Department of Real Estate
320 W. 4th St., Room 350
Los Angeles, California 90013

Telephone: (213) 576-6982

FILED
SEP 12 2007
DEPARTMENT OF REAL ESTATE
By

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of EAGLE UNO MORTGAGE CORP., LUIS CESAR ALANIZ, individually and as designated officer of Eagle Uno Mortgage Corp., Respondents.	No. H-33603 LA L-2007 030 692 STIPULATION AND AGREEMENT

It is hereby stipulated by and between LUIS CESAR ALANIZ (sometimes referred to as Respondent), and his attorney, Frank M. Buda, and the Complainant, acting by and through James R. Peel, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on January 8, 2007, in this matter.

///

///

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

2. Respondent has received, read and understands the Statement to Respondent, the Discovery Provisions of the Administrative Procedure Act ("APA") and the Accusation filed by the Department of Real Estate in this proceeding.

3. On January 26, 2007, Respondent filed a Notice of Defense pursuant to Section 11506 of the Government Code for the purpose of requesting a hearing on the allegations in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent acknowledges that he understands that by withdrawing said Notice of Defense he will thereby waive his right to require the Commissioner to prove the allegations in the Accusation at a contested hearing held in accordance with the provisions of the APA and that he will waive other rights afforded to him in connection with the hearing, such as the right to present evidence in defense of the allegations in the Accusation and the right to cross-examine witnesses.

4. This Stipulation is based on the factual allegations contained in the Accusation filed in this proceeding. In the interest of expedience and economy, Respondent chooses not to contest these factual allegations, but to remain silent and understands that, as a result thereof, these factual statements, will serve as a prima facie basis for the disciplinary action stipulated to herein. The Real Estate Commissioner shall not be required to provide further evidence to prove such allegations.

5. This Stipulation and Respondent's decision not to contest the Accusation 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"), the state or federal government, or an agency of this state, another state or the federal government is involved.

6. It is understood by the parties that the Real Estate Commissioner may adopt the Stipulation as his decision in this matter thereby imposing the penalty and sanctions on Respondent's real estate licenses and license rights as set forth in the below "Order". In the event that the Commissioner in his discretion does not adopt the Stipulation, the Stipulation shall be void and of no effect, and Respondent shall retain the right to a hearing on the Accusation under all the provisions of the APA and shall not be bound by any stipulation 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 conduct which was not specifically alleged to be causes for accusation in this proceeding.

DETERMINATION OF ISSUES

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

The conduct, acts and/or omissions of Respondent LUIS CESAR ALANIZ, as set forth in the Accusation, constitute cause for the suspension or revocation of all of the real estate licenses and license rights of Respondent under the provisions of Section 10177(d) of the Business and Professions Code ("Code") for violation of Code Sections 10137 and 10240.

ORDER

All licenses and licensing rights of Respondent LUIS CESAR ALANIZ under the Real Estate Law are suspended for a period of sixty (60) days from the effective date of this Decision; provided, however, that thirty (30) days of said suspension shall be stayed for two (2) years upon the following terms and conditions:

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 of 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.

3. Provided, however, that if Respondent petitions, the remaining thirty (30) days of said sixty (60) day suspension shall be stayed upon condition that:

a. Respondent pays a monetary penalty pursuant to Section 10175.2 of the Business and Professions Code at the rate of $66.66 for each day of the suspension for a total monetary penalty of $2,000.

b. Said payment shall be in the form of a cashier's check or certified check made payable to the Recovery Account of the Real Estate Fund. Said check must be received by the Department prior to the effective date of the Decision in this matter.

c. No further cause for disciplinary action against the real estate licenses of Respondent occurs within two (2) years from the effective date of the Decision in this matter.

d. If Respondent fails to pay the monetary penalty in accordance with the terms and conditions of the Decision, the Commissioner may, without a hearing, order the immediate execution of all or any part of the stayed suspension in which event the Respondent shall not be entitled to any repayment nor credit, prorated or otherwise, for money paid to the Department under the terms of this Decision.

e. If Respondent pays the monetary penalty and if no further cause for disciplinary action against the real estate license of Respondent occurs within two (2) years from the effective date of the Decision, the stay hereby granted shall become permanent.

DATED: Aug. 1, 2007

James R. Peel
JAMES R. PEEL, Counsel for the Department of Real Estate

* * *

I have read the Stipulation and Agreement, have discussed it with my counsel, and 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 and Agreement by faxing a copy of the signature page, as actually signed by Respondent, to the Department at the following telephone/fax number: (213) 576-6917. Respondent agrees, acknowledges and understands that by electronically sending to the Department a fax copy of his or her actual signature as it appears on the Stipulation and Agreement, 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 and Agreement.

