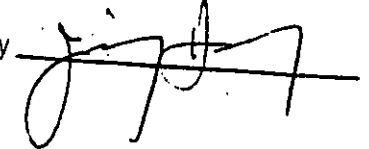


5/11/00

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

FILED
APR 27 2000
DEPARTMENT OF REAL ESTATE

By 

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of) NO. H-1970 SA
ARMANDO AGUILA)
Respondent.)

ORDER DENYING REINSTATEMENT OF LICENSE

On November 6, 1995, a Decision was rendered herein revoking the real estate broker license of Respondent ARMANDO AGUILA (hereinafter "Respondent"), effective December 7, 1995. In said Decision Respondent was given the right to apply for and receive a restricted real estate broker license which was issued to him on December 7, 1995.

On December 10, 1999, Respondent petitioned for reinstatement of said real estate broker license and the Attorney General of the State of California has been given notice of the filing of said petition.

I have considered the petition of Respondent and the evidence submitted in support thereof. Respondent has failed to demonstrate to my satisfaction that he has

7
1 undergone sufficient rehabilitation to warrant the
2 reinstatement of his real estate broker license at this time.

3 This determination has been made in light of
4 Respondent's history of acts and conduct which are
5 substantially related to the qualifications, functions and
6 duties of a real estate licensee. That history includes:

7 1.

8 On Question No. 4 of his petition Respondent was
9 asked "Do you have any past due debts, outstanding judgments,
10 or have you filed bankruptcy?" Respondent replied "No".
11 Whereas, in truth and in fact, on October 8, 1997, a judgment
12 was entered against Respondent in favor of Park Mesa
13 Apartments in the amount of \$449.00 for back rent. This
14 judgment has not been paid.

15 2.

16 The acts and omissions of Respondent, as set forth
17 in Paragraph 1 indicate a lack of rehabilitation and are
18 cause to deny Respondent's petition for reinstatement of
19 license pursuant to Section 10177(a) of the Business and
20 Professions Code and Section 2911(i) of Chapter 6, Title 10,
21 California Code of Regulations.

22 NOW, THEREFORE, IT IS ORDERED that Respondent's
23 petition for reinstatement of his real estate salesperson
24 license is hereby denied.

25 /

26 /

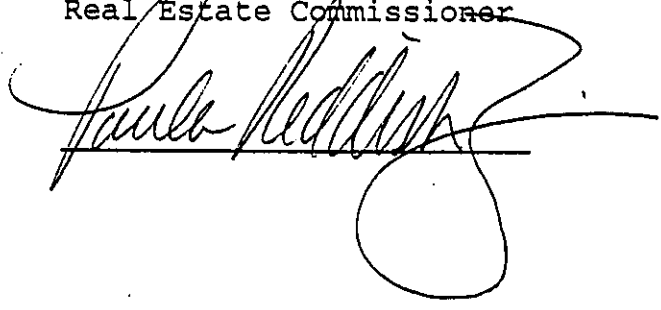


1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

This order shall become effective at 12 o'clock
noon on May 17, 2000.

DATED: April 24, 2000

PAULA REDDISH ZINNEMANN
Real Estate Commissioner



ARMANDO AGUILA
1822 Beverly Drive
Orange, California 92868

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, California 90012

(213) 897-3937

FILED
NOV 17 1995

DEPARTMENT OF REAL ESTATE

By 

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of)	NO. H-1970 SA
)	
ARMANDO AGUILA and,)	<u>STIPULATION AND AGREEMENT</u>
MICHAEL LEE SANTA MARIA,)	<u>IN</u>
)	<u>SETTLEMENT AND ORDER</u>
)	
)	
Respondent.)	
)	

It is hereby stipulated by ARMANDO AGUILA (sometimes referred to as respondent), and the Complainant, acting by and through Elliott Mac Lennan, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on March 28, 1995 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

1 submitted solely on the basis of the provisions of this
2 Stipulation.

