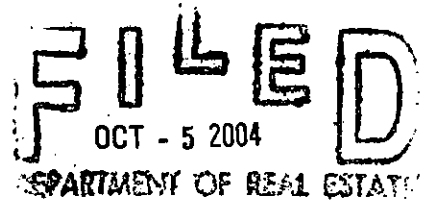


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Department of Real Estate
320 West 4th Street, Suite 350
Los Angeles, California 90013-1105
Telephone: (213) 576-6982



BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
ALR, INC., a corporation and)	NO. H-30353 LA
doing business as)	L-2003100227
Dollar Investments and)	<u>STIPULATION AND AGREEMENT</u>
ALAN STUART RIVLIN,)	
individually and as designated)	
officer of ALR, Inc.,)	
Respondents.)	

It is hereby stipulated by and between ALR, INC., a corporation and doing business as Dollar Investments (hereinafter "ALR") and ALAN STUART RIVLIN, individually and as designated officer of ALR, Inc. (hereinafter "RIVLIN"), (sometimes referred to herein as Respondent(s)) and their attorney of record, Frank M. Buda, Esq, and the Complainant, acting by and through Chris Leong, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on September 25, 2003, in this matter:

1 1. All issues which were to be contested and all
2 evidence which was to be presented by Complainant and
3 Respondents at a formal hearing on the Accusation, which hearing
4 was to be held in accordance with the provisions of the
5 Administrative Procedure Act ("APA"), shall instead and in place
6 thereof be submitted solely on the basis of the provisions of
7 this Stipulation and Agreement ("Stipulation").

8 2. Respondents have received, read and understand the
9 Statement to Respondent, the Discovery Provisions of the APA and
10 the Accusation, filed by the Department of Real Estate in this
11 proceeding.

12 3. Respondents filed Notices of Defense pursuant to
13 Section 11506 of the Government Code for the purpose of
14 requesting a hearing on the allegations in the Accusation.
15 Respondents hereby freely and voluntarily withdraw said Notices
16 of Defense. Respondents acknowledge that they understand that
17 by withdrawing said Notices of Defense they will thereby waive
18 their right to require the Commissioner to prove the
19 allegations in the Accusation at a contested hearing held in
20 accordance with the provisions of the APA and that they will
21 waive other rights afforded to them in connection with the
22 hearing such as the right to present evidence in defense of
23 the allegations in the Accusation and the right to cross-
24 examine witnesses.

25 ///

26 ///

1 4. This Stipulation is based on the factual
2 allegations contained in the Accusation filed in this
3 proceeding. In the interest of expedience and economy,
4 Respondents choose not to contest these factual allegations,
5 but to remain silent and understand that, as a result thereof,
6 these factual statements, will serve as a prima facie basis for
7 the disciplinary action stipulated to herein. The Real Estate
8 Commissioner shall not be required to provide further evidence
9 to prove such allegations.

10 5. This Stipulation and Respondents' decision not to
11 contest the Accusation are made for the purpose of reaching an
12 agreed disposition of this proceeding and are expressly limited
13 to this proceeding and any other proceeding or case in which the
14 Department of Real Estate, or another licensing agency of this
15 state, another state or if federal government is involved, and
16 otherwise shall not be admissible in any other criminal or civil
17 proceedings.
18

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

herein.

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

DETERMINATION OF ISSUES

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

The conduct, acts and/or omissions of Respondents ALR, INC. and ALAN STUART RIVLIN, as set forth in the Accusation, constitute cause for the suspension or revocation of all the real estate licenses and license rights of Respondents under the provisions of Business and Professions Code Section 10177(d) for violation of Business and Professions Code Section 10145 and Section 2831.2 of Title 10, Chapter 6, California Code of Regulations.

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ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

1. All licenses and license rights of Respondents

ALR, INC. and ALAN STUART RIVLIN, under the Real Estate Law are
suspended for a period of sixty (60) days from the effective
date of this Decision, provided however, that said sixty (60)
day suspension shall be stayed for two (2) years upon the
following terms and conditions:

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

(b) That no final subsequent determination be made,
after hearing or upon stipulation, that cause for disciplinary
action occurred within two (2) years of the effective date of
this Decision. Should such a determination be made, the
Commissioner may, in his discretion, vacate and set aside the
stay order and reimpose all or a portion of the stayed
suspension. Should no such determination be made, the stay
imposed herein shall become permanent.

