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1 Department of Real Estate  
2 320 West 4th Street, Ste. 350  
3 Los Angeles, California 90013-1105

FILED  
APR 18 2007  
DEPARTMENT OF REAL ESTATE

By *K. Kuderholt*

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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of )  
DUNKEE FINANCIAL CORPORATION )  
doing business as First Home )  
Loans, Great Western Realty, )  
and Dunkee Escrow; and )  
ANTHONY SAMBRANO, individually )  
and as designated officer of )  
Dunkee Financial Corporation, )  
Respondents. )

No. H-32350 LA

STIPULATION  
AND  
AGREEMENT

It is hereby stipulated by and between Respondents  
DUNKEE FINANCIAL CORPORATION, a corporate real estate broker and  
ANTHONY SAMBRANO, individually and as designated officer of  
Dunkee Financial Corporation, (sometimes collectively referred to  
as "Respondents"), represented by Daniel Nassie, Esq. of Doss  
Law, and the Complainant, acting by and through Elliott Mac  
Lennan, Counsel for the Department of Real Estate, as follows for  
the purpose of settling and disposing of the Accusation  
("Accusation") filed on December 16, 2005, in this matter:

1           1. All issues which were to be contested and all  
2 evidence which was to be presented by Complainant and Respondents  
3 at a formal hearing on the Accusation, which hearing was to be  
4 held in accordance with the provisions of the Administrative  
5 Procedure Act ("APA"), shall instead and in place thereof be  
6 submitted solely on the basis of the provisions of this  
7 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 timely filed a Notice of Defense  
13 pursuant to Section 11506 of the Government Code for the purpose  
14 of requesting a hearing on the allegations in the Accusation.  
15 Respondents hereby freely and voluntarily withdraw said Notice of  
16 Defense. Respondents acknowledge that they understand that by  
17 withdrawing said Notice of Defense they thereby waive their right  
18 to require the Commissioner to prove the allegations in the  
19 Accusation at a contested hearing held in accordance with the  
20 provisions of the APA and that they will waive other rights  
21 afforded to them in connection with the hearing such as the right  
22 to present evidence in their defense the right to cross-examine  
23 witnesses.  
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1                   4. This Stipulation is based on the factual  
2 allegations contained in the Accusation. In the interest of  
3 expedience and economy, Respondents choose not to contest these  
4 allegations, but to remain silent and understand that, as a  
5 result thereof, these factual allegations, without being admitted  
6 or denied, will serve as a prima facie basis for the disciplinary  
7 action stipulated to herein. The Real Estate Commissioner shall  
8 not be required to provide further evidence to prove said factual  
9 allegations.

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

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

3 7. The Order or any subsequent Order of the Real  
4 Estate Commissioner made pursuant to this Stipulation shall not  
5 constitute an estoppel, merger or bar to any further  
6 administrative or civil proceedings by the Department of Real  
7 Estate with respect to any matters which were not specifically  
8 alleged to be causes for Accusation in this proceeding but do  
9 constitute a bar, estoppel and merger as to any allegations  
10 actually contained in the Accusations against Respondent herein.

11 8. Respondents understand that by agreeing to this  
12 Stipulation, Respondents agree to pay, pursuant to Business and  
13 Professions Code Section 10148, the cost of audit which led to  
14 this disciplinary action. The total amount of said cost is  
15 \$8,734.86, for Audit Reports LA 040001, LA 030506 and LA 040049).

16 9. Respondents have received, read, and understand the  
17 "Notice Concerning Costs of Subsequent Audit". Respondents  
18 further understand that by agreeing to this Stipulation, the  
19 findings set forth below in the Determination of Issues become  
20 final, and the Commissioner may charge Respondents for the cost  
21 of any subsequent audit conducted pursuant to Business and  
22 Professions Code Section 10148 to determine if the violations  
23 have been corrected. The maximum cost of the subsequent audit  
24 will not exceed \$8,734.86.  
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DETERMINATION OF ISSUES

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2 By reason of the foregoing, it is stipulated and agreed  
3 that the following determination of issues shall be made:

4 I.

5  
6 The conduct of DUNKEE FINANCIAL CORPORATION, as  
7 described in Paragraph 4, above, is in violation of Section 10145  
8 of the Business and Professions Code ("Code") and Sections 2831,  
9 2950(d) and 2951 of Title 10, Chapter 6 of the California Code of  
10 Regulations ("Regulations") and is a basis for the suspension or  
11 revocation of Respondent's license and license rights as a  
12 violation of the Real Estate Law pursuant to Code Sections  
13 10177(d).

