the settlement, Counsel may apply to the Office of Administrative Hearings for a default judgment based on the terms of the settlement.

Because all of the terms of the settlement are in the records with Exhibit 12.

Do you understand that?

Mr. Jones: Yes.

ALJ: Now, by entering into the settlement, do you understand that you are giving up the right to complete this trial?

Mr. Jones: Yes, sir.

ALJ: And you understand you're giving up your right to complete cross-examination and to present your own evidence?

Mr. Jones: Yes, sir.

ALJ: You understand that by agreeing to the terms of this settlement, the corporate broker's license will be surrendered, meaning it will become inactive as of the date of this settlement agreement?

Mr. Jones: Yes, sir.

ALJ: And that your broker's license will be revoked. But in place thereof, you will have the right to apply for and receive a sales person's license.

But as it says, you have to make application for that sales person's license to the Department.

But under the terms of this agreement, it will be issued with the conditions that are set forth on page 345 [of Exhibit 12].

Do you understand that?

Mr. Jones: Yes, sir.

ALJ: And you're willing to give up your rights to present your evidence in defense of the allegations?

Mr. Jones: Yes, sir.

ALJ: And you agree to be bound by all of the terms of the settlement?

Mr. Jones: Yes.

ALJ: All right. Then we have a final and complete settlement. I congratulate the parties.

6. After the settlement was placed on the record, Ms. Keily prepared the written agreement and mailed it to Respondent on December 4, 2012, at the address he put on his

Notice of Defense. After not hearing from Respondent, Ms. Keily called him and he said he had not received it. She mailed it to him again on March 28, 2013.

7. Respondent called Ms. Keily in May 2013 to discuss the terms of the agreement. Specifically, he wanted to know what continuing education classes he would be required to take. He told Ms. Keily that he had not received the written agreement, but that he had moved and he gave her his new address. He also asked Ms. Keily to send him a copy of the agreement by facsimile transfer and Ms. Keily did so.

8. At the hearing on the motion, Respondent admitted he received the settlement agreement, but he refused to sign it for the following reasons: He stated that, at the time he entered into the agreement at the hearing, he felt "intimidated." He also felt that he had "lost a year" by not having finalized the settlement up until the date of the hearing on the Motion. However, Respondent acknowledged that he never advised the Bureau, in writing, that he had changed his address. Finally, Respondent stated that because he had a family to support, he was not willing to accept a restricted salesperson's license. Rather, he wanted a probationary broker's license. Ms. Keily refused to agree to a modification of the terms of the settlement.

9. Respondent failed and refused, and still fails and refuses, without good cause, to sign the written settlement agreement. Accordingly, the Motion is granted and this Proposed Decision is issued based on the settlement that was placed on the record on November 15, 2012.

LEGAL CONCLUSIONS

1. In an administrative disciplinary proceeding, once a respondent expressly accepts a stipulation of settlement without condition or qualification, and that settlement is placed on the record, he cannot thereafter withdraw his assent before the final decision maker, whether it be a Board, Bureau, Department or Agency Commissioner, has an opportunity to accept or reject it. (*Frankel v. Board of Dental Examiners* (1996) 46 Cal.App.4th 534.)

2. "[H]aving expressly accepted the stipulation 'without condition or qualification,' . . . [a Respondent] could not thereafter, at his pleasure, withdraw his assent to the stipulation before the Board had a reasonable opportunity to act on it." (Ibid at page 548.)

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

All licenses and licensing rights of Respondent Derrick Anthony Jones individually and as the designated officer of Authority Lending Corporation under the Real Estate Law are revoked; provided, however, a restricted real estate salesperson license shall be issued to Respondent pursuant to Section 10156.5 of the Business and Professions Code if Respondent

makes application therefor and pays to the Department of Real Estate the appropriate fee for the restricted license within 90 days from the effective date of this Decision. The restricted license issued to Respondent shall be subject to all of the provisions of Section 10156.7 of the Business and Professions Code and to the following limitations, conditions and restrictions imposed under authority of Section 10156.6 of that Code:

1. The restricted license issued to Respondent may be suspended prior to hearing by Order of the Real Estate Commissioner in the event of Respondent's conviction or plea of nolo contendere to a crime which is substantially related to Respondent's fitness or capacity as a real estate licensee.

2. The restricted license issued to Respondent may be suspended prior to hearing by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted license.

3. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor for the removal of any of the conditions, limitations or restrictions of a restricted license until two years have elapsed from the effective date of this Decision.

4. Respondent shall submit with any application for license under an employing broker, or any application for transfer to a new employing broker, a statement signed by the prospective employing real estate broker on a form approved by the Bureau of Real Estate which shall certify:

- (a) That the employing broker has read the Decision of the Commissioner which granted the right to a restricted license; and

- (b) That the employing broker will exercise close supervision over the performance by the restricted licensee relating to activities for which a real estate license is required.

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

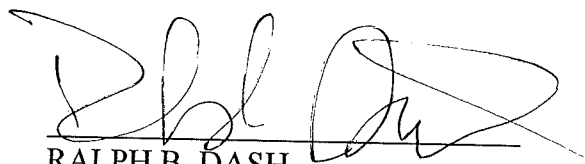
6. Respondent shall, within six months from the effective date of this Decision, take and pass the Professional Responsibility Examination administered by the Bureau

including the payment of the appropriate examination fee. If Respondent fails to satisfy this condition, the Commissioner may order suspension of Respondent's license until Respondent passes the examination.

7. Within six months of the effective date of this Decision, Respondent shall pay \$7,501 to the persons named in the Accusation as directed by the Commissioner with credit for amounts already paid. Respondent's failure to pay result in the suspension of the license.

8. Authority is deemed to have filed a petition for voluntary surrender of its license under the provisions of Business and Professions Code section 10100.2

Date: 10-18-13

A handwritten signature in black ink, appearing to read 'R. B. Dash', written over a horizontal line.

RALPH B. DASH

Administrative Law Judge

Office of Administrative Hearings