

1 Department of Real Estate  
2 320 West Fourth Street, Suite 350  
3 Los Angeles, California 90013-1105

4 Telephone: (213) 576-6982

5 **FILED**  
6 NOV 18 2005  
7 DEPARTMENT OF REAL ESTATE

8 By 

9 BEFORE THE DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 \* \* \*

12 In the Matter of the Accusation of )  
13 N A NATIONWIDE MORTGAGE, ) NO. H-31749 LA  
14 a corporation; NOELLE TIWANA ) L-2005060666  
15 WHEELER, individually and as ) STIPULATION AND AGREEMENT  
16 designated officer of )  
17 N A Nationwide Mortgage; and )  
18 ANTHONY SCOTT MATA, )  
19 Respondents. )

20 It is hereby stipulated by and between ANTHONY SCOTT  
21 MATA (sometimes referred to as "Respondent") and his attorney of  
22 record, Mary Work, and the Complainant, acting by and through  
23 Darlene Averetta, Counsel for the Department of Real Estate,  
24 as follows for the purpose of settling and disposing of the  
25 Accusation filed on March 11, 2005 in this matter:

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

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

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

1 these factual statements, will serve as a prima facie basis for  
2 the disciplinary action stipulated to herein. The Real Estate  
3 Commissioner shall not be required to provide further evidence  
4 to prove such allegations.

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

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

25 ///

26 ///

27 ///



1 \* \* \*

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

14 Respondent can signify acceptance and approval of the  
15 terms and conditions of this Stipulation and Agreement by faxing  
16 a copy of the signature page, as actually signed by Respondent,  
17 to the Department at fax number (213) 576-6917. Respondent  
18 agrees, acknowledges and understands that by electronically  
19 sending to the Department a fax copy of his actual signature  
20 as it appears on the Stipulation and Agreement, that receipt  
21 of the faxed copy by the Department shall be as binding on  
22 Respondent as if the Department had received the original  
23 signed Stipulation and Agreement.  
24

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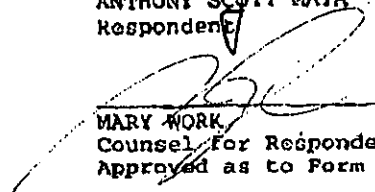
Oct 19 05 11:12a Mary E. Work, Esq. (310)546-8107 P.7

1 Further, as the Respondent is represented by counsel,  
2 the Respondent's counsel can signify her agreement to the terms  
3 and conditions of the Stipulation and Agreement by submitting  
4 that signature via fax.

5 DATED: 10-19-05

  
ANTHONY SCOTT MATA  
Respondent

6 DATED: 10-19-05

  
MARY WORK  
Counsel for Respondent  
Approved as to Form

7  
8  
9  
10  
11 The foregoing Stipulation and Agreement is hereby  
12 adopted as my Decision in this matter, and shall become  
13 effective at 12 o'clock noon on \_\_\_\_\_  
14

15 IT IS SO ORDERED \_\_\_\_\_

16 JEFF DAVI  
17 Real Estate Commissioner  
18  
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1 Further, as the Respondent is represented by counsel,  
2 the Respondent's counsel can signify her agreement to the terms  
3 and conditions of the Stipulation and Agreement by submitting  
4 that signature via fax.

5  
6 DATED: \_\_\_\_\_

\_\_\_\_\_  
ANTHONY SCOTT MATA  
Respondent

7  
8 DATED: \_\_\_\_\_

\_\_\_\_\_  
MARY WORK  
Counsel for Respondent  
Approved as to Form

9  
10  
11 \* \* \*

12 The foregoing Stipulation and Agreement is hereby  
13 adopted as my Decision in this matter, and shall become  
14 effective at 12 o'clock noon on December 8, 2005.

