

2/20/01

FILED
AUG 30 2001
DEPARTMENT OF REAL ESTATE

By *Laura B. Stone*

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-28883 LA
SMC LENDING, INC.)	
)	
)	
Respondent.)	

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On November 30, 2000, an Accusation was filed in this matter against Respondent SMC LENDING, INC.

On July 17, 2001, Respondent petitioned the Commissioner to voluntarily surrender its real estate broker license(s) pursuant to Section 10100.2 of the Business and Professions Code.

IT IS HEREBY ORDERED that Respondent SMC LENDING, INC.'s petition for voluntary surrender of its real estate broker license(s) is accepted as of the effective date of this Order as set forth below, based upon the understanding and agreement expressed in Respondent's Declaration dated July 17, 2001

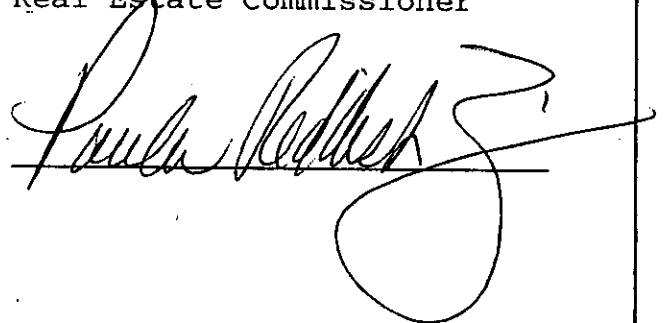
1 (attached as Exhibit "A" hereto). Respondent's license
2 certificate(s), pocket card(s) and any branch office license
3 certificate(s) shall be sent to the below listed address so that
4 they reach the Department on or before the effective date of this
5 Order:

6 DEPARTMENT OF REAL ESTATE
7 Attn: Licensing Flag Section
8 P. O. Box 187000
9 Sacramento, CA 95818-7000

10 This Order shall become effective at 12 o'clock noon
11 on September 19, 2001.

12 DATED: August 27, 2001

13 PAULA REDDISH ZINNEMANN
14 Real Estate Commissioner

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) No. H-28883 LA
SMC LENDING, INC.)
Respondent.)

DECLARATION

My name is Sharon Rae Eitel, and I am currently an officer of SMC LENDING INC., which is licensed as a real estate broker and/or has license rights with respect to said license. I am authorized and empowered to sign this declaration on behalf of SMC LENDING INC. SMC LENDING INC. is represented in this matter by John V. Giardinelli, Attorney at Law.

In lieu of proceeding in this matter in accordance with the provisions of the Administrative Procedure Act (Sections 11400 et seq., of the Government Code) SMC LENDING, INC. wishes to voluntarily surrender its real estate license issued by the

1 Department of Real Estate ("Department"), pursuant to Business
2 and Professions Code Section 10100.2.

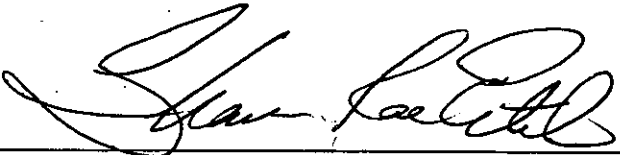
3 I understand that SMC LENDING INC., by so voluntarily
4 surrendering its license, can only have it reinstated in
5 accordance with the provisions of Section 11522 of the Government
6 Code. I also understand that by so voluntarily surrendering its
7 license, SMC LENDING INC. agrees to the following:

8 The filing of this Declaration shall be deemed as its
9 petition for voluntary surrender. It shall also be deemed to be
10 an understanding and agreement by SMC LENDING INC. that, it
11 waives all rights it has to require the Commissioner to prove the
12 allegations contained in the Accusation filed in this matter at a
13 hearing held in accordance with the provisions of the
14 Administrative Procedure Act (Government Code Sections 11400 et
15 seq.), and that it also waives other rights afforded to it in
16 connection with the hearing such as the right to discovery, the
17 right to present evidence in defense of the allegations in the
18 Accusation and the right to cross-examine witnesses. I further
19 agree on behalf of SMC LENDING INC. that upon acceptance by the
20 Commissioner, as evidenced by an appropriate order, all
21 affidavits and all relevant evidence obtained by the Department
22 in this matter prior to the Commissioner's acceptance, and all
23 allegations contained in the Accusation filed in the Department
24 Case No. H-28883 LA, may be considered by the Department to be
25 true and correct for the purpose of deciding whether or not to
26 grant reinstatement of SMC LENDING INC's license pursuant to
27 Government Code Section 11522.

