

1 Department of Real Estate
2 P. O. Box 187000
3 Sacramento, CA 95818-7000
4 Telephone: (916) 739-3607

FILED
JAN - 4 1993
DEPARTMENT OF REAL ESTATE

By Emily J. J. J.

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11	In the Matter of the Accusation of)	
12	AMERICAN MORTGAGE CONSULTANTS, INC.,)	NO. H-24918 LA
13	a Corporation; STEVEN DI PRESSI,)	<u>STIPULATION AND AGREEMENT</u>
14	individually and as designated)	<u>IN SETTLEMENT AND ORDER.</u>
15	officer of American Mortgage)	
16	Consultants, Inc.; ELEANOR ROSALIE)	
17	RAY, also known as Eleanor Rosalie)	
18	Lopez; and DARRIN J. SEPPINNI,)	
19	Respondents.)	

18 It is hereby stipulated by and between DARRIN J.
19 SEPPINNI (sometimes referred to as "Respondent") and his attorney
20 Vincent J. Quigg and the Complainant, acting by and through David
21 A. Peters, Counsel for the Department of Real Estate, as follows
22 for the purpose of settling and disposing of the Accusation filed
23 on November 27, 1991, 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 Accusation, which hearing was to be

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1 held in accordance with the provisions of the Administrative
2 Procedure Act (APA), shall instead and in place thereof be
3 submitted solely on the basis of the provisions of this
4 Stipulation and Agreement in Settlement.

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

9 3. On December 12, 1991, Respondent filed a Notice of
10 Defense pursuant to Section 11505 of the Government Code for the
11 purpose of requesting a hearing on the allegations in the
12 Accusation. Respondent hereby freely and voluntarily withdraws
13 said Notice of Defense. Respondent acknowledges that he
14 understands that by withdrawing said Notice of Defense he will
15 thereby waive his right to require the Commissioner to prove the
16 allegations in the Accusation at a contested hearing held in
17 accordance with the provisions of the APA and that he will waive
18 other rights afforded to him in connection with the hearing such
19 as the right to present evidence in defense of the allegations in
20 the Accusation and the right to cross-examine witnesses.

21 4. Respondent, pursuant to the limitations set forth
22 below, hereby admits that the factual allegations in Paragraphs II
23 through XI and XIV and XV of the Accusation filed in this
24 proceeding are true and correct and the Real Estate Commissioner
25 shall not be required to provide further evidence to prove such
26 allegations.

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1 applications from the borrowers tabulated below for mortgage loans
2 to be arranged by AMC to be secured by liens on real property as
3 tabulated below:

4 <u>DATE</u>	<u>BORROWERS</u>	<u>SECURITY PROPERTY</u>
5 02/11/91	Donald B. Turner Rhonda L. Turner	785 Macy Street San Bernardino, CA 92410
6 02/13/91	Alfred W. Shaffer	1518 West Ash Avenue Fullerton, CA 92633
7 01/15/91	Ildefonso Estrada Blanca Estrada	1415 Raylene Place Pomona, CA 91767

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10 II

11 On or about June 28, 1991, Respondent without first
12 obtaining any license from the Department, for and in expectation
13 of compensation, as agent for AMC, solicited and obtained an
14 application from Stanley B. Bruns for a mortgage loan to be
15 arranged by AMC to be secured by a lien on real property at 646
16 North Mardina Way, La Habra, California.

17 III

18 The facts alleged above constitute cause under Sections
19 10130 and 10177(d) of the Business and Professions Code for
20 suspension or revocation of all licenses and license rights of
21 Respondent under the Real Estate Law.

22 ORDER

23 All licenses and licensing rights of respondent
24 DARRIN J. SEPPINNI under the Real Estate Law are revoked;
25 provided, however, a restricted real estate salesperson license
26 shall be issued to Respondent pursuant to Section 10156.6 of the
27 Business and Professions Code, if Respondent makes application

1 therefor and pays to the Department of Real Estate the appropriate
2 fee for the restricted license within ninety (90) days from the
3 effective date of this Decision. The restricted 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 to the following
6 limitations, conditions, and restrictions imposed under authority
7 of Section 10156.6 of the Code:

8 A. The restricted license issued to Respondent may be
9 suspended prior to hearing by Order of the Real Estate
10 Commissioner in the event of Respondent's conviction or plea of
11 nolo contendere to a crime which is substantially related to
12 Respondent's fitness or capacity as a real estate licensee.

