

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

4 (213) 576-6982
5 (213) 620-6430

FILED
JAN - 8 2009
DEPARTMENT OF REAL ESTATE

By James B. [Signature]

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) No. H-34850 LA
12) L-2008050412
13 SHAMSHER SINGH SIDHU,)
14) STIPULATION AND
Respondent.) AGREEMENT

15 It is hereby stipulated by and between SHAMSHER SINGH
16 SIDHU (sometimes referred to herein as "Respondent"),
17 represented in this matter by Mary E. Work, Esq., and the
18 Complainant, acting by and through Martha J. Rosett, Counsel
19 for the Department of Real Estate, as follows for the purpose
20 of settling and disposing of the Accusation filed on April 17,
21 2008 and the First Amended Accusation filed on July 28, 2008 in
22 this matter:

23 1. All issues which were to be contested and all
24 evidence which was to be presented by Complainant and
25 Respondent at a formal hearing on the Accusation, which hearing
26 was to be held in accordance with the provisions of the
27

1 Administrative Procedure Act (APA), shall instead and in place
2 thereof be submitted solely on the basis of the provisions of
3 this Stipulation and Agreement.

4 2. Respondent has received, read and understands the
5 Statement to Respondent, the Discovery Provisions of the APA
6 and the Accusation filed by the Department of Real Estate in
7 this proceeding.

8 3. On May 6, 2008, Respondent filed a Notice of
9 Defense pursuant to Section 11506 of the Government Code for
10 the purpose of requesting a hearing on the allegations in the
11 Accusation. In order to effectuate this settlement, Respondent
12 hereby freely and voluntarily withdraws said Notice of Defense.
13 Respondent acknowledges that he understands that by withdrawing
14 said Notice of Defense, he will thereby waive his right to
15 require the Commissioner to prove the allegations in the
16 Accusation at a contested hearing held in accordance with the
17 provisions of the APA and that he will waive other rights
18 afforded to him in connection with the hearing such as the
19 right to present evidence in defense of the allegations in the
20 Accusation and the right to cross-examine witnesses.

21 4. Respondent, pursuant to the limitations set forth
22 below, although not admitting or denying the truth of the
23 allegations, will not contest the factual allegations contained
24 in the Accusation filed in this proceeding and the Real Estate
25 Commissioner shall not be required to provide further evidence
26 of such allegations.

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

12 6. The Order or any subsequent Order of the Real
13 Estate Commissioner made pursuant to this Stipulation and
14 Agreement shall not constitute an estoppel, merger or bar to
15 any further administrative proceedings by the Department of
16 Real Estate with respect to any matters which were not
17 specifically alleged to be causes for accusation in this
18 proceeding.

19 7. This Stipulation and Respondent's decision not to
20 contest the Accusation are made for the purpose of reaching an
21 agreed disposition of this proceeding, and are expressly
22 limited to this proceeding and any other proceeding or case in
23 which the Department of Real Estate ("Department"), or another
24 licensing agency of this state, another state or if the federal
25 government is involved and otherwise shall not be admissible in
26 any other criminal or civil proceedings.

27 ///

1 DETERMINATION OF ISSUES

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 or omissions of Respondent SHAMSHER
7 SINGH SIDHU, as set forth in the Accusation, constitute cause
8 to suspend or revoke the real estate license and licensing
9 rights of Respondent SHAMSHER SINGH SIDHU under the provisions
10 of Business and Professions Code ("Code") Sections 10176(a) and
11 10177(g).

12 ORDER

13 WHEREFORE, THE FOLLOWING ORDER is hereby made:

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

26 1. The restricted license issued to Respondent may be
27 suspended prior to hearing by Order of the Real Estate

1 Commissioner in the event of Respondent's conviction or plea of
2 nolo contendere to a crime which is substantially related to
3 Respondent's fitness or capacity as a real estate licensee.

