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Department of Real Estate 320 W. 4TH Street, Suite 350 Los Angeles, CA 90013-1105

Telephone: (213) 576-6982

FILED

JUN 1 4 2010

DEPARTMENT OF REAL ESTATE

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of

CRISTINA AMELIA DE LORENZO, doing) business as Montebello Financial) Services; and AIME LIMON-JIMENEZ

Respondent,

No. H-35663 LA L-2009120480

STIPULATION

AND

AGREEMENT

It is hereby stipulated by and between Respondent CRISTINA AMELIA DE LORENZO, (sometimes referred to as

"Respondent"), 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 filed

on January 30, 2009, in this matter:

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

- 1 -

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

- 2. Respondent has received, read and understands the Statement to Respondent, the Discovery Provisions of the APA and the Accusation filed by the Department of Real Estate in this proceeding.
- 3. Respondent filed a Notice of Defense pursuant to Section 11506 of the Government Code for the purpose of requesting a hearing on the allegations in the Accusation.

 Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent acknowledges that she understands that by withdrawing said Notice of Defense she thereby waives her right to require the Commissioner to prove the allegations in the Accusation at a contested hearing held in accordance with the provisions of the APA and that she will waive other rights afforded to her in connection with the hearing such as the right to present evidence in her defense the right to cross-examine witnesses.
- 4. This Stipulation is based on the factual allegations contained in the Accusation. In the interest of expedience and economy Respondent chooses not to contest these allegations but to remain silent and understands that, as a result thereof, these factual allegations, without being admitted or denied, will serve as a prima facie basis for the disciplinary

action stipulated to herein. The Real Estate Commissioner shall not be required to provide further evidence to prove said factual allegations.

- 5. This Stipulation is made for the purpose of reaching an agreed disposition of this proceeding and is expressly limited to this proceeding and any other proceeding or case in which the Department of Real Estate ("Department"), or another licensing agency of this state, another state or if the federal government is involved, and otherwise shall not be admissible in any other criminal or civil proceeding.
- Estate Commissioner may adopt this Stipulation as his Decision in this matter thereby imposing the penalty and sanctions on Respondent's real estate licenses and license rights as set forth in the below "Order". In the event that the Commissioner in his discretion does not adopt the Stipulation, the Stipulation shall be void and of no effect and Respondent shall retain the right to a hearing and proceeding on the Accusation under the provisions of the APA and shall not be bound by any stipulation or waiver made herein.
- 7. The Order or any subsequent Order of the Real Estate Commissioner made pursuant to this Stipulation shall not constitute an estoppel, merger or bar to any further administrative or civil proceedings by the Department of Real Estate with respect to any matters which were not specifically

alleged to be causes for accusation in this proceeding. 1 DETERMINATION OF ISSUES 2 By reason of the foregoing, it is stipulated and agreed 3 that the following determination of issues shall be made: Ι. 5 The conduct of CRISTINA AMELIA DE LORENZO, as described 6 7 in Paragraph 4, above, is in violation of Sections 10137, 10176(g), 10145, 10236.4(b) and 10240 of the Business and Professions Code ("Code") and Sections 2831, 2831.1 and 2840 of 10 Title 10, Chapter 6 of the California Code of Regulations 11 ("Regulations") and is a basis for discipline of Respondent's 12 license and license rights as a violation of the Real Estate Law 13 pursuant to Code Sections 10177(d) and 10177(g). 14 II. 15 The conduct, acts and omissions of CRISTINA AMELIA DE 16 LORENZO, as described in Paragraph 4, above, constitutes a 17 failure to ensure that her brokerage, Montebello Financial 18 Services, was in compliance with the Real Estate Law and is a 19 basis for the suspension or revocation of Respondent's license 20 pursuant to Code Sections 10177(d), and 10177(g) and 10177(h). 21 22 111 23 111 24 111 25 111 26 ///

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ORDER

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WHEREFORE, THE FOLLOWING ORDER is hereby made:

I.

The real estate broker license of Respondent

CRISTINA AMELIA DE LORENZO under the Real Estate Law is revoked;

provided, however, a restricted real estate salesperson license

shall be issued to Respondent, pursuant to Section 10156.5 of the

Business and Professions Code, if Respondent:

- A. Makes application therefor and pays to the

 Department of Real Estate the appropriate fee for the restricted

 license within ninety (90) days from the effective date of this

 Decision.
- B. Respondent shall, prior to and as a condition of the issuance of the restricted license, submit proof satisfactory to the Commissioner of having taken and successfully completed the continuing education course on trust fund accounting and handling specified in paragraph (3) of subdivision (a) of Section 10170.5 of the Business and Professions Code. Proof of satisfaction of this requirement includes evidence that respondent has successfully completed the trust fund account and handling continuing education course within 120 days prior to the effective date of the Decision in this matter.

