

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

FILED

APR 13 2022

DEPT. OF REAL ESTATE

By 

7 BEFORE THE DEPARTMENT OF REAL ESTATE

8 STATE OF CALIFORNIA

9 * * *

10 In the Matter of the Accusation against) No. H-41766 LA
11)
12 CHANGEMYRATE.COM, A MORTGAGE) STIPULATION
CORPORATION; and) AND
13) AGREEMENT
14 LOWELL WARNER ANDERSON,)
as designated officer of Changemyrate.com,)
15 A Mortgage Corporation)
16 Respondents.)

17 It is hereby stipulated by and between Respondents CHANGEMYRATE.COM, A
18 MORTGAGE CORPORATION, (“CMR”) and LOWELL WARNER ANDERSON
19 (“ANDERSON”), both representing themselves, and the Complainant, acting by and through
20 Julie L. To, Counsel for the Department of Real Estate (“Department” or “DRE”), as follows for
21 the purpose of settling and disposing of the First Amended Accusation against
22 CHANGEMYRATE.COM, A MORTGAGE CORPORATION and LOWELL WARNER
23 ANDERSON, as designated officer of Changemyrate.com, A Mortgage Corporation
24 (“Accusation”) filed on August 13, 2021, in Case No. H-41766 LA, in this matter. (An
25 Accusation was filed on August 31, 2020 against CMR and ANDERSON in Case No. H-41766

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27 DRE Stipulation & Agreement – Changemyrate.com, A Mortgage Corporation and Lowell Warner Anderson

1 LA and amended on August 13, 2021.)

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 October 28, 2020 Respondents timely filed their respective Notices of
11 Defense pursuant to Section 11506 of the Government Code for the purpose of requesting a
12 hearing on the allegations in the Accusation. Respondents hereby freely and voluntarily
13 withdraw their respective Notices of Defense. Respondents acknowledge that they understand
14 that by withdrawing said Notices of Defense they thereby waive their respective rights to require
15 the Commissioner to prove the allegations in the Accusation at a contested hearing held in
16 accordance with the provisions of the APA and that they will waive other rights afforded to them
17 in connection with the hearing such as the right to present evidence in their defense and the right
18 to cross-examine witnesses.

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

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

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

7. The Order or any subsequent Order of the Real Estate Commissioner made pursuant to this Stipulation shall not constitute an estoppel, merger or bar to any further administrative or civil proceedings by the Department of Real Estate with respect to any matters which were not specifically alleged to be causes for Accusation in this proceeding but do constitute a bar, estoppel and merger as to any allegations actually contained in the Accusations against Respondents herein.

8. Respondents understand that by agreeing to this Stipulation, Respondents agree to be jointly and severally liable for payment for the cost of the audit which resulted in the determination that Respondents committed the violations found in the Determination of Issues, pursuant to Business and Professions Code ("Code") Section 10148. The amount of said costs for the audit (LA180116) is \$13,926.40. Respondents agree to be jointly and severally liable for

1 payment, pursuant to Code Section 10148, of the amount \$13,926.40, for the cost of Audit
2 LA180116.

3 9. Respondents have received, read, and understand the "Notice Concerning
4 Costs of Subsequent Audit." Respondents further understand that by agreeing to this Stipulation,
5 the findings set forth below in the Determination of Issues become final, and the Commissioner
6 may charge Respondents for the cost of any subsequent (follow-up) audits conducted pursuant to
7 Code Section 10148 to determine if the violations found in Audit LA180116 have been
8 corrected. The maximum cost of the follow-up audit will not exceed one-hundred twenty-five
9 percent (125%) of the cost of the original audit; in the instant case, the cost of the original Audit
10 LA180116 is \$13,926.40 and the maximum cost of the follow-up audit ($\$13,926.40 \times 125\%$) will
11 not exceed \$17,408.00. Therefore, Respondents may be charged a maximum of \$17,408.00 in
12 the event of a subsequent audit.

13 10. Respondents understand that by agreeing to this Stipulation, Respondents
14 agree to be jointly and severally liable for payment for the Commissioner's cost of the
15 investigation and enforcement which resulted in the determination that Respondents committed
16 the violations found in the Determination of Issues, pursuant to Code Section 10106. The
17 amount of said investigation and enforcement costs is \$6,162.86 (comprised of \$3,897.22 in
18 investigation costs and \$2,265.60 in enforcement costs); therefore, Respondents agree to be
19 jointly and severally liable for payment, pursuant to Code Section 10106, of the amount
20 \$6,162.86, for the cost of investigation and enforcement of this case.

