


1 Department of Real Estate
2 320 W. 4th St., Room 350
3 Los Angeles, California 90013

4 Telephone: (213) 576-6982

FILED
SEP 12 2007
DEPARTMENT OF REAL ESTATE

By 

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11	In the Matter of the Accusation of)	No. H-33603 LA
)	L-2007 030 692
12)	
13	EAGLE UNO MORTGAGE CORP.,)	<u>STIPULATION AND AGREEMENT</u>
	LUIS CESAR ALANIZ,)	
14	individually and as)	
	designated officer of)	
15	Eagle Uno Mortgage Corp.,)	
)	
16)	
	Respondents.)	
17)	

18 It is hereby stipulated by and between LUIS CESAR
19 ALANIZ (sometimes referred to as Respondent), and his attorney,
20 Frank M. Buda, and the Complainant, acting by and through James
21 R. Peel, Counsel for the Department of Real Estate, as follows
22 for the purpose of settling and disposing of the Accusation
23 filed on January 8, 2007, in this matter.

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

8 2. Respondent has received, read and understands the
9 Statement to Respondent, the Discovery Provisions of the
10 Administrative Procedure Act ("APA") and the Accusation filed by
11 the Department of Real Estate in this proceeding.

12 3. On January 26, 2007, Respondent filed a Notice of
13 Defense pursuant to Section 11506 of the Government Code for the
14 purpose of requesting a hearing on the allegations in the
15 Accusation. Respondent hereby freely and voluntarily withdraws
16 said Notice of Defense. Respondent acknowledges that he
17 understands that by withdrawing said Notice of Defense he will
18 thereby waive his right to require the Commissioner to prove the
19 allegations in the Accusation at a contested hearing held in
20 accordance with the provisions of the APA and that he will waive
21 other rights afforded to him in connection with the hearing,
22 such as the right to present evidence in defense of the
23 allegations in the Accusation and the right to cross-examine
24 witnesses.
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1 4. This Stipulation is based on the factual
2 allegations contained in the Accusation filed in this
3 proceeding. In the interest of expedience and economy,
4 Respondent chooses not to contest these factual allegations, but
5 to remain silent and understands that, as a result thereof,
6 these factual statements, will serve as a prima facie basis for
7 the disciplinary action stipulated to herein. The Real Estate
8 Commissioner shall not be required to provide further evidence
9 to prove such allegations.

10 5. This Stipulation and Respondent's 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
13 to this proceeding and any other proceeding or case in which the
14 Department of Real Estate ("Department"), the state or federal
15 government, or an agency of this state, another state or the
16 federal government is involved.

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

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

7 DETERMINATION OF ISSUES

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

12 The conduct, acts and/or omissions of Respondent LUIS
13 CESAR ALANIZ, as set forth in the Accusation, constitute cause
14 for the suspension or revocation of all of the real estate
15 licenses and license rights of Respondent under the provisions
16 of Section 10177(d) of the Business and Professions Code
17 ("Code") for violation of Code Sections 10137 and 10240.
18

19
20 ORDER

21 All licenses and licensing rights of Respondent LUIS
22 CESAR ALANIZ under the Real Estate Law are suspended for a
23 period of sixty (60) days from the effective date of this
24 Decision; provided, however, that thirty (30) days of said
25 suspension shall be stayed for two (2) years upon the following
26 terms and conditions:
27

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

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

12 3. Provided, however, that if Respondent petitions,
13 the remaining thirty (30) days of said sixty (60) day suspension
14 shall be stayed upon condition that:

15 a. Respondent pays a monetary penalty pursuant to
16 Section 10175.2 of the Business and Professions Code at the rate
17 of \$66.66 for each day of the suspension for a total monetary
18 penalty of \$2,000.

19 b. Said payment shall be in the form of a
20 cashier's check or certified check made payable to the Recovery
21 Account of the Real Estate Fund. Said check must be received by
22 the Department prior to the effective date of the Decision in
23 this matter.
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1 c. No further cause for disciplinary action
2 against the real estate licenses of Respondent occurs within two
3 (2) years from the effective date of the Decision in this
4 matter.

