

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

4 (213) 576-6982

FILED
MAY 19 2010
DEPARTMENT OF REAL ESTATE

By C.A.

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-35490 LA
12) L-2009020879
13 JEREMY JOHN ESQUIVEL,)
14) Respondent.) STIPULATION AND AGREEMENT

15 It is hereby stipulated by and between JEREMY JOHN ESQUIVEL (sometimes
16 referred to herein as "Respondent"), representing himself, and the Complainant, acting by and
17 through Martha J. Rosett, Counsel for the Department of Real Estate, as follows for the
18 purpose of settling and disposing of the Accusation filed on December 2, 2008 in this matter:

19 1. All issues which were to be contested and all evidence which was to be
20 presented by Complainant and Respondent at a formal hearing on the Accusation, which
21 hearing was to be held in accordance with the provisions of the Administrative Procedure Act
22 (APA), shall instead and in place thereof be submitted solely on the basis of the provisions of
23 this Stipulation and Agreement.

24 2. Respondent has received, read and understands the Statement to Respondent,
25 the Discovery Provisions of the APA and the Accusation filed by the Department of Real
26 Estate in this proceeding.

27 ///

1 3. On January 22, 2009, Respondent filed a Notice of Defense pursuant to
2 Section 11506 of the Government Code for the purpose of requesting a hearing on the
3 allegations in the Accusation. In order to effectuate this settlement, Respondent hereby freely
4 and voluntarily withdraws said Notice of Defense. Respondent acknowledges that he
5 understands that by withdrawing said Notice of Defense, he will thereby waive his right to
6 require the Commissioner to prove the allegations in the Accusation at a contested hearing held
7 in accordance with the provisions of the APA and that he will waive other rights afforded to
8 him in connection with the hearing such as the right to present evidence in defense of the
9 allegations in the Accusation and the right to cross-examine witnesses.

10 4. Respondent, pursuant to the limitations set forth below, although not
11 admitting or denying the truth of the allegations, will not contest the factual allegations
12 contained in the Accusation filed in this proceeding and the Real Estate Commissioner shall
13 not be required to provide further evidence of such allegations.

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

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

25 7. This Stipulation and Respondent's decision not to contest the Accusation are
26 made for the purpose of reaching an agreed disposition of this proceeding, and are expressly
27 limited to this proceeding and any other proceeding or case in which the Department of Real

1 Estate ("Department"), or another licensing agency of this state, another state or if the federal
2 government is involved and otherwise shall not be admissible in any other criminal or civil
3 proceedings.

4 DETERMINATION OF ISSUES

5 By reason of the foregoing stipulations and waivers and solely for the purpose
6 of settlement of the pending Accusation without a hearing, it is stipulated and agreed that the
7 following Determination of Issues shall be made:

8 The conduct, acts or omissions of Respondent JEREMY JOHN ESQUIVEL, as
9 set forth in the Accusation, constitute cause to suspend or revoke the real estate license and
10 licensing rights of Respondent JEREMY JOHN ESQUIVEL under the provisions of Business
11 and Professions Code ("Code") Sections 10177(d), 10177(h) and 10177(g),

12 ORDER

13 WHEREFORE, THE FOLLOWING ORDER is hereby made:

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

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

26 2. The restricted license issued to Respondent may be suspended prior to hearing
27 by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that

1 Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands
2 Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted
3 license.

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

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

11 a. That the employing broker has read the Decision of the Commissioner which
12 granted the right to a restricted license; and

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

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

21 6. Respondent shall, within nine months from the effective date of this Decision,
22 present evidence satisfactory to the Real Estate Commissioner that Respondent has, since the
23 most recent issuance of an original or renewal real estate license, taken and successfully
24 completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate
25 Law for renewal of a real estate license. If Respondent fails to satisfy this condition, the
26 Commissioner may order the suspension of the restricted license until the Respondent presents
27

1 such evidence. The Commissioner shall afford Respondent the opportunity for a hearing
2 pursuant to the Administrative Procedure Act to present such evidence.

