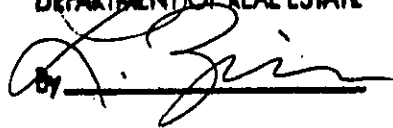


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FILED

APR 18 2010

DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\*\*\*

In the Matter of the Accusation of  
ERIC DEAN STUCKEY,  
Respondent.

No. H-31682 LA

ORDER DENYING REINSTATEMENT OF LICENSE

On July 25, 2005, a Decision was rendered revoking the real estate broker license of Respondent, but granting a restricted broker license which was issued to Respondent on October 20, 2005.

On May 19, 2008, Respondent petitioned for reinstatement of Respondent's real estate broker license. The Attorney General of the State of California has been given notice of the filing of the petition.

I have considered Respondent's petition and the evidence and arguments in support thereof. Respondent has failed to demonstrate to my satisfaction that Respondent has undergone sufficient rehabilitation to warrant the reinstatement of Respondent's real estate broker license, in that:

1. 1

2 The burden of proving rehabilitation rests with the petitioner (*Feinstein v. State*  
3 *Bar* (1952) 39 Cal. 2d 541). A petitioner is required to show greater proof of honesty and  
4 integrity than an applicant for first time licensure. The proof must be sufficient to overcome the  
5 prior adverse judgment on the applicant's character (*Tardiff v. State Bar* (1980) 27 Cal. 3d 395).

2. 6

7 The Department has developed criteria in Section 2911 of Title 10, California  
8 Code of Regulations (Regulations) to assist in evaluating the rehabilitation of an applicant for  
9 reinstatement of a license. Among the criteria relevant in this proceeding are:

10 Regulation 2911(j)-discharge of monetary obligations

11 Respondent has not provided proof that Respondent has paid or made bona fide  
12 efforts toward paying monetary obligations, including a 2009 State tax lien in the amount of  
13 \$7,591..

14 Regulation 2911(k)-correction of business practices

15 Respondent has not provided proof of correction of business practices.

16 Given the violations found and the fact that Respondent has not established that  
17 Respondent has complied with Regulation 2911(j) and (k) I am not satisfied that Respondent is  
18 sufficiently rehabilitated to receive a real estate broker license.

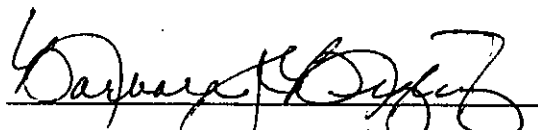
19 NOW, THEREFORE, IT IS ORDERED that Respondent's petition for  
20 reinstatement of Respondent's real estate broker license is denied.

21 This Order shall become effective at 12 o'clock noon on

MAY 10 2010

22 IT IS SO ORDERED 4/1/2010

23 JEFF DAVI  
24 Real Estate Commissioner

25   
26 BY: Barbara J. Bigby  
27 Chief Deputy Commissioner

5/10/08  
clay

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**FILED**  
APR 20 2008  
DEPARTMENT OF REAL ESTATE  
By *[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \* \*

In the Matter of the Accusation of )	No. H-31682 LA
EMEKA OJUKWU, aka )	L-2005030467
Oluwatoyin Da-Silva, )	
Respondent. )	

ORDER DENYING RECONSIDERATION

On February 1, 2006 a Decision was rendered in the above-entitled matter. The Decision was to become effective on March 14, 2006, but was stayed by separate order to April 21, 2006.

On March 14, 2006, Respondent petitioned for reconsideration of the Decision of February 1, 2006, and on March 29, 2006, additional argument was received on behalf of Respondent.

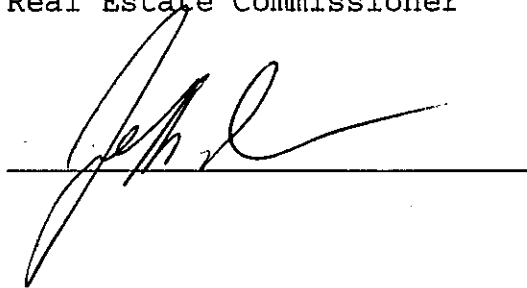
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I have given due consideration to the petition of  
Respondent. I find no good cause to reconsider the Decision of  
February 1, 2006 and reconsideration is hereby denied.

IT IS SO ORDERED 4-18, 2006.

JEFF DAVI  
Real Estate Commissioner



A handwritten signature in black ink, appearing to read 'Jeff Davi', is written over a horizontal line. The signature is fluid and cursive.

SACD.  
Pdq

**FILED**  
APR 10 2006  
DEPARTMENT OF REAL ESTATE

By: 

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \* \*

In the Matter of the Accusation of	)	No. H-31682 LA
EMEKA OJUKWU, aka	)	L-2005030467
Oluwatoyin Da-Silva,	)	<u>ORDER STAYING</u>
	)	<u>EFFECTIVE DATE</u>
Respondent.	)	

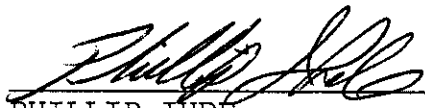
On February 1, 2006, a Decision was rendered in the above-entitled matter to become effective March 14, 2006. On March 14, 2006, the effective date of said Decision was stayed until April 13, 2006.

IT IS HEREBY ORDERED that the effective date of the Decision of February 1, 2006 is stayed for an additional period of 10 days.

The Decision of February 1, 2006 shall become effective at 12 o'clock noon on April 21, 2006.

DATED: April 10, 2006.

JEFF DAVI  
Real Estate Commissioner

By:   
PHILLIP IHDE  
Regional Manager

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FILED  
MAR 14 2006  
DEPARTMENT OF REAL ESTATE

*[Handwritten Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \* \*

In the Matter of the Accusation of	)	No. H-31682 LA
	)	L-2005030467
EMEKA OJUKWU, aka	)	
Oluwatoyin Da-Silva,	)	
	)	
Respondent.	)	

ORDER STAYING EFFECTIVE DATE

On February 1, 2006, a Decision was rendered in the above-entitled matter to become effective March 14, 2006.