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1 DETERMINATION OF ISSUES

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

5 A. The conduct, acts and/or omissions of Respondent CHANGEMYRATE.COM,
6 A MORTGAGE CORPORATION, as described in Paragraph 4, herein above, are in violation of:
7 **Code Section 10145 and Regulation 2832; Code Section 10145 and Regulation 2831; Code**
8 **Section 10145 and Regulation 2831.1; Code Section 10145 and Regulation 2831.2; Code**
9 **Section 10176(a); Code Section 10232(e); Code Section 10232.2(c) and Regulation 2849.01;**
10 **Code Sections 10232.25(a) and 10232.25(d) and Regulation 2846.8; Code Sections**
11 **10232.2(a) and 10232.2(b) and Regulations 2846.5 and 2846.7; Code Section 10234; Code**
12 **Sections 10177(d) and/or 10177(g) and Regulation 2742(c); and Code Sections 10177(f),**
13 **10177(g), 10177(d) and 10166.51,** and are grounds for the suspension or revocation of the
14 license and license rights and affiliated license endorsements and license endorsement rights of
15 Respondent CMR as violations of the Real Estate Law.

16 B. The conduct, acts and/or omissions of Respondent LOWELL WARNER
17 ANDERSON, as described in Paragraph 4, herein above, are in violation of: **Code Section**
18 **10159.2 and Regulation 2725 and Code Section 10177(h),** and are grounds for the suspension
19 or revocation of the license and license rights and affiliated license endorsements and license
20 endorsement rights of Respondent ANDERSON as violations of the Real Estate Law.

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1 The restricted licenses and restricted MLO license endorsements issued to
2 Respondents CHANGEMYRATE.COM, A MORTGAGE CORPORATION and LOWELL
3 WARNER ANDERSON shall be subject to all of the provisions of Section 10156.7 of the
4 Business and Professions Code and to the following limitations, conditions and restrictions
5 imposed under authority of that Code:

6 1. [ANDERSON] The restricted license issued to Respondent ANDERSON may
7 be suspended prior to hearing by Order of the Real Estate Commissioner in the event of
8 Respondent ANDERSON's conviction or plea of *nolo contendere* to a crime which is
9 substantially related to Respondent ANDERSON's fitness or capacity as a real estate licensee.
10 The restricted MLO license endorsement issued to Respondent ANDERSON may be suspended
11 prior to hearing by Order of the Real Estate Commissioner in the event of Respondent's
12 conviction or plea of *nolo contendere* to a crime which is substantially related to Respondent's
13 fitness or capacity as a real estate license endorsement holder.

14 2. [CMR and ANDERSON] The restricted licenses issued to Respondents CMR
15 and ANDERSON may be suspended prior to hearing by Order of the Real Estate Commissioner
16 on evidence satisfactory to the Commissioner that Respondents have violated provisions of the
17 California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate
18 Commissioner, or conditions attaching to their respective restricted license. The restricted MLO
19 license endorsements issued to Respondents CMR and ANDERSON may be suspended prior to
20 hearing by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner
21 that Respondents have violated provisions of the California Real Estate Law, the Subdivided
22 Lands Law, Regulations of the Real Estate Commissioner, or conditions attaching to this
23 restricted MLO license endorsement.

24 3. [CMR and ANDERSON] Respondent CMR shall not be eligible to apply for
25 the issuance of an unrestricted real estate license nor for the removal of any of the conditions,
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1 limitations or restrictions of a restricted license until three (3) years have elapsed from the
2 effective date of this Decision. Respondent CMR shall not be eligible to apply for the issuance
3 of an unrestricted MLO license endorsement nor for the removal of any of the conditions,
4 limitations or restrictions of a restricted endorsement until three (3) years have elapsed from the
5 effective date of this Decision. Respondent ANDERSON shall not be eligible to apply for the
6 issuance of an unrestricted real estate license nor for the removal of any of the conditions,
7 limitations or restrictions of a restricted license until three (3) years have elapsed from the
8 effective date of this Decision. Respondent ANDERSON shall not be eligible to apply for the
9 issuance of an unrestricted MLO license endorsement nor for the removal of any of the
10 conditions, limitations or restrictions of a restricted endorsement until three (3) years have
11 elapsed from the effective date of this Decision.

