

*Sacto Fla*

**FILED**

JAN 04 2012

1 Department of Real Estate  
2 320 West 4<sup>th</sup> Street, Suite 350  
3 Los Angeles, California 90013

4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

(213) 576-6982

DEPARTMENT OF REAL ESTATE

BY: *[Signature]*

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of )	<u>STIPULATION AND AGREEMENT</u>
FAST LOANS, INC. ; )	H-36126 LA
<u>DAVID MARIO RAMIREZ</u> )	L-201131625
and RUBEN A. DIAZ, )	
individually and as )	
designated officers )	
of the corporation, )	
REMAX EMPIRE INC. ; <u>DAVID MARIO</u> )	
<u>RAMIREZ</u> individually and as )	
former designated officer of )	H-37335 LA
Remax Empire Inc. ; and RUBEN A. )	L-2011080790
DIAZ individually and as )	
designated officer of Remax )	
Empire Inc., )	
Respondents, )	

It is hereby stipulated by and between DAVID MARIO RAMIREZ (sometimes referred to as Respondent), and the Complainant, acting by and through James R. Peel, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on July 20, 2009, for Fast

1 Loans, Inc., and on June 15, 2011, for Remax Expire, Inc. in this  
2 matter.

3 1. All issues which were to be contested and all  
4 evidence which was to be presented by Complainant and Respondent  
5 at a formal hearing on the Accusation, which hearing was to be  
6 held in accordance with the provisions of the Administrative  
7 Procedure Act (APA), shall instead and in place thereof be  
8 submitted solely on the basis of the provisions of this  
9 Stipulation and Agreement.

10 2. Respondent has received, read and understands the  
11 Statement to Respondent, the Discovery Provisions of the APA and  
12 the Accusation filed by the Department of Real Estate in this  
13 proceeding.

14 3. On July 28, 2009, Respondent DAVID MARIO RAMIREZ  
15 filed a Notice of Defense for Case No. H-36126 LA, and on August  
16 13, 2011, Respondent filed a Notice of Defense for Case No. H-  
17 37335 LA pursuant to Section 11506 of the Government Code for  
18 the purpose of requesting a hearing on the allegations in the  
19 Accusation. Respondent hereby freely and voluntarily withdraws  
20 said Notice of Defense. Respondent acknowledges that he  
21 understands that by withdrawing said Notice of Defense he will  
22 thereby waive his right to require the Commissioner to prove the  
23 allegations in the Accusation at a contested hearing held in  
24 accordance with the provisions of the APA and that he will waive  
25 other rights afforded to him in connection with the hearing such  
26 as the right to present evidence in defense of the allegations  
27 in the Accusation and the right to cross-examine witnesses.

1           4. This Stipulation is based on the factual  
2 allegations contained in the Accusation filed in this  
3 proceeding. In the interest of expedience and economy,  
4 Respondent chooses not to contest these factual allegations, but  
5 to remain silent and understands that, as a result thereof,  
6 these factual statements, will serve as a prima facie basis for  
7 the disciplinary action stipulated to herein. The Real Estate  
8 Commissioner shall not be required to provide further evidence  
9 to prove such allegations.

10           5. This Stipulation and Respondent's decision not to  
11 contest the Accusation is made for the purpose of reaching an  
12 agreed disposition of this proceeding and is expressly limited  
13 to this proceeding and any other proceeding or case in which the  
14 Department of Real Estate ("Department"), the state or federal  
15 government, or an agency of this state, another state or the  
16 federal government is involved.

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

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

8  
9   DETERMINATION OF ISSUES

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

14                   The conduct, acts and/or omissions of Respondent DAVID  
15 MARIO RAMIREZ, as described in Paragraph 4 above, are grounds  
16 for the suspension or revocation of all of the real estate  
17 licenses and license rights of Respondent under the provisions  
18 of Section 10177(g) of the Business and Professions Code  
19 ("Code").

20   ORDER

21                   A. The license and licensing rights of Respondent  
22 DAVID MARIO RAMIREZ under the Real Estate Law are suspended for  
23 a period of sixty (60) days from the effective date of this  
24 Decision; provided, however, that sixty (60) days of said  
25 suspension shall be stayed for two (2) years upon the following  
26 terms and conditions:

- 27                   1. Respondent shall obey all laws, rules and

1 regulations governing the rights, duties and responsibilities of  
2 a real estate licensee in the State of California; and

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

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

18  
19  
20 DATED: Oct. 19, 2011

21  
22 James R. Peel  
23 JAMES R. PEEL  
24 Counsel for Complainant  
25  
26  
27


1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

\* \* \*

I have read the Stipulation and Agreement and 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.

Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by faxing a copy of the signature page, as actually signed by Respondent, to the Department at the following telephone/fax number: (213) 576-6917. Respondent agrees, acknowledges and understands that by electronically sending to the Department a fax copy of his actual signature as it appears on the Stipulation and Agreement 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 and Agreement.

DATED: October 18, 2011

  
\_\_\_\_\_  
DAVID MARIO RAMIREZ  
Respondent

\* \* \*

1  
2  
3 I have read the Stipulation and Agreement and its  
4 terms are understood by me and are agreeable and acceptable to  
5 me. I understand that I am waiving rights given to me by the  
6 California Administrative Procedure Act (including but not  
7 limited to Sections 11506, 11508, 11509 and 11513 of the  
8 Government Code), and I willingly, intelligently and voluntarily  
9 waive those rights, including the right of requiring the  
10 Commissioner to prove the allegations in the Accusation at a  
11 hearing at which I would have the right to cross-examine  
12 witnesses against me and to present evidence in defense and  
13 mitigation of the charges.

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

24  
25 DATED: \_\_\_\_\_

\_\_\_\_\_  
DAVID MARIO RAMIREZ  
Respondent

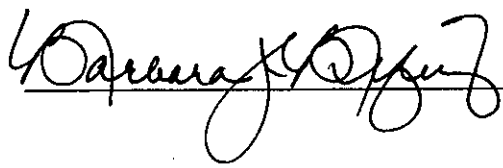
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

\* \* \*

The foregoing Stipulation and Agreement is hereby  
adopted as my Decision in this matter and shall become effective  
at 12 o'clock noon on JAN 24 2012

IT IS SO ORDERED 11-17-11

BARBARA J. BIGBY  
Acting Real Estate Commissioner

  
\_\_\_\_\_



SAC

**FILED**  
JUL 20 2009  
DEPARTMENT OF REAL ESTATE  
*[Signature]*

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 Telephone: (213) 576-6982  
6 -or- (213) 576-6913 (Direct)

8 DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of ) No. H-36126 LA  
12 FAST LOANS, INC.; )  
13 DAVID MARIO RAMIREZ ) A C C U S A T I O N  
14 and RUBEN A. DIAZ, )  
15 individually and as )  
16 designated officers )  
of the corporation, )  
Respondents. )

17 The Complainant, Maria Suarez, a Deputy Real Estate  
18 Commissioner of the State of California, for cause of accusation  
19 against FAST LOANS, INC.; DAVID MARIO RAMIREZ and RUBEN A. DIAZ,  
20 individually and as designated officers of the corporation,  
21 alleges as follows:

22 ///  
23 ///  
24 ///  
25 ///  
26 ///  
27 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

I

The Complainant, Maria Suarez, acting in her official capacity as a Deputy Real Estate Commissioner of the State of California, makes this Accusation against FAST LOANS, INC., DAVID MARIO RAMIREZ, and RUBEN A. DIAZ.

II

FAST LOANS, INC., DAVID MARIO RAMIREZ, and RUBEN A. DIAZ (hereinafter referred to as "Respondents") are presently licensed and/or have license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code, hereinafter Code).

III

At all times herein mentioned, Respondent FAST LOANS, INC. was licensed as a real estate broker with Respondent DAVID MARIO RAMIREZ as its designated officer from March 30, 2007 through February 11, 2008, and RUBEN A. DIAZ as its designated officer from February 28, 2008 to present.

IV

At all times material herein, Respondents 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 within the meaning of Section 10131(d) of the Code.

V

On or about April 29, 2009, the Department completed an examination of Respondent FAST LOANS's books and records, pertaining to the activities described in Paragraph IV above, covering a period from July 1, 2007, through October 31, 2008,

1 which examination revealed violations of the Code and of Title  
2 10, Chapter 6, California Code of Regulations (hereinafter  
3 Regulations) as set forth below.