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

7 3. Respondent timely filed a Notice of Defense pursuant
8 to Section 11505 of the Government Code for the purpose of
9 requesting a hearing on the allegations in the Accusation.
10 Respondent hereby freely and voluntarily withdraws said Notice of
11 Defense. Respondent acknowledges that he understands that by
12 withdrawing said Notice of Defense he thereby waives his right to
13 require the Commissioner to prove the allegations in the
14 Accusation at a contested hearing held in accordance with the
15 provisions of the APA and that he will waive other rights afforded
16 to him in connection with the hearing such as the right to present
17 evidence in defense of the allegations in the Accusation and the
18 right to cross-examine witnesses.

19 4. This Stipulation and Agreement in Settlement and
20 Order (Stipulation) is based on the factual allegations contained
21 in the Accusation. In the interest of expedience and economy,
22 respondent chooses not to contest these allegations, but to remain
23 silent and understands that, as a result thereof, these factual
24 allegations, without being admitted or denied, will serve as a
25 prima facie basis for the disciplinary action stipulated to
26 herein. This Stipulation is based on respondent's decision not to
27 contest the Accusation. The Real Estate Commissioner shall not be



1 required to provide further evidence to prove said factual
2 allegations.

3 5. This Stipulation is based on respondent's decision
4 not to contest the allegations set forth in the Accusation as a
5 result of the agreement negotiated between the parties. This
6 Stipulation, based on respondent's decision not to contest the
7 Accusation, is expressly limited to this proceeding and any
8 further proceeding initiated by or brought before the Department
9 of Real Estate based upon the facts and circumstances alleged in
10 the Accusation, and made for the sole purpose of reaching an
11 agreed disposition of this proceeding. The decision of respondent
12 not to contest the factual statements alleged, and as contained in
13 the stipulated Order, is made solely for the purpose of
14 effectuating this Stipulation. It is the intent and understanding
15 of the parties that this Stipulation shall not be binding or
16 admissible against respondent in any actions against respondent by
17 third parties.

18 6. It is understood by the parties that the Real Estate
19 Commissioner may adopt the Stipulation as his decision in this
20 matter thereby imposing the penalty and sanctions on respondent's
21 real estate licenses and license rights as set forth in the
22 "Order" hereinbelow. In the event that the Commissioner in his
23 discretion does not adopt the Stipulation, the Stipulation shall
24 be void and of no effect, and respondent shall retain the right to
25 a hearing and proceeding on the Accusation under the provisions of
26 the APA and shall not be bound by any admission or waiver made
27 herein.



1 7. The Order or any subsequent Order of the Real Estate
2 Commissioner made pursuant to this Stipulation shall not
3 constitute an estoppel, merger or bar to any further
4 administrative or civil proceedings by the Department of Real
5 Estate with respect to any matters which were not specifically
6 alleged to be causes for accusation in this proceeding.

7 DETERMINATION OF ISSUES

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

12 I

13 The conduct of respondent, as described in Paragraph 4
14 is cause to suspend or revoke the real estate license and license
15 rights of respondent under the provisions of Sections 10137 and
16 10177(g) of the Business and Professions Code.

17 ORDER

18 WHEREFORE THE FOLLOWING ORDER IS MADE PURSUANT TO THE
19 WRITTEN STIPULATION OF THE PARTIES:

20 I

21 The real estate broker license and license rights of
22 respondent ARMANDO AGUILA under the Real Estate Law (Part 1 of
23 Division 4 of the Business and Professions Code) are hereby
24 revoked.

25 However, respondent shall be entitled to apply for and
26 be issued a restricted real estate broker license if he makes
27 application therefor and pays to the Department of Real Estate the



1 appropriate fee for said license within ninety (90) days of the
2 effective date of the Stipulation herein.