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

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

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

20 a. That the employing broker has read the Decision of
21 the Commissioner which granted the right to a
22 restricted license; and

23 b. That the employing broker will exercise close
24 supervision over the performance by the restricted
25 licensee relating to activities for which a real estate
26 license is required.
27

1 5. Respondent shall, within six months from the
2 effective date of this Decision, take and pass the Professional
3 Responsibility Examination administered by the Department
4 including the payment of the appropriate examination fee. If
5 Respondent fails to satisfy this condition, the Commissioner may
6 order suspension of Respondent's license until Respondent passes
7 the examination.

8 6. The restricted license shall confer rights limited
9 to the performance of activities relating to residential sale
10 transactions only. During the term of the restricted license,
11 Respondent shall not perform other activities requiring a real
12 estate license.

13 7. During the terms of the restricted license,
14 Respondent may not serve as an officer or shareholder of any
15 licensed real estate corporation.

16 8. Any restricted real estate license issued to
17 Respondent pursuant to this Decision shall be suspended for 60
18 days from the date of issuance of said restricted license.

19
20 DATED: 12/5/08


21 MARTHA J. ROSETT
22 Counsel for Complainant

23 * * *

24 I have read the Stipulation and Agreement, have
25 discussed it with counsel, and its terms are understood by me
26 and are agreeable and acceptable to me. I understand that I am
27 waiving rights given to me by the California Administrative

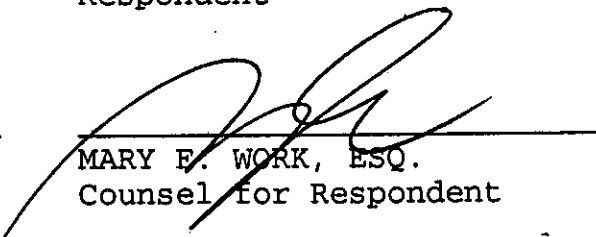
1 Procedure Act (including but not limited to Sections 11506,
2 11508, 11509 and 11513 of the Government Code), and I
3 willingly, intelligently and voluntarily waive those rights,
4 including the right of requiring the Commissioner to prove the
5 allegations in the Accusation at a hearing at which I would
6 have the right to cross-examine witnesses against me and to
7 present evidence in defense and mitigation of the charges.

8 Respondent may signify acceptance and approval of the
9 terms and conditions of this Stipulation and Agreement by faxing
10 a copy of the signature page, as actually signed by Respondent,
11 to the Department at the following fax number (213) 576-6917.
12 Respondent agrees, acknowledges and understands that by
13 electronically sending to the Department a fax copy of his actual
14 signature as it appears on the Stipulation, that receipt of the
15 faxed copy by the Department shall be as binding on Respondent as
16 if the Department had received the original signed Stipulation
17 and Agreement.

18
19 DATED: 12/05/2008


SHAMSHER SINGH SIDHU
Respondent

20
21
22 DATED: 12/5/08


MARY E. WORK, ESQ.
Counsel for Respondent

23
24 ///

25 ///

26 ///

27

1 * * *

2 The foregoing Stipulation and Agreement is hereby
3 adopted as my Decision in this matter and shall become
4 effective at 12 o'clock noon on JAN 28 2009

5 IT IS SO ORDERED. 1-7-09

6 JEFF DAVI
7 Real Estate Commissioner
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gato

MARTHA J. ROSETT, Counsel (SBN 142072)
Department of Real Estate
320 West Fourth St. #350
Los Angeles, CA 90013

FILED
JUL 28 2008
DEPARTMENT OF REAL ESTATE

Paula B. Qun

(213) 576-6982
(213) 620-6430

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of)	No. H-34850 LA
)	L-2008050412
)	
SHAMSER SINGH SIDHU,	FIRST AMENDED
)	<u>A C C U S A T I O N</u>
)	
Respondent.	)

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, does hereby amend the Accusation filed against SHAMSER SINGH SIDHU on April 17, 2008, and hereby alleges as follows:

1.

At all times relevant herein, Maria Suarez is and was a Deputy Real Estate Commissioner of the State of California, and she brings this Accusation in her official capacity.

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2.

At all times herein mentioned, Respondent SHAMSER SINGH SIDHU, dba Sunrise Realty, and dba Sunrise Mortgage (hereinafter "Respondent"), was and still is licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) as a real estate broker. Respondent was first licensed by the Department of Real Estate (hereinafter "Department") as a real estate broker on or about August 16, 2005.

