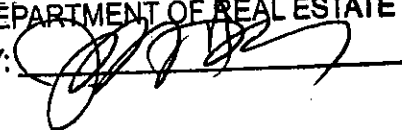


1 Department of Real Estate
2 320 West 4th Street, Suite 350
3 Los Angeles, CA 90013-1105

4 Telephone: (213) 576-6982

FILED

APR 26 2010

DEPARTMENT OF REAL ESTATE
BY: 

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)	NO. H-36071 LA
12)	
13 CRAIG STEPHEN OSMENT, doing)	L-2009081021
14 business as Alta Funding Group,)	
15)	<u>STIPULATION AND AGREEMENT</u>
16 Respondent.)	

17
18 It is hereby stipulated by and between CRAIG STEPHEN
19 OSMENT (sometimes referred to as "Respondent"), and Respondent's
20 attorney, Frank Buda, and the Complainant, acting by and through
21 Cheryl Keily, Counsel for the Department of Real Estate, as
22 follows for the purpose of settling and disposing of the
23 Accusation filed on June 23, 2009, in this matter.

24 1. All issues which were to be contested and all
25 evidence which was to be presented by Complainant and Respondent
26 at a formal hearing on the Accusation, which hearing was to be
27 held in accordance with the provisions of the Administrative
Procedure Act (APA), shall instead and in place thereof be

1 submitted solely on the basis of the provisions of this
2 Stipulation and Agreement.

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

7 3. On July 28, 2009, Respondent filed a Notice of
8 Defense, pursuant to Section 11506 of the Government Code for
9 the purpose of requesting a hearing on the allegations in the
10 Accusation. Respondent hereby freely and voluntarily withdraws
11 said Notice of Defense. Respondent acknowledges that he
12 understands that by withdrawing said Notice of Defense he will
13 thereby waive his right to require the Commissioner to prove the
14 allegations in the Accusation at a contested hearing held in
15 accordance with the provisions of the APA and that he will waive
16 other rights afforded to him in connection with the hearing,
17 such as the right to present evidence in defense of the
18 allegations in the Accusation and the right to cross-examine
19 witnesses.

20 4. This Stipulation and Agreement is based on the
21 factual allegations contained in the Accusation filed in this
22 proceeding. In the interest of expedience and economy,
23 Respondent chooses not to litigate these allegations at a
24 formal administrative hearing, but to remain silent and
25 understands that, as a result thereof, these factual
26 allegations, without being admitted or denied, will serve as a
27

1 prima facie basis for the disciplinary action stipulated to
2 herein. This Stipulation and Agreement and Respondent's
3 decision not to contest the Accusation are hereby expressly
4 limited to this proceeding and made for the sole purpose of
5 reaching an agreed disposition of this proceeding. Respondent's
6 decision not to contest the factual allegations at a formal
7 administrative hearing is made solely for the purpose of
8 effectuating this Stipulation and Agreement and is intended to
9 be non-binding upon Respondent in any actions against him by
10 third parties. The Real Estate Commissioner shall not be
11 required to provide further evidence to prove said factual
12 allegations.
13
14

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

26 6. The Order or any subsequent Order of the Real
27 Estate Commissioner made pursuant to this Stipulation and
Agreement shall not constitute an estoppel, merger or bar to any

1 further administrative or civil proceedings by the Department of
2 Real Estate with respect to any matters which were not
3 specifically alleged to be causes for accusation in this
4 proceeding.

5 DETERMINATION OF ISSUES

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

12 The conduct of Respondent, as described in the
13 Accusation, is in violation of Business and Professions Code
14 Sections 10137, and is a basis for discipline of Respondent's
15 license and license rights as violations of the Real Estate Law
16 pursuant to Business and Professions Code Section 10177(g).
17

18 ORDER

19 WHEREFORE, THE FOLLOWING ORDER is hereby made:

20 I. ALL licenses and licensing rights of Respondent
21 CRAIG STEPHEN OSMENT under the Real Estate Law are suspended for
22 a period of sixty (60) days from the effective date of this
23 Decision;

24 A. Provided, however, that if Respondent requests, the
25 initial thirty (30) days of said suspension (or a portion
26 thereof) shall be stayed upon condition that:

27 1. Respondents pay a monetary penalty pursuant to
Section 10175.2 of the Code at the rate of \$50.00 per day for

1 each day of the suspension for a total monetary penalty of
2 \$1,500.

3 2. Said payment shall be in the form of a cashier's
4 check or certified check made payable to the Recovery Account of
5 the Real Estate Fund. Said check must be received by the
6 Department prior to the effective date of the Decision in this
7 matter.

8 3. No further cause for disciplinary action against
9 the real estate license of Respondent occurs within two (2)
10 years from the effective date of the Decision in this matter.

11 4. If Respondent fails to pay the monetary penalty in
12 accordance with the terms of the Decision, the Commissioner may,
13 without a hearing, order the immediate execution of all or any
14 part of the stayed suspension, in which event the Respondent
15 shall not be entitled to any repayment or credit, prorated or
16 otherwise, for money paid to the Department under the terms of
17 this Decision.

18 5. If Respondent pays the monetary penalty and if no
19 further cause for disciplinary action against the real estate
20 license of Respondent occurs within two (2) years from the
21 effective date of the Decision, the stay hereby granted shall
22 become permanent.