3 The restricted real estate broker license issued to
4 respondent shall be subject to all of the provisions of Section
5 10156.7 of the Business and Professions Code and the following
6 limitations, conditions and restrictions imposed under authority
7 of Section 10156.6 of the Code:

8 A. The restricted license may be suspended prior to
9 hearing by Order of the Real Estate Commissioner in the event of
10 respondent's conviction (including conviction of a plea of nolo
11 contendere) to a crime which bears a significant relationship to
12 respondent's fitness or capacity as a real estate licensee.

13 B. The restricted license may be suspended prior to
14 hearing by Order of the Real Estate Commissioner on evidence
15 satisfactory to the Commissioner that respondent has, after the
16 effective date of the Order herein, violated provisions of the
17 California Real Estate Law, the Subdivided Lands Law, Regulations
18 of the Real Estate Commissioner or conditions attaching to said
19 restricted license.

20 C. Respondent shall obey all laws of the United States,
21 the State of California and its political subdivisions, and shall
22 further obey and comply with all rules and regulations of the Real
23 Estate Commissioner.

24 D. Respondent shall, within twelve months from the
25 effective date of this Decision, present evidence satisfactory to
26 the Real Estate Commissioner that respondent has, since the most
27 recent issuance of an original or renewal real estate license,

1 taken and successfully completed the continuing education
2 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
3 for renewal of a real estate license. If respondent fails to
4 satisfy this condition, the Commissioner may order the suspension
5 of the restricted license until the respondent presents such
6 evidence. The Commissioner shall afford respondent the opportunity
7 for a hearing pursuant to the Administrative Procedure Act to
8 present such evidence.

9 E. Respondent shall not be eligible for the issuance of
10 an unrestricted real estate license nor the removal of any of the
11 conditions, limitations or restrictions of the restricted license
12 until at least one year has elapsed from the effective date of the
13 Decision.

14 F. Respondent shall not be a designated officer for any
15 real estate corporation during the restricted period other than
16 his own corporation.

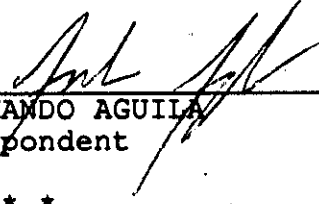
17
18 DATED: 11-1-95

Elliott Mac Lennan
19 ELLIOTT MAC LENNAN
20 Counsel for Complainant
21 /
22 /
23 /
24 /
25 /
26 /
27 /

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

* * * *

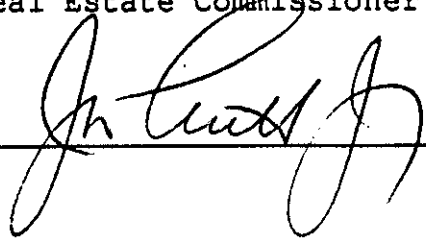
I have read the Stipulation In Settlement and Order and its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509 and 11513 of the Government 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.

DATED: Oct 18, 1995

ARMANDO AGUILA
Respondent

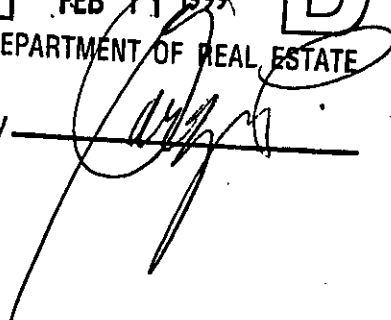
* * * *

The foregoing Stipulation and Agreement in Settlement and Order is hereby adopted by the Commissioner as Stipulation and Order and shall become effective at 12 o' clock noon on December 7, 1995.

IT IS SO ORDERED 11-6, 1995.

JIM ANTT JR.
Real Estate Commissioner


Sachs

FILED
FEB 11 1999
DEPARTMENT OF REAL ESTATE
By 

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of) NO. H-1970 SA
MICHAEL LEE SANTA MARIA)
Respondent.)

