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FILED

JUL 18 2012

1 Department of Real Estate
2 320 West 4th Street, Suite 350
3 Los Angeles, California 90013-1105

4 Telephone: (213) 576-6982

DEPARTMENT OF REAL ESTATE
BY: Cu

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7
8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12) DRE NO. H-2433 FR
13 HERITAGE LENDING, INC.,) OAH NO. L-2012020264
14 a California corporation,)
15 SHERRY L. COX, CANDY L. WELLS,)
16 and TY JEREMY CHRISTENSEN,)
17 Respondents.)

18 ORDER NUNC PRO TUNC MODIFYING STIPULATION AND AGREEMENT

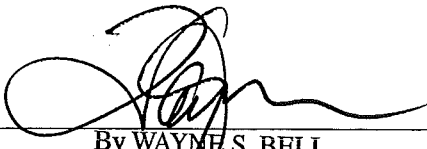
19 It having been called to the attention of the Real
20 Estate Commissioner that there is an error in the Stipulation
21 and Agreement dated April 12, 2012, and good cause appearing
22 therefor, line 23 on page 7 of the Stipulation and Agreement is
23 amended to read "become effective immediately."

24 This Order is nunc pro tunc to April 12, 2012.

25 IT IS SO ORDERED

July 13, 2012

26 Real Estate Commissioner

27 
28 By WAYNE S. BELL
Chief Counsel

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8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

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11 In the Matter of the Accusation of)

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13 HERITAGE LENDING, INC.,)
14 a California corporation,)
15 SHERRY L. COX, CANDY L. WELLS,)
16 and TY JEREMY CHRISTENSEN,)

17 Respondents.)

DRE NO. H-2433 FR

OAH NO. L-2012020264

STIPULATION AND AGREEMENT

18 It is hereby stipulated by and between TY JEREMY
19 CHRISTENSEN ("Respondent") and his attorney of record, Frank M.
20 Buda, and the Complainant, acting by and through Lissete Garcia,
21 Counsel for the Department of Real Estate, as follows for the
22 purpose of settling and disposing of the Amended Accusation
23 filed on March 11, 2010, in this matter:

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

1 thereof be submitted solely on the basis of the provisions of
2 this Stipulation and Agreement ("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. On December 16, 2009, Respondent filed a Notice of
8 Defense pursuant to Section 11506 of the Government Code for the
9 purpose of requesting a hearing on the allegations in the
10 Amended Accusation. Respondent hereby freely and voluntarily
11 withdraws said Notice of Defense. Respondent acknowledges that
12 he understands that by withdrawing said Notice of Defense he
13 will thereby waive his right to require the Commissioner to
14 prove the allegations in the Amended Accusation at a contested
15 hearing held in accordance with the provisions of the APA and
16 that he will waive other rights afforded to him in connection
17 with the hearing such as the right to present evidence in
18 defense of the allegations in the Amended Accusation and the
19 right to cross-examine witnesses.
20

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

1 to prove such allegations.

2 5. This Stipulation and Respondent's decision not to
3 contest the Amended Accusation are made for the purpose of
4 reaching an agreed disposition of this proceeding and are
5 expressly limited to this proceeding and any other proceeding or
6 case in which the Department of Real Estate ("Department"), or
7 another licensing agency of this state, another state or if the
8 federal government is involved and otherwise shall not be
9 admissible in any other criminal or civil proceedings.

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

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

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1 3. Said suspension shall run concurrent with the sixty
2 (60) day suspension described in the separate settlement/
3 Stipulation in Department Case No. H-2308 FR. The monetary
4 penalty described in the settlement/Stipulation of Department
5 Case No. H-2308 FR is separate and in addition to the monetary
6 penalty described in Paragraph 1 above for Department Case No.
7 2433 FR.

8 4. No further cause for disciplinary action against
9 the real estate license of Respondent occurs within one year from
10 the effective date of the Decision in this matter.

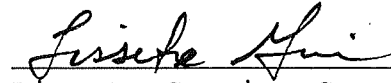
11 5. If Respondent fails to pay the monetary penalty in
12 accordance with the terms and conditions of the Decision, the
13 Commissioner may, without a hearing, order the immediate
14 execution of all or any part of the stayed suspension in which
15 event the Respondent shall not be entitled to any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

18 6. If Respondent pays the monetary penalty and if no
19 further cause for disciplinary action against the real estate
20 license of Respondent occurs within one year from the effective
21 date of the Decision, the stay hereby granted shall become
22 permanent.