First Cause for Accusation:
Failure to disclose Prior Discipline in License Application

3.

On or about July 28, 2005, Respondent made application to the Department for the issuance of a real estate broker license.

4.

In response to Question No. 19A of the real estate broker license application, to wit: "HAVE YOU EVER HAD A DENIED, SUSPENDED, RESTRICTED, OR REVOKED BUSINESS OR PROFESSIONAL LICENSE (INCLUDING REAL ESTATE), IN CALIFORNIA OR ANY OTHER STATE?...", Respondent marked the box answering, "No." In so doing, Respondent failed to disclose the discipline set forth in Paragraphs 5 and 6 below.

5.

On or about August 27, 2003, in Case No. 3-2001-2319,

1 the Contractors State License Board revoked Respondent's license
2 as qualifying partner of Royal Concrete. The grounds for
3 revocation included Respondent's failure to comply with an order
4 of that agency in a citation.

5 6.

6 Effective on or about December 31, 2002, in Case No.
7 S2001-563, the Contractors State License Board revoked
8 Respondent's concrete contractor's license. The grounds for
9 revocation included misrepresentation of a material fact in an
10 application for a license.

11 7.

12 Respondent's failure to disclose the disciplinary
13 actions taken by the State Contractors License Board in his
14 application for a real estate broker license, as set forth in
15 Paragraphs 3, 4, 5 and 6 above, constitutes cause for the
16 revocation or suspension of Respondent's real estate broker
17 license pursuant to Code Sections 10177(a) and/or 498.

18
19 Second Cause for Accusation:
20 Misrepresentation and Dishonest Dealing

21 8.

22 Between on or before December 21, 2005 and on or after
23 January 23, 2006, Respondent represented borrower Hugo Alfonso
24 Sandoval in obtaining loans secured by three separate pieces of
25 real property located in Bakersfield, California. As part of the
26 process of obtaining these loans, Respondent prepared and signed
27

1 loan applications indicating that Sandoval was purchasing each
2 property as his primary residence.

3 7002 Pine Forest Court, Bakersfield, CA 93113

4 9.

5 In November and December of 2005, Respondent
6 represented Hugo Alfonso Sandoval in obtaining loans to purchase
7 residential property located at 7002 Pine Forest Court, in
8 Bakersfield, California, 93313 ("Pine Forest Court"). The loans,
9 which were secured by the Pine Forest Court property, included a
10 first loan in the amount of \$232,000.00 and a second
11 (subordinate) loan in the amount of \$58,000.00.

12 10.

13 On or about December 13, 2005, Respondent signed a
14 Uniform Residential Loan Application for a loan in the amount of
15 \$58,000.00 for the purchase of the Pine Forest Court property.
16 Respondent signed the application as the interviewer, and
17 indicated that he met face-to-face with the borrower, Mr.
18 Sandoval, who also signed the application. The application
19 represented that the borrower intended to reside in the property
20 as his primary residence and that he had not had any other
21 ownership interest in property in the previous three years.

22 11.

23 Respondent submitted the loan application and related
24 documentation to lenders. In reliance on the information
25 contained in the loan application and representations made
26 therein, Cypress Point Funding financed the debt in the form of a
27 first mortgage for \$232,000.00 and a second mortgage for

1 \$58,000.00. The loan closed on or about December 21, 2005.
2 Lender HSBC purchased the second mortgage (home equity line of
3 credit) on March 17, 2006.

4 12.

5 In connection with the mortgage broker activities
6 related to the Pine Forest Court property, Respondent received a
7 commission at closing, on or about December 21, 2005.

8 4704 Millbrook Way, Bakersfield, CA 93309

9 13.

10 In November and December of 2005, Respondent
11 represented Hugo Alfonso Sandoval in obtaining loans to purchase
12 residential property located at 4704 Millbrook Way, in
13 Bakersfield, California, 93309 ("Millbrook Way"). The loans,
14 which were secured by the Millbrook Way property, included a
15 first loan in the amount of \$236,800.00 and a second
16 (subordinate) loan in the amount of \$59,200.00.