3
4 DATED: 4/12/2010


5 MARTHA J. ROSETT
6 Counsel for Complainant

7 * * *

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

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

22 DATED: 4.1.2010


23 JEREMY JOHN ESQUIVEL
24 Respondent

25 * * *

26 ///

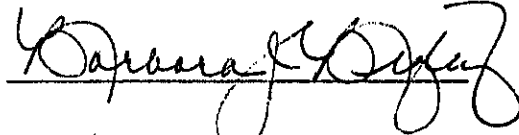
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The foregoing Stipulation and Agreement is hereby adopted as my Decision in
this matter and shall become effective at 12 o'clock noon on June 8, 2010.

IT IS SO ORDERED 4/21/10.

JEFF DAVI
Real Estate Commissioner



BY: Barbara J. Bigby
Chief Deputy Commissioner

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FILED
DEC - 3 2009
DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of
ANTHONY JOSEPH HAWORTH,
Respondent.

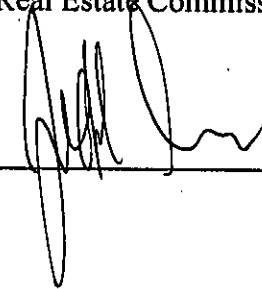
No. H-35490 LA

DISMISSAL

Pursuant to the Commissioner's Order in Case No. H-35266 LA, all real estate licenses and license rights of ANTHONY JOSEPH HAWORTH were revoked, effective October 5, 2009. The Accusation herein filed on December 2, 2008, against Respondent ANTHONY JOSEPH HAWORTH is DISMISSED.

IT IS SO ORDERED this 24th day of November, 2009.

JEFF DAVI
Real Estate Commissioner



FILED
OCT 29 2009
DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of)	
)	No. H-35490 LA
)	
<u>INTERNATIONAL MORTGAGE COMPANY INC.</u> ,)	
a corporate real estate broker;)	
JEREMY JOHN ESQUIVEL, individually and as)	
designated broker-officer of International Mortgage)	
Company Inc.; and)	
ANTHONY JOSEPH HAWORTH,)	
)	
Respondents.)	

DEFAULT DECISION REGARDING INTERNATIONAL MORTGAGE COMPANY, INC.

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 Orders of Default filed on September 22, 2009, 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

1.

On or about December 2, 2008, Robin Trujillo made the Accusation in her official capacity as a Deputy Real Estate Commissioner of the State of California. On December 2, 2008, the Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified mail, return receipt requested, to Respondent INTERNATIONAL MORTGAGE COMPANY INC. at its last known mailing address on file with the Department at 450 N. Brand Blvd., Suite 150, Glendale, CA 91203. This mailing was returned by the Post Office marked, "Undeliverable, attempted not known."

On September 22, 2009, no Notice of Defense having been filed herein within the time prescribed by Section 11506 of the Government Code, Respondent INTERNATIONAL MORTGAGE COMPANY INC.'s default was entered herein.

2.

Respondent INTERNATIONAL MORTGAGE COMPANY INC. (hereinafter "INTERNATIONAL"), is licensed under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code, hereinafter "Code") as a corporate real estate broker. Beginning on or after June 1, 2007 and continuing through November 9, 2007, Respondent INTERNATIONAL was authorized to act by and through Jeremy John Esquivel as its broker-officer designated pursuant to Code Section 10159.2 to be responsible for the supervision and control of the activities conducted on behalf of Respondent by its officers, agents and employees.

3.

At all times material herein, the business and mailing address maintained on file by Respondent INTERNATIONAL with the Department is and was 450 N. Brand Blvd., #150, Glendale, CA 91203.

4.

Respondent INTERNATIONAL is a California corporation. Anthony Haworth ("Haworth") is its Chief Executive Officer. On or about August 1, 2007, the corporate powers, rights and privileges of INTERNATIONAL were suspended by the California Franchise Tax Board, and have remained suspended since then. On or about December 18, 2007, in Case No. 963-2089, the California Corporations Commissioner issued an Order Barring Haworth from any position of employment, management or control of any escrow agent.

5.

At all times relevant herein, Respondent INTERNATIONAL 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, for or in expectation of compensation within the meaning of Code Sections 10131(a) and (d). Said activities included the operation of and conduct of a real estate sales and mortgage lending business with the public wherein Respondent represented owners, purchasers, borrowers and/or lenders, in connection with the purchase and sale of or loans secured directly or collaterally by liens on real property, and escrow activities related to said sales and loans.