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

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

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20 DATED: Aug. 1, 2007

James R. Peel
JAMES R. PEEL, Counsel for the
Department of Real Estate

21 * * *

22
23 I have read the Stipulation and Agreement, have
24 discussed it with my counsel, and its terms are understood by me
25 and are agreeable and acceptable to me. I understand that I am
26 waiving rights given to me by the California Administrative
27 Procedure Act (including but not limited to Sections 11506,

1 11508, 11509 and 11513 of the Government Code), and I willingly,
2 intelligently and voluntarily waive those rights, including the
3 right of requiring the Commissioner to prove the allegations in
4 the Accusation at a hearing at which I would have the right to
5 cross-examine witnesses against me and to present evidence in
6 defense and mitigation of the charges.

7 Respondent can signify acceptance and approval of the
8 terms and conditions of this Stipulation and Agreement by faxing
9 a copy of the signature page, as actually signed by Respondent,
10 to the Department at the following telephone/fax number:

11 (213) 576-6917. Respondent agrees, acknowledges and understands
12 that by electronically sending to the Department a fax copy of
13 his or her actual signature as it appears on the Stipulation and
14 Agreement, that receipt of the faxed copy by the Department
15 shall be as binding on Respondent as if the Department had
16 received the original signed Stipulation and Agreement.

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

21
22 DATED: _____

LUIS CESAR ALANIZ
Respondent

23
24
25 DATED: _____

FRANK M. BUDA
Counsel for Respondent

1 11508, 11509 and 11513 of the Government Code), and I willingly,
 2 intelligently and voluntarily waive those rights, including the
 3 right of requiring the Commissioner to prove the allegations in
 4 the accusation at a hearing at which I would have the right to
 5 cross-examine witnesses against me and to present evidence in
 6 defense and mitigation of the charges.

7 Respondent can signify acceptance and approval of the
 8 terms and conditions of this Stipulation and Agreement by faxing
 9 a copy of the signature page, as actually signed by Respondent,
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 16 received the original signed Stipulation and Agreement.

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

21
 22 DATED: 07-26-2007

Luis C Alaniz
 LUIS CESAR ALANIZ
 Respondent

24
 25 DATED: 7-26-07

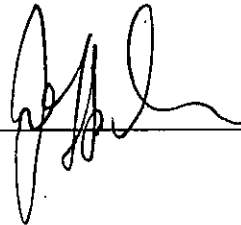
Frank M Buda
 FRANK M. BUDA
 Counsel for Respondent


* * *

1 The foregoing Stipulation and Agreement is hereby
2 adopted as my Decision and Order in this matter, and shall
3 become effective at 12 o'clock noon on October 1, 2007.

4 IT IS SO ORDERED 8-9-07
5

6 JEFF DAVI
7 Real Estate Commissioner

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BEFORE THE DEPARTMENT OF REAL ESTATE,

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of)
)
 EAGLE UNO MORTGAGE CORP.,)
 LUIS CESAR ALANIZ,)
 individually and as)
 designated officer of)
 Eagle Uno Mortgage Corp.,)
)
 Respondents.)
 _____)

NO. H-33603 LA

DECISION

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on July 31, 2007, and the findings of fact set forth herein are based on one or more of the following:

- (1) Respondent's express admissions;
- (2) affidavits; and
- (3) other evidence.

FINDINGS OF FACT

I

On August 7, 2006, J. Chris Graves made the Accusation in his official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified mail, to Respondent's last known mailing address on file with the Department on January 8, 2007.

On July 31, 2007, no Notice of Defense having been filed herein within the time prescribed by Section 11506 of the Government Code, Respondent EAGLE UNO MORTGAGE CORP.'s default was entered herein.

II

EAGLE UNO MORTGAGE CORP. (hereinafter referred to as Respondent) is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code, hereinafter Code).

