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FILED  
JUL - 3 2002

DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of	)	
	)	
TAMARA ANN BONFILS,	)	NO. H-26947 LA
	)	
Respondent.	)	
	)	

ORDER GRANTING REINSTATEMENT OF LICENSE

On May 12, 1997, an Order was rendered herein revoking the real estate broker license of Respondent, but granting Respondent the right to the issuance of a restricted real estate broker license. A restricted real estate broker license was issued to Respondent on July 29, 1997.

On July 6, 2001, 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 and arguments in support thereof including Respondent's record as a restricted licensee. Respondent has demonstrated to

1 my satisfaction that Respondent meets the requirements of law for  
2 the issuance to Respondent of an unrestricted real estate broker  
3 license and that it would not be against the public interest to  
4 issue said license to Respondent.

5 NOW, THEREFORE, IT IS ORDERED that Respondent's  
6 petition for reinstatement is granted and that a real estate  
7 broker license be issued to Respondent if Respondent satisfies  
8 the following conditions within nine months from the date of this  
9 Order:

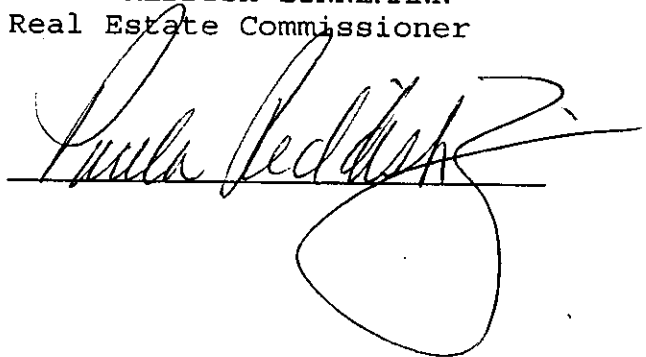
10 1. Submittal of a completed application and payment of  
11 the fee for a real estate broker license.

12 2. Submittal of evidence of having, since the most  
13 recent issuance of an original or renewal real estate license,  
14 taken and successfully completed the continuing education  
15 requirements of Article 2.5 of Chapter 3 of the Real Estate Law  
16 for renewal of a real estate license.

17 This Order shall be effective immediately.

18 DATED: June 24, 2002.  
19

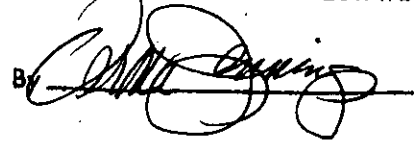
20 PAULA REDDISH ZINNEMANN  
21 Real Estate Commissioner

22   
23  
24  
25  
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1 Department of Real Estate  
2 107 South Broadway, Room 8107  
3 Los Angeles, California 90012

4 (213) 897-3937

FILED  
MAY 27 1997  
DEPARTMENT OF REAL ESTATE

By 

9 DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 \* \* \* \*

12 In the Matter of the Accusation of )	NO. H-26947 LA
13 TAMARA ANN BONFILS, )	<u>STIPULATION AND AGREEMENT</u>
14 )	<u>IN</u>
15 )	<u>SETTLEMENT AND ORDER</u>
16 Respondent. )	

17 It is hereby stipulated by TAMARA ANN BONFILS  
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 December 31, 1996, 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

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 she understands that by  
12 withdrawing said Notice of Defense she thereby waives her 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 she will waive other rights  
16 afforded to her in connection with the hearing such as the right  
17 to present evidence in defense of the allegations in the  
18 Accusation and the 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  
13 The acts or omissions of TAMARA ANN BONFILS, as  
14 described in Paragraph 4, above, constitutes a failure to  
15 supervise the acts of unlicensed salesperson Robert Cortes  
16 requiring a license, and for violations of Sections 10148 and  
17 10240 of the California Business and Professions Code (Code).  
18 This conduct is cause for the suspension or revocation of  
19 respondent's license and license rights pursuant Sections 10177(d)  
20 and 10177(h) of the Code.