23 7. Respondent shall within six months from the
24 effective date of this Decision, take and pass the Professional
25 Responsibility Examination administered by the Department
26 including the payment of the appropriate examination fee. If
27 Respondent fails to satisfy this condition, the Commissioner may
28

1 order suspension of Respondent's license until Respondent passes
2 the examination.

3
4 DATED: April 5, 2012

5 
6 Lissete Garcia, Counsel for
7 the Department of Real Estate

8 * * *

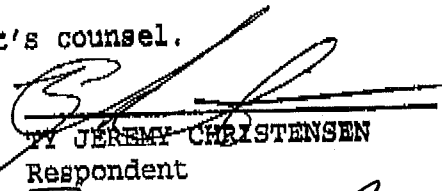
9 I have read the Stipulation and Agreement, have
10 discussed it with my counsel, and its terms are understood by me
11 and are agreeable and acceptable to me. I understand that I am
12 waiving rights given to me by the California Administrative
13 Procedure Act (including but not limited to Sections 11506,
14 11508, 11509 and 11513 of the Government Code), and I willingly,
15 intelligently and voluntarily waive those rights, including the
16 right of requiring the Commissioner to prove the allegations in
17 the Amended Accusation at a hearing at which I would have the
18 right to cross-examine witnesses against me and to present
19 evidence in defense and mitigation of the charges.
20

21 Respondent can signify acceptance and approval of the
22 terms and conditions of this Stipulation and Agreement by faxing
23 a copy of the signature page, as actually signed by Respondent,
24 to the Department at the following telephone/fax number: (213)
25 576-6917. Respondent agrees, acknowledges and understands that
26 by electronically sending to the Department a fax copy of his
27
28

1 actual signature as it appears on the Stipulation and Agreement,
 2 that receipt of the faxed copy by the Department shall be as
 3 binding on Respondent, as if the Department had received the
 4 original signed Stipulation and Agreement.

5 Further, if the Respondent is represented by counsel,
 6 the Respondent's counsel can signify his agreement to the terms
 7 and conditions of the Stipulation and Agreement by submitting
 8 that signature via fax. The Commissioner has asked that within
 9 24 hours of obtaining Respondent's signature to the agreement,
 10 Respondent's counsel shall deposit in the mail the original
 11 settlement/stipulation containing the original signatures of
 12 both the Respondent and Respondent's counsel.
 13

14 DATED: 4-5-12


 15 JY JEREMY CHRISTENSEN
 16 Respondent

17 DATED: 4-5-12


 18 FRANK M. BUDA
 19 Counsel for Respondent
 20 Approved as to Form

21 ***

22 The foregoing Stipulation and Agreement is hereby
 23 adopted as my Decision and Order in this matter, and shall
 24 become effective at 12 o'clock noon on _____.

25 IT IS SO ORDERED _____

26 Real Estate Commissioner
 27
 28 _____

1 actual signature as it appears on the Stipulation and Agreement,
2 that receipt of the faxed copy by the Department shall be as
3 binding on Respondent as if the Department had received the
4 original signed Stipulation and Agreement.

5 Further, if the Respondent is represented by counsel,
6 the Respondent's counsel can signify his agreement to the terms
7 and conditions of the Stipulation and Agreement by submitting
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9 24 hours of obtaining Respondent's signature to the agreement,
10 Respondent's counsel shall deposit in the mail the original
11 settlement/stipulation containing the original signatures of
12 both the Respondent and Respondent's counsel.
13
14

15 DATED: _____

TY JEREMY CHRISTENSEN
Respondent

17 DATED: _____

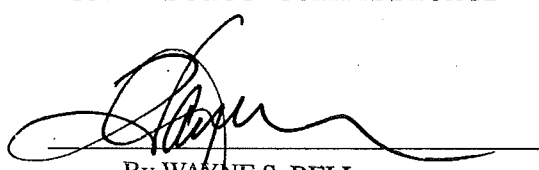
FRANK M. BUDA
Counsel for Respondent
Approved as to Form

20 * * *

21 The foregoing Stipulation and Agreement is hereby
22 adopted as my Decision and Order in this matter, and shall
23 become effective at 12 o'clock noon on May 7, 2012.

24 IT IS SO ORDERED 4/12/2012.

25 Real Estate Commissioner

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By WAYNE S. BELL
Chief Counsel