12 4. [ANDERSON] Respondent ANDERSON shall, within twelve (12) months
13 from the effective date of this Decision and Order, take and pass the Professional Responsibility
14 Examination (“PRE”) administered by the Department, including the payment of the appropriate
15 examination fee. If Respondent ANDERSON fails to satisfy this condition, Respondent
16 ANDERSON’s restricted license and restricted MLO license endorsement shall automatically be
17 suspended until Respondent ANDERSON passes the PRE.

18 5. [ANDERSON] Respondent ANDERSON shall, within twelve (12) months
19 from the effective date of this Decision, present evidence satisfactory to the Real Estate
20 Commissioner that Respondent ANDERSON has, since the most recent issuance of an original
21 or renewal real estate license, taken and successfully completed the continuing education (“CE”)
22 requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate
23 license. If Respondent ANDERSON fails to satisfy this condition, Respondent ANDERSON’s
24 restricted real estate license and restricted MLO license endorsement shall automatically be
25 suspended until Respondent ANDERSON presents evidence satisfactory to the Commissioner
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1 of having taken and successfully completed the CE requirements. Proof of completion of the
2 continuing education courses must be delivered to the Department of Real Estate, Flag Section
3 at P.O. Box 137013, Sacramento, CA 95813-7013.

4 6. [ANDERSON] All licenses and licensing rights, including MLO license
5 endorsements and endorsement rights of Respondent ANDERSON are indefinitely suspended
6 unless or until Respondent ANDERSON provides evidence satisfactory to the Commissioner or
7 having taken and successfully completed the continuing education course on trust fund
8 accounting and handling (“TFAH”) specified in paragraph (3) of subdivision (a) of Section
9 10170.5 of the Business and Professions Code. Proof of satisfaction of these TFAH
10 requirements includes evidence that Respondent ANDERSON has successfully completed the
11 trust fund account and handling continuing education courses, no earlier than one hundred and
12 twenty (120) days prior to the effective date of the Decision and Order in this matter. Proof of
13 completion of the trust fund accounting and handling course must be delivered to the Department
14 of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013.

15 7. [CMR] All licenses and license rights, and MLO license endorsements and
16 endorsement rights of Respondent CMR are indefinitely suspended unless or until Respondent
17 CMR submits its Annual Mortgage Loan Business Activity Report (“BAR”) to the
18 Commissioner for the fiscal years ending December 31, 2017 and December 31, 2018. Said
19 BARs must be delivered to the Department of Real Estate, Flag Section at P.O. Box 137013,
20 Sacramento, CA 95813-7013.

21 8. [CMR] All licenses and license rights, and MLO license endorsements and
22 endorsement rights of Respondent CMR are indefinitely suspended unless or until Respondent
23 CMR submits its Trust Fund Status Report (DRE Forms RE 855 and Re 856) to the
24 Commissioner for the quarter ending September 30, 2017. Said Trust Fund Status Report must
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1 be delivered to the Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA
2 95813-7013.

3 9. [CMR] All licenses and license rights, and MLO license endorsements and
4 endorsement rights of Respondent CMR are indefinitely suspended unless or until Respondent
5 CMR submits its Trust Fund Non-Accountability Report (DRE Form 854) to the Commissioner
6 for the quarters ending March 31, 2018, June 30, 2018, September 30, 2018, and March 31,
7 2019. Said Trust Fund Non-Accountability Reports must be delivered to the Department of Real
8 Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013.

9 10. [CMR] All licenses and license rights, and MLO license endorsements and
10 endorsement rights of Respondent CMR are indefinitely suspended unless or until Respondent
11 CMR submits its Annual Trust Account Review (“TAR”) report to the Commissioner for the
12 fiscal year ending December 31, 2017. Said TAR report must be delivered to the Department of
13 Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013.

14 11. [CMR] All licenses and license rights, and MLO license endorsements and
15 endorsement rights of Respondent CMR are indefinitely suspended unless or until Respondent
16 CMR submits a notarized statement on the Trust Fund Non-Accountability Report (DRE Form
17 RE 854) to the Commissioner for the fiscal quarter ending December 31, 2018. Said Trust Fund
18 Non-Accountability Reports must be delivered to the Department of Real Estate, Flag Section at
19 P.O. Box 137013, Sacramento, CA 95813-7013.

20 12. [CMR] All licenses and license rights, and MLO license endorsements and
21 endorsement rights of Respondent CMR are indefinitely suspended unless or until Respondent
22 CMR submits proof to the Commissioner that it is in good standing with the California Secretary
23 of State. Said proof of corporate good standing must be delivered to the Department of Real
24 Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013.