Further, if the Respondent is represented, the Respondent's counsel can signify his or her agreement to the terms and conditions of the Stipulation and Agreement by submitting that signature via fax.

DATED: _____

_____
LUIS CESAR ALANIZ
Respondent

DATED: _____

_____
FRANK M. BUDA
Counsel for Respondent

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 and Agreement by faxing a copy of the signature page, as actually signed by Respondent, to the Department at the following telephone/fax number: (213) 576-6917. Respondent agrees, acknowledges and understands that by electronically sending to the Department a fax copy of his or her actual signature as it appears on the Stipulation and Agreement, 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 and Agreement.

Further, if the Respondent is represented, the Respondent's counsel can signify his or her agreement to the terms and conditions of the Stipulation and Agreement by submitting that signature via fax.

DATED: 07-26-2007

LUIS CESAR ALANIZ
Respondent

DATED: 7-26-07

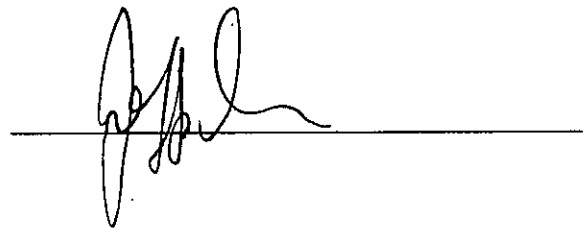
FRANK M. BUDA
Counsel for Respondent

* * *

The foregoing Stipulation and Agreement is hereby adopted as my Decision and Order in this matter, and shall become effective at 12 o'clock noon on October 1, 2007.

IT IS SO ORDERED 8-9-07.

JEFF DAVI
Real Estate Commissioner



FILED
SEP 12 2007
DEPARTMENT OF REAL ESTATE

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of EAGLE UNO MORTGAGE CORP., LUIS CESAR ALANIZ, individually and as designated officer of Eagle Uno Mortgage Corp., Respondents.	NO. H-33603 LA

DECISION

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on July 31, 2007, and the findings of fact set forth herein are based on one or more of the following: (1) Respondent's express admissions; (2) affidavits; and (3) other evidence.

FINDINGS OF FACT

I

On August 7, 2006, J. Chris Graves made the Accusation in his official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified mail, to Respondent's last known mailing address on file with the Department on January 8, 2007.

On July 31, 2007, no Notice of Defense having been filed herein within the time prescribed by Section 11506 of the Government Code, Respondent EAGLE UNO MORTGAGE CORP.'s default was entered herein.

II

EAGLE UNO MORTGAGE CORP. (hereinafter referred to as 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, hereinafter Code).

III

At all times herein mentioned, Respondent was licensed by the Department of Real Estate of the State of California as a real estate broker.

IV

At all times material herein, Respondent engaged in the business of, acted in the capacity of, advertised or assumed to act as a real estate broker in the State of California, within the meaning of Section 10131(d) of the Code, including negotiating loans on real property.

V

During the three year period preceding the filing of the Accusation, Respondent acted in violation of provisions of the Business and Professions Code (hereinafter "Code"), and the California Code of Regulations (hereinafter Regulation) as follows:

(1) Violated Section 10137 of the Code by employing and compensating Gustavo Aguilar, Thomas Evans, David Dinkha, Alicia Lazo, and Flor Aguilar, as loan originators to solicit and negotiate real estate mortgage loans in California. Said individuals did not have a California real estate salesperson license or broker license.

(2) Violated Section 10177(c) of the Code by publishing or causing to be published solicitations/flyers indicating that David Dinkha was a real estate licensee and a Realtor.

(3) Violated Section 10140.6 of the Code by not disclosing in Respondent's advertising that it was performing activities for which a real estate license is required in California.

(4) Violated Sections 10235.5 and 10236.4 of the Code by not disclosing in Respondent's advertising the license under which the loan would be made or arranged, and its license number.

(5) Violated Section 10240 of the Code and Regulation 2840 by not maintaining copies of all Mortgage Loan Disclosure Statements as signed by the broker and borrower.

(6) Violated Sections 10240 and 10241 of the Code by failing to disclose to borrowers Candida Mendez and Macario Morua all fees compensation received by Respondent for arranging the loans obtained by the borrowers.

DETERMINATION OF ISSUES

I

Cause for disciplinary action against Respondent exists pursuant to Business and Professions Code Sections 10137, 10177(d), and 10177(g) for violation of Code Sections 10137, 10177(c), 10140.6, 10235.5, 10236.4, 10240 and 10241.