IT IS HEREBY ORDERED that the effective date of the Decision of February 1, 2006, as to Respondent EMEKA OJUKWU, is stayed for a period of 30 days.

The Decision of February 1, 2006, shall become effective at 12 o'clock noon on April 13, 2006.

DATED March 14, \_\_\_\_\_, 2006.

JEFF DAVI  
Real Estate Commissioner

By: *[Handwritten Signature]*  
DOLORES WEEKS  
Regional Manager

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

By 

\* \* \* \* \*

In the Matter of the Accusation of	)	No. H-31682 LA
	)	
PRIMARY CAPITAL, INC.,	)	L-2005030467
a corporation; ERIC DEAN	)	
STUCKEY, individually and	)	
as designated officer of	)	
Primary Capital, Inc.; and	)	
EMEKA OJUKWU, aka Oluwatoyin	)	
Da-Silva,	)	
	)	
Respondents.	)	

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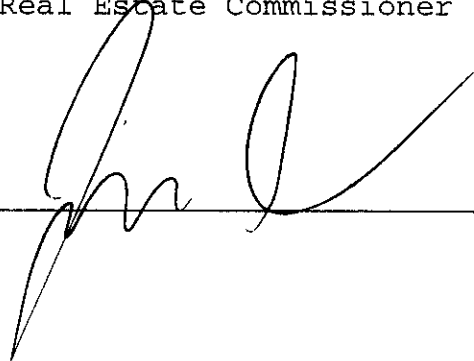
DECISION

The Proposed Decision dated January 13, 2006, of the Administrative Law Judge of the Office of Administrative Hearings, is hereby adopted as the Decision of the Real Estate Commissioner as to Respondent EMEKA OJUKWU only.

This Decision shall become effective at 12 o'clock noon on March 14, 2006.

IT IS SO ORDERED 2-1, 2006.

JEFF DAVI  
Real Estate Commissioner

  
\_\_\_\_\_

BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

PRIMARY CAPITAL, INC., a corporation;  
ERIC DEAN STUCKEY, individually and  
as designated officer of Primary Capital, Inc.;  
and EMEKA OJUKWU, aka Oluwatoyin Da-  
Silva,

Respondents.

Case No. H-31682 LA.

OAH No. L2005030467

**PROPOSED DECISION**

Samuel D. Reyes, Administrative Law Judge, Office of Administrative Hearings, heard this matter on October 26, 2005, in Los Angeles, California.

James R. Peel, Counsel, represented complainant Janice Waddell.

Emeka Ojukwu, aka Oluwatoyin Da-Silva (respondent) appeared and represented himself.

On July 25, 2005, Real Estate Commissioner Jeff Davi (Commissioner) issued an Order Accepting Voluntary Surrender of Real Estate License with respect to the license of Primary Capital, Inc. (PCI), which order became effective October 20, 2005. Also on July 25, 2005, the Commissioner approved a Stipulation and Agreement with Eric Dean Stuckey (Stuckey), designated officer of PCI, revoking Stuckey's license and staying the revocation for two years on specified terms and conditions, including an actual suspension of 60 days and issuance of a restricted license. The matters pertaining to PMI and Stuckey were severed from the instant matter and the hearing proceeded only with respect to allegations pertaining to respondent.

Complainant's motion to dismiss the Third Cause of Action in the Accusation was granted at the hearing.

Complainant seeks to discipline respondent's real estate salesperson's license based on respondent's alleged failure to open an escrow for PCI client Benjamin Montes (Montes) or to return Montes' \$5,000 deposit. Respondent maintains that his dealings with Montes were personal, not part of his real estate functions, and that he has been unable to refund the money because of health problems.



Oral and documentary evidence was presented at the hearing. The record was left open for ten days to enable respondent to submit evidence of restitution. No evidence was submitted by the November 7, 2005, deadline and the matter was submitted for decision.

On November 29, 2005, respondent submitted a copy of a check purportedly issued to Montes, which document and transmittal letter have been marked for identification as Exhibit C. The back of the check in Exhibit C contains what appears to be Montes' signature and the following legend: "Receipt From Toyin Da Silva Settlement 11-7-05." It was not apparent from the documents that Exhibit C had been sent to complainant's counsel and, on December 9, 2005, the document was disclosed as an ex parte communication. Complainant was afforded until December 23, 2005, to object to the submission of Exhibit C and/or to otherwise supplement the record.

No objection to the receipt of Exhibit C, or evidence to contradict the documents, was received by the December 23, 2005, deadline and Exhibit C has been received into evidence. The matter was submitted for decision on December 23, 2005.

#### FACTUAL FINDINGS

1. Complainant filed the Accusation in her official capacity as a Deputy Real Estate Commissioner of the State of California.
2. Respondent has held real estate salesperson license number 01195027 since April 4, 1995.
3. Respondent's license was disciplined, effective April 4, 2001, following a hearing before Administrative Law Judge Paul M. Hogan. Judge Hogan found that respondent had been employed from April 3, 1999 through December 19, 1999, a period in which he did not hold a real estate license, to solicit buyers and sellers of real property and to negotiate sales of real property, in violation of Business and Professions Code section 10177, subdivision (d). Judge Hogan suspended respondent's license indefinitely, subject to the following conditions: restitution payment of \$8,940, later reduced to \$4,470, to prospective buyer Barbara Wilson; passage of the Professional Responsibility Examination; and completion of continuing education courses. Respondent complied with the conditions and his license was reinstated effective July 17, 2002.
4. Respondent first started working for PCI on January 1, 2001, and returned to the company after his license was reinstated.
5. Respondent changed his name from Oluwatoyin Da-Silva to Emeka Ojukwu on November 13, 2003.

6. Respondent employed Montes' father to translate for Spanish-speaking customers. Respondent decided to help Montes find a home, in part, as a favor to Montes' father.

