

1 Department of Real Estate  
2 320 West 4th Street, Ste. 350  
3 Los Angeles, California 90013-1105  
4 Telephone: (213) 576-6982

**FILED**

DEC 10 2019

DEPT. OF REAL ESTATE

By *Zm - Ga*

7  
8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of ) No. H-41343 LA  
12 )  
13 FIRST AMERICAN HOME LOANS INC.; ) STIPULATION  
14 ) AND  
15 JOHN PAUL ROCK, individually and ) AGREEMENT  
16 as designated officer of First American )  
17 Home Loans Inc.; and )  
18 )  
19 MARK HENRY BRYAN, )  
20 )  
21 )  
22 )  
23 )  
24 )  
25 Respondents. )

20 It is hereby stipulated by and between Respondents FIRST AMERICAN HOME  
21 LOANS INC. ("FAHLI"), JOHN PAUL ROCK ("ROCK") and MARK HENRY BRYAN  
22 ("BRYAN"), all represented by Frank M. Buda, Esq./The Law Offices of Frank M. Buda, and the  
23 Complainant, acting by and through Julie L. To, Counsel for the Department of Real Estate  
24 ("Department" or "DRE"), as follows for the purpose of settling and disposing of the First  
25 Amended Accusation ("Accusation") filed on November 4, 2019, in Case No. H-41343 LA, in  
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27

1 this matter.

2 1. All issues which were to be contested and all evidence which was to be  
3 presented by Complainant and Respondents at a formal hearing on the Accusation, which hearing  
4 was to be held in accordance with the provisions of the Administrative Procedure Act ("APA"),  
5 shall instead and in place thereof be submitted solely on the basis of the provisions of this  
6 Stipulation and Agreement ("Stipulation").

7 2. Respondents have received, read and understand the Statement to Respondent,  
8 the Discovery Provisions of the APA and the Accusation filed by the Department of Real Estate  
9 ("Department") in this proceeding.

10 3. On April 30, 2019, Respondents timely filed Notices of Defense pursuant to  
11 Section 11506 of the Government Code for the purpose of requesting a hearing on the allegations  
12 in the Accusation. Respondents hereby freely and voluntarily withdraw said Notices of Defense.  
13 Respondents acknowledge that they understand that by withdrawing said Notices of Defense they  
14 thereby waive their right to require the Commissioner to prove the allegations in the Accusation  
15 at a contested hearing held in accordance with the provisions of the APA and that they will waive  
16 other rights afforded to them in connection with the hearing such as the right to present evidence  
17 in their defense and the right to cross-examine witnesses.

18 4. This Stipulation is based on the factual allegations contained in the Accusation.  
19 In the interest of expedience and economy, Respondents choose not to contest these allegations,  
20 but to remain silent, and understand that, as a result thereof, these factual allegations, without  
21 being admitted or denied, will serve as a prima facie basis for the disciplinary action stipulated to  
22 herein. The Real Estate Commissioner shall not be required to provide further evidence to prove  
23 said factual allegations.

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1                   5. This Stipulation is made for the purpose of reaching an agreed disposition of  
2 this proceeding and is expressly limited to this proceeding and any other proceeding or case in  
3 which the Department or another licensing agency of this state, another state, or if the federal  
4 government is involved, and otherwise shall not be admissible in any other criminal or civil  
5 proceeding.

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

13                   7. The Order or any subsequent Order(s) of the Real Estate Commissioner made  
14 pursuant to this Stipulation shall not constitute an estoppel, merger or bar to any further  
15 administrative or civil proceedings by the Department of Real Estate with respect to any matters  
16 which were not specifically alleged to be causes for Accusation in this proceeding, but do  
17 constitute a bar, estoppel and merger as to any allegations actually contained in the Accusation  
18 against Respondents herein, or as a basis for any further actions against Respondents' Mortgage  
19 Loan Endorsements or applications for said endorsements. Further, this filed Stipulation shall  
20 not be a basis for any further actions against Respondents' Mortgage Loan Endorsements or  
21 applications for said endorsements.

22                   8. Respondents understand that by agreeing to this Stipulation, Respondents agree  
23 to pay, pursuant to Code Section 10106, the Commissioner's cost of the investigation and  
24 enforcement which resulted in the determination that Respondents committed the violations  
25 found in the Determination of Issues. The amount of said investigation and enforcement costs is  
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1 \$4,303.96 therefore, Respondents agree to pay, pursuant to Code Section 10106, the amount  
2 \$4,303.96.

3 DETERMINATION OF ISSUES

4 By reason of the foregoing stipulations, admissions and waivers, and solely for the  
5 purpose of settlement of the pending Accusation without a hearing, it is stipulated and agreed  
6 that the following determination of issues shall be made:

7 The conduct, acts or omissions of Respondents FAHLI, ROCK and BRYAN as  
8 described in Paragraph 4, herein above, are in violation of Code Section 10186.2(a) and are bases  
9 for the suspension or revocation of the licenses and license rights of Respondents FAHLI, ROCK  
10 and BRYAN as a violation of the Real Estate Law pursuant to Code Section 10186.2(b).

