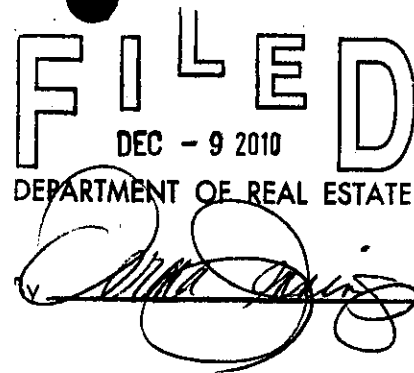


1 Department of Real Estate
2 320 W. 4th St., Room 350
3 Los Angeles, California 90013
4 Telephone: (213) 576-6982
5
6



7 BEFORE THE DEPARTMENT OF REAL ESTATE

8 STATE OF CALIFORNIA

9 * * *

10 In the Matter of the Accusation of) No. H-36227 LA
11) L 2010 050 715
12)
13 AMERICAN DIRECT LENDERS, INC.,)
14 and NATALIE T. TRAN) STIPULATION AND AGREEMENT
15 individually and as)
16 designated officer)
17 of the corporation,)
18)
19 Respondents.)
20)
21)
22)
23)
24)
25)
26)
27)

17 It is hereby stipulated by and between AMERICAN DIRECT
18 LENDERS, INC., and NATALIE T. TRAN (sometimes referred to as
19 Respondents), and the Complainant, acting by and through James
20 R. Peel, Counsel for the Department of Real Estate, as follows
21 for the purpose of settling and disposing of the Accusation
22 filed on September 3, 2009, in this matter.
23

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

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

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

9 3. On March 15, 2009, Respondents filed a Notice of
10 Defense pursuant to Section 11506 of the Government Code for the
11 purpose of requesting a hearing on the allegations in the
12 Accusation. Respondents hereby freely and voluntarily withdraw
13 said Notices of Defense. Respondents acknowledge that they
14 understand that by withdrawing said Notices of Defense they will
15 thereby waive their right to require the Commissioner to prove
16 the allegations in the Accusation at a contested hearing held in
17 accordance with the provisions of the APA and that they will
18 waive other rights afforded to them in connection with the
19 hearing, such as the right to present evidence in defense of the
20 allegations in the Accusation and the right to cross-examine
21 witnesses.

22 4. This Stipulation is based on the factual
23 allegations contained in the Accusation filed in this
24 proceeding. In the interest of expedience and economy,
25 Respondents choose not to contest these factual allegations, but
26 to remain silent and understand that, as a result thereof, these
27

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

5 5. This Stipulation and Respondents' decision not to
6 contest the Accusation is made for the purpose of reaching an
7 agreed disposition of this proceeding and is expressly limited
8 to this proceeding and any other proceeding or case in which the
9 Department of Real Estate ("Department"), the state or federal
10 government, or an agency of this state, another state or the
11 federal government is involved.

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

1 alleged to be causes for accusation in this proceeding.

2 DETERMINATION OF ISSUES

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

7 The conduct, acts and/or omissions of Respondents
8 AMERICAN DIRECT LENDERS, INC., and NATALIE T. TRAN, as set forth
9 in the Accusation, constitute cause for the suspension or
10 revocation of all of the real estate licenses and license rights
11 of Respondents under the provisions of Section 10177(g) of the
12 Business and Professions Code ("Code").

13 ORDER

14 All licenses and licensing rights of Respondents
15 AMERICAN DIRECT LENDERS, INC., and NATALIE T. TRAN, under the
16 Real Estate Law are suspended for a period of sixty (60) days
17 from the effective date of this Decision; provided, however,
18 that thirty (30) days of said suspension shall be stayed for two
19 (2) years upon the following terms and conditions:

20 1. Respondents shall obey all laws, rules and
21 regulations governing the rights, duties and responsibilities of
22 a real estate licensee in the State of California; and

23 2. That no final subsequent determination be made,
24 after hearing or upon stipulation that cause for disciplinary
25 action occurred within two (2) years of the effective date of
26 this Decision. Should such a determination be made, the
27

1 Commissioner may, in his discretion, vacate and set aside the
2 stay order and reimpose all or a portion of the stayed
3 suspension. Should no such determination be made, the stay
4 imposed herein shall become permanent.

5 3. Provided, however, that if Respondents petition,
6 the remaining thirty (30) days of said sixty (60) day suspension
7 shall be stayed upon condition that:

8 a. Respondents pay a monetary penalty pursuant to
9 Section 10175.2 of the Business and Professions Code at the rate
10 of \$50 for each day of the suspension for a total monetary
11 penalty of \$1,500 (\$3,000 for both Respondents).

12 b. Said payment shall be in the form of a
13 cashier's check or certified check made payable to the Recovery
14 Account of the Real Estate Fund. Said check must be received by
15 the Department prior to the effective date of the Decision in
16 this matter.