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13. [CMR and ANDERSON] Pursuant to Section 10106 of the Code, Respondents shall pay the sum of \$6,162.82 for the Commissioner’s cost of the investigation and enforcement activities which led to this disciplinary action. Respondents are jointly and severally liable for payment of the Commissioner’s reasonable cost of the investigation and enforcement which led to this disciplinary action. All licenses and licensing rights and MLO license endorsements and MLO license endorsement rights of Respondents are indefinitely suspended unless or until Respondents pay the sum of \$6,162.82 for the Commissioner’s reasonable cost of the investigation and enforcement which led to this disciplinary action. Said payment shall be in the form of a cashier’s check(s) or certified check(s) made payable to the Department of Real Estate. The investigation and enforcement costs must be delivered to the Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this Decision and Order.

14. [CMR and ANDERSON] Pursuant to Section 10148 of the Code, Respondents shall pay the sum of \$13,926.40 for the Commissioner’s cost of the audit which led to this disciplinary action. Respondents are jointly and severally liable for payment and shall pay such cost within sixty (60) days of receiving an invoice therefore from the Commissioner. Payment of audit costs should not be made until Respondents receive the invoice. If Respondents fail to satisfy this condition in a timely manner as provided for herein, both Respondents’ real estate licenses and MLO license endorsements shall automatically be suspended until payment is made in full, or until a decision providing otherwise is adopted following a hearing held pursuant to this condition.

15. [CMR and ANDERSON] Pursuant to Section 10148 of the Code, Respondents shall pay the Commissioner’s reasonable cost, not to exceed \$17,408.00 [or, 125% of the original audit cost], for a subsequent audit to determine if Respondents have corrected the violations found in the Determination of Issues. In calculating the amount of the

1 Commissioner's reasonable cost, the Commissioner may use the estimated average hourly salary
2 for all persons performing audits of real estate brokers, and shall include an allocation for travel
3 time to and from the auditor's place of work. Respondents shall pay such cost within sixty (60)
4 days of receiving an invoice therefore from the Commissioner. Payment of the audit costs should
5 not be made until Respondents receive the invoice. If Respondents fail to satisfy this condition
6 in a timely manner as provided for herein, both Respondents' real estate licenses and MLO
7 license endorsements shall automatically be suspended until payment is made in full, or until a
8 decision providing otherwise is adopted following a hearing held pursuant to this condition.

9 DATED: 3-2-22

Julie To
Julie L. To, Counsel for Complainant

11 * * *

12 EXECUTION OF THE STIPULATION

13 We have read the Stipulation and Agreement, and its terms are understood by us
14 and are agreeable and acceptable to us. We understand that we are waiving rights given to us by
15 the California Administrative Procedure Act (including, but not limited to Sections 11506,
16 11508, 11509 and 11513 of the Government Code), and we willingly, intelligently and
17 voluntarily waive those rights, including the right of requiring the Commissioner to prove the
18 allegations in the Accusation at a hearing at which we would have the right to cross-examine
19 witnesses against us and to present evidence in defense and mitigation of the charges.

20 MAILING AND E-MAIL

21 Respondents shall send a hard copy of the original signed Stipulation and
22 Agreement to: Julie L. To, Department of Real Estate, 320 West Fourth Street, Suite 350, Los
23 Angeles, CA 90013. In the event of time constraints before an administrative hearing,
24 Respondents can signify acceptance and approval of the terms and conditions of this Stipulation
25 and Agreement by emailing a scanned copy of the signature page, as actually signed by
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1 Respondents, to the Department of Real Estate counsel assigned to this case. Respondents
2 agree, acknowledge and understand that by electronically sending the Department of Real Estate
3 a scan of Respondents' actual signature as they appear on the Stipulation and Agreement, that
4 receipt of the scan by the Department of Real Estate shall be binding on Respondents as if the
5 Department of Real Estate had received the original signed Stipulation and Agreement.

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7 DATED: 2/24/2022

Serial #: 0FDBEEDC
Jackie A. Graves
CHANGEMYRATE.COM A MORTGAGE
CORPORATION, Respondent
By: Jackie Alexander Graves, President and Owner

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12 DATED: 2/28/2022

Serial #: 54FD812A
Lowell W. Anderson
LOWELL WARNER ANDERSON, Respondent

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14 * * *

15 The foregoing Stipulation and Agreement is hereby adopted as my Decision in
16 this matter and shall become effective at 12 o'clock noon on MAY 13 2022.

17 IT IS SO ORDERED 4.8.22

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19 REAL ESTATE COMMISSIONER

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21 *Douglas R. McCauley*
22 DOUGLAS R. McCAULEY