15 IT IS SO ORDERED 11-16-05.

16 JEFF DAVI  
17 Real Estate Commissioner

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27

1 Department of Real Estate  
2 320 West Fourth Street, #350  
3 Los Angeles, California 90013

4 (213) 576-6982  
5 (213) 576-6907

FILED  
NOV 18 2005  
DEPARTMENT OF REAL ESTATE

By         

6  
7  
8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )  
12 ) DRE No. H-31749 LA  
13 N A NATIONWIDE MORTGAGE, a corporation;) OAH No. L-2005060666  
14 NOELLE TIWANA WHEELER, individually and) STIPULATION AND  
15 as designated officer of N A Nationwide) AGREEMENT  
16 Mortgage; and ANTHONY SCOTT MATA, )  
17 Respondents. )

18 It is hereby stipulated by and between N A NATIONWIDE  
19 MORTGAGE, a corporation (sometimes referred to herein as  
20 "Respondent N A NATIONWIDE") and NOELLE TIWANA WHEELER,  
21 individually and as designated broker-officer of N A Nationwide  
22 Mortgage, (sometimes referred to herein as "Respondent  
23 WHEELER"), both represented by Frank M. Buda, Esq., and the  
24 Complainant, acting by and through Martha J. Rosett, Counsel  
25 for the Department of Real Estate, as follows for the purpose  
26  
27



1 of settling and disposing of the Accusation filed on March 11,  
2 2005 in this matter:

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

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

14           3. On March 23, 2005, Respondents filed Notices of  
15 Defense pursuant to Section 11506 of the Government Code for  
16 the purpose of requesting a hearing on the allegations in the  
17 Accusation. In order to effectuate this settlement,  
18 Respondents hereby freely and voluntarily withdraw said Notices  
19 of Defense. Respondents acknowledge that they understand that  
20 by withdrawing said Notices of Defense, they will thereby waive  
21 their rights to require the Commissioner to prove the  
22 allegations in the Accusation at a contested hearing held in  
23 accordance with the provisions of the APA and that they will  
24 waive other rights afforded to them in connection with the  
25 hearing such as the right to present evidence in defense of the  
26 allegations in the Accusation and the right to cross-examine  
27 witnesses.

1           4. Respondents, pursuant to the limitations set  
2 forth below, although not admitting or denying the truth of the  
3 allegations, will not contest the factual allegations contained  
4 in the Accusation filed in this proceeding and the Real Estate  
5 Commissioner shall not be required to provide further evidence  
6 of such allegations.

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

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

25           7. This Stipulation and Respondents' decision not to  
26 contest the Accusation are made for the purpose of reaching an  
27 agreed disposition of this proceeding, and are expressly

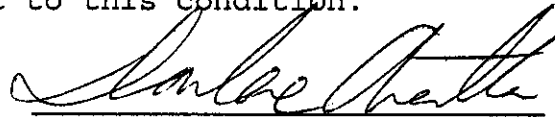




1 spent performing those activities. The Commissioner may  
2 suspend Respondents' licenses pending a hearing held in  
3 accordance with Section 11500, et seq., of the Government Code,  
4 if payment is not timely made as provided for herein, or as  
5 provided for in a subsequent agreement between the Respondents  
6 and the Commissioner. The suspension shall remain in effect  
7 until payment is made in full or until Respondents enter into  
8 an agreement satisfactory to the Commissioner to provide for  
9 payment, or until a decision providing otherwise is adopted  
10 following a hearing held pursuant to this condition.

11 DATED:

October 19, 2005



for MARTHA J. ROSETT  
Counsel for Complainant

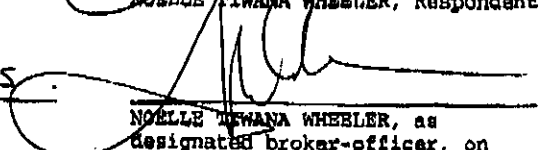
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14  
15 We have read the Stipulation and Agreement, have  
16 discussed it with our counsel, and its terms are understood by  
17 us and are agreeable and acceptable to us. We understand that  
18 we are waiving rights given to us by the California  
19 Administrative Procedure Act (including but not limited to  
20 Sections 11506, 11508, 11509 and 11513 of the Government Code),  
21 and we willingly, intelligently and voluntarily waive those  
22 rights, including the right of requiring the Commissioner to  
23 prove the allegations in the Accusation at a hearing at which  
24 we would have the right to cross-examine witnesses against us  
25 and to present evidence in defense and mitigation of the  
26 charges.