14 II.

15 The conduct of ANTHONY SAMBRANO, as described in  
16 Paragraph 4, constitutes a failure to keep DUNKEE FINANCIAL  
17 CORPORATION in compliance with the Real Estate Law during the  
18 time that he was the officer designated by a corporate broker  
19 licensee in violation of Section 10159.2 of the Code. This  
20 conduct is a basis for the suspension or revocation of  
21 Respondent's license pursuant to Code Section 10177(d).

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ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

I.

Respondents DUNKEE FINANCIAL CORPORATION and ANTHONY SAMBRANO are publicly reproved.

II.

Pursuant to Section 10148 of the Business and Professions Code, Respondents DUNKEE FINANCIAL CORPORATION, and ANTHONY SAMBRANO shall pay the Commissioner's reasonable cost for (a) the audits which led to this disciplinary action (b) a subsequent audit to determine if Respondents are now in compliance with the Real Estate Law. The cost of the audit which led to this disciplinary action is \$8,734.86. In calculating the amount of the Commissioner's reasonable cost, the Commissioner may use the estimated average hourly salary for all persons performing audits of real estate brokers, and shall include an allocation for travel time to and from the auditor's place of work. Said amount for the prior and subsequent audits shall not exceed \$17,469.72.

Respondents DUNKEE FINANCIAL CORPORATION, and ANTHONY SAMBRANO shall pay such cost within 60 days of receiving an invoice from the Commissioner detailing the activities performed during the audit and the amount of time spent performing those activities.

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1           The Commissioner may suspend the license of Respondents  
2 DUNKEE FINANCIAL CORPORATION, and ANTHONY SAMBRANO pending a  
3 hearing held in accordance with Section 11500, et seq., of the  
4 Government Code, if payment is not timely made as provided for  
5 herein, or as provided for in a subsequent agreement between the  
6 Respondent and the Commissioner. The suspension shall remain in  
7 effect until payment is made in full or until Respondents enter  
8 into 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  
12 DATED: \_\_\_\_\_

12-11-06

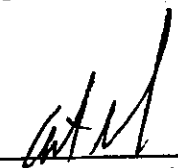
ELM  
ELLIOTT MAC LENNAN, Counsel for  
the Department of Real Estate  
\* \* \*

13  
14  
15 EXECUTION OF THE STIPULATION


16           We have read the Stipulation and discussed it with our  
17 counsel. Its terms are understood by us and are agreeable and  
18 acceptable to us. We understand that we are waiving rights given  
19 to us by the California Administrative Procedure Act (including  
20 but not limited to Sections 11506, 11508, 11509 and 11513 of the  
21 Government Code), and we willingly, intelligently and voluntarily  
22 waive those rights, including the right of requiring the  
23 Commissioner to prove the allegations in the Accusation at a  
24 hearing at which we would have the right to cross-examine  
25 witnesses against us and to present evidence in defense and  
26 mitigation of the charges.  
27

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

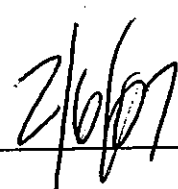
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13 DATED: 1-31-07

  
DUNKEE FINANCIAL CORPORATION, a  
corporate real estate broker,  
BY: ANTHONY SEMBRANO, Respondent

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17 DATED: 1-31-07

  
ANTHONY SAMBRANO, individually and  
as former designated officer of  
Dunkee Financial Corporation,  
Respondent

18  
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22 DATED: 2/6/07

  
DANIEL NASSIE, ESQ. of Doss Law  
Attorney At Law  
Attorney for Respondents  
Approved as to form



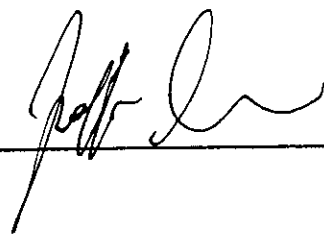
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The foregoing Stipulation and Agreement is hereby  
adopted as my Decision as to Respondents DUNKEE FINANCIAL  
CORPORATION and ANTHONY SAMBRANO, individually and as designated  
officer of Dunkee Financial Corporation, and shall become  
effective at 12 o'clock noon on MAY - 8, 2007.

