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**FILED**

JUN 18 2012

DEPARTMENT OF REAL ESTATE

BY: *[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

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In the Matter of the Accusation of

SILVA FUNDING GROUP INC.,  
doing business as Preferred;  
ROBERT HARRISON RHOADES,  
individually and as designated  
officer of Silva Funding Group Inc.;  
and JO ANNE SILVA,

Respondents

No. H-35925 LA  
L-2009060744

ORDER NUNC PRO TUNC  
STIPULATION AND AGREEMENT

It having been called to the attention of the Real Estate Commissioner that there are errors in the Decision by Stipulation and Agreement dated April 23, 2012, effective May 29, 2012, and good cause appearing therefor, the Stipulation and Agreement is amended as follows:

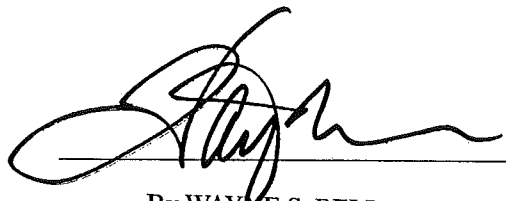
1. The DETERMINATION OF ISSUES on page 4, Paragraph II. is deleted.
2. The ORDER on page 5, Paragraph II., LINE 8, "broker" is deleted and in its place the word "salesperson" is substituted:

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This Order, nunc pro tunc to May 29, 2012, shall become effective immediately.

IT IS SO ORDERED June 13, 2012.

Real Estate Commissioner



A handwritten signature in black ink, appearing to read 'Wayne S. Bell', is written over a horizontal line.

By WAYNE S. BELL  
Chief Counsel



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

5           2. Respondents have received, read and understand the  
6 Statement to Respondent, the Discovery Provisions of the APA and  
7 the Accusation filed by the Department of Real Estate in this  
8 proceeding.

9           3. Respondents timely filed a Notice of Defense  
10 pursuant to Section 11506 of the Government Code for the purpose  
11 of requesting a hearing on the allegations in the Accusation.  
12 Respondents hereby freely and voluntarily withdraw said Notice of  
13 Defense. Respondents acknowledge that they understand that by  
14 withdrawing said Notice of Defense they thereby waive their right  
15 to 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 they will waive other rights  
18 afforded to them in connection with the hearing such as the right  
19 to present evidence in their defense the right to cross-examine  
20 witnesses.  
21

22           4. This Stipulation is based on the factual  
23 allegations contained in the Accusation. In the interest of  
24 expedience and economy, Respondents choose not to contest these  
25 allegations, but to remain silent and understand that, as a  
26 result thereof, these factual allegations, without being admitted  
27

1 or denied, will serve as a prima facie basis for the disciplinary  
2 action stipulated to herein. The Real Estate Commissioner shall  
3 not be required to provide further evidence to prove said factual  
4 allegations.

5 5. This Stipulation is made for the purpose of  
6 reaching an agreed disposition of this proceeding and is  
7 expressly limited to this proceeding and any other proceeding or  
8 case in which the Department of Real Estate ("Department"), the  
9 state or federal government, or any agency of this state, another  
10 state or federal government is involved, and otherwise shall not  
11 be admissible in any other criminal or civil proceedings.

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

23 7. The Order or any subsequent Order of the Real  
24 Estate Commissioner made pursuant to this Stipulation shall not  
25 constitute an estoppel, merger or bar to any further  
26 administrative or civil proceedings by the Department of Real  
27

1 Estate with respect to any matters which were not specifically  
2 alleged to be causes for Accusation in this proceeding but do  
3 constitute a bar, estoppel and merger as to any allegations  
4 actually contained in the Accusations against Respondents herein.

5 DETERMINATION OF ISSUES

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

8 I.

9 The conduct of SILVA FUNDING GROUP INC. and JO ANNE  
10 SILVA, as described in Paragraph 4, above, are in violation of  
11 Sections 10130, 10160, 10176(a), 10176(i), 10177(f) and 10177(g)  
12 of the Business and Professions Code ("Code") and Section 2742(c)  
13 of Title 10, Chapter 6 of the California Code of Regulations  
14 ("Regulations") and is a basis for discipline of Respondent's  
15 licenses and license rights as a violation of the Real Estate Law  
16 pursuant to Code Sections 10177(d), 10177(g), 10177(f) and  
17 10176(i).