II

The standard of proof applied was clear and convincing proof to a reasonable certainty.

///

///

///

///

///

///

///

ORDER

The license and license rights of Respondent EAGLE UNO MORTGAGE CORP. under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

This Decision shall become effective at 12 o'clock noon on October 1, 2007.

DATED: 8-30-07

JEFF DAVI
Real Estate Commissioner

JAMES R. PEEL, Counsel (SBN 47055)
Department of Real Estate
320 West Fourth Street, Suite 350
Los Angeles, CA 90013-1105

Telephone: (213) 576-6982
-or- (213) 576-6913 (Direct)

FILED

JAN - 8 2007

DEPARTMENT OF REAL ESTATE
BY: [illegible]

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of EAGLE UNO MORTGAGE CORP., LUIS CESAR ALANIZ, individually and as designated officer of Eagle Uno Mortgage Corp., Respondents.	No. H-33603 LA A C C U S A T I O N

The Complainant, J. Chris Graves, a Deputy Real Estate Commissioner of the State of California, for cause of accusation against EAGLE UNO MORTGAGE CORP. and LUIS CESAR ALANIZ, individually and as designated officer of Eagle Uno Mortgage Corp., alleges as follows:

I

The Complainant, J. Chris Graves, acting in his official capacity as a Deputy Real Estate Commissioner of the State of California, makes this Accusation against EAGLE UNO

MORTGAGE CORP. and LUIS CESAR ALANIZ, individually and as designated officer of Eagle Uno Mortgage Corp.

II

EAGLE UNO MORTGAGE CORP. and LUIS CESAR ALANIZ, individually and as designated officer of said corporation (hereinafter referred to as "Respondents"), are presently licensed and/or have license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) (hereinafter Code).

III

At all times mentioned herein, Respondent EAGLE UNO MORTGAGE CORP. was licensed as a real estate broker through Respondent LUIS CESAR ALANIZ as its designated broker-officer.

IV

At all times material herein, Respondents engaged in the business of, acted in the capacity of, advertised or assumed to act as a real estate broker in the State of California, within the meaning of Section 10131(d) of the Code, including negotiating loans on real property.

V

During the three year period preceding the filing of this Accusation, Respondents EAGLE UNO MORTGAGE CORP. and LUIS CESAR ALANIZ acted in violation of provisions of the Business and Professions Code (hereinafter "Code"), and the California Code of Regulations (hereinafter Regulation) as follows:

(1) Violated Section 10137 of the Code by employing and compensating Gustavo Aguilar, Thomas Evans, David Dinkha,

Alicia Lazo, and Flor Aguilar, as loan originators to solicit and negotiate real estate mortgage loans in California. Said individuals did not have a California real estate salesperson license or broker license.

(2) Violated Section 10177(c) of the Code by publishing or causing to be published solicitations/flyers indicating that David Dinkha was a real estate licensee and a Realtor.

(3) Violated Section 10140.6 of the Code by not disclosing in Respondents' advertising that they were performing activities for which a real estate license is required in California.

(4) Violated Sections 10235.5 and 10236.4 of the Code by not disclosing in Respondents' advertising the license under which the loan would be made or arranged, and their license number.

(5) Violated Section 10240 of the Code and Regulation 2840 by not maintaining copies of all Mortgage Loan Disclosure Statements as signed by the broker and borrower.

(6) Violated Section 10240/10241 of the Code by failing to disclose to borrowers Candida Mendez and Macario Morua all fees and compensation received by Respondents for arranging the loans obtained by the borrowers.

VI

The conduct, acts, and/or omissions of Respondents EAGLE UNO MORTGAGE CORP. and LUIS CESAR ALANIZ, as alleged above, subjects their real estate licenses and license rights to

suspension or revocation pursuant to Sections 10137, 10177(d), and/or 10177(g), of the Code.

VII

The conduct, acts, and/or omissions of Respondent LUIS CESAR ALANIZ, as alleged above, subjects his real estate licenses and license rights to suspension or revocation pursuant to Sections 10159.2, 10177(h), 10177(d), and/or 10177(g), of the Code.

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against all licenses and license rights of Respondents EAGLE UNO MORTGAGE CORP. and LUIS CESAR ALANIZ, individually and as designated officer of Eagle Uno Mortgage Corp. under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) and for such other and further relief as may be proper under other applicable provisions of law.

Dated at Los Angeles, California
this 7th day of August, 2006.

J. Chris Graves

J. CHRIS GRAVES
Deputy Real Estate Commissioner

cc: Eagle Uno Mortgage Corp.
Luis Cesar
J. Chris Graves
Sacto.