27

1 Respondents may signify acceptance and approval of the  
 2 terms and conditions of this Stipulation and Agreement by faxing  
 3 a copy of its signature page, as actually signed by Respondents,  
 4 to the Department at the following fax number (213) 576-6917.  
 5 Respondents agree, acknowledge and understand that by  
 6 electronically sending to the Department a fax copy of their  
 7 actual signatures as they appear on the Stipulation, that receipt  
 8 of the faxed copy by the Department shall be as binding on  
 9 Respondents as if the Department had received the original signed  
 10 Stipulation and Agreement.

11  
 12 DATED: 10-6-2005   
 13 \_\_\_\_\_  
 14 NOELLE TIWANA WHEELER, Respondent

15  
 16 DATED: 10-6-2005   
 17 \_\_\_\_\_  
 18 NOELLE TIWANA WHEELER, as  
 19 designated broker-officer, on  
 20 behalf of Respondent N A  
 21 NATIONWIDE MORTGAGE

22  
 23 DATED: 10-6-05   
 24 \_\_\_\_\_  
 25 Frank M. Buda, Esq.  
 26 Counsel for Respondents  
 27

21 ///  
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 27 ///

1 Respondents may signify acceptance and approval of the  
2 terms and conditions of this Stipulation and Agreement by faxing  
3 a copy of its signature page, as actually signed by Respondents,  
4 to the Department at the following fax number (213) 576-6917.  
5 Respondents agree, acknowledge and understand that by  
6 electronically sending to the Department a fax copy of their  
7 actual signatures as they appear on the Stipulation, that receipt  
8 of the faxed copy by the Department shall be as binding on  
9 Respondents as if the Department had received the original signed  
10 Stipulation and Agreement.

11  
12 DATED: \_\_\_\_\_ NOELLE TIWANA WHEELER, Respondent

13  
14 DATED: \_\_\_\_\_ NOELLE TIWANA WHEELER, as  
15 designated broker-officer, on  
16 behalf of Respondent N A  
17 NATIONWIDE MORTGAGE

18  
19 DATED: \_\_\_\_\_ Frank M. Buda, Esq.  
20 Counsel for Respondents

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1 CHRIS LEONG, Counsel (SBN 141079)  
2 Department of Real Estate  
3 320 West Fourth Street, Suite 350  
4 Los Angeles, CA 90013-1105

5 Telephone: (213) 576-6982  
6 -or- (213) 576-6910 (Direct)  
7

FILED  
MAR 11 2005  
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 N A NATIONWIDE MORTGAGE, ) No. H-31749 LA  
13 a corporation; NOELLE TIWANA ) A C C U S A T I O N  
14 WHEELER individually and as )  
15 designated officer of )  
16 N A Nationwide Mortgage; and )  
ANTHONY SCOTT MATA, )  
Respondents. )

17 The Complainant, Maria Suarez, a Deputy Real Estate  
18 Commissioner of the State of California, for cause of  
19 Accusation against N A NATIONWIDE MORTGAGE, a corporation  
20 (hereafter "NANM"); NOELLE TIWANA WHEELER, individually and as  
21 designated officer of N A Nationwide Mortgage (hereafter  
22 "WHEELER"); and ANTHONY SCOTT MATA (hereafter "MATA")  
23 (hereafter sometimes collectively referred to as  
24 "Respondents"), is informed and alleges in her official  
25 capacity as follows:  
26  
27

1.

1 Respondent NANM is presently licensed and/or has  
2 license rights under the Real Estate Law, Part 1 of Division 4  
3 of the California Business and Professions Code (hereafter  
4 "Code") as a corporate real estate broker.  
5

2.

6 Respondent WHEELER is presently licensed and/or has  
7 license rights under the Real Estate Law, Part 1 of Division 4  
8 of the Code as a real estate broker and as the designated  
9 officer of NANM.  
10

3.