Suspension of Corporate Powers

6.

On August 1, 2007, pursuant to the provisions of the California Revenue and Taxation Code, the rights and privileges of Respondent INTERNATIONAL were suspended by the California Franchise Tax Board.

7.

As of August 1, 2007, and continuing to the present time, Respondent INTERNATIONAL was not in good legal standing with the Office of the Secretary of State of California.

8.

Despite the suspension of the corporate rights and privileges of INTERNATIONAL, and the fact that it was not a corporation in good legal standing with the Office of the Secretary of State of California, INTERNATIONAL continued to do business in the State of California as a real estate corporation.

9.

Specifically, beginning on or before July 20, 2007, and continuing through on or about October 5, 2007, INTERNATIONAL represented Olivia Moreno in the refinance of a loan secured by property located at 15751 Fellowship St., Valinda, CA 91744. Beginning on or before September 27, 2007, and continuing through on or after October 25, 2007, Respondent represented Sark Alan Antaramian and Aline Antaramian in the refinance of a loan secured by property located at 4147 Vantage Ave., Studio City, CA 91604.

Dishonest Dealing

10.

At all times relevant to the Accusation, including during the period between July 1, 2007 and November 1, 2007, INTERNATIONAL maintained a trust account entitled, "International Mortgage Company Escrow Division Trust Account," at East West Bank, located at 1900 Avenue of the Starts, Los Angeles, CA 90067 (referred to herein as "trust account"). INTERNATIONAL, through its officers, employees and agents, issued checks for proceeds from loans to clients from this trust account. On several occasions, there were insufficient funds in the trust account to cover checks issued to clients.

11.

Beginning on or before July 20, 2007, INTERNATIONAL represented Olivia Moreno in obtaining a loan from Washington Mutual Bank in the amount of \$398,000.00 to refinance a mortgage loan on her home in La Puente, CA 91744. Pursuant to escrow instructions, Ms. Moreno was to receive \$50,517.58 cash back at closing. On or about July 30, 2007, INTERNATIONAL issued check number 1633 in the amount of \$50,256.99 from the escrow trust account to Ms. Moreno. Said check was declined as "void", and marked "Refer to Maker," due to insufficient funds. On October 3, 2007, Respondent issued a new check, number 1686 in the amount of \$51,506.99 from the trust account, which was also declined due to insufficient funds. Finally, on October 5, 2007, Respondent provided Ms. Moreno with a cashier's check in the amount of \$51,496.99.

12.

Beginning on or before September 27, 2007, Respondent represented Sark Alan Antaramian and Aline Antaramian in obtaining a loan for \$793,100.00 secured by real property located at 4147 Vantage Avenue, Studio City, CA 91604. The escrow instructions called for the Antaramians to receive \$264,690.66 cash back at closing. On or about October 5, 2007, Respondent issued the Antaramians check number 1687 from the escrow trust account in the amount of \$214,626.03, which check was declined due to insufficient funds. A replacement check for \$214,626.03 was subsequently issued, which the Antaramians were able to deposit. As to the remaining \$50,000.00 owed to the Antaramians, on or about October 25, 2007, INTERNATIONAL issued two separate checks, numbers 1712 and 1713 from the trust account, for \$25,000.00 each. One check cleared, the other was declined due to insufficient funds.

Office Abandonment

13.

At all times relevant herein, and continuing to the present time, the main office address maintained on file by INTERNATIONAL with the Department was and is 450 N. Brand Blvd., Suite 150, Glendale, CA 91203. On May 5, 2008, representatives of the Department visited 450 N. Brand Blvd., Suite 150, Glendale, CA, and found that Respondent no longer occupied the premises. On or before May 5, 2008, Respondent left or abandoned its principal place of business. Thereafter, Respondent failed to maintain on file with the Department a new address for the principal place of business for Respondent's real estate brokerage activities.

DETERMINATION OF ISSUES

1.

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

2.

The suspension of Respondent's corporate powers and privileges, as set forth in Findings of Fact Nos. 6 and 7 above, constitutes grounds to suspend or revoke INTERNATIONAL's real estate license and license rights pursuant to Code Section 10177(f) in conjunction with Title 10, Chapter 6 of the California Code of Regulations ("Regulations"), Regulation 2742.

3.