III

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

IV

At all times material herein, Respondent engaged in the business of, acted in the capacity of, advertised or assumed to act as a real estate broker in the State of California, within the meaning of Section 10131(d) of the Code, including negotiating loans on real property.

V

During the three year period preceding the filing of the Accusation, Respondent acted in violation of provisions of the Business and Professions Code (hereinafter "Code"), and the California Code of Regulations (hereinafter Regulation) as follows:

- (1) Violated Section 10137 of the Code by employing and compensating Gustavo Aguilar, Thomas Evans, David Dinkha, Alicia Lazo, and Flor Aguilar, as loan originators to solicit and negotiate real estate mortgage loans in California. Said individuals did not have a California real estate salesperson license or broker license.
- (2) Violated Section 10177(c) of the Code by publishing or causing to be published solicitations/flyers indicating that David Dinkha was a real estate licensee and a Realtor.
- (3) Violated Section 10140.6 of the Code by not disclosing in Respondent's advertising that it was performing activities for which a real estate license is required in California.

- (4) Violated Sections 10235.5 and 10236.4 of the Code by not disclosing in Respondent's advertising the license under which the loan would be made or arranged, and its license number.
- (5) Violated Section 10240 of the Code and Regulation 2840 by not maintaining copies of all Mortgage Loan Disclosure Statements as signed by the broker and borrower.
- (6) Violated Sections 10240 and 10241 of the Code by failing to disclose to borrowers Candida Mendez and Macario Morua all fees compensation received by Respondent for arranging the loans obtained by the borrowers.

DETERMINATION OF ISSUES

I

Cause for disciplinary action against Respondent exists pursuant to Business and Professions Code Sections 10137, 10177(d), and 10177(g) for violation of Code Sections 10137, 10177(c), 10140.6, 10235.5, 10236.4, 10240 and 10241.

II

The standard of proof applied was clear and convincing proof to a reasonable certainty.

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ORDER

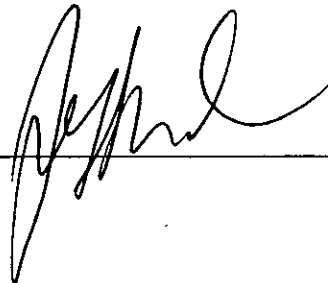
The license and license rights of Respondent
EAGLE UNO MORTGAGE CORP. under the provisions of Part I of
Division 4 of the Business and Professions Code are
revoked.

This Decision shall become effective at
12 o'clock noon on October 1, 2007.

DATED: _____

8-30-07

JEFF DAVI
Real Estate Commissioner



Sac

1 JAMES R. PEEL, Counsel (SBN 47055)
2 Department of Real Estate
3 320 West Fourth Street, Suite 350
4 Los Angeles, CA 90013-1105

FILED

JAN - 8 2007

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

DEPARTMENT OF REAL ESTATE
BY: *[Signature]*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11	In the Matter of the Accusation of)	No. H-33603 LA
12	EAGLE UNO MORTGAGE CORP.,)	<u>A C C U S A T I O N</u>
13	LUIS CESAR ALANIZ,)	
14	individually and as)	
15	designated officer of)	
16	Eagle Uno Mortgage Corp.,)	
17)	
18)	
19)	
20)	
21)	
22	Respondents.)	

23 The Complainant, J. Chris Graves, a Deputy Real Estate
24 Commissioner of the State of California, for cause of accusation
25 against EAGLE UNO MORTGAGE CORP. and LUIS CESAR ALANIZ,
26 individually and as designated officer of Eagle Uno Mortgage
27 Corp., alleges as follows:

I

The Complainant, J. Chris Graves, acting in his
official capacity as a Deputy Real Estate Commissioner of the
State of California, makes this Accusation against EAGLE UNO

1 MORTGAGE CORP. and LUIS CESAR ALANIZ, individually and as
2 designated officer of Eagle Uno Mortgage Corp.

3 II

4 EAGLE UNO MORTGAGE CORP. and LUIS CESAR ALANIZ,
5 individually and as designated officer of said corporation
6 (hereinafter referred to as "Respondents"), are presently
7 licensed and/or have license rights under the Real Estate Law
8 (Part 1 of Division 4 of the Business and Professions Code)
9 (hereinafter Code).