17 c. No further cause for disciplinary action
18 against the real estate licenses of Respondent occurs within two
19 (2) years from the effective date of the Decision in this
20 matter.

21 d. If Respondents fail to pay the monetary
22 penalty in accordance with the terms and conditions of the
23 Decision, the Commissioner may, without a hearing, order the
24 immediate execution of all or any part of the stayed suspension
25 in which event the Respondents shall not be entitled to any
26 repayment nor credit, prorated or otherwise, for money paid to
27

the Department under the terms of this Decision.

e. If Respondents pay the monetary penalty and if
no further cause for disciplinary action against the real estate
license of Respondent occurs within two (2) years from the
effective date of the Decision, the stay hereby granted shall
become permanent.

4. All licenses and licensing rights of
Respondent NATALIE T. TRAN are indefinitely suspended unless or
until Respondent provides proof satisfactory to the Real Estate
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.

5. Respondent, NATALIE T. TRAN, shall within six
months from the effective date of this Decision, 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.

6. Pursuant to Section 10148 of the Business and
Professions Code, Respondents AMERICAN DIRECT LENDERS, INC. and

1 NATALIE T. TRAN shall pay the Commissioner's reasonable cost for
2 the audit which led to this disciplinary action and shall pay
3 the Commissioner's reasonable cost for a subsequent audit to
4 determine if Respondent AMERICAN DIRECT LENDERS, INC. has
5 corrected the violations found in the Determination of Issues.

6 In calculating the amount of the Commissioner's reasonable cost,
7 the Commissioner may use the estimated average hourly salary for
8 all persons performing audits of real estate brokers, and shall
9 include an allocation for travel costs, including mileage, time
10 to and from the auditor's place of work and per diem.

11 Respondents shall pay such cost within 45 days of receiving an
12 invoice from the Commissioner detailing the activities performed
13 during the audit and the amount of time spent performing those
14 activities. The Commissioner may, in his discretion, vacate and
15 set aside the stay order, if payment is not timely made as
16 provided for herein, or as provided for in a subsequent
17 agreement between the Respondents and the Commissioner. The
18 vacation and the set aside of the stay shall remain in effect
19 until payment is made in full, or until Respondents enter into
20 an agreement satisfactory to the Commissioner to provide for
21 payment.
22

23 Should no order vacating the stay be issued, either in
24 accordance with this condition or condition "2", the stay
25 imposed herein shall become permanent.
26
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4 DATED:

Sept. 30, 2010

James R. Peel
JAMES R. PEEL, Counsel for the
Department of Real Estate

5
6 * * *

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


18 Respondents can signify acceptance and approval of the
19 terms and conditions of this Stipulation and Agreement by faxing
20 a copy of the signature page, as actually signed by Respondents,
21 to the Department at the following telephone/fax number:
22 (213) 576-6917. Respondents agree, acknowledge and understand
23 that by electronically sending to the Department a fax copy of
24 his or her actual signature as it appears on the Stipulation and
25 Agreement, that receipt of the faxed copy by the Department
26 shall be as binding on Respondents as if the Department had
27 received the original signed Stipulation and Agreement.

09/29/2010 WED 15:24 FAX

2009/009

1 Further, if the Respondents are represented, the
2 Respondents' counsel can signify his or her agreement to the
3 terms and conditions of the Stipulation and Agreement by
4 submitting that signature via fax.

5 DATED: 9/29/2010


6 AMERICAN DIRECT LENDERS, INC.
7 Respondent

8 DATED: 9/29/2010


9 NATALIE T. FRANK
10 Respondent

11 * * *

12 The foregoing Stipulation and Agreement is hereby
13 adopted as my Decision and Order in this matter, and shall
14 become effective at 12 o'clock noon on _____

15 IT IS SO ORDERED _____

16 JEFF DAVI
17 Real Estate Commissioner

18
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28 _____

Further, if the Respondents are represented, the Respondents' counsel can signify his or her agreement to the terms and conditions of the Stipulation and Agreement by submitting that signature via fax.

DATED: _____

AMERICAN DIRECT LENDERS, INC.
Respondent

DATED: _____

NATALIE T. TRAN
Respondent

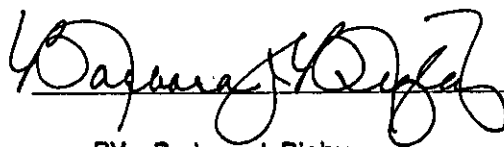
* * *

The foregoing Stipulation and Agreement is hereby adopted as my Decision and Order in this matter, and shall become effective at 12 o'clock noon on DEC 29 2010

IT IS SO ORDERED

10/20/2010

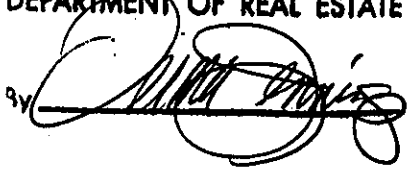
JEFF DAVI
Real Estate Commissioner



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
SEP - 3 2009
DEPARTMENT OF REAL ESTATE