Continuing to do business as a real estate corporation when the corporation was not in good standing with the Secretary of State, as set forth above in Findings of Fact Nos. 8 and 9, was in violation of Regulation 2742, and constitutes grounds to suspend or revoke INTERNATIONAL's real estate license pursuant to Code Sections 10177(d), 10177(g) and 10176(i).

4.

The conduct, acts and omissions set forth above in Findings of Fact Nos. 10 through 12, in repeatedly writing checks to beneficiaries from the trust account when there were insufficient funds in the account, involved making substantial misrepresentations, making promises likely to influence, persuade or induce, and engaging in fraud and dishonest dealing, and constitutes cause to suspend or revoke INTERNATIONAL's real estate license and license rights pursuant to Code Sections 10176(a), 10176(b), and 10176(i).

5.

The conduct, acts and omissions set forth above in Findings of Fact Nos. 10 through 12, in failing to maintain trust funds in a trust account until disbursed by the broker in accordance with instructions from the person entitled to the funds, and in failing to maintain proper trust account records, was in violation of Code Section 10145 and Regulations 2831, 2831.1, 2831.2, 2832, 2832.1, 2835, 2950 and 2951, and constitutes grounds to revoke INTERNATIONAL's real estate license pursuant to Code Section 10177(d).

6.

The conduct, acts and omissions set forth in Findings of Fact Nos. 10 through 12, in acting as a corporate real estate broker when INTERNATIONAL's corporate status was suspended, was in violation of Code Section 10130, and constitutes grounds to suspend or revoke INTERNATIONAL's license pursuant to Code Sections 10137, 10176(c) and 10176(i).

7.

The conduct, acts and omissions of Respondent INTERNATIONAL, in abandoning its office and failing to notify the Department of a new address, as described above in Finding of Fact 13, was in violation of Regulation 2715 and Code Section 10162, and constitutes cause for the suspension or revocation of the real estate licenses and license rights of INTERNATIONAL under the provisions of Code Sections 10165 and 10177(d).


ORDER

All licenses and license rights of Respondent INTERNATIONAL MORTGAGE COMPANY INC., a corporate real estate broker, 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 November 18, 2009.

DATED: 10-6-09

JEFF DAVIS
Real Estate Commissioner



1 Department of Real Estate
320 West Fourth Street, Suite 350
2 Los Angeles, California 90013-1105
3 (213) 576-6982

FILED
SEP 22 2009
DEPARTMENT OF REAL ESTATE

By CA

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of)
INTERNATIONAL MORTGAGE)
COMPANY INC., a corporate)
real estate broker,)
Respondent.)

NO. H-35490 LA
DEFAULT ORDER

Respondent, INTERNATIONAL MORTGAGE COMPANY INC.,
a corporate real estate broker, having failed to file
a Notice of Defense within the time required by Section 11506
of the Government Code, is now in default. It is, therefore,
ordered that a default be entered on the record in this matter.

IT IS SO ORDERED September 22, 2009

JEFF DAVI
Real Estate Commissioner

Dolores Weeks
By: DOLORES WEEKS
Regional Manager

1 MARTHA J. ROSETT, Counsel (SBN 142072)
2 Department of Real Estate
3 320 West Fourth Street, Ste. 350
Los Angeles, California 90013-1105

4 Telephone: (213) 576-6982
5 Direct: (213) 620-6430 (Direct)

FILED
DEC. 2, 2008
DEPARTMENT OF REAL ESTATE

By C.A.

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8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) No. H-35490 LA
12)
13 INTERNATIONAL MORTGAGE COMPANY INC.,)
14 a corporate real estate broker;) A C C U S A T I O N
15 JEREMY JOHN ESQUIVEL, individually)
16 and as designated broker-officer of)
17 International Mortgage Company Inc.;)
and ANTHONY JOSEPH HAWORTH,)
18 Respondents.)

18 The Complainant, Robin Trujillo, a Deputy Real Estate
19 Commissioner of the State of California, for cause of Accusation
20 against Respondents INTERNATIONAL MORTGAGE COMPANY INC., dba
21 International Mortgage Company Escrow Division; JEREMY JOHN
22 ESQUIVEL, dba Jeremy Esquivel Mortgage, and dba JT Financial
23 Group, individually and as designated broker-officer of
24 International Mortgage Company, Inc.; and ANTHONY JOSEPH
25 HAWORTH, is informed and alleges as follows:
26

27 ///

1.