7. On August 25, 2002, Montes met with respondent at PCI's business office, located at 5150 East Pacific Coast Highway in Long Beach, California, and completed a "Residential Purchase Agreement and Joint Escrow Instructions and Receipt for Deposit" to purchase real property located at 8016 Rose, in Paramount, California. Montes gave respondent a \$1,000 deposit to acquire the property.

8. Respondent presented Montes' offer to the developer/seller. The property was under construction and not expected to be available for occupancy until February or March 2003. Respondent planned to open escrow with Chicago Title Company once the property was ready for occupancy. In anticipation of being able to open escrow, respondent obtained a loan commitment subject to several contingencies. He also obtained an estimated settlement statement indicating that Montes would need \$17,243 to close escrow.

9. In a transaction in part designed to help Montes raise the needed funds, respondent and Montes entered into a personal loan agreement on August 26, 2002. Montes agreed to lend respondent \$5,000. In exchange, respondent agreed to credit \$8,000 toward the close of Montes' escrow, or, if escrow did not close, to repay \$7,000 to Montes.

10. Montes was unable to raise the necessary funds and the transaction for the Rose property was never consummated.

11. Despite repeated requests, respondent had failed to return Montes' money prior to the hearing. On September 3, 2003, Montes obtained a default small claims judgment in the amount of \$5,029.

12. It was not established that respondent made any misrepresentations or otherwise engaged in fraud or dishonest dealing in connection with his dealings with Montes.

13. Respondent accepted \$1,000 in connection with the Rose property real estate transaction. His failure to timely refund the \$1,000 once the buyer was unable to raise the funds needed to close escrow, constitutes negligence in performing an act for which a real estate license is required.

14. In mitigation, respondent was unable to return Montes' money because of illnesses. Starting in or around July 2003, respondent suffered from foot inflammation problems, diagnosed as cellulitis and later as osteomyelitis, which required hospitalization and at times prevented him from working.

15. Respondent returned to full-time employment approximately one year ago. Although able to satisfy the judgment, respondent believed he could not pay Montes until the instant matter was concluded. On November 7, 2005, respondent paid Montes \$5,000, which was accepted in satisfaction of the money owed.<sup>1</sup>

16. Respondent is married and has three children, aged 14 months, 8 years, and 10 years. He is active in community activities through his church.

### LEGAL CONCLUSIONS

1. Grounds exist to discipline respondent's license pursuant to Business and Professions Code section 10177, subdivision (g), in that he demonstrated negligence in performing an act for which he was required to hold a real estate license, by reason of factual finding numbers 6 through 11, and 13.

2. Grounds do not exist to discipline respondent's license pursuant to Business and Professions Code section 10176, subdivision (i), in that it was not established that respondent made any misrepresentations or otherwise engaged in fraud or dishonest dealing in connection with his dealings with Montes, by reason of factual finding numbers 6 through 12.

3. All evidence presented in mitigation or rehabilitation has been considered. While respondent failed to refund money obtained for the purchase of real property, his failure is mitigated, in part, by his medical condition. He has since refunded the \$1,000, as well as the other \$4,000 subject to a private transaction with Montes. The order that follows is required and sufficient for the protection of the public.

### ORDER

All licenses and licensing rights of respondent Emeka Ojukwu, aka Oluwatoyin Da Silva under the Real Estate Law are revoked; provided, however, a restricted real estate salesperson license shall be issued to Respondent pursuant to Section 10156.5 of the Business and Professions Code if Respondent makes application therefor and pays to the Department of Real Estate the appropriate fee for the restricted license within 90 days from the effective date of this Decision. The restricted license issued to respondent shall be subject to all of the provisions of Section 10156.7 of the Business and Professions Code and to the following limitations, conditions and restrictions imposed under authority of Section 10156.6 of that Code:

---

<sup>1</sup> The Administrative Law Judge has compared Montes' purported signature on Exhibit C with the signature in other documents acknowledged at the hearing to be Montes' and is satisfied that Montes endorsed the \$5,000 check contained in Exhibit C.

1. The restricted license issued to respondent may be suspended prior to hearing by Order of the Real Estate Commissioner (Commissioner) in the event of respondent's conviction or plea of nolo contendere to a crime which is substantially related to respondent's fitness or capacity as a real estate licensee.

2. The restricted license issued to respondent may be suspended prior to hearing by Order of the Commissioner on evidence satisfactory to the Commissioner that respondent has violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted license.

3. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor for the removal of any of the conditions, limitations or restrictions of a restricted license until two years have elapsed from the effective date of this Decision.

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

(a) That the employing broker has read the Decision of the Commissioner which granted the right to a restricted license; and

(b) That the employing broker will exercise supervision over the performance by the restricted licensee relating to activities for which a real estate license is required.

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

DATED: \_\_\_\_\_

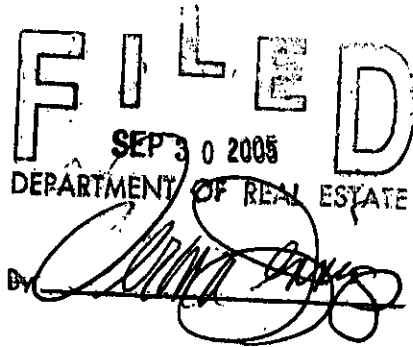
4/13/06

  
SAMUEL D. REYES

Administrative Law Judge  
Office of Administrative Hearings

1 Department of Real Estate  
2 320 West 4<sup>th</sup> Street, Suite 350  
3 Los Angeles, California 90013

4 (213) 576-6913



8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of ) No. H-31682 LA  
12 PRIMARY CAPITAL, INC., ) L-2005-030-467  
13 a corporation; ) STIPULATION AND AGREEMENT  
14 ERIC DEAN STUCKEY, )  
15 individually and as )  
16 designated officer of )  
17 Primary Capital, Inc.; )  
and EMEKA OJUKWU, )  
aka Oluwatoyin Da-Silva, )  
Respondents. )

18  
19 It is hereby stipulated by and between ERIC DEAN  
20 STUCKEY (sometimes referred to as Respondent), and his attorney,  
21 Mary E. Work, and the Complainant, acting by and through James R.  
22 Peel, Counsel for the Department of Real Estate, as follows for  
23 the purpose of settling and disposing of the Accusation filed on  
24 February 17, 2005, in this matter.