IT IS SO ORDERED 4-3, 2007

JEFF DAVI  
Real Estate Commissioner



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*Handwritten initials*

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DEPARTMENT OF REAL ESTATE

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ELLIOTT MAC LENNAN, SBN 66674  
Department of Real Estate  
320 West 4th Street, Ste. 350  
Los Angeles, California 90013-1105  
  
Telephone: (213) 576-6911 (direct)  
-or- (213) 576-6982 (office)

By *K. Kiedel*

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of  
  
DUNKEE FINANCIAL CORPORATION  
doing business as First Home  
Loans, Great Western Realty,  
and Dunkee Escrow; and  
ANTHONY SAMBRANO, individually  
and as designated officer of  
Dunkee Financial Corporation,  
  
Respondents.

No. H-32350 LA  
A C C U S A T I O N

The Complainant, Janice Waddell, a Deputy Real Estate  
Commissioner of the State of California, for cause of Accusation  
against DUNKEE FINANCIAL CORPORATION and ANTHONY SAMBRANO,  
individually and as designated officer of Dunkee Financial  
Corporation, alleges as follows alleges as follows:

1.

The Complainant, Janice Waddell, acting in her official  
capacity as a Deputy Real Estate Commissioner of the State of

1 California, makes this Accusation against DUNKEE FINANCIAL  
2 CORPORATION ("DFC") and ANTHONY SAMBRANO ("SAMBRANO").

3 2.

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

7 LICENSE HISTORY

8 3.

9 A. At all times mentioned, DUNKEE FINANCIAL  
10 CORPORATION was licensed or had license rights issued by the  
11 Department of Real Estate ("Department") as a real estate broker.  
12 On October 27, 1993, DFC was originally licensed as a real estate  
13 broker.

14 B. At all times mentioned, ANTHONY SAMBRANO was  
15 licensed or had license rights issued by the Department of Real  
16 Estate (Department) as a real estate broker. On August 15, 2000,  
17 SAMBRANO was originally licensed as a real estate broker. On  
18 October 26, 2001, SAMBRANO was licensed as the designated officer  
19 of DFC.

20 C. At all times material herein, DFC was licensed by  
21 the Department of Real Estate of the State of California  
22 (hereinafter "Department") as a corporate real estate broker by  
23 and through SAMBRANO, as the designated officer and broker  
24 responsible, pursuant to Code Section 10159.2 of the Business and  
25 Professions Code for supervising the activities requiring a real  
26 estate license conducted on behalf DFC of by DFC's officers,  
27

1 agents and employees. On October 26, 2001, SAMBRANO was licensed  
2 as the designated officer of DFC.

3 4.

4 At all times mentioned, in the City of Los Angeles,  
5 County of Los Angeles, DFC acted as a real estate broker and  
6 conducted licensed activities within the meaning of:

7 A. Section 10131(a) of the Code. DFC operated a  
8 commercial and residential resale brokerage;

9 B. Section 10131(d) of the Code. DFC operated a  
10 mortgage and loan brokerage; and

11 C. In addition, DFC conducted broker-controlled  
12 escrows through its escrow division, under the exemption set  
13 forth in Section 17006(a)(4) of the California Financial Code for  
14 real estate brokers performing escrows incidental to a real  
15 estate transaction where the broker is a party and where the  
16 broker is performing acts for which a real estate license is  
17 required.  
18

19 5.

20 On September 21, 2004, the Department completed an  
21 audit examination of the books and records of DFC pertaining to  
22 the mortgage and loan activities described in Paragraph 4, that  
23 require a real estate license. The audit examination covered a  
24 period of time beginning on January 01, 2002 to June 30, 2004.  
25 The audit examination revealed violations of the Code and the  
26 Regulations as set forth in the following paragraphs, and more  
27

1 fully discussed in Audit Reports LA 040001, LA 030506 and LA  
2 040049 and the exhibits and workpapers attached to said audit  
3 reports.

4 6.

5 At all times mentioned, in connection with the activities  
6 described in Paragraph 4, above, DFC accepted or received funds  
7 including funds in trust (hereinafter "trust funds") from or on  
8 behalf of actual or prospective parties to transactions handled  
9 by DFC and thereafter made deposits and or disbursements of such  
10 funds. During the audited period, DFC did not maintain a trust  
11 account.

12 7.