ORDER GRANTING REINSTATEMENT OF LICENSE

On October 10, 1995, a Decision was rendered herein revoking the real estate salesperson license of Respondent, MICHAEL LEE SANTA MARIA (hereinafter "Respondent"), effective November 7, 1995, but granting Respondent the right to apply for and be issued a restricted real estate salesperson license. Said restricted real estate salesperson license was issued to Respondent thereafter.

On December 10, 1996, Respondent petitioned for reinstatement of said real estate salesperson license and the Attorney General of the State of California has been given notice of the filing of said petition.

1 I have considered Respondent's petition and the
2 evidence and arguments in support thereof. Respondent has
3 demonstrated to my satisfaction that grounds do not presently
4 exist to deny the issuance of an unrestricted real estate
5 salesperson license to Respondent.

6 NOW, THEREFORE, IT IS ORDERED that Respondent's
7 petition for reinstatement is granted and that an
8 unrestricted real estate salesperson license be issued to
9 Respondent, MICHAEL LEE SANTA MARIA, after Respondent
10 satisfies the following conditions within six months from the
11 date of this Order:


12 1. Submittal of a completed application and
13 payment of the fee for a real estate salesperson license.

14 2. Submittal of evidence satisfactory to the Real
15 Estate Commissioner that Respondent has, since his license
16 was revoked, taken and successfully completed the 45 hours of
17 education required in Section 10170.5 of the Business and
18 Professions Code.

19
20 This Order shall become effective immediately.

21 DATED: February 9, 1999.

22 JOHN R. LIBERATOR
23 Acting Commissioner

24 

25 MICHAEL LEE SANTA MARIA
26 477 Corona Ave.
27 Corona, California 91719

1 Department of Real Estate
2 107 South Broadway, Room 8107
3 Los Angeles, California 90012

4 (213) 897-3937

FILED
OCT 17 1995
DEPARTMENT OF REAL ESTATE

By *[Signature]*

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * *

11 In the Matter of the Accusation of)	NO. H-1970 SA
12 ARMANDO AGUILA and,)	<u>STIPULATION AND AGREEMENT</u>
13 MICHAEL LEE SANTA MARIA,)	<u>IN</u>
14)	<u>SETTLEMENT AND ORDER</u>
15 Respondent.)	
16 _____)	

17 It is hereby stipulated by and MICHAEL LEE SANTA MARIA
18 (sometimes referred to as respondent), and the Complainant, acting
19 by and through Elliott Mac Lennan, Counsel for the Department of
20 Real Estate, as follows for the purpose of settling and disposing
21 of the Accusation filed on March 28, 1995 in this matter:

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

27

1 submitted solely on the basis of the provisions of this
2 Stipulation.

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

7 3. Respondent timely filed a Notice of Defense pursuant
8 to Section 11505 of the Government Code for the purpose of
9 requesting a hearing on the allegations in the Accusation.
10 Respondent hereby freely and voluntarily withdraws said Notice of
11 Defense. Respondent acknowledges that he understands that by
12 withdrawing said Notice of Defense he thereby waives his right to
13 require the Commissioner to prove the allegations in the
14 Accusation at a contested hearing held in accordance with the
15 provisions of the APA and that he will waive other rights afforded
16 to him in connection with the hearing such as the right to present
17 evidence in defense of the allegations in the Accusation and the
18 right to cross-examine witnesses.

19 4. This Stipulation and Agreement in Settlement and
20 Order (Stipulation) is based on the factual allegations contained
21 in the Accusation. In the interest of expedience and economy,
22 respondent chooses not to contest these allegations, but to remain
23 silent and understands that, as a result thereof, these factual
24 allegations, without being admitted or denied, will serve as a
25 prima facie basis for the disciplinary action stipulated to
26 herein. This Stipulation is based on respondent's decision not to
27 contest the Accusation. The Real Estate Commissioner shall not be



1 required to provide further evidence to prove said factual
2 allegations.