1 The Complainant, Robin Trujillo, brings this
2 Accusation acting in her official capacity as a Deputy Real
3 Estate Commissioner of the State of California.
4

2.

5
6 INTERNATIONAL MORTGAGE COMPANY INC., dba International
7 Mortgage Company Escrow Division (hereinafter referred to as
8 "IMCI") is presently licensed and/or has license rights under
9 the Real Estate Law (Part 1 of Division 4 of the Business and
10 Professions Code, hereinafter "Code") as a real estate
11 corporation. At all times relevant herein, Respondent IMCI was
12 and is currently authorized to act by and through JEREMY JOHN
13 ESQUIVEL as its designated broker-officer.
14

3.

15 JEREMY JOHN ESQUIVEL, dba Jeremy Esquivel Mortgage,
16 and dba JT Financial Group (hereinafter referred to as
17 "ESQUIVEL") is presently licensed and/or has license rights
18 under the Code as a real estate broker. Respondent ESQUIVEL was
19 first licensed as a real estate broker on or about March 22,
20 2007, and was licensed by the Department as a real estate
21 salesperson prior to that time. At all times relevant herein,
22 Respondent ESQUIVEL was the broker-officer designated pursuant
23 to Code Section 10159.2 to be responsible for the supervision
24 and control of the activities conducted on behalf of Respondent
25 IMCI by IMCI's officers, agents and employees.
26

27 ///

4.

1 ANTHONY JOSEPH HAWORTH ("HAWORTH") is licensed and/or
2 has license rights under the Code as a real estate salesperson.
3 Respondent HAWORTH has been licensed as a salesperson since on
4 or about June 6, 1991. At all times material herein, HAWORTH is
5 and was the Chief Executive Officer and sole owner of Respondent
6 IMCI.
7

8 5.

9 Respondent IMCI is a California corporation. ANTHONY
10 JOSEPH HAWORTH is its Chief Executive Officer. On or about
11 August 1, 2007, the corporate powers, rights and privileges of
12 IMCI were suspended by the California Franchise Tax Board, and
13 have remained suspended since then. On or about December 18,
14 2007, in Case No. 963-2089, the California Corporations
15 Commissioner issued an Order Barring Respondent HAWORTH from any
16 position of employment, management or control of any escrow
17 agent.
18

19 6.

20 All further references to "Respondents" include the
21 parties listed in Paragraphs 1 through 4 above, as well as the
22 officers, agents and employees of the parties listed in
23 Paragraphs 1 through 4 above.

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7.

1
2 At all times material herein, Respondents engaged in
3 the business of, acted in the capacity of, advertised or assumed
4 to act as real estate brokers, in the State of California, for
5 or in expectation of compensation within the meaning of Code
6 Sections 10131 (a) and (d). Said activities included the
7 operation of and conduct of a real estate sales and mortgage
8 lending business with the public wherein Respondents represented
9 owners, purchasers, borrowers and/or lenders, in connection with
10 the purchase and sale or loans secured directly or collaterally
11 by liens on real property or a business opportunity, and escrow
12 activities related to said sales and loans.

13 FIRST CAUSE OF ACCUSATION

14 (Suspension of Corporate Powers)

15
16 8.

17 On or about August 1, 2007, pursuant to the provisions
18 of the California Revenue and Taxation Code, the rights and
19 privileges of Respondent INTERNATIONAL MORTGAGE COMPANY INC.
20 were suspended by the California Franchise Tax Board.

21 9.

22 As of August 1, 2007, and continuing to the present
23 time, Respondent IMCI was not in good legal standing with the
24 Office of the Secretary of State of California.

25 10.

26 Despite the suspension of the corporate rights and
27 privileges of Respondent IMCI, and the fact that it was not a

1 corporation in good legal standing with the Office of the
2 Secretary of State of California, Respondents IMCI, ESQUIVEL and
3 HAWORTH continued to do business in the State of California as a
4 real estate corporation, performing mortgage lending and related
5 escrow activities requiring a real estate license as a real
6 estate corporation, in the name of IMCI.

7 11.