25 1. All issues which were to be contested and all  
26 evidence which was to be presented by Complainant and Respondent  
27 at a formal hearing on the Accusation, which hearing was to be

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.

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 March 7, 2005, Respondent ERIC DEAN STUCKEY  
10 filed a Notice of Defense, pursuant to Section 11506 of the  
11 Government Code for the purpose of requesting a hearing on the  
12 allegations in the Accusation. Respondent hereby freely and  
13 voluntarily withdraws said Notice of Defense. Respondent  
14 acknowledges that he understands that by withdrawing said Notice  
15 of Defense he will thereby waive his right to require the  
16 Commissioner to prove the allegations in the Accusation at a  
17 contested hearing held in accordance with the provisions of the  
18 APA and that he will waive other rights afforded to him in  
19 connection with the hearing such as the right to present  
20 evidence in defense of the allegations in the Accusation and the  
21 right to cross-examine witnesses.

22           4. This Stipulation is based on the factual  
23 allegations contained in the Accusation filed in this  
24 proceeding. In the interest of expedience and economy,  
25 Respondent chooses not to contest these factual allegations, but  
26 to remain silent and understands that, as a result thereof,  
27 these factual statements, will serve as a prima facie basis for

1 the disciplinary action stipulated to herein. The Real Estate  
2 Commissioner shall not be required to provide further evidence  
3 to prove such allegations.

4 5. This Stipulation and Respondent's decision not to  
5 contest the Accusation is made for the purpose of reaching an  
6 agreed disposition of this proceeding and is expressly limited  
7 to this proceeding and any other proceeding or case in which the  
8 Department of Real Estate ("Department"), the state or federal  
9 government, or an agency of this state, another state or the  
10 federal government is involved.

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

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

DETERMINATION OF ISSUES

1  
2 By reason of the foregoing stipulations and waivers  
3 and solely for the purpose of settlement of the pending  
4 Accusation without a hearing, it is stipulated and agreed that  
5 the following determination of issues shall be made:

6 The conduct, acts and omissions of Respondent ERIC  
7 DEAN STUCKEY, as described in Paragraph 4 above, are grounds for  
8 the suspension or revocation of all of the real estate licenses  
9 and license rights of Respondent under the provisions of  
10 Sections 10177(d), (g) and (h) of the Business and Professions  
11 Code ("Code") for violations of Code Sections 10145 and 10159.2,  
12 and Sections 2725, 2831.1, 2831.2, 2834, Title 10, Chapter 6,  
13 California Code of Regulations.

ORDER

14  
15 All licenses and licensing rights of Respondent ERIC  
16 DEAN STUCKEY under the Real Estate Law are revoked, provided,  
17 however, a restricted real estate broker license shall be issued  
18 to Respondent pursuant to Section 10156.5 of the Business and  
19 Professions Code if Respondent makes application therefor and  
20 pays to the Department of Real Estate the appropriate fee for  
21 the restricted license within 90 days from the effective date of  
22 this Decision. The restricted license issued to Respondent  
23 shall be subject to all of the provisions of Section 10156.7 of  
24 the Business and Professions Code and to the following  
25 limitations, conditions, and restrictions imposed under  
26 authority of Section 10156.6 of that Code:



1                   1. The restricted license issued to Respondent shall  
2 be suspended for a period of 120 days from the date of issuance  
3 of said restricted license; provided, however, that 60 days of  
4 said suspension shall be stayed for two (2) years upon the  
5 following terms and conditions:

6                   a. Respondent shall obey all laws, rules and  
7 regulations governing the rights, duties and responsibilities of  
8 a real estate licensee in the State of California; and

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

17                   c. Provided, however, that if Respondent petitions,  
18 the remaining 60 days of said 120 day suspension shall be stayed  
19 upon condition that:

20                   (1) Respondent pays a monetary penalty pursuant  
21 to Section 10175.2 of the Business and Professions Code at the  
22 rate of \$166.66 for each day of the suspension for a total  
23 monetary penalty of \$10,000.

24                   (2) Said payment shall be in the form of a  
25 cashier's check or certified check made payable to the Recovery  
26 Account of the Real Estate Fund. Said check must be received by  
27 the Department prior to the issuance of the restricted license.

1 (3) No further cause for disciplinary action against  
2 the real estate licenses of Respondent occurs within two (2)  
3 years from the effective date of the Decision in this matter.

4 (4) If Respondent fails to pay the monetary penalty  
5 in accordance with the terms and conditions of the Decision, the  
6 Commissioner may, without a hearing, order the immediate  
7 execution of all or any part of the stayed suspension in which  
8 event the Respondent shall not be entitled to any repayment nor  
9 credit, prorated or otherwise, for money paid to the Department  
10 under the terms of this Decision.

11 (5) If Respondent pays the monetary penalty and if no  
12 further cause for disciplinary action against the real estate  
13 licenses of Respondent occurs within two (2) years from the  
14 effective date of the Decision, the stay hereby granted shall  
15 become permanent.

16 2. The restricted license issued to Respondent may be  
17 suspended prior to hearing by Order of the Real Estate  
18 Commissioner in the event of Respondent's conviction or plea of  
19 nolo contendere to a crime which is substantially related to  
20 Respondent's fitness or capacity as a real estate licensee.

21 3. The restricted license issued to Respondent may be  
22 suspended prior to hearing by Order of the Real Estate  
23 Commissioner on evidence satisfactory to the Commissioner that  
24 Respondent has violated provisions of the California Real Estate  
25 Law, the Subdivided Lands Law, Regulations of the Real Estate  
26 Commissioner or conditions attaching to the restricted license.

27

1           4.   Respondent shall not be eligible to apply for the  
2 issuance of an unrestricted real estate license nor for the  
3 removal of any of the conditions, limitations or restrictions of  
4 a restricted license until two years have elapsed from the  
5 effective date of this Decision.