21 ORDER

22 WHEREFORE THE FOLLOWING ORDER IS MADE PURSUANT TO THE  
23 WRITTEN STIPULATION OF THE PARTIES:

24  
25 The real estate broker license and license rights of  
26 respondent TAMARA ANN BONFILS under the Real Estate Law (Part 1 of  
27



1 Division 4 of the Business and Professions Code) are hereby  
2 revoked.

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

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

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

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

25 C. Respondent shall obey all laws of the United States,  
26 the State of California and its political subdivisions, and shall  
27



1 further obey and comply with all rules and regulations of the Real  
2 Estate Commissioner.

3 D. Respondent shall, within twelve months from the  
4 effective date of this Decision, present evidence satisfactory to  
5 the Real Estate Commissioner that respondent has, since the most  
6 recent issuance of an original or renewal real estate license,  
7 taken and successfully completed the continuing education  
8 requirements of Article 2.5 of Chapter 3 of the Real Estate Law  
9 for renewal of a real estate license. If respondent fails to  
10 satisfy this condition, the Commissioner may order the suspension  
11 of the restricted license until the respondent presents such  
12 evidence. The Commissioner shall afford respondent the  
13 opportunity for a hearing pursuant to the Administrative Procedure  
14 Act to present such evidence.

15 E. Respondent shall within six months from the effective  
16 date of the restricted license, take and pass the Professional  
17 Responsibility Examination administered by the Department  
18 including the payment of the appropriate examination fee. If  
19 respondent fails to satisfy this condition, the Commissioner may  
20 order suspension of the restricted license until respondent passes  
21 the examination.

22 F. Respondent shall not be eligible for the issuance of  
23 an unrestricted real estate license nor the removal of any of the  
24 conditions, limitations or restrictions of the restricted license  
25 until at least two years has elapsed from the effective date of  
26 the Decision.

27





1 G. As a further condition for the issuance of restricted  
2 real estate broker license respondent shall provide evidence  
3 satisfactory to the Real Estate Commissioner that Kevin Moore,  
4 real estate appraiser, has been repaid Three-Hundred (\$300.00).

5 H. During the time respondent is licensed as a  
6 restricted real estate broker, respondent shall not serve as the  
7 designated broker at any corporate real estate broker.

9 DATED: 03-24-97

Elliott Mac Lennan  
10 ELLIOTT MAC LENNAN  
11 Counsel for Complainant

12 \* \* \* \*

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

23 DATED: 3/30/97

Tamara Ann Bonfils  
24 TAMARA ANN BONFILS,  
25 Respondent  
26 /  
27 /



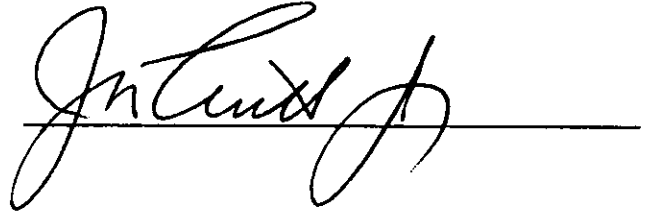
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\* \* \* \*

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  
June 17 \_\_\_\_\_, 1997.

IT IS SO ORDERED 5/12 \_\_\_\_\_, 1997.

JIM ANTT JR.  
Real Estate Commissioner



SAC 10,  
Play

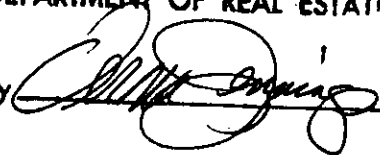
BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \* \*

**FILED**  
FEB 14 1997  
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of )  
 )  
 TAMARA ANN BONFILS, )  
 )  
 Respondent. )

Case No. H-26947 LA  
OAH No. L-9701230

By 

**NOTICE OF HEARING ON ACCUSATION**

To the above-named Respondent:

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 April 8, 1997, 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: February 14, 1997.

DEPARTMENT OF REAL ESTATE



ELLIOTT MAC LENNAN, Counsel

cc: Tamara Ann Bonfils  
Sacto.  
OAH

SACTO.  
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ELLIOTT MAC LENNAN, Counsel  
Department of Real Estate  
107 South Broadway, Room 8107  
Los Angeles, California 90012  
  
(213) 897-3937

FILED  
DEC 31 1996  
DEPARTMENT OF REAL ESTATE

By 

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \* \* \*

In the Matter of the Accusation of )	No. H-26947 LA
)	
TAMARA ANN BONFILS, )	A C C U S A T I O N
)	
Respondent. )	
)	

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, for cause of accusation against TAMARA ANN BONFILS is informed and alleges in his official capacity as follows:

I

TAMARA ANN BONFILS (BONFILS), dba Accurate Mortgage, First Residential Realty and National Real Estate Referral Network (respondent), is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the California Business and Professions Code).