10 III

11 At all times mentioned herein, Respondent EAGLE UNO
12 MORTGAGE CORP. was licensed as a real estate broker through
13 Respondent LUIS CESAR ALANIZ as its designated broker-officer.

14 IV

15 At all times material herein, Respondents engaged in
16 the business of, acted in the capacity of, advertised or assumed
17 to act as a real estate broker in the State of California, within
18 the meaning of Section 10131(d) of the Code, including
19 negotiating loans on real property.

20 V

21 During the three year period preceding the filing of
22 this Accusation, Respondents EAGLE UNO MORTGAGE CORP. and LUIS
23 CESAR ALANIZ acted in violation of provisions of the Business and
24 Professions Code (hereinafter "Code"), and the California Code of
25 Regulations (hereinafter Regulation) as follows:

26 (1) Violated Section 10137 of the Code by employing
27 and compensating Gustavo Aguilar, Thomas Evans, David Dinkha,

1 Alicia Lazo, and Flor Aguilar, as loan originators to solicit and
2 negotiate real estate mortgage loans in California. Said
3 individuals did not have a California real estate salesperson
4 license or broker license.

5 (2) Violated Section 10177(c) of the Code by
6 publishing or causing to be published solicitations/flyers
7 indicating that David Dinkha was a real estate licensee and a
8 Realtor.

9 (3) Violated Section 10140.6 of the Code by not
10 disclosing in Respondents' advertising that they were performing
11 activities for which a real estate license is required in
12 California.

13 (4) Violated Sections 10235.5 and 10236.4 of the Code
14 by not disclosing in Respondents' advertising the license under
15 which the loan would be made or arranged, and their license
16 number.

17 (5) Violated Section 10240 of the Code and Regulation
18 2840 by not maintaining copies of all Mortgage Loan Disclosure
19 Statements as signed by the broker and borrower.

20 (6) Violated Section 10240/10241 of the Code by
21 failing to disclose to borrowers Candida Mendez and Macario Morua
22 all fees and compensation received by Respondents for arranging
23 the loans obtained by the borrowers.

24 VI

25 The conduct, acts, and/or omissions of Respondents
26 EAGLE UNO MORTGAGE CORP. and LUIS CESAR ALANIZ, as alleged above,
27 subjects their real estate licenses and license rights to

1 suspension or revocation pursuant to Sections 10137, 10177(d),
2 and/or 10177(g), of the Code.

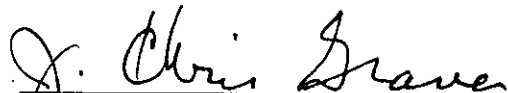
3 VII

4 The conduct, acts, and/or omissions of Respondent LUIS
5 CESAR ALANIZ, as alleged above, subjects his real estate licenses
6 and license rights to suspension or revocation pursuant to
7 Sections 10159.2, 10177(h), 10177(d), and/or 10177(g), of the
8 Code.

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 license rights of Respondents
13 EAGLE UNO MORTGAGE CORP. and LUIS CESAR ALANIZ, individually and
14 as designated officer of Eagle Uno Mortgage Corp. under the Real
15 Estate Law (Part 1 of Division 4 of the Business and Professions
16 Code) and for such other and further relief as may be proper
17 under other applicable provisions of law.

18 Dated at Los Angeles, California

19 this 7th day of August, 2006.

20
21 

22 J. CHRIS GRAVES
23 Deputy Real Estate Commissioner

24
25 cc: Eagle Uno Mortgage Corp.
26 Luis Cesar
27 J. Chris Graves
Sacto.