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1 Department of Real Estate
320 West Fourth Street, #350
2 Los Angeles, California 90013

SEP 06 2011

3 (213) 576-6982
4 (213) 576-6910

DEPARTMENT OF REAL ESTATE
BY: *Rosario Nolasco*

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) NO. H-36860 LA
12 HENRY SOTO,) STIPULATION AND AGREEMENT
13 Respondent.)
14

15
16 It is hereby stipulated by and between HENRY SOTO
17 (hereinafter "Respondent"), and the Complainant, acting by and
18 through James Demus, Counsel for the Department of Real Estate,
19 as follows for the purpose of settling and disposing of the
20 Accusation filed on October 12, 2010 in this matter:

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

1 2. Respondent has received, read and understands the
2 Statement to Respondent, the Discovery Provisions of the APA and
3 the Accusation filed by the Department of Real Estate in this
4 proceeding.

5 3. Respondent, pursuant to the limitations set forth
6 below, hereby admits that the factual allegations of the
7 Accusation filed in this proceeding are true and correct and the
8 Real Estate Commissioner shall not be required to provide
9 further evidence of such allegations.

10 4. It is understood by the parties that the Real
11 Estate Commissioner may adopt the Stipulation and Agreement as
12 his Decision in this matter, thereby imposing the penalty and
13 sanctions on Respondent's real estate license and license rights
14 as set forth in the below "Order". In the event that the
15 Commissioner in her discretion does not adopt the Stipulation
16 and Agreement, it shall be void and of no effect, and Respondent
17 shall retain the right to a hearing and proceeding on the
18 Accusation under all the provisions of the APA and shall not be
19 bound by any admission or waiver made herein.

20 5. The Order or any subsequent Order of the Real
21 Estate Commissioner made pursuant to this Stipulation and
22 Agreement shall not constitute an estoppel, merger or bar to any
23 further administrative or civil proceedings by the Department of
24 Real Estate with respect to any matters which were not
25 specifically alleged to be causes for accusation in this
26 proceeding.

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DETERMINATION OF ISSUES

By reason of the foregoing stipulations, admissions 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 of Respondent HENRY SOTO, as set forth in the Accusation constitutes grounds for suspension or revocation of Respondent's real estate salesperson license under the provisions of Sections 10085, 10177(d) and 10177(g) of the Business and Professions Code.

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

I.

All licenses and licensing rights of Respondent HENRY SOTO, 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 therefore and pays to the Department the appropriate fee 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

1 Commissioner in the event of Respondent's conviction or plea of
2 nolo contendere to a crime which is substantially related to
3 Respondent's fitness or capacity as a real estate licensee.

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

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

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

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

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

1 Government Code), and I willingly, intelligently and voluntarily
2 waive those rights, including the right of requiring the
3 Commissioner to prove the allegations in the Accusation at a
4 hearing at which I would have the right to cross-examine
5 witnesses against me and to present evidence in defense and
6 mitigation of the charges.

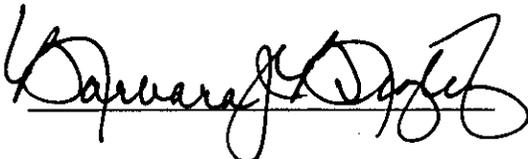
7 Respondent can signify acceptance and approval of the
8 terms and conditions of this Stipulation and Agreement by faxing
9 a copy of the signature page, as actually signed by Respondent,
10 to the Department at fax number (213) 576-6917. Respondent
11 agrees, acknowledges and understands that by electronically
12 sending to the Department a fax copy of his actual signature as
13 it appears on the Stipulation and Agreement, that receipt of the
14 faxed copy by the Department shall be as binding on Respondent
15 as if the Department had received the original signed
16 Stipulation and Agreement.

17 DATED: _____
18 HENRY SOTO, Respondent

19 The foregoing Stipulation and Agreement is hereby
20 adopted as my Decision in this matter and shall become effective
21 at 12 o'clock noon on SEP 26 2011

22 IT IS SO ORDERED 8/31/11

23
24 BARBARA J. BIGBY
25 ACTING REAL ESTATE COMMISSIONER

26 
27

1 Government Code), and I willingly, intelligently and voluntarily
 2 waive those rights, including the right of requiring the
 3 Commissioner to prove the allegations in the Accusation at a
 4 hearing at which I would have the right to cross-examine
 5 witnesses against me and to present evidence in defense and
 6 mitigation of the charges.

7 Respondent can signify acceptance and approval of the
 8 terms and conditions of this Stipulation and Agreement by faxing
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 10 to the Department at fax number (213) 576-6917. Respondent
 11 agrees, acknowledges and understands that by electronically
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 13 it appears on the Stipulation and Agreement, that receipt of the
 14 faxed copy by the Department shall be as binding on Respondent
 15 as if the Department had received the original signed
 16 Stipulation and Agreement.