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II

All references to the "Code" are to the California Business and Professions Code and all references to "Regulations" are to Title 10, Chapter 6, California Code of Regulations.

III

BONFILS is presently licensed and/or has license rights under the Real Estate Law. At all mentioned times and since February 25, 1994, BONFILS was licensed as a real estate broker by the Department of Real Estate (Department).

IV

At all times herein mentioned, in the City of Anaheim Hills, Santa Ana County, respondent, dba Accurate Mortgage, engaged in the business of, acted in the capacity of, advertised, or assumed to act as a real estate broker within the meaning of Section 10131(d) of the Code, including the operation of a mortgage loan brokerage business with the public wherein lenders and borrowers were solicited for loans secured directly or collaterally by liens on real property, wherein such loans were arranged, negotiated, processed and consummated on behalf of others for compensation or in expectation of compensation and for fees often collected in advance.

V

At all times mentioned herein, in connection with the activities described in Paragraph IV, above, respondent BONFILS accepted or received funds in trust (trust funds) from or on behalf of actual or prospective borrowers and lenders, and

1 thereafter made disposition of such funds. Respondent BONFILS  
2 does not maintain a trust account.

3 VI

4 On August 6, 1996, the Department completed a field  
5 audit examination of the books and records of BONFILS, dba  
6 Accurate Mortgage, pertaining to the activities described in  
7 Paragraphs IV and V, above, for the period beginning on  
8 March 1, 1996, and ending on July 31, 1996, which revealed  
9 violations of the Code and the Regulations as set forth in the  
10 following paragraphs.

11 VII

12 The audit examination revealed that BONFILS failed to  
13 provide certified written mortgage loan disclosure statements  
14 approved by the Department to various borrowers including, but  
15 not limited to, the Lubert, Poe and Gowen loan transactions  
16 before these borrowers became obligated to perform under the  
17 terms of their respective loans. This conduct constitutes a  
18 violation of Section 10240 of the Code and Regulation 2840 and  
19 is cause to suspend or revoke respondent BONFILS' real estate  
20 license and license rights under Section 10177(d) of the Code.

21 VIII

22 With reference to the audit described in Paragraph  
23 VI, respondent BONFILS, dba Accurate Mortgage, failed to  
24 produce bank statements for the general account, checks and the  
25 loan file for 11671 Old Fashion Way, Garden Grove, California,  
26 and records for the period in question in violation of Section  
27 10148 of the Code. This is cause to suspend or revoke the real

1 estate license and license rights of respondent BONFILS under  
2 Section 10177(d) of the Code.

3 IX

4 In the course of the mortgage loan brokerage  
5 activities described in Paragraph IV, during the measured  
6 period, respondent BONFILS, with full knowledge that Robert  
7 Cortes, President of Accurate Mortgage, was not licensed by the  
8 Department as a real estate salesperson employed by a real  
9 estate broker or as a real estate broker, employed and  
10 compensated him to perform acts for which a real estate license  
11 is required, for another or others, for or in expectation of  
12 compensation. This conduct and violation are cause to suspend  
13 or revoke the license and license rights of respondent BONFILS  
14 under the provisions of Section 10137 of the Code.

15 X

16 The conduct of respondent BONFILS, in violating  
17 Sections 10137, 10148 and 10240 of the Code and Regulation  
18 2840, as described in Paragraphs VII through IX herein above,  
19 constitutes negligence or incompetence in violation of Section  
20 10177(g) of the Code. This conduct and violation are cause for  
21 the suspension or revocation of the real estate license and  
22 license rights of respondent BONFILS under the provisions of  
23 Section 10177(g) of the Code.

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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 the license and license rights of respondent TAMARA ANN BONFILS 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 31st day of December, 1996.

  
Deputy Real Estate Commissioner

cc: Tamara Ann Bonfils  
Sacto.  
AK