4 VI

5 The examination described in Paragraph V, above,  
6 determined that, in connection with the activities described in  
7 Paragraph IV above, Respondent FAST LOANS, INC. accepted or  
8 received funds, including funds in trust (hereinafter "trust  
9 funds") from or on behalf of principals, and thereafter made  
10 deposit or disbursement of such funds.

11 VII

12 In the course of activities described in Paragraphs IV  
13 through VI and during the examination period described in  
14 Paragraph V, Respondents FAST LOANS, INC., DAVID MARIO RAMIREZ,  
15 and RUBEN A. DIAZ acted in violation of the Code and the  
16 Regulations as follows, and as more specifically set forth in  
17 Audit Report No. LA 080069 and related exhibits:

18 1. Violated Section 10146 of the Code and Regulation  
19 2832 in that in or about April and May, 2008, advance fees were  
20 collected from Woodruff Wireless and Leap of Faith Church which  
21 were not deposited into a real estate broker trust account.

22 2. Violated Regulation 2831 by failing to maintain a  
23 columnar record of all trust funds received and disbursed.

24 3. Violated Regulation 2831.1 by failing to maintain  
25 separate records for all receipts and disbursements for each  
26 beneficiary or transaction for fees received with information  
27

1 sufficient to identify the transaction and the parties to the  
2 transaction.

3 4. Violated Regulation 2831.2 by not performing a  
4 monthly reconciliation of the trust fund records.

5 5. Violated Section 10176(e) of the Code by  
6 commingling broker funds with money or property of principals.

7 6. Violated Section 10137 of the Code by employing or  
8 compensating an unlicensed person Claudia Quintero to solicit and  
9 negotiate loans on real property.

10 7. Violated Sections 10240 and 10241 of the Code by  
11 failing to retain on file a true and correct copy of each  
12 Mortgage Loan Disclosure Statement signed by the broker  
13 negotiating the loan or by a real estate licensee acting for the  
14 broker in negotiating the loan and the borrower. In some cases,  
15 the MLDS failed to disclose compensation the broker expected to  
16 receive from the lender.

17 8. Violated Code Section 10236.4 in that the broker  
18 license number was not disclosed on the Mortgage Loan Disclosure  
19 Statement.

20 9. Violated Code Section 10146 and Regulation 2972 by  
21 failing to provide each borrower with an itemized accounting.

22 10. Violated Code Section 10085 and Regulation 2970 by  
23 failing to provide advance fee material/agreements to be used to  
24 the Commissioner for review and approval ten days prior to there  
25 use.

26

27

VIII

1  
2 The conduct of Respondents FAST LOANS, INC., DAVID  
3 MARIO RAMIREZ, and RUBEN A. DIAZ, as alleged above, subjects  
4 their real estate licenses and license rights to suspension or  
5 revocation pursuant to Sections 10176(e), 10177(d) and/or  
6 10177(g) of the Code.

7 IX

8 The conduct of Respondents DAVID MARIO RAMIREZ and  
9 RUBEN A. DIAZ, as alleged above, is in violation of Code Section  
10 10159.2 and subjects their real estate licenses and license  
11 rights to suspension or revocation pursuant to Sections 10177(d),  
12 10177(g), and 10177(h) of the Code.

13 ///

14 ///

15 ///

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

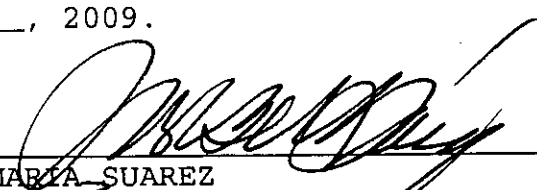
26 ///

27 ///

1                   WHEREFORE, 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 license rights of Respondents  
5 FAST LOANS, INC., DAVID MARIO RAMIREZ, and RUBEN A. DIAZ,  
6 individually, and as designated officers of Fast Loans, Inc.,  
7 under the Real Estate Law (Part 1 of Division 4 of the Business  
8 and Professions Code) and for such other and further relief as  
9 may be proper under other applicable provisions of law.

10 Dated at Los Angeles, California

11 this 7<sup>th</sup> day of July, 2009.

12  
13   
14 MARIA SUAREZ  
15 Deputy Real Estate Commissioner

16 cc: Fast Loans, Inc.  
17 David Mario Ramirez  
18 Ruben A. Diaz  
19 Audit Section  
20 Sacto.  
21  
22  
23  
24  
25  
26  
27