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The restricted license issued to Respondent shall be 1 subject to all of the provisions of Section 10156.7 of the Code and the following limitations, conditions and restrictions 3 imposed under authority of Section 10156.6 of that Code. 4 The restricted license issued to Respondent may be 5 suspended prior to hearing by Order of the Real Estate 6 Commissioner in the event of Respondent's conviction or plea of 7 nolo contendere to a crime which is substantially related to Respondent's fitness or capacity as a real estate licensee. 10 The restricted license issued to Respondent may 11 be suspended prior to hearing by Order of the Real Estate 12 Commissioner on evidence satisfactory to the Commissioner that 13 Respondent has violated provisions of the California Real Estate 14 Law, the Subdivided Lands Law, Regulations of the Real Estate 15 Commissioner or conditions attaching to the restricted license. 16 3. Respondent shall not be eligible to apply for the 17 issuance of an unrestricted real estate license nor for the 18 removal of any of the conditions, limitations or restrictions of 19 a restricted license until two (2) years has elapsed from the 20 effective date of the issuance of the restricted license. 21 Respondent shall submit with any application for 22 license under an employing broker, or any application for 23 24 transfer to a new employing broker, a statement signed by the 25 prospective employing real estate broker on a form approved by 26 the Department of Real Estate which shall certify: 27

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That the employing broker has read the Decision of the Commissioner which granted the right to a restricted license; and (b) That the employing broker will exercise close supervision over the performance by the restricted licensee relating to activities for which a real estate license is required. Respondent shall, within nine (9) months from the effective date of this Decision, present evidence satisfactory to the Real Estate Commissioner that Respondent has, since the most

effective date of this Decision, present evidence satisfactory to the Real Estate Commissioner that Respondent has, since the most recent issuance of an original or renewal real estate license, taken and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate license. If Respondent fails to satisfy this condition, the Commissioner may order the suspension of the restricted license until Respondent presents such evidence. The Commissioner shall afford Respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.

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

Respondent passes the examination.

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DATED:

5-10-10

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ELLIOTT MAC LENNAN, Counsel for the Department of Real Estate

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EXECUTION OF THE STIPULATION

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

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Respondent can signify acceptance and approval of the terms and conditions of this Stipulation by faxing a copy of the signature page, as actually signed by Respondent, to the Department at the following facsimile number: Elliott Mac Lennan at (213) 576-6917. Respondent agrees, acknowledge and understand that by electronically sending to the Department a fax copy of Respondent actual signature as they appear on the Stipulation, that receipt of the faxed copy by the Department shall be as binding on Respondent as if the Department had received the original signed Stipulation.

DATED: 5/10/2010

CRISTINA AMELIA DE LORENZO,

Respondent

The foregoing Stipulation and Agreement is hereby adopted as my Decision as to Respondent CRISTINA AMELIA DE LORENZO and shall become effective at 12 o'clock noon on July 14 _, 2010. IT IS SO ORDERED . JEFF DAVI Real Estate Commissioner BY: Barbara J. Bigby **Chief Deputy Commissioner**

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FILED

JUN 1 4 2010

DEPARTMENT OF REAL ESTA:

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of

No. H-35663 LA

CRISTINA AMELIA DE LORENZO, doing business as Montebello Financial Services; and AIME LIMON-JIMENEZ,

Respondents.

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DISMISSAL

JEFF DAVI

The Accusation filed against AIME LIMON-JIMENEZ on January 30, 2009 is dismissed.