II. Pursuant to Section 10148 of the Business and
Professions Code, Respondent shall pay the Commissioner's
reasonable costs for (a) the audit which led to this
disciplinary action and (b) a subsequent audit to determine
if Respondents are in compliance with the Real Estate Law. In
calculating the amount of the Commissioner's reasonable cost,
the Commissioner may use the estimated average hourly salary for

1 all persons performing audits of real estate brokers and shall
2 include an allocation for travel costs, including mileage, time
3 to and from the auditor's place of work and per diem. The cost
4 of the audit which led to this disciplinary action is \$2,479.66.
5 The Commissioner's reasonable costs for the subsequent audit
6 shall not event exceed \$2,479.66.

7 Respondent shall pay such cost within sixty (60) days
8 of receipt of an invoice from the Commissioner detailing the
9 activities performed during the audit and the amount of time
10 spent performing those activities.

11 The Commissioner may, in his discretion, vacate and
12 set aside the stay order, if payment is not timely made as
13 provided for herein, or as provided for in a subsequent
14 agreement between Respondents and the Commissioner. The
15 vacation and set aside of the stay shall remain in effect until
16 payment is made in full or until Respondents enter into an
17 agreement satisfactory to the Commissioner to provide for such
18 payment. Should no order vacating the stay be issued, any stay
19 imposed herein shall become permanent.
20

21 DATED: 9/14/04

CHRIS LEONG
CHRIS LEONG, Counsel
Department of Real Estate

23 ///

24 ///

25 ///

26 ///

27 ///

* * *

1 We have read the Stipulation and Agreement, have
2 discussed it with my counsel and its terms are understood by us
3 and are agreeable and acceptable to us. We understand that we
4 are waiving rights given to us by the California Administrative
5 Procedure Act (including but not limited to Sections 11506,
6 11508, 11509 and 11513 of the Government Code), and we
7 willingly, intelligently and voluntarily waive those rights,
8 including the right of requiring the Commissioner to prove the
9 allegations in the Accusation at a hearing at which we would
10 have the right to cross-examine witnesses against us and to
11 present evidence in defense and mitigation of the charges.
12

13 Respondents can signify acceptance and approval of the
14 terms and conditions of this Stipulation and Agreement by faxing
15 a copy of the signature page, as actually signed by Respondents,
16 to the Department at the following fax number (213) 576-6917.
17 Respondents agree, acknowledge and understand that by
18 electronically sending to the Department a fax copy of the
19 actual signatures as they appear on the Stipulation and
20 Agreement, that receipt of the faxed copy by the Department
21 shall be as binding on Respondents as if the Department had
22 received the original signed Stipulation and Agreement.
23

24 ///

25 ///

26 ///

27 ///

SEP-10-04 FRI 02:48 PM

FAX NO. 2135788917

P. 08

Further, if the Respondent is represented by counsel,
the Respondent's counsel can signify his or her agreement to
the terms and conditions of the Stipulation and Agreement by
submitting that signature via fax.

DATED: 9-11-04

ALR, INC., a corporation
and doing business as Dollar
Investments, Respondent
by Alan Stuart Rivlin,
designated officer

DATED: 9-11-04

ALAN STUART RIVLIN,
individually and as
designated officer of ALR,
Inc., Respondent

DATED: 9-13-04

FRANK M. BUDA, ESQ.
Counsel for Respondent
(Approved as to content)

* * *

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

IT IS SO ORDERED: _____

JOHN R. LIBERATOR
Acting Real Estate Commissioner

Further, if the Respondent is represented by counsel,
the Respondent's counsel can signify his or her agreement to
the terms and conditions of the Stipulation and Agreement by
submitting that signature via fax.

DATED: _____

ALR, INC., a corporation
and doing business as Dollar
Investments, Respondent
by Alan Stuart Rivlin,
designated officer

DATED: _____

ALAN STUART RIVLIN,
individually and as
designated officer of ALR,
Inc., Respondent

DATED: _____

FRANK M. BUDA, ESQ.
Counsel for Respondent
(Approved as to content)

* * *

The foregoing Stipulation and Agreement is hereby
adopted as my Decision in this matter and shall become effective
at 12 o'clock noon on November 4, 2004.