8 Beginning on or before July 20, 2007, and continuing
9 through on or about October 5, 2007, Respondents represented
10 Olivia Moreno in the refinance of a loan secured by property
11 located at 15751 Fellowship St., Valinda, CA 91744. Beginning
12 on or before September 27, 2007 and continuing through on or
13 after October 25, 2007, Respondents represented Sark Alan
14 Antaramian and Aline Antaramian in the refinance of a loan
15 secured by property located at 4147 Vantage Ave., Studio City,
16 CA 91604.

17 12.

18 The suspension of Respondent IMCI's corporate powers
19 and privileges, as set forth above in Paragraph 8, constitutes
20 grounds to suspend or revoke Respondent IMCI's real estate
21 license and license rights pursuant to Code Section 10177(f) in
22 conjunction with Title 10, Chapter 6 of the California Code of
23 Regulations ("Regulations"), Regulation 2742.

24 13.

25 The failure to supervise the activities of IMCI to
26 ensure its compliance with the Real Estate Law, as set forth
27 above, constitutes a violation of Code Section 10159.2 and is

1 grounds to suspend or revoke the real estate license of
2 Respondent ESQUIVEL pursuant to Code Sections 10177(d), 10177(h)
3 and/or 10177(g).

4 14.

5 Continuing to do business as a real estate
6 corporation, INTERNATIONAL MORTGAGE COMPANY INC., and to do
7 business as "International Mortgage Company Inc. Escrow
8 Division," when the corporation was not in good standing with
9 the Secretary of State, is in violation of Regulation 2742, and
10 constitutes grounds to suspend or revoke the real estate
11 licenses of Respondents IMCI, ESQUIVEL and HAWORTH pursuant to
12 Code Sections 10177(d), 10177(g), 10176(i) and/or 10177(j).

13 SECOND CAUSE OF ACCUSATION

14 (Dishonest Dealing)

15 15.

16 At all times relevant herein, including during the
17 period between July 1, 2007 and November 1, 2007, Respondents
18 maintained bank account number 82342825 entitled, "International
19 Mortgage Company Escrow Division Trust Account," at East West
20 Bank, located at 1900 Avenue of the Stars, Los Angeles, CA 90067
21 (hereinafter "trust account"). Respondents issued checks for
22 proceeds from loans to clients from this trust account. As set
23 forth below, there were insufficient funds in the trust account
24 to cover several of the checks issued to clients.
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27 ///

Moreno Transaction

16.

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2
3 Beginning on or before July 20, 2007, Respondents IMCI
4 and ESQUIVEL represented Olivia Moreno in obtaining a loan from
5 Washington Mutual Bank in the amount of \$398,000.00 to refinance
6 a mortgage loan secured by real property located at 15751
7 Fellowship St., La Puente, CA 91744.

17.

8
9 The escrow instructions in the Moreno transaction
10 called for Ms. Moreno, the borrower, to receive cash back at
11 closing in the amount of \$50,517.58. On or about July 30, 2007,
12 Respondents issued check number 1633 from the trust account to
13 the borrower, Olivia Moreno, in the amount of \$50,256.99. This
14 check was returned to the borrower by her credit union as void,
15 marked, "Refer to Maker". On or about October 3, 2007,
16 Respondents issued the borrower a new check, check number 1686
17 from the same escrow trust account at East West Bank, in the
18 amount of \$51,506.99. This check was also declined due to
19 insufficient funds. On October 5, 2007, Respondents provided
20 the borrower with a cashier's check for \$51,496.99.

Antaramian Transaction

18.

21
22
23
24 Beginning on or before September 27, 2007, Respondents
25 represented Sark Alan Antaramian and Aline Antaramian in
26 obtaining a loan for \$793,100.00 secured by real property
27 located at 4147 Vantage Avenue, Studio City, CA 91604.

19.

1 The escrow instructions called for the Antaramians,
2 the borrowers, to receive \$264,690.66 cash back at closing. On
3 or about October 5, 2007, Respondents issued trust account check
4 number 1687 in the amount of \$214,626.03 to the Antaramians,
5 which check was returned marked, "Refer to maker," due to
6 insufficient funds. A replacement check for \$214,626.03 was
7 subsequently issued from the trust account, which the borrowers
8 were able to deposit. As to the approximately \$50,000.00
9 remaining that was owed to the borrowers, on or about October
10 25, 2007, Respondents issued two separate checks, numbers 1712
11 and 1713, from the trust account, in the amount of \$25,000.00
12 each. While one check cleared, check number 1713 was declined
13 due to insufficient funds.
14

20.