11 ORDER

12 WHEREFORE, THE FOLLOWING ORDER is hereby made:

13 I.

14 All licenses and licensing rights of Respondents FIRST AMERICAN HOME  
15 LOANS INC., JOHN PAUL ROCK and MARK HENRY BRYAN under the Real Estate Law  
16 are suspended: (1) as to FAHLI and BRYAN, for a period of sixty (60) days from the effective  
17 date of this Decision and Order, and (2) as to ROCK, for a period of thirty (30) days from the  
18 effective date of this Decision and Order, provided, however, that:

19 1. All sixty (60) days of said suspension as to FAHLI and BRYAN shall be stayed  
20 for two (2) years upon the condition that Respondent FAHLI and BRYAN petition pursuant to  
21 Section 10175.2 and each pay a monetary penalty pursuant to Section 10175.2 of the Code at a  
22 rate of twenty-five (\$25.00) for each day of the suspension for a total monetary penalty of  
23 \$3,000.00 (or, \$1,500.00 per Respondent), and all thirty (30) days of said suspension as to ROCK  
24 shall be stayed for two (2) years upon the condition that Respondent ROCK petitions pursuant to  
25 Section 10175.2 and pays a monetary penalty pursuant to Section 10175.2 of the Code at a rate of

1 thirty-three dollars and thirty-three cents (\$33.33) for each day of the suspension for a total  
2 monetary penalty of \$1,000.00.

3 a) Said payments of monetary penalties shall be in the form of cashier's  
4 checks made payable to the Department of Real Estate and delivered to:  
5 Department of Real Estate, Flag Section, P.O. Box 137013, Sacramento,  
6 CA 95813-7013, prior to the effective date of this Decision and Order.

7 b) No further cause for disciplinary action against the Real Estate licenses  
8 of Respondents occurs within two (2) years from the effective date of this  
9 Decision and Order.

10 c) If Respondents fail to pay their respective monetary penalties in  
11 accordance with the terms and conditions of this Decision and Order, the  
12 respective suspension as described in Paragraph 1. of this Order shall go  
13 into effect automatically. Respondents shall not be entitled to any  
14 repayment nor credit, prorated or otherwise, for money paid to the  
15 Department under the terms of this Decision and Order.

16 d) If Respondents pay their respective monetary penalties and any other  
17 moneys due under this Stipulation and Agreement and if no further cause  
18 for disciplinary action against the Real Estate licenses of said Respondents  
19 occurs within two (2) years from the effective date of this Decision and  
20 Order, the entire stay thereby granted pursuant to this Decision and Order,  
21 as to said Respondents only, shall become permanent.


22 2) Respondents shall obey all laws, rules and regulations governing the rights,  
23 duties and responsibilities of a real estate licensee in the State of California; and,

24 3) That no final subsequent determination be made, after hearing or upon  
25 stipulation, that cause of disciplinary action occurred within two (2) years from the effective date

1 of this Decision and Order. Should such a determination be made, the Commissioner may, in his  
2 discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed  
3 suspension. Should no such determination be made, the stay imposed herein shall become  
4 permanent.

5 4) All licenses and licensing rights of Respondents FAHLI, ROCK and BRYAN  
6 are indefinitely suspended unless or until Respondents FAHLI, ROCK and BRYAN jointly and  
7 severally pay the sum of \$4,303.96 for the Commissioner's reasonable cost of the investigation  
8 and enforcement which led to this disciplinary action. Said payment of investigation and  
9 enforcement costs shall be in the form of a cashier's check made payable to and delivered to:  
10 Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior  
11 to the effective date of this Decision and Order.

12  
13 DATED: 11-13-19

  
\_\_\_\_\_  
14 Julie L. To, Counsel for  
15 Department of Real Estate

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17 EXECUTION OF THE STIPULATION

18 We have read the Stipulation and Agreement. Its terms are understood by us and  
19 are agreeable and acceptable to us. We understand that we are waiving rights given to us by the  
20 California Administrative Procedure Act (including but not limited to Sections 11506, 11508,  
21 11509 and 11513 of the Government Code), and we willingly, intelligently and voluntarily waive  
22 those rights, including the right of requiring the Commissioner to prove the allegations in the  
23 Accusation at a hearing at which we would have the right to cross-examine witnesses against us  
24 and to present evidence in defense and mitigation of the charges.


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1 MAILING AND FACSIMILE

2 Respondents can signify acceptance and approval of the terms and conditions of  
3 this Stipulation and Agreement by sending a hard copy of the original signed signature page of  
4 the Stipulation herein to: Julie L. To, Legal Section, Department of Real Estate, 320 W. Fourth  
5 St., Suite 350, Los Angeles, California 90013-1105. In the event of time constraints before an  
6 administrative hearing, Respondents can signify acceptance and approval of the terms and  
7 conditions of this Stipulation and Agreement by e-mailing a scanned copy of the signature page,  
8 as actually signed by Respondents and their counsel, to the Department counsel assigned to this  
9 case. Respondents agree, acknowledge, and understand that by electronically sending to the  
10 Department a scan of Respondents' actual signatures as they appear on the Stipulation and  
11 Agreement, that receipt of the scan by the Department shall be binding on Respondents as if the  
12 Department had received the original signed Stipulation and Agreement.

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14 DATED: 11/7/19

  
FIRST AMERICAN HOME LOANS INC.,  
Respondent  
By: JOHN PAUL ROCK, Designated Officer

15  
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18 DATED: 11/7/19

  
JOHN PAUL ROCK, Respondent

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20  
21 DATED: 11/7/19

  
MARK HENRY BRYAN, Respondent

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24 *I have reviewed the Stipulation and Agreement as to form and content and have*  
25 *advised my clients accordingly.*  
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1 DATED:

11-7-19

Frank M. Buda

Frank M. Buda, Attorney for Respondent

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4 The foregoing Stipulation and Agreement is hereby adopted as my Decision as to  
5 Respondents FIRST AMERICAN HOME LOANS INC., JOHN PAUL ROCK, individually and  
6 as designated officer of FIRST AMERICAN HOME LOANS INC., and MARK HENRY  
7 BRYAN and shall become effective at 12 o'clock noon on DEC 30 2019, 2019.

8 IT IS SO ORDERED November 27, 2019.

9 DANIEL J. SANDRI  
10 ACTING REAL ESTATE COMMISSIONER

11  
12 Daniel J. Sandri  
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