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

18           6.   Respondent shall, within six months from the  
19 effective date of this Decision, take and pass the Professional  
20 Responsibility Examination administered by the Department  
21 including the payment of the appropriate examination fee. If  
22 Respondent fails to satisfy this condition, the Commissioner may  
23 order suspension of Respondent's license until Respondent passes  
24 the examination.

25    ///

26    ///

27

1  
2 DATED: July 18, 2005  
3

4 James R. Peel  
5 JAMES R. PEEL  
6 Counsel for Complainant

7 \* \* \*


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

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

1 binding on Respondent as if the Department had received the  
2 original signed Stipulation and Agreement.

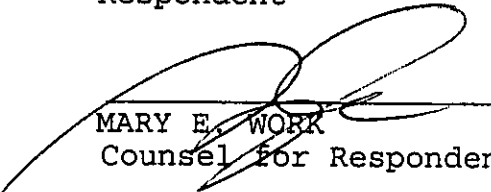
3 Further, if the Respondent is represented in these  
4 proceedings, the Respondent's legal counsel can signify her  
5 agreement to the terms and conditions of the Stipulation and  
6 Agreement by submitting that signature via fax. The Commissioner  
7 has asked that the attorney's signature be under penalty of  
8 perjury that she will concurrently or within 24 hours of  
9 obtaining Respondent's signature to the agreement deposit in the  
10 mail the original settlement/stipulation containing the original  
11 signatures of both the Respondent and Respondent's counsel.

12 DATED: 7-18-05



ERIC DEAN STUCKEY  
Respondent

14 DATED: 7-18-05



MARY E. WORK  
Counsel for Respondent

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18 ///  
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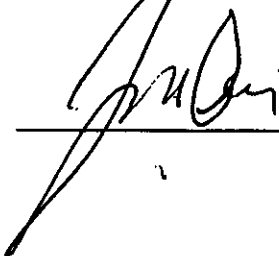
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\* \* \*

The foregoing Stipulation and Agreement is hereby  
adopted as my Decision in this matter and shall become effective  
at 12 o'clock noon on October 20, 2005.

IT IS SO ORDERED 7-25-05, 2005.

JEFF DAVIS  
Real Estate Commissioner

  
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Handwritten initials: "MCS" and "FLY" with a checkmark.

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**FILED**  
SEP 30 2005  
DEPARTMENT OF REAL ESTATE  
*[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of ) No. H-31682 LA  
PRIMARY CAPITAL, INC., )  
Respondent. )

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On February 17, 2005, an Accusation was filed in this matter against Respondent PRIMARY CAPITAL, INC.

On July 18, 2005, Respondent petitioned the Commissioner to voluntarily surrender its real estate broker license pursuant to Section 10100.2 of the Business and Professions Code.

IT IS HEREBY ORDERED that Respondent PRIMARY CAPITAL, INC.'s petition for voluntary surrender of its real estate broker license 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 18, 2005 (attached as

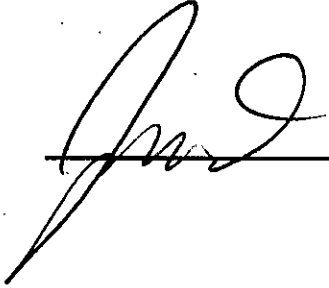
1 Exhibit "A" hereto). Respondent's license certificates, pocket  
2 cards and any branch office license certificate shall be sent to  
3 the below listed address so that they reach the Department on or  
4 before the effective date of this Order:

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

8 This Order shall become effective at 12 o'clock noon  
9 on October 20, 2005.

10 DATED: 7.25, 2005

12 JEFF DAVI  
13 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-31682 LA  
PRIMARY CAPITAL, INC., )  
Respondent. )

DECLARATION

My name is ERIC DEAN STUCKEY and I am currently an officer of PRIMARY CAPITAL, 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 PRIMARY CAPITAL, INC. I am acting on behalf of PRIMARY CAPITAL, INC. in this matter.

In lieu of proceeding in this matter in accordance with the provisions of the Administrative Procedure Act (Sections 11400 et seq., of the Business and Professions Code) PRIMARY CAPITAL, INC. wishes to voluntarily surrender its real estate

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

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

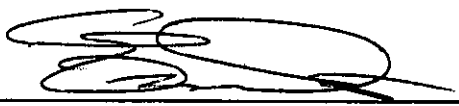
9 The filing of this Declaration shall be deemed as its  
10 petition for voluntary surrender. It shall also be deemed to be  
11 an understanding and agreement by PRIMARY CAPITAL, INC. that it  
12 waives all rights it has to require the Commissioner to prove the  
13 allegations contained in the Accusation filed in this matter at a  
14 hearing held in accordance with the provisions of the  
15 Administrative Procedure Act (Government Code Sections 11400 et  
16 seq.), and that it also waives other rights afforded to it in  
17 connection with the hearing such as the right to discovery, the  
18 right to present evidence in defense of the allegations in the  
19 Accusation and the right to cross-examine witnesses. I further  
20 agree on behalf of PRIMARY CAPITAL, INC. that upon acceptance by  
21 the Commissioner, as evidenced by an appropriate order, all  
22 affidavits and all relevant evidence obtained by the Department  
23 in this matter prior to the Commissioner's acceptance, and all  
24 allegations contained in the Accusation filed in the Department  
25 Case No. H-31682 LA, may be considered by the Department to be  
26 true and correct for the purpose of deciding whether or not to

27

1 grant reinstatement of PRIMARY CAPITAL, INC.'s license pursuant  
2 to Government Code Section 11522.

3 I declare under penalty of perjury under the laws of  
4 the State of California that the above is true and correct and  
5 that I am acting freely and voluntarily on behalf of PRIMARY  
6 CAPITAL, INC. to surrender its license and all license rights  
7 attached thereto.