11 Respondent MATA is presently licensed and/or has  
12 license rights under the Real Estate Law, Part 1 of Division 4  
13 of the Code as a real estate salesperson. MATA was employed by  
14 NANM. From February 5, 2002 to May 15, 2002, MATA's  
15 conditional license was suspended, his educational requirements  
16 were not met.  
17

4.

18 At all times material herein, Respondents engaged in  
19 the business of, acted in the capacity of, advertised or  
20 assumed to act as real estate brokers for others in the State  
21 of California, within the meaning of Code Section 10131(a) and  
22 (d), including the operation and conduct of a real estate sales  
23 and mortgage loan business with the public wherein Respondents  
24 solicited buyers and sellers for sales and purchases of real  
25 property and borrowers and lenders of real property in  
26 expectation of compensation. In addition, Respondents  
27

1 performed broker escrows pursuant to Section 17006 of the  
2 Financial Code.

3 AUDIT NO. LA 030103

4 5.

5 On March 10, 2004, the Department of Real Estate  
6 (hereafter "Department") concluded its examination of  
7 Respondents' books and records pertaining to Respondents'  
8 activities as a real estate brokers in Audit Report No.  
9 LA 030103, covering a period from approximately January 1, 2002  
10 to August 31, 2003. The examination revealed violations of the  
11 Code and of Title 10, Chapter 6, California Code of Regulations  
12 (hereafter "Regulations"), as set forth below, and as more  
13 specifically set forth in Audit Report No. LA 030103, and the  
14 related audit report and working papers attached thereto.

15 6.

16 At all times herein, in connection with the real  
17 estate sales, loan and loan servicing activity described in  
18 Paragraph 4 above, Respondents accepted or received funds,  
19 including funds in trust (hereafter "trust funds") from or on  
20 behalf of actual and prospective parties to transactions  
21 handled by Respondents and thereafter made deposits and/or  
22 disbursements of such funds. Respondents did not maintain a  
23 trust account for loan or sales activities.

24 7.

25 Respondents acted in violation of the Code and the  
26 Regulations as set forth below and as more specifically  
27 described in Audit Report No. LA 030103 and the exhibits

attached thereto:

1  
2 (a) Yield spread premiums (rebates) were earned by  
3 NANM on the following loan files without any disclosure in the  
4 California Mortgage Loan Disclosure Statement, including:  
5 Jeffrey Dibble, Darrin & Michele Jioras, Doris Jackson, Carl  
6 Adrrignola, Kenneth & Lydia Bonson, Lee W. Henderson, Camargo  
7 and Victor & Linda Miller. Also Good Faith Estimates used by  
8 NANM did not disclose the Department of Real Estate license  
9 number and a rewritten statement stating that: "This is not a  
10 Loan Commitment" for borrowers, including Doris Jackson, Lee  
11 Henderson and Rigoberto & Ana Alvarado, in violation of Code  
12 Section 10240;

13 (b) NANM compensated MATA, while he was unlicensed  
14 by the Department, for performing licensed acts, including  
15 soliciting and negotiating a loan secured by real property for  
16 borrowers, the Hannas, in violation of Code Section 10137;

17 (c) Respondent MATA performed licensed acts in  
18 expectation of compensation while his license was suspended,  
19 including soliciting and negotiating a loan secured by interest  
20 in real property for borrowers, the Hannas, in violation of  
21 Code Section 10130. This is cause for the suspension or  
22 revocation of all real estate licenses and license rights of  
23 Respondent MATA under the provisions of Code Sections 10177(d).

24 8.

25 The conduct, acts and omissions of Respondent NANM,  
26 as described in Paragraph 7(a) and (b), violated the Code and  
27 the Regulations as set forth above and constitutes cause for

1 the suspension or revocation of all real estate licenses and  
2 license rights of Respondent NANM under the provisions of Code  
3 Sections 10137, 10176(g), 10177(d) and/or 10177(g).

4 AUDIT NO. LA 030162

5 9.