18 II.

19 The conduct, acts or omissions of JO ANNE SILVA, as  
20 described in Paragraph 4, above, are in violation of Code Section  
21 10159.2 and is a basis for discipline of Respondent's license and  
22 license rights as violation of the Real Estate Law pursuant to  
23 Code Section 10177(h).

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ORDER

1 WHEREFORE, THE FOLLOWING ORDER is hereby made:  
2

3 I.

4 All real estate license and licensè rights of  
5 Respondent SILVA FUNDING GROUP INC. under the Real Estate Law are  
6 revoked.

7 II.

8 The real estate broker license of Respondent  
9 JO ANNE SILVA under the Real Estate Law is revoked;  
10 provided, however, a restricted real estate salesperson license  
11 shall be issued to Respondent, pursuant to Section 10156.5 of the  
12 Business and Professions Code, if Respondent:

13 Makes application therefor and pays to the Department  
14 of Real Estate the appropriate fee for the restricted license  
15 within ninety (90) days from the effective date of this Decision.

16 The restricted license issued to Respondent shall be subject to  
17 all of the provisions of Section 10156.7 of the Code and the  
18 following limitations, conditions and restrictions imposed under  
19 authority of Section 10156.6 of that Code.

20  
21 1. The restricted license issued to Respondent may be  
22 suspended prior to hearing by Order of the Real Estate  
23 Commissioner in the event of Respondent's conviction or plea of  
24 nolo contendere to a crime which is substantially related to  
25 Respondent's fitness or capacity as a real estate licensee.

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

7                   3. Respondent shall not be eligible to apply for the  
8 issuance of an unrestricted real estate license nor for the  
9 removal of any of the conditions, limitations or restrictions of  
10 a restricted license until two (2) years has elapsed from the  
11 effective date of the issuance of the restricted license.

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

17                               (a) That the employing broker has read the  
18                                       Decision of the Commissioner which granted  
19                                       the right to a restricted license; and  
20

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

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1                   5. Respondent JO ANNE SILVA shall within six (6)  
2 months from the date of issuance of the restricted license, take  
3 and pass the Professional Responsibility Examination administered  
4 by the Department including the payment of the appropriate  
5 examination fee. If Respondent fails to satisfy this condition,  
6 the Commissioner may order suspension of Respondent's license  
7 until Respondent passes the examination.  
8  
9

10 DATED: 4-13-12

10 EJL  
11 ELLIOTT MAC LENNAN, Counsel for  
12 the Department of Real Estate  
13

14 \* \* \*

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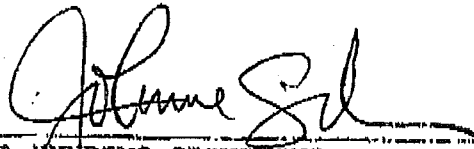
17 We have read the Stipulation. Its terms are understood  
18 by us and are agreeable and acceptable to us. We understand that  
19 we are waiving rights given to us by the California  
20 Administrative Procedure Act (including but not limited to  
21 Sections 11506, 11508, 11509 and 11513 of the Government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

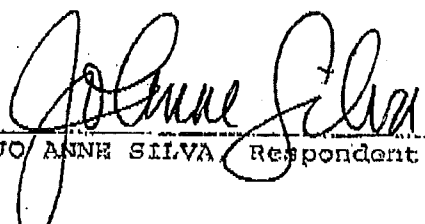
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2 Respondent(s) (1) shall mail the original signed  
3 signature page of the stipulation herein to Elliott Mac Lennan:  
4 Attention: Legal Section, Department of Real Estate, 320 W.  
5 Fourth St., Suite 350, Los Angeles, California 90013-1105.  
6 Additionally, Respondent shall also (2) facsimile a copy of  
7 signed signature page, to the Department at the following  
8 telephone/fax number: (213) 576-6917, Attention: Elliott Mac  
9 Lennan.

10 A facsimile constitutes acceptance and approval of the  
11 terms and conditions of this stipulation. Respondent agrees,  
12 acknowledges and understands that by electronically sending to  
13 the Department a facsimile copy of Respondent's actual signature  
14 as it appears on the stipulation that receipt of the facsimile  
15 copy by the Department shall be as binding on Respondent as if  
16 the Department had received the original signed stipulation.  
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20 DATED: 5-13-10

  
\_\_\_\_\_  
SILVA FUNDING GROUP INC.  
BY: JO ANNE SILVA, President and  
CEO of SILVA FUNDING GROUP INC.,  
Respondent

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24  
25 DATED: 5-13-10

  
\_\_\_\_\_  
JO ANNE SILVA, Respondent