8 7/18/05 ; Los Angeles, CA  
9 Date and Place

  
PRIMARY CAPITAL, INC.  
By Eric Dean Stuckey

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1 CHRIS LEONG, Counsel (SBN 141079)  
Department of Real Estate  
2 320 West Fourth Street, Suite 350  
Los Angeles, CA 90013-1105

3 Telephone: (213) 576-6982  
4 -or- (213) 576-6910 (Direct)

**FILED**  
FEB 17 2005  
DEPARTMENT OF REAL ESTATE

5  
6  
7  
8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )

No. H-31682 LA

12 PRIMARY CAPITAL, INC., )  
a corporation; )  
13 ERIC DEAN STUCKEY, )  
individually and as designated )  
14 officer of Primary Capital, Inc.; )  
and EMEKA OJUKWU, aka Oluwatoyin )  
15 Da-Silva, )

A C C U S A T I O N

16 Respondents. )  
17

18 The Complainant, Janice Waddell, a Deputy Real Estate  
19 Commissioner of the State of California, for cause of Accusation  
20 against PRIMARY CAPITAL, INC., a corporation (hereafter "PCI");  
21 ERIC DEAN STUCKEY, individually and as designated officer of  
22 Primary Capital, Inc. (hereafter "STUCKEY"); EMEKA OJUKWU, aka  
23 Oluwatoyin Da-Silva (hereafter "DA-SILVA") (hereafter sometimes  
24 collectively referred to as "Respondents"), alleges as follows:

25 1.

26 The Complainant, Janice Waddell, a Deputy Real  
27 Estate Commissioner of the State of California, makes this

1 Accusation in her official capacity.

2 2.

3 At all times material herein, PCI is presently  
4 licensed and/or has license rights under the Real Estate Law,  
5 Part 1 of Division 4 of the Business and Professions Code  
6 (hereafter "Code"), by the State of California, Department of  
7 Real Estate (hereafter "Department") as a corporate real  
8 estate broker. From 1999 to July 9, 2004, STUCKEY was the  
9 designated officer of PCI.

10 3.

11 At all times material herein, STUCKEY is presently  
12 licensed and/or has license rights under the Real Estate Law,  
13 Part 1 of Division 4 of the Code, by the Department as a real  
14 estate broker, individually, and for a time, as the designated  
15 officer of PRI.

16 4.

17 At all times material herein, DA-SILVA is presently  
18 licensed and/or has license rights under the Real Estate Law,  
19 Part 1 of Division 4 of the Code, by the Department as a real  
20 estate salesperson. His employing broker was PCI for the  
21 following periods: April 9, 2001 to May 13, 2001; July 24,  
22 2002 to May 28, 2003 and September 15, 2003 to February 19,  
23 2004.

24 PRIOR DISCIPLINE

25 5.

26 On May 14, 2001, a Decision became effective in case  
27 No. H-28586 LA regarding DA-SILVA. Discipline was imposed for

1 violations of Code Sections 10177(g) and 10177(h).

2 6.

3 All further references to "Respondents", unless  
4 otherwise specified, include the parties identified in  
5 Paragraphs 2 through 4, above, and also include the employees,  
6 agents and real estate licensees employed by or associated with  
7 said parties, who at all times herein mentioned were engaged in  
8 the furtherance of the business or operations of said parties  
9 and who were acting within the course and scope of their  
10 authority and employment.

11 7.

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 in the State of  
15 California, for another or others, and for or in expectation  
16 of compensation, within the meaning of Code Section 10131(a)  
17 and (d). Said activity included the operation and conduct of  
18 a real estate sales and loan business with the public wherein  
19 Respondents solicited buyers and sellers of real property;  
20 negotiated listings and purchase of real property; solicited  
21 borrowers and lenders of loans secured by interest in real  
22 property.

23 FIRST CAUSE OF ACCUSATION

24 8.

25 In or about August 2002, Benjamin Montes (hereafter  
26 "Montes") went to PCI's licensed branch office located at 5150 E.  
27 Pacific Coast Highway, Suite 595, Long Beach CA, where he met

1 with DA-SILVA. DA-SILVA told Montes that he would find him a  
2 house. DA-SILVA found Montes a house located at 8016 Rose  
3 Boulevard, Paramount, CA. Montes wanted to purchase the house,  
4 and DA-SILVA asked him for \$5,000.00 as earnest money deposit for  
5 the purchase.

6 9.

7 On August 25, 2002, Montes gave DA-SILVA a personal  
8 check No. 1913, made out to American Mortgage, a former dba of  
9 PCI, in the amount of \$1,000.00 and on September 4, 2002, Montes  
10 gave DA-SILVA another personal check No. 1920 in the amount of  
11 \$4,000.00 which was made out to American Mortgage Securities.  
12 DA-SILVA told Montes that he would open escrow at Chicago Title  
13 Company located at 131 North El Molino Avenue, Suite 150,  
14 Pasadena, CA 91101, and deposit the \$5,000.00. After a few  
15 months of not hearing from DA-SILVA, Montes went to Chicago Title  
16 Company and they told him that DA-SILVA had not deposited any  
17 money with them. On March 5, 2003, Chicago Title Company  
18 cancelled the escrow due to the fact that no money had been  
19 deposited. Montes called DA-SILVA and asked for his money. DA-  
20 SILVA told Montes that he would give him the money back, but he  
21 never did. Montes filed a civil complaint in small claims court,  
22 and on September 3, 2003, he obtained a judgment against DA-SILVA  
23 in the amount of \$5,022.00. PCI failed to produce the file for  
24 this transaction even though it was requested during the audit.

25 10.

26 The conduct, acts and omissions of Respondents  
27 DA SILVA, STUCKEY and PCI, as described above constitutes cause

1 for the suspension or revocation of all real estate licenses  
2 and license rights of Respondents under the provisions of Code  
3 Sections 10176(i) and/or 10177(g).

4 SECOND CAUSE OF ACCUSATION

5 11.

6 On or about December 11, 2002, Thomas Franklin  
7 Tarbutton guaranteed Lisa Lewen (hereafter "Lewen") that he could  
8 refinance her existing loan and clean up Lewen's credit. Lewen  
9 borrowed a total of \$15,500 from Villa Holding Inc. (hereafter  
10 "VHI"), a private investor, to purchase a car. She signed a  
11 short-term note (amount unknown).