3 5. This Stipulation is based on respondent's decision
4 not to contest the allegations set forth in the Accusation as a
5 result of the agreement negotiated between the parties. This
6 Stipulation, based on respondent's decision not to contest the
7 Accusation, is expressly limited to this proceeding and any
8 further proceeding initiated by or brought before the Department
9 of Real Estate based upon the facts and circumstances alleged in
10 the Accusation, and made for the sole purpose of reaching an
11 agreed disposition of this proceeding. The decision of respondent
12 not to contest the factual statements alleged, and as contained in
13 the stipulated Order, is made solely for the purpose of
14 effectuating this Stipulation. It is the intent and understanding
15 of the parties that this Stipulation shall not be binding or
16 admissible against respondent in any actions against respondent by
17 third parties.

18 6. It is understood by the parties that the Real Estate
19 Commissioner may adopt the Stipulation as his decision in this
20 matter thereby imposing the penalty and sanctions on respondent's
21 real estate licenses and license rights as set forth in the
22 "Order" hereinbelow. In the event that the Commissioner in his
23 discretion does not adopt the Stipulation, the Stipulation shall
24 be void and of no effect, and respondent shall retain the right to
25 a hearing and proceeding on the Accusation under the provisions of
26 the APA and shall not be bound by any admission or waiver made
27 herein.



1 7. The Order or any subsequent Order of the Real Estate
2 Commissioner made pursuant to this Stipulation shall not
3 constitute an estoppel, merger or bar to any further
4 administrative or civil proceedings by the Department of Real
5 Estate with respect to any matters which were not specifically
6 alleged to be causes for accusation in this proceeding.

7 DETERMINATION OF ISSUES

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

12 I

13 The conduct of respondent, as described in Paragraph 4,
14 in soliciting and negotiating a deed of trust based on lien on
15 real property without holding a license from the Department of
16 Real Estate is cause to suspend or revoke the real estate license
17 and license rights of respondent under the provisions of Sections
18 10177(d) and 10177(f) of the Business and Professions Code.

19 ORDER

20 WHEREFORE THE FOLLOWING ORDER IS MADE PURSUANT TO THE
21 WRITTEN STIPULATION OF THE PARTIES:

22 I

23 The real estate salesperson license and license rights
24 of respondent MICHAEL LEE SANTA MARIA under the Real Estate Law
25 (Part 1 of Division 4 of the Business and Professions Code) are
26 hereby revoked.

1 However, respondent shall be entitled to apply for and
2 be issued a restricted real estate salesperson license if he makes
3 application therefor and pays to the Department of Real Estate the
4 appropriate fee for said license within ninety (90) days of the
5 effective date of the Stipulation herein.

6 The restricted real estate salesperson license issued to
7 respondent shall be subject to all of the provisions of Section
8 10156.7 of the Business and Professions Code and the following
9 limitations, conditions and restrictions imposed under authority
10 of Section 10156.6 of the Code:

11 A. The restricted license may be suspended prior to
12 hearing by Order of the Real Estate Commissioner in the event of
13 respondent's conviction (including conviction of a plea of nolo
14 contendere) to a crime which bears a significant relationship to
15 respondent's fitness or capacity as a real estate licensee.

16 B. The restricted license may be suspended prior to
17 hearing by Order of the Real Estate Commissioner on evidence
18 satisfactory to the Commissioner that respondent has, after the
19 effective date of the Order herein, violated provisions of the
20 California Real Estate Law, the Subdivided Lands Law, Regulations
21 of the Real Estate Commissioner or conditions attaching to said
22 restricted license.

23 C. Respondent shall obey all laws of the United States,
24 the State of California and its political subdivisions, and shall
25 further obey and comply with all rules and regulations of the Real
26 Estate Commissioner.

27



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

D. Respondent shall not be eligible for the issuance of an unrestricted real estate license nor the removal of any of the conditions, limitations or restrictions of the restricted license until at least one year has elapsed from the effective date of the Decision.