IT IS SO ORDERED this Lad day of

1st day of the

2010

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26 27 BY: Barbara J Bigby
Chief Deputy Cor

Real Estate Commissioner

Chief Deputy Commissioner

Department of Real Estate 320 West 4th Street, Ste. 350 FILED Los Angeles, California 90013-1105 . 3 Telephone: (213) 576-6911 (direct) JAN 3 D 2009 . -or-(213) 576-6982 (office) DEPARTMENT OF REAL ESTATE 6 8 BEFORE THE DEPARTMENT OF REAL ESTATE 9 STATE OF CALIFORNIA 10 In the Matter of the Accusation of No. H-35663 LA 11 ACCUSATION 12 CRISTINA AMELIA DE LORENZO, doing business as Montebello 13 Financial Services; and AIME LIMON-JIMENEZ, 14 15 Respondents. 16 The Complainant, Robin Trujillo, a Deputy Real Estate 17 Commissioner of the State of California, acting in her official 18 capacity, for cause of Accusation against CRISTINA AMELIA DE 19 LORENZO dba Montebello Financial Services; and AIME LIMON-JIMENEZ 20 is informed and alleges as follows: 21 1. 22 23 All references to the "Code" are to the California Business and Professions Code and all references to "Regulations"

ELLIOTT MAC LENNAN, SBN 66674

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are to Title 10, Chapter 6, California Code of Regulations.

LICENSE HISTORY

2.A

At all times mentioned, CRISTINA AMELIA DE LORENZO ("DE LORENZO"), was licensed or had license rights issued by the Department of Real Estate ("Department") as a real estate broker. On August 7, 2000, DE LORENZO was originally licensed as a real estate broker. Pursuant to Code Section 10177(h), DE LORENZO is responsible for the supervision over the activities of her salespersons.

2.B

At all times mentioned, AIME LIMON-JIMENEZ

("LIMON-JIMENEZ"), was licensed or had license rights issued by
the Department of Real Estate ("Department") as a real estate
broker. On July 23, 2005, LIMON-JIMENEZ was originally licensed
as a real estate salesperson and was employed by D-L at all times
material.

LICENSED ACTIVITIES AND BROKERAGE

3.

A. At all times mentioned, in the City of Montebello, County of Los Angeles, DE LORENZO acted as a real estate broker and conducted licensed activities within the meaning of Code Section 10131(d). DE LORENZO, dba Montebello Financial Services, engaged in activities with the public wherein lenders and borrowers were solicited for loans secured directly or collaterally by liens on real property, wherein such loans were arranged, negotiated, processed and consummated on behalf of others for compensation or in expectation of compensation and for

fees.

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LIMON-JIMENEZ was employed by DE LORENZO to act pursuant to Code Section 10132. LIMON-JIMENEZ was employed by DE LORENZO as a loan officer.

FIRST CAUSE OF ACTION

AUDIT OF CRISTINA AMELIA DE LORENZO

On December 12, 2006, the Department completed an audit examination of the books and records of DE LORENZO, pertaining to the mortgage and loan activities of Montebello Financial Services described in Paragraph 3, that require a real estate license. The audit examination covered a period of time beginning on January 1, 2005 to July 31, 2006. The audit examination revealed violations of the Code and the Regulations as set forth below, and more fully discussed in Audit Report LA 060004 and the exhibits and workpapers attached to said audit report.

TRUST ACCOUNT

5.

During the audit period DE LORENZO did not maintain a trust account.

VIOLATIONS OF THE REAL ESTATE LAW

6.

With respect to the licensed activities referred to in

Paragraph 3, and the audit examination including the exhibits and

workpapers referred to in Paragraph 4, it is alleged that DE

LORENZO:

- (a) Permitted and/or caused the disbursement of trust funds to a loan appraiser on the representation that the amount was needed to pay for loan appraisals, which payment exceeded the actual cost of the service.
- (1) DE LORENZO did not disclose these "mark-up(s)" of appraisal fees to borrowers Ramirez and Jimenez who were collectively charged \$8,00 for loan appraisals that were not charged or invoiced, violation of Code Section and 10176(g).
- (2) DE LORENZO did not disclose these "mark-up(s)" of credit report fees to borrowers Ramirez, Jimenez, Alvarado, Grijalva and Macias, for credit report fees that were not charged or invoiced, in violation of Code Section and 10176(g).
- (b) Mixed and commingled trust funds and personal funds by depositing appraisal and credit report fees received from escrow into DE LORENZO's general operating account dba Montebello Financial Services at Union Bank of California Account No. 1160020233, and issuing checks from said account to the loan appraisers or credit report companies after the escrow checks were deposited, in violation of Code Sections 10145 and 10176(e).