12 12.

13 Subsequently, two trust deeds had been recorded against  
14 her property in the principal amounts of \$15,000.00 and  
15 \$22,068.03. Lewen did not sign either trust deed and never  
16 received any loan documents regarding the funds she borrowed from  
17 VHI. PCI was shown as the trustee on both trust deeds. STUCKEY  
18 notarized the \$15,000.00 trust deed, and PCI's loan processor,  
19 Shell Canasa, notarized the \$22,068.03 trust deed. PCI failed to  
20 provide the file for this transaction, even though it was  
21 requested during the audit.

22 13.

23 The conduct, acts and omissions of Respondents  
24 STUCKEY and PCI, as described above, constitutes cause for the  
25 suspension or revocation of all real estate licenses and  
26 license rights of Respondents under the provisions of Code  
27 Sections 10176(i) and/or 10177(g).



THIRD CAUSE OF ACCUSATION

14.

1  
2  
3 In about January 2003, Alberto Bernal Bellaflor  
4 (hereafter "Bellaflor") went to PCI's licensed branch office  
5 located at 5150 E. Pacific Coast Highway, Suite 595, Long Beach  
6 CA, where he met with DA-SILVA. DA-SILVA showed Bellaflor a  
7 property located at 8010 Rose Street, Paramount, CA. Bellaflor  
8 liked the property and told Da-Silva to start the paperwork.  
9 DA-SILVA told Bellaflor that the sellers wanted a \$5,000.00 down  
10 payment. Bellaflor did not have \$5,000.00 so DA-SILVA told him  
11 to come up with \$2,500.00.

15.

12  
13 On January 29, 2003, Bellaflor bought three money  
14 orders in the amounts of \$1,000.00, \$1,000.00, and \$500.00,  
15 totaling \$2,500.00, and took them to DA-SILVA at the above  
16 address. DA-SILVA filled out the money orders and gave Bellaflor  
17 three money order stubs showing the money orders were payable to  
18 Select Escrow. Three weeks later Bellaflor received a call from  
19 Anna Esparza (hereafter "Esparza"), the listing agent, asking for  
20 the down payment. Bellaflor told Esparza that he gave the money  
21 to DA-SILVA. Esparza could not reach DA-SILVA, and on March 5,  
22 2003, escrow was cancelled for non-performance. Bellaflor  
23 obtained copies of the three money orders from the U. S. Postal  
24 Service, and found that, in fact, Da-Silva made two of the money  
25 orders payable to Family Auto and one payable to himself.  
26 Bellaflor filed a civil complaint against DA-SILVA, and on  
27 September 4, 2003, he obtained a judgment against DA-SILVA and

1 American Mortgage Securities in the amount of \$2,552.00. PCI  
2 failed to provide the file for this transaction even though it  
3 was requested during the audit.

4 16.

5 The conduct, acts and omissions of Respondents  
6 DA SILVA, STUCKEY and PCI, as described above, violated the  
7 Code as set forth above and constitutes cause for the  
8 suspension or revocation of all real estate licenses and  
9 license rights of Respondents under the provisions of Code  
10 Sections 10176(i) and/or 10177(g).

11 FOURTH CAUSE OF ACCUSATION

12 17.

13 On May 28, 2004, the Department concluded its  
14 examination of Respondents STUCKEY and PCI's books and records  
15 pertaining to Respondents' activities as real estate brokers in  
16 Audit No. LA030116, LA030281 and LA030234, including escrow  
17 activities pursuant to the exemption set forth in Financial  
18 Code Section 17006(a)(4), covering a period from approximately  
19 January 1, 2002 to March 31, 2004. The examination revealed  
20 violations of the Code and of Title 10, Chapter 4, California  
21 Code of Regulations (hereafter "Regulations"), as set forth  
22 below, and as more specifically set forth in Audit No.  
23 LA030116, LA030281 and LA030234 and the Exhibits attached to  
24 said Audit Report.

25 18.

26 At all times herein, in connection with the broker  
27

1 escrow, real estate sales activity described above, Respondents  
2 STUCKEY and PCI accepted or received funds, including funds in  
3 trust (hereafter "trust funds") from or on behalf of actual and  
4 prospective parties to transactions handled by PCI. These  
5 funds were maintained in two accounts. The first account was  
6 at City National Bank, 5601 E. Slauson Ave., Commerce, CA  
7 90040, in the name of Primary Capital, Inc., Trust Account No.  
8 013312788 (hereafter "T/A#1"). The second account was at First  
9 Bank & Trust, 1700 Adams Ave., Suite 100, Costa Mesa, CA 92626,  
10 in the name of Primary Capital, Inc., Trust Account No.  
11 1463061041 (hereafter "T/A#2").

12 19.

13 Respondents STUCKEY and PCI acted in violation of the  
14 Code and the Regulations in that they:

15 (a) failed to maintain separate transaction records  
16 for the private investor funds handled through TA#1, in  
17 violation of Code Section 10145 and Regulation 2831.1.

18 (b) failed to maintain monthly records of  
19 reconcililiation of control records to separate escrow  
20 transaction records for private investor transactions handled  
21 through TA#1, in violation of Regulations 2831.2.

22 (c) allowed unlicensed and unbonded persons,  
23 including Katty Stuckey to be signitories on TA#1, in  
24 violation of Regulations 2834.

25 (d) disbursed funds deposited into TA#1 without the  
26 written instructions of the beneficiaries. Also failed to  
27 maintain escrow transaction closing statements for

1 transactions including O'Connell, Leever, Almquist, Wession,  
2 Bass, Cleofas, Tamondong, Taphilias, Tamondong, Greco,  
3 D'Amico, Silva and Rubalcava, in violation of Regulation 2950.

4 (e) overcharged borrowers for credit reports and  
5 appraisals including Greco, Tamondong, Bement, Johnson, Lekic,  
6 White, Sotta, Duncan, Miranda, Berry, Alvarez, Harris, Meyers,  
7 Dorado, Warren, Bryant, Haynes, Sutic, Wesson, Sugino, Friese,  
8 Anderson, Cleofas, Taphilias, Bass, Simien, Williams, D'Amico,  
9 Di Cesare, Van Meter and Rubalcava, in violation of Code  
10 Section 10176(g).