23 B. The remaining thirty (30) days of the sixty (60)
24 day suspension shall be stayed for two (2) years upon the
25 following terms and conditions:
26
27

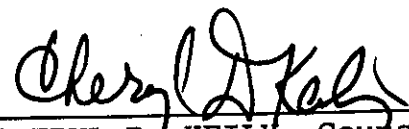
1 1. Respondent shall obey all laws, rules and
2 regulations governing the rights, duties and responsibilities of
3 a real estate licensee in the State of California; and

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

12 II. Respondent shall, within six months from the
13 effective date of this Decision, take and pass the Professional
14 Responsibility Examination administered by the Department

15 including the payment of the appropriate examination fee. If
16 Respondent fails to satisfy this condition, the Commissioner may
17 order suspension of Respondent's license until Respondent passes
18 the examination.

19
20 DATED: March 24, 2010


21 CHERYL D. KEILY, Counsel
22 DEPARTMENT OF REAL ESTATE

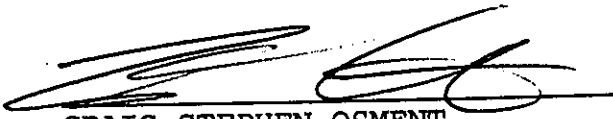
23 * * *

24 I have read the Stipulation and Agreement, and its
25 terms are understood by me and are agreeable and acceptable to
26 me. I understand that I am waiving rights given to me by the
27 California Administrative Procedure Act (including but not
limited to Sections 11506, 11508, 11509 and 11513 of the

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

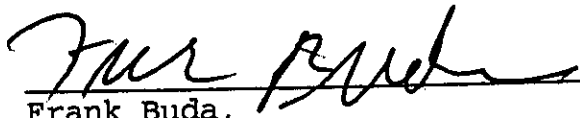
7 Respondent can signify acceptance and approval of the
8 terms and conditions of this Stipulation and Agreement by faxing
9 a copy of its signature page, as actually signed by Respondent,
10 to the Department at the following telephone/fax number (213)
11 576-6917. Respondent agrees, acknowledges, and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

17
18 DATED: 3/19/10


CRAIG STEPHEN OSMENT,
Respondent

20 I have reviewed the Stipulation and Agreement as to form and content and have
21 advised my client accordingly.

22 DATED: 3-26-10


Frank Buda,
Attorney for Respondent

24 ///

25 ///

26 ///

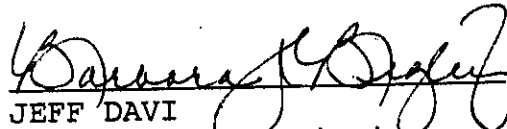
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* * *

The foregoing Stipulation and Agreement is hereby
adopted as my Decision in this matter and shall become effective
at 12 o'clock noon on MAY 17 2010, 2010.

IT IS SO ORDERED 4/21, 2010.


JEFF DAVI
Real Estate Commissioner

BY: Barbara J. Bigby
Chief Deputy Commissioner

SACD.
Flag

1 JAMES R. PEEL, Counsel (SBN 47055)
2 Department of Real Estate
3 320 West Fourth Street, Suite 350
4 Los Angeles, CA 90013-1105
5
6 Telephone: (213) 576-6982
7 -or- (213) 576-6913 (Direct)

FILED
JUN 23 2009
DEPARTMENT OF REAL ESTATE

By 

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)	No. H-36071 LA
12)	
13)	A C C U S A T I O N
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CRAIG STEPHEN OSMENT
dba Alta Funding Group,

(Respondent.

18 The Complainant, Robin L. Trujillo, a Deputy Real
19 Estate Commissioner of the State of California, for cause of
20 accusation against CRAIG STEPHEN OSMENT, alleges as follows:

21 I

22 The Complainant, Robin L. Trujillo, acting in her
23 official capacity as a Deputy Real Estate Commissioner of the
24 State of California, makes this Accusation against CRAIG STEPHEN
25 OSMENT dba Alta Funding Group.

1 II

2 CRAIG STEPHEN OSMENT (hereinafter referred to as
3 "Respondent") is presently licensed and/or has license rights
4 under the Real Estate Law (Part 1 of Division 4 of the Business
5 and Professions Code, hereinafter Code).

6 III

7 At all times herein mentioned, Respondent was licensed
8 as a real estate broker.

9 IV

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

15 V

16 In connection with Respondent's activities as a real
17 estate broker, as described above, Respondent violated Section
18 10137 of the Code in that in or about June, 2006, Respondent
19 employed Alia Kader aka Alia Kader Kbujder, who was not licensed
20 as a real estate broker or salesperson, to solicit and negotiate
21 a loan on real property located at 1032 Congress Ave.,
22 Sacramento, California, for borrowers John B. Cook, Jr., trustee,
23 and Gayle Cook.

24 ///

25 ///

26 ///

27 ///

VI

The conduct, acts and/or omissions of Respondent CRAIG STEPHEN OSMENT, as alleged above, subjects his real estate licenses and license rights to suspension or revocation pursuant to Sections 10137, 10177(d) and/or 10177(g) of the Code.

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 all licenses and license rights of Respondent CRAIG STEPHEN OSMENT 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 19 day of June, 2009.



ROBIN L. TRUJILLO
Deputy Real Estate Commissioner

cc: Craig Stephen Osment
Robin L. Trujillo
Sacto.
Phillip Ihde