E. 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 broker which shall certify:

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

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

DATED: 8-29-95

Elliott Mac Lennan
ELLIOTT MAC LENNAN
Counsel for Complainant

/
/
/
/
/
/
/
/
/
/
/
/

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

* * * *

I have read the Stipulation In Settlement and Order 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.

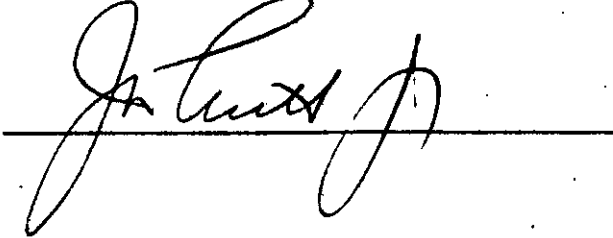
DATED: 9-18-95 
MICHAEL LEE SANTA MARIA
Respondent

* * * *

The foregoing Stipulation and Agreement in Settlement and Order is hereby adopted by the Commissioner as Stipulation and Order and shall become effective at 12 o' clock noon on November 7, 1995.

IT IS SO ORDERED 10 - 10, 1995.

JIM ANTT JR.
Real Estate Commissioner



SACTO.
Flag

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
JUN - 1 1995
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of)
ARMANDO AGUILA,)
et al.,)
Respondents.)

Case No. H-1970 SA
OAH No. L-9505163

By 

NOTICE OF HEARING ON ACCUSATION

To the above-named Respondents:

You are hereby notified that a hearing will be held before the Department of Real Estate at Office of Administrative Hearings, 314 West First Street, Los Angeles, California, on **October 19, 1995**, at the hour of 9:00 a.m., or as soon thereafter as the matter can be heard, upon the Accusation served upon you.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter. The interpreter must be approved by the Administrative Law Judge conducting the hearing as someone who is proficient in both English and the language in which the witness will testify. You are required to pay the costs of the interpreter unless the Administrative Law Judge directs otherwise.

Dated: June 1, 1995.

cc: Armando Aguila
Michael Lee Santa Maria
Bann-Cor Mortgage
Sacto.
OAH

DEPARTMENT OF REAL ESTATE


ELLIOTT MAC LENNAN, Counsel

*SACSA
Elay*

1 ELLIOTT MAC LENNAN, Counsel
2 Department of Real Estate
3 107 South Broadway, Room 8107
4 Los Angeles, California 90012
5
6
7
8
9
10 (213) 897-3937

FILED
MAR 28 1995
DEPARTMENT OF REAL ESTATE
by *[Signature]*

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * * *

11 In the Matter of the Accusation of) No. H-1970 SA
12 ARMANDO AGUILA and)
13 MICHAEL LEE SANTA MARIA,) ACCUSATION
14 Respondents.)

15 The Complainant, Thomas McCrady, a Deputy Real Estate
16 Commissioner of the State of California, for cause of accusation
17 against ARMANDO AGUILA and MICHAEL LEE SANTA MARIA is informed and
18 alleges in his official capacity as follows:

19 I

20 ARMANDO AGUILA (AGUILA), dba California First Funding,
21 and MICHAEL LEE SANTA MARIA (SANTA MARIA), sometimes collectively
22 referred to as respondents, are presently licensed and/or have
23 license rights under the Real Estate Law (Part 1 of Division 4 of
24 the California Business and Professions Code).

25 II

26 All references to the "Code" are to the California
27 Business and Professions Code and all references to "Regulations"

1 are to Chapter 6, Title 10, California Code of Regulations.

2 III

3 At all mentioned times, AGUILA was licensed by the
4 Department as a real estate broker.

5 IV

6 SANTA MARIA is presently licensed and/or has license
7 rights under the Real Estate Law. SANTA MARIA was originally
8 licensed as a real estate salesperson on March 4, 1994.