11 (f) failed to maintain proper Mortgage Loan  
12 Disclosure Statements, in violation of Code Section 10240 and  
13 Regulations 2840.

14 (g) negotiated an Article 7 loan for the Grecos in  
15 the amount of \$15,000.00, the fees charged exceeded the maximum  
16 amount, in violation of Code Section 10242.

17 (h) met threshold criteria on February 25, 2003,  
18 and did not notify the Department, in violation of Code  
19 Section 10232(e).

20 (i) failed to maintain Lender/Purchaser Disclosure  
21 Statements in the files of loan transactions for borrowers  
22 including Sugino, Wesson, Haynes, Sutic, Anderson, Bass,  
23 Cleofas, Tamandong, Taphilias, Tamadong, Simien, Greco, Di  
24 Cesare, Williams, D'Amico, McCarthy, Silva, Rubalcava, Van  
25 Meter and Gadasalli, in violation of Code Sections 10232.4 and  
26 10232.5.

27 (j) failed to make available for the audit all

1 recorded Trust Deeds and/or assignments including Haynes,  
2 Sugino, Bass, Cleofas, Simien, McCarthy, Rubalcava, Silva,  
3 Gadasalli and Van Meter, in violation of Code Section 10234.

4 (k) charged finance points and fees for covered  
5 loans originated in the name of PCI which were in excess of 6%  
6 of the original principal balance, exclusive of points and  
7 fees including Fries, Sugino, Wesson, Haynes, Sutic,  
8 Tamondong, Taphilias, Simien, Greco, Di Cesare, Williams, and  
9 D'Amico, in violation of Section 4979.6 of the Financial Code.

10 (l) failed to fully amortize the principal balance  
11 as of the maturity date of the loans for covered loans with a  
12 term of 5 years or less, including Fries, Sugino, Wesson,  
13 Haynes, Sutic, Tamondong, Taphilias, Simien, Greco, Di Cesare,  
14 Williams, and McCarthy, in violation of Section 4973(b)(1) of  
15 the Financial Code.

16 (m) originated 4 covered loans in the name of PCI,  
17 where the borrowers' total debt, including the loan, exceeded  
18 55% of the borrowers monthly gross income, including Sugino,  
19 Greco, Di Cesare and Williams, in violation of Section  
20 4973(f)(1) of the Financial Code.

21 (n) failed to maintain Consumer Caution and Home  
22 Ownership Counseling Notice in loan files, including Fries,  
23 Sugino, Wesson, Haynes, Sutic, Simien, Greco, Simien, D'Amico  
24 and McCarthy, in violation of Section 4973(k) of the Financial  
25 Code.

26 (o) originated covered loans in the name of PCI  
27 that were structured as open end credit plans to evade the

1 provisions of this division, including Silva, Rublacava, Van  
2 Meter and Gadasalli, in violation of Section 4973(m)(1) of the  
3 Financial Code.

4 (p) failed to make available for examination during  
5 the audit all documents requested for loans originated in the  
6 name of PCI, in violation of Section 4979 of the Financial  
7 Code.

8 (q) conducted real estate activities at 2152 Dupont  
9 Drive, Suite 104, Irvine, CA, prior to obtaining a branch  
10 office license from the Department, including loans for  
11 Eadeh, Sutic, Greco, Erickson, Tamadong, Bement, Johnson,  
12 Lekic, White, Sotta, Duncan, Miranda, Gardner and Miller, in  
13 violation of Section 10163 of the Code.

14 (r) Respondent STUCKEY failed to exercise  
15 reasonable supervision over PCI's real estate activities,  
16 licensed employees and staff, in violation of Code Section  
17 10159.2 and Regulation 2725.

18 (s) failed to make requested records available for  
19 the audit, in violation of Code Section 10148.

20 20.

21 The conduct, acts and omissions of Respondents  
22 STUCKEY and PCI, as described above, violated the Code as set  
23 forth above and constitutes cause for the suspension or  
24 revocation of all real estate licenses and license rights of  
25 Respondents under the provisions of Code Sections 10177(d)  
26 and/or 10177(g) and Financial Code Section 4975.

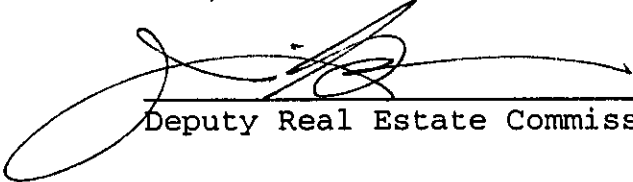
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1  
2 The conduct, acts and omissions of Respondent  
3 STUCKEY, as described above, violated Code Section 10159.2 and  
4 constitutes cause for the suspension or revocation of all real  
5 estate licenses and license rights of Respondent under the  
6 provisions of Code Sections 10177(d), 10177(g) and/or 10177(h).

7 WHEREFORE, Complainant prays that a hearing be  
8 conducted on the allegations of this Accusation and that upon  
9 proof thereof, a decision be rendered imposing disciplinary  
10 action against all licenses and/or license rights of  
11 Respondents, PRIMARY CAPITAL, INC., a corporation; ERIC DEAN  
12 STUCKEY, individually and as designated officer of Primary  
13 Capital, Inc.; and EMEKA OJUKWU, aka Oluwatoyin Da-Silva, under  
14 the Real Estate Law (Part 1 of Division 4 of the Business and  
15 Professions Code), and for such other and further relief as may  
16 be proper under other applicable provisions of law.

17 Dated at Los Angeles, California

18 this 16 day of February 2005.

19  
20   
21 Deputy Real Estate Commissioner

22  
23 cc: Primary Capital, Inc.  
24 Eric Dean Stuckey  
25 Emeka Ojukwu  
26 Janice Waddell  
27 Sacto  
Audits/J. Lin