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I declare under penalty of perjury under the laws of the State of California that the above is true and correct and that I am acting freely and voluntarily on behalf SMC LENDING INC. to surrender its license and all license rights attached thereto.

July 17, 2001
Date and Place


SMC LENDING INC. By Sharon Rae Eitel

Temecula, Ca.

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILE
APR 12 2001
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation)
Case No. H-28883 LA)
OAH No. L-2001030293)
SMC LENDING INC.,)
Respondent(s).)

By Paula B. Orma

NOTICE OF HEARING ON ACCUSATION

To the above-named Respondent(s):

You are hereby notified that a hearing will be held before the Department of Real Estate at the Office of Administrative Hearings, 320 West Fourth Street, 6th Floor, Suite 630, Los Angeles, California, on JUNE 14, 2001, at the hour of 1:30 p.m., or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served upon you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of hearing.

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 and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

Dated: April 12, 2001

DEPARTMENT OF REAL ESTATE

By:

James R. Peel
JAMES R. PEEL, Counsel

cc: SMC Lending Inc.
John V. Giardinelly, Esq.
Sacto., OAH

RE Form 501 (Rev. 8-97) JRP:lbo

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
MAR 26 2001
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of

SMC LENDING INC.,

Case No. ~~H-28883 LA~~
OAH No. L-2001030293

Respondent

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, 320 W. Fourth St., Ste. 630, Los Angeles, CA on May 22, 2001, at the hour of 1:30 p.m., or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

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.

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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 and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: March 26, 2001

By James R. Peel
Counsel

cc: SMC Lending Inc.
John V. Giardinelli, Esq.
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Handwritten signature

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JAMES R. PEEL, Counsel (SBN 47055)
Department of Real Estate
320 West Fourth Street, Suite 350
Los Angeles, California 90013-1105

Telephone: (213) 576-6982
-or- (213) 576-6913 (Direct)

FILED
NOV 30 2000
DEPARTMENT OF REAL ESTATE

By *K. Kriedenholz*

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)	No. H-28883 LA
SMC LENDING, INC.,)	<u>A C C U S A T I O N</u>
Respondent.)	

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, for cause of accusation against SMC LENDING, INC., alleges as follows:

I

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, makes this Accusation in his official capacity against SMC LENDING, INC.

II

SMC LENDING, INC. (hereinafter referred to as respondent) is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code, hereinafter referred to as "the Code").

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III

At all times herein mentioned, respondent SMC LENDING, INC., was licensed by the Department of Real Estate of the State of California as a real estate broker.

IV

On or about August 23, 2000, in the Matter of State of Idaho, Department of Finance, Complainant, vs. SMC Lending, Inc., Respondent, respondent was, among other things, ordered to refund origination fees of \$11,296 and pay an administrative penalty in the amount of \$10,000 for violations of Idaho Code 26-3104(1), in that respondent conducted mortgage banking activities or mortgage brokering activities from September 1999, through April 2000 without first obtaining the required license.

V

The matters set forth above subject respondent's real estate license and license rights to suspension or revocation pursuant to Section 10177(f) of the Business and Professions Code. The reasons for the suspension would also be grounds for the suspension of a California real estate license pursuant to provisions of the Real Estate Law.

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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 licenses and license rights of Respondent SMC LENDING, INC., 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 30th day of November, 2000.

THOMAS MC CRADY

Deputy Real Estate Commissioner

cc: SMC Lending, Inc.
Sacto
SR