17 14.

18 On or about December 19, 2005, Respondent signed a
19 Uniform Residential Loan Application for a loan in the amount of
20 \$58,000.00 for the purchase of the Millbrook Way property.
21 Respondent signed the application as the interviewer. The
22 application represented that the borrower intended to reside in
23 the property as his primary residence and that he had not had any
24 other ownership interest in property in the previous three years.
25 The application did not make any reference to the pending
26 purchase and related loans on the Pine Forest Court property.

27 ///

15.

Respondent submitted the loan application and related documentation to lenders. In reliance on the information contained in the loan application and representations made therein, Acoustic Home Loans financed the debt in the form of a first mortgage for \$236,800.00 and a second mortgage for \$59,200.00. The loan closed on or about December 30, 2005. Lender HSBC purchased the second mortgage on February 28, 2006.

16.

In connection with the mortgage broker activities related to the Millbrook Way property, Respondent received a commission at closing, on or about December 30, 2005.

8209 Ipswich Way, Bakersfield, CA 93311

17.

In November and December of 2005, Respondent represented Hugo Alfonso Sandoval in purchasing residential property located at 8209 Ipswich Way, in Bakersfield, California, 93311 ("Ipswich Way"), and in obtaining loans with which to purchase said property. The loans, which were secured by the Ipswich Way property, included a first loan in the amount of \$272,700.00 and a second (subordinate) loan in the amount of \$59,200.00.

18.

On or about January 5, 2006, Respondent signed a Uniform Residential Loan Application for a loan in the amount of \$272,700.00 for the purchase of the Ipswich Way property. Respondent signed the loan application as the interviewer. The

1 application represented that the borrower intended to reside in
2 the property as his primary residence and that he had not had any
3 other ownership interest in property in the previous three years.
4 The application did not make any reference to the purchases and
5 related loans on the Pine Forest Court and Millbrook Way
6 properties.

7 19.

8 Respondent submitted the loan application and related
9 documentation to lenders. In reliance on the information
10 contained in the loan application and representations made
11 therein, Accredited Home Lenders financed the debt in the form of
12 a first mortgage for \$272,700.00. The loan closed on or about
13 January 23, 2005. Lender HSBC purchased the first mortgage on
14 February 27, 2006.

15 20.

16 At closing of the Ipswich Way property, on or about
17 January 23, 2006, Respondent received a commission on the sale of
18 the property as well as compensation for brokering the loan.

19 21.

20 The applications for mortgage loans in relation to the
21 purchase of the Pine Forest Court, Millbrook Way and Ipswich Way
22 properties described above contained material misrepresentations
23 of fact regarding the borrower's intent to reside in each of the
24 properties as his "primary residence." At the time the
25 representations were made, Respondent knew, or should reasonably
26 have known, that they were false and/or misleading, and that the
27 loans were being made in reliance on those misrepresentations.

22.

In making misrepresentations of material fact in the loan applications for the purchases of the Pine Forest Court, Millbrook Way and Ipswich Way properties, and in failing to otherwise disclose the borrower's true financial liabilities, Respondent intended to mislead and/or deceive the lenders and to induce their reliance on the representations made in the application to grant the loans. The lenders did, in fact, rely on the representations made in the loan applications and related documentation and funded the loans. The lenders would not have made the loans if they had known the true facts. Respondent received compensation as a result of the loans being funded.

23.

Respondent's dishonest conduct, in making representations which he knew were false and/or misleading, and/or in omitting material facts, in the loan applications set forth above, constitutes grounds to suspend or revoke Respondent's real estate broker license pursuant to Business and Professions Code Sections 10176(a), 10176(i) and/or 10177(g).