13 In the course of activities described in Paragraphs 4  
14 and 6, above, and during the examination period described in  
15 Paragraph 5, Respondent the DFC, acted in violation of the Code  
16 and the Regulations in that:

17 (a) Accepted a Sales Escrow Instruction for the F.  
18 Ortiz and Norma/Jose Chavez commercial realty purchase (E#1221)  
19 on March 5, 2002, for the real property located at 1338 - 1346 S.  
20 Atlantic Boulevard, Los Angeles, California, in DFC's in-house  
21 escrow division, Dunkee Escrow, that was unsigned by the buyers  
22 Chavez, the funds, in violation of Regulations 2950(a), 2950(d)  
23 and 2951.

24 (b) Failed to maintain an accurate and complete control  
25 record in the form of a columnar record in chronological order of  
26

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1 all trust funds in the form of purchase money deposits received  
2 and deposited directly into an escrow account, in violation of  
3 Code Section 10145 and Regulations 2831, 2950(d) and 2951.

4 (c) Commingled trust funds in the form of collected  
5 credit report fees at the close of escrow that were directly  
6 deposited into DFC's general account, in violation of Code  
7 Sections 10145 and 10176(e).

8 (d) Received undisclosed compensation by means of  
9 marked-up credit report fees for nine borrowers including, K.  
10 Mena, J. Peinado, J. Peinado (again), Aranda R, B. Peinado, B.  
11 Peinado (again), R. Peinado, M. Oseguera, and D. Erikson, in  
12 violation of Code Sections 10145 and 10176(g).

13 (e) Used the fictitious names of "Dunkee Escrow" to  
14 conduct licensed activities including mortgage loans and broker-  
15 controlled escrows without holding a license bearing said  
16 fictitious business name, in violation of Code Section 10159.5  
17 and Regulation 2731; and,

18  
19 8.

20 The conduct of Respondent DFC, described in Paragraph  
21 7, above, violated the Code and the Regulations as set forth  
22 below:

23 PARAGRAPH

PROVISIONS VIOLATED

24  
25  
26 7(a)

Regulations 2950(a), 2950(d) and  
27 2951

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- 7(b) Code Section 10145 and Regulations 2950(d) and 2951
- 7(c) Code Sections 10145 and 10176(e)
- 7(d) Code Sections 10145 and 10176(g)
- 7(e) Code Sections 10159.5 and Regulation 2731

The foregoing violations constitutes cause for the suspension or revocation of the real estate license and license rights of DFC under the provisions of Code Sections 10176(e), 10176(g) 10177(d) and 10177(g).

9.

The overall conduct of Respondents DFC and SAMBRANO constitutes negligence or incompetence. This conduct and violation are cause for the suspension or revocation of the real estate license and license rights of Respondents DFC and SAMBRANO pursuant to Code Section 10177(g).

10.

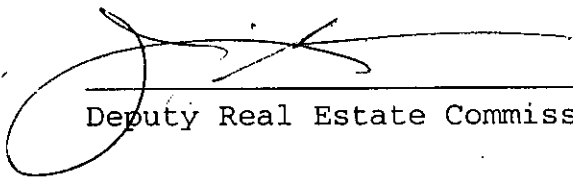
The conduct, acts and/or omissions of SAMBRANO, in causing, allowing, or permitting DFC to violate the Real Estate Law, as described, herein above, constitutes failure on the part

1 of Respondent SAMBRANO, as the officer designated by a corporate  
2 broker licensee, to exercise the reasonable supervision and  
3 control over the licensed activities of DFC, as required by Code  
4 Section 10159.2. Said conduct is cause to suspend or revoke the  
5 real estate licenses and license rights of SAMBRANO pursuant to  
6 the provisions of Code Sections 10177(d) or 10177(g).

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 the license and license rights of Respondent  
11 DUNKEE FINANCIAL CORPORATION and ANTHONY SAMBRANO, under the Real  
12 Estate Law (Part 1 of Division 4 of the Business and Professions  
13 Code) and for such other and further relief as may be proper  
14 under other applicable provisions of law.  
15

16 Dated at Los Angeles, California

17 this *10 August 2005*

18  
19   
20 Deputy Real Estate Commissioner  
21  
22

23 cc: Dunkee Financial Corporation  
24 c/o Anthony Sambrano D.O.  
25 Janice Waddell  
26 Sacto  
Audits - Jennifer Lin  
27 KA