9 V

10 At all times herein mentioned, in the city of Moreno
11 Valley, Riverside County, respondent AGUILA, dba California First
12 Funding, engaged in the business of, acted in the capacity of,
13 advertised, or assumed to act as a real estate broker, within the
14 meaning of Section 10131(d) of the Code, including the operation
15 of a mortgage loan brokerage business with the public wherein
16 lenders and borrowers were solicited for loans secured directly or
17 collaterally by liens on real property, wherein such loans were
18 arranged, negotiated, processed, and consummated on behalf of
19 others for compensation or in expectation of compensation and for
20 fees often collected in advance.

21 VI

22 On June 28, 1993, SANTA MARIA, an unlicensed person,
23 went to the home of Gabriel and Erlinda Ochoa wherein he solicited
24 and negotiated a mortgage loan secured by the Ochoas' home located
25 at 7455 Encina, Fontana, California. On August 7, 1993, the
26 Ochoas signed loan documents including a loan application on their
27 home at SANTA MARIA's request.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

VII

During the week of June 28, 1993, SANTA MARIA was hired as a loan agent and salesperson for California First Funding by AGUILA. During the week of July 7, 1993, AGUILA discovered that SANTA MARIA was not in fact licensed. AGUILA transferred the Ochoa loan to a licensed salesperson. On August 9, 1993, the Ochoas timely exercised their three-day right of rescission of their loan. Nonetheless, the loan was funded and a \$93,000 deed of trust in that amount was recorded against the Ochoas' home on August 19, 1995.

VIII

The conduct of SANTA MARIA in soliciting and negotiating the Ochoa loan transaction prior to the time he was licensed in any capacity with the Department is in violation of Section 10130 of the Code and is cause to suspend or revoke his respective license and license rights under Section 10177(d) or 10177(f) of the Code.

IX

In the course of the mortgage loan brokerage activities described in Paragraph V, AGUILA, with full knowledge that SANTA MARIA was not licensed by the Department as a real estate salesperson or as a real estate broker, or as a real estate salesperson employed by a real estate broker, employed and compensated him to perform acts for which a real estate license is required, for another or others, including originating loans, soliciting borrowers and lenders, and negotiating loans secured by liens on real property specifically including soliciting and

1 negotiating the Ochoa loan transaction, for or in expectation of
2 compensation, in violation of Section 10137 of the Code. This
3 conduct and violation are cause to suspend or revoke the license
4 and license rights of respondent AGUILA under the provisions of
5 Section 10137 of the Code.

6 X

7 The conduct of respondent AGUILA, in employing SANTA
8 MARIA as a loan agent and salesperson when he had never held a
9 license with the Department and in processing and funding the
10 Ochoa loan transaction despite their cancellation notice, as
11 described in Paragraphs VII and VIII herein above, constitutes
12 negligence or incompetence in violation of Section 10177(g). This
13 conduct and violation are cause for the suspension or revocation
14 of all real estate licenses and license rights of respondent
15 AGUILA under the provisions of Section 10177(g) of the Code.

16 /

17 /

18 /

19 /

20 /

21 /

22 /

23 /

24 /

25 /

26 /

27 /

1 WHEREFORE, Complainant prays that a hearing be conducted
2 on the allegations of this Accusation and, that upon proof
3 thereof, a decision be rendered imposing disciplinary action
4 against all licenses and license rights of respondents ARMANDO
5 AGUILA and MICHAEL LEE SANTA MARIA under the Real Estate Law (Part
6 1 of Division 4 of the Business and Professions Code) and for such
7 other and further relief as may be proper under other applicable
8 provisions of law.

9 Dated at Santa Ana, California
10 this 28th day of March, 1995.

11
12 THOMAS McCRADY
13 Deputy Real Estate Commissioner
14
15
16
17
18
19
20
21
22
23

24 cc: Armando Aguila
25 Michael Lee Santa Maria
26 Bann-Cor Mortgage
27 Sacto.
 WJH