(c) Failed to maintain a control record in the form of 1 a columnar record in chronological order of all "Trust Funds 2 Received, Not Placed Broker's Trust Account", including appraisal 3 and credit report fees collected at the close of escrow, in violation of Code Section 10145 and Regulation 2831. 5 (d) Failed to maintain a separate record for all trust 6 funds including appraisal and credit report fees collected at the close of escrow, in violation of Code Section 10145 and 9 Regulation 2831.1. 10 (e) Employed and compensated Julio Baez, Larry Felix, 11 Jorge Limon, Walter Rivas, William Rivas, Robert Salas, Juan 12 Rosa, Sergio Rubilar, Fred Valdivia and Yanira Zazueta, as loan 13 agents who DE LORENZO knew were not licensed by the Department as 14 a real estate broker or as a real estate salesperson employed by 15 a real estate broker for performing acts for which a real estate 16 license is required, including soliciting mortgage loans, in 17 violation of Code Section 10137. 18 (f)(1) Failed to provide, maintain or retain a true, 19 complete and correct copy of a Department of Real Estate approved 20 Mortgage Loan Disclosure Statement signed by the broker for 21 borrowers Roman, Jaramillo, Ramirez, Lopez, Grijalva, Arriola and Juarez, in violation of Code Section 10240 and Regulation 2840; 24 and 25 (f)(2) Failed to disclose yield spread premiums from 26 lenders on the approved Mortgage Loan Disclosure Statements for 27

borrowers Roman, Felix, Ramirez, Lopez, Suavez, Grijalva, Arriola, Rivera, Jimenez and Macias and Juarez, in violation of Code Section 10240 and Regulation 2840. (g) 10236.4(b) Failed to display DE LORENZO's, or the loan representative's license number on the Roman, Felix, Jaramillo, Ramirez, Lopez, Suarez, Grijalva, Arriola and Juarez, on the Mortgage Loan Disclosure Statements, as required by Code 7 Section 10236.4(b). 8 CRISTINA AMELIA DE LORENZO 10 DISCIPLINARY STATUTES AND REGULATIONS 11 7. . 12 The conduct of Respondent DE LORENZO, described in 13 Paragraph 6, violated the Code and the Regulations as set forth: 14 PROVISIONS VIOLATED PARAGRAPH 15 16 Code Section 10176(g) 6(a) 17 18 19 Code Sections 10145 and 10176(e) 6(b) 20 21 22 Code Section 10145 and Regulation 2831 6(c) 23 24 25 26 Code Section 10145 and Regulation 2831.1 6 (d) 27

Code Section 10137 6(e) 1 Code Section 10240 and Regulation 2840 6(f) 3 Code Section 10236.4(b) 6 (g) 5 6 Each of the foregoing violations constitute cause for the 7 suspension or revocation of the real estate license and license rights of DE LORENZO under the provisions of Code Sections 10176(e) for commingling, 10177(d) for willful disregard or 10 violation of the Real Estate Law and/or 10177(g) for negligence 11 or incompetence. 12 SECOND CAUSE FOR ACCUSATION: 13 PRIMARY RESIDENCE LOAN AND LENDER FRAUD SCHEME 14 AIME LIMON-JIMENEZ General Allegation 8. 17 Respondent LIMON-JIMENEZ represented borrower Monique 18 19 Heredia in fraudulent loan scheme involving the obtaining of 20 loans secured by two separate parcels of real property located in 21 Southern California claiming both as primary residences. 22 scheme involved in obtaining these loans, LIMON-JIMENEZ prepared 23 and signed loan applications misrepresenting that that borrower 24 Monique Heredia was purchasing each property as her primary

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residence and misrepresenting her income in order to qualify for

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said loans.

Specific Allegations 11110 Redhill Road, Moreno Valley

9.

On or around January 4, 2007, LIMON-JIMENEZ represented Monique Sandoval in obtaining loans to purchase residential property located at 11110 Redhill Road, in Moreno Valley, California ("Redhill Road"). Both loans, which were secured by the Redhill Road property, included a first loan in the amount of \$310,400 and a second (subordinate) loan in the amount of \$77,600.

10.

On or about December 28, 2006, LIMON-JIMENEZ signed a Uniform Residential Loan Application. Respondent signed the application as the interviewer, and indicated that she met face-to-face with the borrower, Monique Heredia. The loans, which were secured by Redhill Road included a first loan in the amount of \$310,400 and a second (subordinate) loan in the amount of \$77,600, for a total purchase price \$388,000 for Redhill Road.

11.

LIMON-JIMENEZ originated the Redhill Road loans to finance the \$388,000 purchase price. Heredia stated her income as \$7,000 per month and stated that Redhill Road would be her primary residence. This statement was false.

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Specific Allegations

479 Margaret Ave., Los Angeles

12.