6 On March 18, 2004, the Department concluded its  
7 examination of Respondents' books and records pertaining to  
8 Respondents' activities as real estate brokers in Audit Report  
9 No. LA 030162, covering a period from approximately January 1,  
10 2002 to August 31, 2003. The examination revealed violations  
11 of the Code and Regulations, as set forth below, and as more  
12 specifically set forth in Audit Report No. LA 030162, and the  
13 related audit report and working papers attached thereto.

14 10.

15 At all times herein, in connection with the real  
16 estate sales, loan and loan servicing activity described in  
17 Paragraph 9 above, Respondents accepted or received funds,  
18 including trust funds from or on behalf of actual and  
19 prospective parties to transactions handled by Respondents and  
20 thereafter made deposits and/or disbursements of such funds.  
21 From time to time herein mentioned, said trust funds were  
22 deposited and/or maintained by Respondents in two trust  
23 accounts. The first account was in the name of N A Nationwide  
24 Mortgage, at Wells Fargo Bank, 27250 Alicia Parkway, Laguna  
25 Niguel, CA 92677, account number 1006467615 (hereafter "TA#1").  
26 The second account was in the name of N A Nationwide Mortgage,  
27 at Wells Fargo Bank, 27250 Alicia Parkway, Laguna Niguel, CA

1 92677, account number 2065351047 (hereafter "TA#2").

2 11.

3 Respondent NANM acted in violation of the Code and  
4 the Regulations as set forth below and as more specifically  
5 described in Audit Report No. LA 030162 and the exhibits  
6 attached thereto:

7 (a) As of July 31, 2003, TA#1 was overdrawn by  
8 \$3,388.59; as of August 31, 2003, TA#1 was overdrawn by  
9 \$6,143.82, in violation of Code Section 10145 and Regulations  
10 2832.1 and 2951;

11 (b) failed to designate accounts TA#1 and TA#2, as  
12 trust accounts, in violation of Code Section 10145 and  
13 Regulations 2832 and 2951;

14 (c) failed to maintain monthly reconciliation of the  
15 columnar records to separate accounts, in violation of Code  
16 Section 10145 and Regulations 2831.2 and 2951;

17 (d) allowed unlicensed persons, Debbie Gray and  
18 Gabriella Pollard, to be signatories on the trust accounts, in  
19 violation of Code Section 10145 and Regulations 2834 and 2951;

20 (e) failed to maintain complete and accurate control  
21 records for TA#1 as of August 31, 2003, in violation of Code  
22 Section 10145 and Regulations 2731 and 2951.

23 12.

24 The conduct, acts and omissions of Respondent NANM,  
25 as described above, violated the Code and the Regulations as  
26 set forth above and constitutes cause for the suspension or  
27 revocation of all real estate licenses and license rights of

1 Respondent under the provisions of Code Sections 10176(g),  
2 10177(d) and/or 10177(g).

3 13.

4 The conduct, acts and omissions of Respondent  
5 WHEELER, as described above, violated the Code Section 10159.2,  
6 and constitutes cause for the suspension or revocation of all  
7 real estate licenses and license rights of Respondent WHEELER  
8 under the provisions of Code Section 10177(h).

9 WHEREFORE, Complainant prays that a hearing be  
10 conducted on the allegations of this Accusation and that upon  
11 proof thereof, a decision be rendered imposing disciplinary  
12 action against all licenses and/or license rights of Respondent  
13 N A NATIONWIDE MORTGAGE, a corporation; NOELLE TIWANA WHEELER,  
14 individually and as designated officer of N A Nationwide  
15 Mortgage; and ANTHONY SCOTT MATA, under the Real Estate Law  
16 (Part 1 of Division 4 of the Business and Professions Code),  
17 and for such other and further relief as may be proper under  
18 other applicable provisions of law.

19 Dated at Los Angeles, California  
20 this 9<sup>th</sup> day of March 2005.

21  
22   
23 Deputy Real Estate Commissioner

24 cc: N A Nationwide Mortgage  
25 Noelle Tiwana Wheeler  
26 Anthony Scott Mata  
27 Suarez  
Sacto.  
LA Audit/Farag  
DKW