15 The conduct set forth above in Paragraphs 15 through
16 19, involved making substantial misrepresentations, making
17 promises likely to influence, persuade or induce, commingling of
18 trust funds with general funds, and engaging in fraud and
19 dishonest dealing, and constitutes cause to suspend or revoke
20 Respondents' real estate licenses and license rights pursuant to
21 Code Sections 10176(a), 10176(b), 10176(e), 10176(i) and/or
22 10177(j).
23

24 ///

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26 ///

21.

1
2 The conduct set forth above in Paragraphs 15 through
3 19, in failing to maintain trust funds in a trust account until
4 disbursed by the broker in accordance with instructions from the
5 person entitled to the funds, failing to maintain proper trust
6 account records was in violation of Code Section 10145, and
7 Regulations 2831, 2831.1, 2831.2, 2832, 2832.1, 2835, 2950 and
8 2951, and constitutes grounds to revoke Respondents' licenses
9 and license rights pursuant to Code Section 10177(d).

10
11 22.

12 The conduct set forth in Paragraphs 15 through 19,
13 including the failure to supervise the activities of IMCI to
14 ensure its compliance with the Real Estate Law, was in violation
15 of Code Section 10159.2 and constitutes grounds to suspend or
16 revoke the real estate license of Respondent ESQUIVEL pursuant
17 to Code Sections 10177(d), 10177(h) and/or 10177(g).

18
19 23.

20 The conduct set forth in Paragraphs 15 though 19, in
21 engaging in a continued and flagrant course of misrepresentation
22 or making of false promises through real estate agents or
23 salesperson, including acting as a corporate real estate broker
24 when IMCI's corporate status was suspended, in violation of Code
25 Section 10130, constitutes grounds to suspend or revoke the
26 licenses of Respondents pursuant to Code Sections 10137, 10176
27 (c), 10176(i) and/or 10177(j).

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SECOND CAUSE OF ACCUSATION

(Office Abandonment)

24.

At all times relevant herein and continuing to the present time, the main office address maintained on file by Respondent IMCI with the Department is 450 N. Brand Blvd., Suite 150, Glendale, CA 91203.

25.

In May of 2008, representatives of the Department attempted unsuccessfully to contact Respondents at IMCI's address of record. On May 5, 2008, representatives of the Department visited 450 N. Brand Blvd., Suite 150, Glendale, CA and found that Respondents no longer occupied the premises.

26.

On or before May 5, 2008, Respondents IMCI and ESQUIVEL left and/or abandoned IMCI's principal place of business and the location of IMCI's main office address on file with the Department. Thereafter, Respondents IMCI and ESQUIVEL failed to maintain on file with the Department a new address for the principal place of business for IMCI's real estate brokerage activities, in violation of Regulation 2715, and Code Section 10162.

27.

The conduct, acts and/or omissions describe above in Paragraphs 24 through 26, are cause for the suspension or revocation of the licenses of Respondent IMCI and Respondent

1 ESQUIVEL under the provisions of Code Sections 10165 and/or
2 10177(d).

3 WHEREFORE, Complainant prays that a hearing be
4 conducted on the allegations of this Accusation and that upon
5 proof thereof, a decision be rendered imposing disciplinary
6 action against all licenses and/or license rights of Respondents
7 INTERNATIONAL MORTGAGE COMPANY INC., JEREMY ESQUIVEL and ANTHONY
8 JOSEPH HAWORTH, under the Real Estate Law (Part 1 of Division 4
9 of the Business and Professions Code) and for such other and
10 further relief as may be proper under other applicable
11 provisions of law.

12 Dated at Los Angeles, California,
13 this 1 day of December, 2008.

14
15 
16 _____
17 Robin Trujillo
18 Deputy Real Estate Commissioner
19
20
21
22
23

24 cc: International Mortgage Company Inc.
25 Jeremy Esquivel
26 Anthony Joseph Haworth
27 Robin Trujillo
Sacto.