Respondent LIMON-JIMENEZ represented Monique Heredia in obtaining loans to purchase residential property located at 479 Margaret Ave., ("Margaret Ave") Los Angeles. The loan, which were secured by Margaret Ave., included a loan in the amount of \$424,000.00, for a purchase price \$530,000 for Margaret Ave.

13.

On or about January 5, 2007, Respondent signed a Uniform Residential Loan Application for a loan in the amount of \$424,000 for the purchase of the Margaret Ave. Respondent signed the application as the interviewer, and indicated that she met face-to-face with borrower Monique Heredia, who also signed the application.

14.

The Margaret Ave. application represented that Monique Heredia intended to reside in the property as her primary residence and that she had not had any other ownership interest in property in the previous three years. This statement was false. The purchase of the Redhill Road property closed escrow on January 4, 2007, one day before the signing of the Margaret Ave. loan application.

15.

Monique Heredia stated her income as \$9,500 per month on the Margaret Ave. loan application. This statement was false. She has stated on December 28, 2006, her income to be \$7,000 per

month.

16.

Respondent submitted both the Redhill Road and the Margaret Ave. loan applications and related documentation to lenders. In reliance on the information contained in the loan application and representations made therein, lenders financed both loans.

17.

In connection with the mortgage broker activities related to the Redhill Road and the Margaret Ave, Respondent received a commission at the closing, for Redhill Road on January 4, 2007, and for Margaret Ave., on January 26, 2007.

18.

The applications for mortgage loans in relation to the purchase of the Redhill Road and Margaret Ave. properties described above contained material misrepresentations of fact regarding the borrower's intent to reside in each of the properties as his "primary residence." At the time the representations were made, Respondent knew, or should reasonably have known, that they were false and/or misleading, and that the loans were being made in reliance on those misrepresentations.

19.

In making misrepresentations of material fact in the loan applications for the purchases of the Redhill Road and Margaret Ave. properties, and in failing to otherwise disclose the borrower's true financial situation including her income as a party planner of respectively \$7,000 and \$9,5000, 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.

Respondent's dishonest conduct, in making representations which she 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 salesperson license pursuant to Business and Professions Code Sections 10176(a), 10176(i) and/or 10177(g).

Misrepresentation

21.

LIMON-JIMENEZ and LORENZO intentionally engaged in the conduct above set forth in Paragraphs 8 and 9. In the alternative, LIMON-JIMENEZ and LORENZO engaged in negligence in transactions for which real estate licenses are required, violation of Code Sections 10176(a), 10176(i) and/or 10176(g)

VIOLATIONS OF THE REAL ESTATE LAW BY LIMON-JIMENEZ

22.

A. 10176(a) for misrepresenting to lenders the income and false primary purchase status of borrower Monique Heredia, in connection with the Redhill and Margaret Avenue properties.

10176(i) for fraud and dishonest dealing in 1 connection with the Redhill and Margaret Avenue fraud upon the funding lenders of said properties. 3 10177(g) for negligence or incompetence for which a real estate license is required, in connection with the Redhill and Margaret Avenue properties. 6 VIOLATIONS OF THE REAL ESTATE LAW BY DE LORENZO 7 23. 10176(c) for a continued and flagrant course of 10 misrepresentations or making of false promises through real 11 estate salesperson LIMON-JIMENEZ, in connection with the Redhill 12 and Margaret Avenue property transactions. 13 NEGLIGENCE 14 24. 15 The overall conduct of LIMON-JIMENEZ and DE LORENZO 16 constitutes negligence or incompetence and is cause for 17 discipline of the real estate license and license rights of DE 18 LORENZO pursuant to Code Section 10177(g). 19 LACK OF SUPERVISION AND COMPLIANCE 20 54. 21 The overall conduct of DE LORENZO constitutes a failure 22 to exercise supervision and control over the licensed activities 23 of her brokerage. Nor did DE LORENZO maintain a system in place

for regularly monitoring her compliance with the Real Estate Law

or for loan agent LIMON-JIMENEZ, in violation of Code Sections

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10177(d) and/or 10177(g) and 10177(h).

WHEREFORE, 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 the license and license rights of Respondent CRISTINA AMELIA DE LORENZO and AIME LIMON-JIMENEZ, under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) and for such other and further relief as may be proper under other applicable provisions of law.

Dated at Los Angeles, California

this 26 day of January 5009

Deputy Real Estate Commissioner

Sacto Audits - Jennifer Lin

Aime Limon-Jimenez Robin Trujillo

Cristina Amelia De Lorenzo