8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)

No. H-36227 LA

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A C C U S A T I O N

13 AMERICAN DIRECT LENDERS, INC.;
14 and NATALIE T. TRAN
15 individually and as
16 designated officer
17 of the corporation,

18 Respondents

19 The Complainant, Robin L. Trujillo, a Deputy Real
20 Estate Commissioner of the State of California, for cause of
21 accusation against AMERICAN DIRECT LENDERS, INC. and NATALIE T.
22 TRAN individually and as designated officer of the corporation,
23 alleges as follows:
24

25 ///
26 ///
27 ///

1 I

2 The Complainant, Robin L. Trujillo, acting in her
3 official capacity as a Deputy Real Estate Commissioner of the
4 State of California, makes this Accusation against AMERICAN
5 DIRECT LENDERS, INC. and NATALIE T. TRAN.

6 II

7 AMERICAN DIRECT LENDERS, INC. and NATALIE T. TRAN
8 (hereinafter referred to as "Respondents") are presently licensed
9 and/or have license rights under the Real Estate Law (Part 1 of
10 Division 4 of the Business and Professions Code, hereinafter
11 Code).

12 III

13 At all times herein mentioned, Respondent AMERICAN
14 DIRECT LENDERS, INC. was licensed as a real estate broker with
15 Respondent NATALIE T. TRAN as its designated officer.

16 IV

17 At all times material herein, Respondents engaged in
18 the business of, acted in the capacity of, advertised or assumed
19 to act as a real estate broker in the State of California within
20 the meaning of Section 10131(d) of the Code.

21 V

22 On or about July 22, 2009, the Department completed an
23 examination of Respondent AMERICAN DIRECT LENDERS's books and
24 records, pertaining to the activities described in Paragraph IV
25 above, covering a period from June 1, 2006, through November 16,
26 2008, which examination revealed violations of the Code and of
27

1 Title 10, Chapter 6, California Code of Regulations (hereinafter
2 Regulations) as set forth below.

3 VI

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

10 VII

11 In the course of activities described in Paragraphs IV
12 through VI and during the examination period described in
13 Paragraph V, Respondents AMERICAN DIRECT LENDERS, INC. and
14 NATALIE T. TRAN acted in violation of the Code and the
15 Regulations as follows, and as more specifically set forth in
16 Audit Report No. LA 080283 and related exhibits:

17 1. Violated Section 10145 of the Code and Regulation
18 2832 in that in or about September, 2006, an appraisal fee of
19 \$400 was collected from William Bullard which was not deposited
20 into a real estate broker trust account.

21 2. Violated Code Section 10145 and Regulation 2831 by
22 failing to maintain a columnar record of all trust funds received
23 and disbursed.

24 3. Violated Code Section 10145 and Regulation 2831.1
25 by failing to maintain separate records for all receipts and
26 disbursements for each beneficiary or transaction for fees
27

1 received with information sufficient to identify the transaction
2 and the parties to the transaction.

3 4. Violated Code Section 10145 and Regulation 2831.2
4 by not performing a monthly reconciliation of the trust fund
5 records.

6 5. Violated Section 10176(e) of the Code by
7 commingling broker funds with money or property of principals
8 including appraisal fees and credit report fees.

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

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

19 8. Violated Code Section 10177(g) by overcharging
20 borrowers for credit report fees collected at the close of
21 escrow.

22 9. Violated Code Section 10162 and Regulation 2715 by
23 failing to notify the Department of its current main business
24 address and current mailing address.

25 ///

26 ///

27 ///

VIII

The conduct of Respondents AMERICAN DIRECT LENDERS, INC. and NATALIE T. TRAN, as alleged above, subjects their real estate licenses and license rights to suspension or revocation pursuant to Sections 10165, 10176(e), 10177(d) and/or 10177(g) of the Code.

IX

The conduct of Respondent NATALIE T. TRAN, as alleged above, is in violation of Code Section 10159.2 and subjects her real estate licenses and license rights to suspension or revocation pursuant to Sections 10177(d), 10177(g), and 10177(h) of the Code.

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1 WHEREFORE, Complainant prays that a hearing be conducted
2 on the allegations of this Accusation and that upon proof
3 thereof, a decision be rendered imposing disciplinary action
4 against all licenses and license rights of Respondents AMERICAN
5 DIRECT LENDERS, INC. and NATALIE T. TRAN individually and as
6 designated officer of American Direct Lenders, Inc., under the
7 Real Estate Law (Part 1 of Division 4 of the Business and
8 Professions Code) and for such other and further relief as may be
9 proper under other applicable provisions of law.

10 Dated at Los Angeles, California

11 this 3 day of September, 2009.

12
13
14 
15 ROBIN T. TRUJILLO
16 Deputy Real Estate Commissioner
17
18
19
20
21
22
23
24

25 cc: American Direct Lenders, Inc.
26 Natalie T. Tran
27 Audit Section
Sacto.