17 DATED: 8/22/11



 HENRY SOTO, Respondent

19 The foregoing Stipulation and Agreement is hereby
 20 adopted as my Decision in this matter and shall become effective
 21 at 12 o'clock noon on _____

22 IT IS SO ORDERED _____

23
 24 BARBAR J. BIGBY
 25 ACTING REAL ESTATE COMMISSIONER
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 27 _____

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JAMES DEMUS, Counsel (SBN 225005)
Department of Real Estate
320 West Fourth St., #350
Los Angeles, CA 90013

(213) 576-6982
(213) 576-6910 (direct)

FILED

OCT 12 2010

DEPARTMENT OF REAL ESTATE
BY: James B. Demus

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) No.H-36860-LA
HENRY SOTO,) A C C U S A T I O N
formerly d.b.a. Westside REOS,)
Respondent.)

The Complainant, Robin Trujillo, a Deputy Real Estate
Commissioner of the State of California, for cause of
Accusation against HENRY SOTO, formerly d.b.a. Westside REOS,
is informed and alleges as follows:

1.

The Complainant, Robin Trujillo, a Deputy Real Estate
Commissioner of the State of California, makes this Accusation
in her official capacity.

2.

Respondent HENRY SOTO (hereinafter "Respondent")
presently has license rights under the Real Estate Law (Part 1

1 of Division 4 of the Business and Professions Code, hereinafter
2 "Code") as a real estate broker. Respondent was originally
3 licensed as a real estate broker by the Department of Real
4 Estate (hereinafter "Department") on or about October 23, 2008.
5 From October 23, 2008 to October 6, 2009, Respondent was
6 registered with the Department as d.b.a. "Westside REOS".

7 3.

8 FIRST CAUSE OF ACCUSATION

9 (ADVANCE FEE VIOLATIONS)

10 Respondent engaged in the business of a real estate
11 broker in the State of California within the meaning of Code
12 Sections 10131(d) and 10131.2, including brokering mortgage
13 loans and performing loan modification activities and claiming,
14 demanding, charging, receiving, collecting or contracting for
15 the collection of an advance fee, within the meaning of Code
16 Section 10026, including, but not limited to, the following
17 loan modification activities with respect to loans which were
18 secured by liens on real property.

19 4.

20 In or about January, 2009, Respondent entered into a
21 verbal agreement with Virginia and Alberto Mendez to negotiate
22 a loan modification with respect to a loan secured by a lien(s)
23 on the real property located at 19122 Halstead Street,
24 Northridge, CA, 91324, in exchange for an advance fee payment.
25 On February 27, 2009, Rosalinda Mendez submitted two \$700
26 checks to Westside REOs, on behalf of Virginia and Alberto
27 Mendez, for the purpose of a loan modification.

1 5.

2 In or about January, 2009, Respondent entered into a
3 verbal agreement with Rosalinda Mendez to negotiate a loan
4 modification with respect to a loan secured by a lien(s) on the
5 real property located at 1708 Pepper Street, Burbank, CA,
6 91505, in exchange for an advance fee payment. On February 27,
7 2009 Rosalinda Mendez submitted a \$700 check to Westside REOs
8 for the purpose of a loan modification.

9 6.

10 The fees collected by RESPONDENT, as described in
11 Paragraphs 4 and 5 above, constitute advance fee agreements
12 within the meaning of Code Section 10026. RESPONDENT failed to
13 submit the advance fee agreements referred to in Paragraphs 6
14 and 7 above, to the Commissioner ten days before using them, in
15 violation of Code Section 10085 and Section 2970 of Title 10,
16 California Code of Regulations ("Regulations").

17 7.

18 SECOND CAUSE OF ACCUSATION

19 (FAILURE TO RETAIN RECORDS)

20 On March 10, 2010, Respondent was served with a
21 subpoena duces tecum alleging sufficient cause to require
22 Respondent to produce for inspection and copying the following
23 material in connection with Respondent's loan modification
24 activities, including, but not limited to:

25 Escrow Instructions, supplements, amendments and loan
26 documents; statements of identity sent to escrow; copies of
27 checks placed in a broker trust account; copies of checks

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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 the licenses and license rights of Respondent HENRY SOTO, d.b.a. Westside Luxe and formerly d.b.a Westside REOS, under the Real Estate Law, and for such other and further relief as may be proper under other applicable provisions of law.

Dated at Los Angeles, California
this 21 day of September, 2010



Robin Trujillo
Deputy Real Estate Commissioner

cc: HENRY SOTO
Robin Trujillo
Sacto.