IT IS SO ORDERED

Sept. 27, 2004

JOHN R. LIBERATOR
Acting Real Estate Commissioner

John R. Liberator

SAC

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of

ALR, INC., a corporation and
doing business as Dollar Investments
and ALAN STUART RIVLIN, individually
and as designated officer of ALR, Inc.,

Respondent(s)

) Case No. H-30353 LA
)
) OAH No. L-2003100227
)
)
)
)

FILED
DEC 18 2003
DEPARTMENT OF REAL ESTATE

NOTICE OF CONTINUED 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, Suite 630, Los Angeles, CA 90013-1105 on SEPTEMBER 14, 15 and 16, 2004, at the hour of 9:00 A.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.

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.

DEPARTMENT OF REAL ESTATE

Dated: December 18, 2003

By

Chris Leong
CHRIS LEONG, Counsel

cc: ALR, Inc.
Stuart Alan Rivlin
Frank M. Buda, Esq.
Sacto.
OAH
V. Weaver/Audit

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of

ALR, INC., a corporation and
doing business as Dollar Investments
and ALAN STUART RIVLIN, individually
and as designated officer of ALR, Inc.,

Respondent(s)

) Case No. **H-30353 LA**
)
) OAH No. L-2003100227
)
)
)
)

FILED
OCT 21 2003
DEPARTMENT OF REAL ESTATE

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, Suite 630, Los Angeles, CA 90013-1105 on **FRIDAY, MARCH 12, 2004**, at the hour of **9:00 A.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.

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.

DEPARTMENT OF REAL ESTATE

Dated: October 21, 2003

By

Chris Leong
CHRIS LEONG, Counsel

cc: ALR, Inc.
Stuart Alan Rivlin
Frank M. Buda, Esq.
Sacto.
OAH
V. Weaver/Audit

5AC

1 CHRIS LEONG, Counsel (SBN 141079)
Department of Real Estate
2 320 West Fourth Street, Suite 350
Los Angeles, CA 90013-1105
3
4 Telephone: (213) 576-6982
-or- (213) 576-6910 (Direct)

FILED
SEP 25 2003
DEPARTMENT OF REAL ESTATE


8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 ALR, INC., a corporation and) No. H-30353 LA
doing business as) A C C U S A T I O N
13 Dollar Investments and)
ALAN STUART RIVLIN,)
14 individually and as designated)
officer of ALR, Inc.,)
15 Respondents.)
16

17 The Complainant, Maria Suarez, a Deputy Real Estate
18 Commissioner of the State of California, for cause of
19 Accusation against ALR, INC., a corporation and doing business
20 as Dollar Investments ("ALR") and ALAN STUART RIVLIN,
21 individually and as designated officer of ALR ("RIVLIN"),
22 hereafter sometimes collectively referred to as Respondents, is
23 informed and alleges in her official capacity as follows:

24 1.

25 Respondents are presently licensed and/or have
26 license rights under the Real Estate Law, Part 1 of Division 4
27

1 of the California Business and Professions Code ("Code").

2 2.

3 At all times material herein, Respondent ALR was and
4 still is licensed by the Department of Real Estate of the State
5 of California ("Department") as a corporation.

6 3.

7 At all times material herein, RIVLIN was licensed by
8 the Department as a real estate broker, individually and as
9 responsible designated officer of ALR, Inc., pursuant to Code
10 Section 10159.2.

11 4.

12 At all times material herein, Respondents engaged in
13 the business of, acted in the capacity of, advertised or
14 assumed to act as real estate brokers for others in the State
15 of California, within the meaning of Code Section 10131(a) and
16 (d), including the operation and conduct of a real estate
17 sales, loan and loan servicing business with the public wherein
18 Respondents purchased and sold real property on behalf of
19 owners of real property and/or solicited borrowers for loans
20 secured by interest in real property and/or serviced loans
21 secured by interest in real property in expectation of
22 compensation.

23 5.

24 All further references to "Respondents", unless
25 otherwise specified, include the parties identified in Paragraphs
26 2 through 4, above, and also include the employees, agents and
27 real estate licensees employed by or associated with said

1 parties, who at all times herein mentioned were engaged in the
2 furtherance of the business or operations of said parties and who
3 were acting within the course and scope of their authority and
4 employment.