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

20 C. Respondent shall not be eligible to apply for the
21 issuance of an unrestricted real estate license nor for the
22 removal of any of the conditions, limitations, or restrictions of
23 a restricted license until one (1) year has elapsed from the
24 effective date of this Decision.

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1 D. Respondent shall submit with any application for
2 license under an employing broker, or any application to transfer
3 to a new employing broker, a statement signed by the prospective
4 employing real estate broker on a form approved by the Department
5 of Real Estate which shall certify:

- 6 (1) That the employing broker has read the Decision of
7 the Commissioner which granted the right to a
8 restricted license; and
9 (2) That the employing broker will exercise close
10 supervision over the performance by the restricted
11 licensee relating to activities for which a real
12 estate license is required.

13 E. Respondent shall, within six (6) months from the
14 effective date of this Decision, take and pass the Professional
15 Responsibility Examination administered by the Department
16 including the payment of the appropriate examination fee. If
17 Respondent fails to satisfy this condition, the Commissioner may
18 order suspension of Respondent's license until Respondent passes
19 the examination.

20 F. Respondent shall, within nine (9) months from the
21 effective date of this Decision, present evidence satisfactory to
22 the Real Estate Commissioner that Respondent has, since the most
23 recent issuance of an original or renewal real estate license,
24 taken and successfully completed the continuing education
25 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
26 for renewal of a real estate license. If Respondent fails to
27 satisfy this condition, the Commissioner may order the suspension

1 of the restricted license until the Respondent presents such
2 evidence. The Commissioner shall afford Respondent the
3 opportunity for a hearing pursuant to the Administrative Procedure
4 Act to present such evidence.

5 G. All licenses and licensing rights of Respondent
6 under the Real Estate Law are suspended for a period of thirty
7 (30) days from the effective date of this Order; provided,
8 however, that:

9 1. Twenty-five (25) days of said suspension shall be
10 stayed for one (1) year upon the following terms and conditions:

11 (a) Respondent shall obey all laws, rules and
12 regulations governing the rights, duties and
13 responsibilities of a real estate licensee in the
14 State of California; and

15 (b) That no final subsequent determination be made,
16 after hearing or upon stipulation, that cause for
17 disciplinary action occurred within one (1) year
18 from the effective date of this Order. Should such
19 a determination be made, the Commissioner may, in
20 his discretion, vacate and set aside the stay order
21 and reimpose all or a portion of the stayed
22 suspension. Should no such determination be made,
23 the stay imposed herein shall become permanent.

24 2. The remaining five (5) days of said 30-day
25 suspension shall be stayed upon the condition that Respondent
26 petition pursuant to Section 10175.2 of the Business and
27 Professions Code and pays a monetary penalty pursuant to Section

1 10175.2 of the Business and Professions Code at a rate of \$250.00
2 for each day of the suspension for a total monetary penalty of
3 \$1,250.00:

4 (a) Said payment shall be in the form of a cashier's
5 check or certified check made payable to the
6 Recovery Account of the Real Estate Fund. Said
7 check must be delivered to the Department prior to
8 the effective date of the Order in this matter.

9 (b) No further cause for disciplinary action against
10 the real estate license of Respondent occurs within
11 one (1) year from the effective date of the
12 decision in this matter.

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

21 (d) If Respondent pays the monetary penalty and if no
22 further cause for disciplinary action against the
23 real estate license of Respondent occurs within one
24 (1) from the effective date of the decision, the
25 stay hereby granted shall become permanent.

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1 DATED: 9/17/92

2 DEPARTMENT OF REAL ESTATE

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4 DAVID A. PETERS, Counsel

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

18 DATED: _____

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20 DARRIN J. SEPPINNI

21 Respondent

22 I have reviewed the Stipulation and Agreement in
23 Settlement as to form and content and have advised my client
24 accordingly.

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DATED: 10/25/92



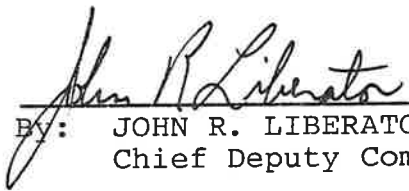
VINCENT J. QUIGG
Attorney for Respondent

* * *

The foregoing Stipulation and Agreement in Settlement is
hereby adopted by the Real Estate Commissioner as Decision and
Order and shall become effective at 12 o'clock noon on
January 25, 1993.

IT IS SO ORDERED December 1, 1992.

CLARK WALLACE
Real Estate Commissioner



BY: JOHN R. LIBERATOR
Chief Deputy Commissioner