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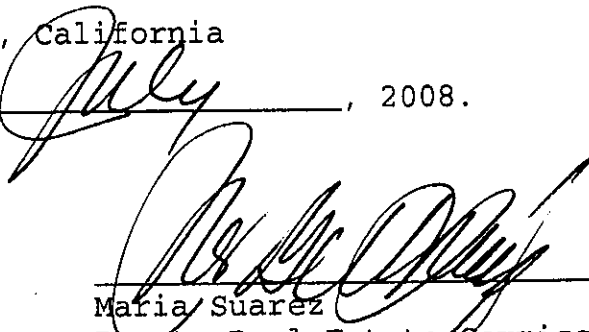
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1 WHEREFORE, the Complainant prays that a hearing be
2 conducted on the allegations of this Accusation and that upon
3 proof thereof, a decision be rendered imposing disciplinary
4 action against all licenses and/or license rights of Respondent,
5 SHAMSER SINGH SIDHU, under the Real Estate Law and for such other
6 and further relief as may be proper under applicable provisions
7 of law.

8
9 Dated at Los Angeles, California

10 this 28th day of July, 2008.

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14 Maria Suarez
15 Deputy Real Estate Commissioner
16
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18
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22
23

24 cc: Shamser Singh Sidhu
25 Maria Suarez
26 Sacto.
27

1 MARTHA J. ROSETT, Counsel (SBN 142072)
2 Department of Real Estate
3 320 West Fourth St. #350
4 Los Angeles, CA 90013

FILED
APR 17 2008
DEPARTMENT OF REAL ESTATE

Lester B. Dean

4 (213) 576-6982
5 (213) 620-6430

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * *

11 In the Matter of the Accusation of) No. H-34850 LA
12)
13 SHAMSER SINGH SIDHU,) A C C U S A T I O N
14)
15 Respondent.)

16 The Complainant, Maria Suarez, a Deputy Real Estate
17 Commissioner of the State of California, hereby alleges in her
18 official capacity as follows:

19 1.

20 At all times herein mentioned, Respondent was and still
21 is licensed and/or has license rights under the Real Estate Law
22 (Part 1 of Division 4 of the Business and Professions Code) as a
23 real estate broker. Respondent was first licensed by the
24 Department of Real Estate (hereinafter "Department") as a real
25 estate broker on or about August 16, 2005.

26 ///

2.

On or about July 28, 2005, Respondent made application to the Department for the issuance of a real estate broker license.

3.

In response to Question No. 19A of the real estate broker license application, to wit: "HAVE YOU EVER HAD A DENIED, SUSPENDED, RESTRICTED, OR REVOKED BUSINESS OR PROFESSIONAL LICENSE (INCLUDING REAL ESTATE), IN CALIFORNIA OR ANY OTHER STATE?...", Respondent marked the box answering, "No." In so doing, Respondent failed to disclose the discipline set forth in Paragraphs 4 and 5 below.

4.

On or about August 27, 2003, in Case No. 3-2001-2319, the Contractors State License Board revoked Respondent's license as qualifying partner of Royal Concrete. The grounds for revocation included Respondent's failure to comply with an order of that agency in a citation.

5.

Effective on or about December 31, 2002, in Case No. S2001-563, the Contractors State License Board revoked Respondent's concrete contractor's license. The grounds for revocation included misrepresentation of a material fact in an application for a license.

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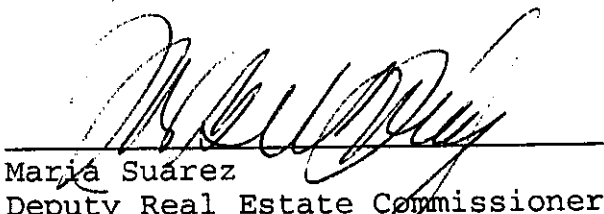
6.

Respondent's failure to disclose the disciplinary actions taken by the State Contractors License Board in his application for a real estate broker license, as set forth in Paragraphs 3, 4 and 5 above, constitutes cause for the revocation or suspension of Respondent's real estate broker license pursuant to Code Sections 10177(a) and/or 498.

WHEREFORE, the Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against all licenses and/or license rights of Respondent, SHAMSER SINGH SIDHU, under the Real Estate Law and for such other and further relief as may be proper under applicable provisions of law.

Dated at Los Angeles, California

this 2nd day of April, 2008.


Maria Suárez
Deputy Real Estate Commissioner

cc: Shamser Singh Sidhu
Maria Suarez
Sacto.