5 6.

6 On October 8, 2002, the Department concluded its
7 examination of Respondents' books and records pertaining to
8 Respondents' activities as real estate brokers, audit number
9 LA 020097 covering a period from approximately July 1, 2000 to
10 August 31, 2002. The examination revealed violations of the
11 Code and of Title 10, Chapter 6, California Code of Regulations
12 ("Regulations"), as set forth below.

13 7.

14 At all times herein, in connection with the real
15 estate sales, loan and loan servicing activity described above,
16 Respondents accepted or received funds, including funds in
17 trust ("trust funds") from or on behalf of actual and
18 prospective parties to transactions handled by Respondents.
19 Trust funds were maintained or deposited in Trust Account No.
20 601050891, Citibank, 19350 Rinaldi St., Northridge, California
21 (hereafter "TA#1").

22 8.

23 Respondents ALR and RIVLIN acted in violation of the
24 Code and the Regulations as set forth below, and as more
25 specifically set forth in Audit Report No. LA 020097, dated
26 October 8, 2002, and the exhibits attached to said Audit
27 Report, in that Respondents:

1 (a) failed to maintain a separate record for each
2 beneficiary, in violation of Code Section 10145 and Regulation
3 2831.1;

4 (b) failed to reconcile records for TA#1,
5 reconciling the control record balances with the separate
6 record balances, monthly, during the audit period, in violation
7 of Code Section 10145 and Regulation 2831.2;

8 (c) allowed a non-licensee to be a signatory on the
9 trust account, in violation of Code Section 10145 and
10 Regulation 2834;

11 (d) failed to maintain records for transactions
12 including: Dado, Lauffer, Barlay, Hunter/Boyd, Scott, Dykstra,
13 Coney, Goraisky, Hopper, Granados, Sirrah, Dallas, and Tesoro,
14 in violation of Code Section 10148;

15 (e) failed to notify the Department of the
16 employment of Rynveld, in violation of Regulation 2752;

17 (f) failed to maintain Lender/Purchaser Disclosure
18 Statements with the signatures of borrowers including E.G.
19 Sirrah, Dallas and Tesoro, in violation of Code Section
20 10232.4;

21 (g) recorded trust deeds in ALR's name when it was
22 not the lender and failed to record assignments within ten days
23 of signing by Sirrah, Dallas and Tesoro, in violation of Code
24 Section 10234;

25 (h) failed to maintain Mortgage Loan Disclosure
26 Statements, in violation of Code Section 10240.
27

9.

The conduct, acts and omissions of Respondents ALR and RIVLIN, as described in Paragraphs 1 through 8, violated the Code and the Regulations as set forth above and constitutes cause for the suspension or revocation of all real estate licenses and license rights of Respondents under the provisions of Code Sections 10177(d) and/or 10177(g).

10.

Respondent RIVLIN, as the officer designated by ALR as the person responsible for the supervision and control of the activities conducted on behalf of the corporation by its officers and employees as necessary to secure full compliance with Real Estate Law as set forth in Sections 10159.2 of the Code failed in said duties as set forth herein above. This is further cause to discipline the license and license rights of Respondent RIVLIN pursuant to Code Sections 10177(d) and/or 10177(g).

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1
2 WHEREFORE, Complainant prays that a hearing be
3 conducted on the allegations of this Accusation and that upon
4 proof thereof, a decision be rendered imposing disciplinary
5 action against all licenses and/or license rights of
6 Respondents ALR, INC., a corporation and doing business as
7 Dollar Investments and ALAN STUART RIVLIN, individually and as
8 designated officer of ALR, under the Real Estate Law (Part 1 of
9 Division 4 of the Business and Professions Code), and for such
10 other and further relief as may be proper under other
11 applicable provisions of law.

12 Dated at Los Angeles, California

13 this 24th day of September, 2003.

14
15 
16 Deputy Real Estate Commissioner

17
18
19
20
21
22
23 cc: ALR, Inc.
24 Alan Stuart Rivlin
25 Maria Suarez
26 Sacto.
27 LA Audit/Weaver
OA