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FILED

JUL 14 2011

DEPARTMENT OF REAL ESTATE
BY: *Handwritten signature*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-36248 LA
SYLVIA GONZALEZ, aka)	
Sylvia Delarosa,)	
Respondent..)	

ORDER SUSPENDING REAL ESTATE LICENSE

To: SYLVIA GONZALEZ
4729 Hersholt Avenue
Long Beach, CA 90808

On or about July 9, 2010, a restricted real estate salesperson license was issued by the Department of Real Estate to Respondent, SYLVIA GONZALEZ, aka Sylvia Delarosa, on the terms, conditions, and restrictions set forth in the Real Estate Commissioner's Decision filed on April 15, 2010 in Case No. H-36248 LA. This Decision, effective on May 5, 2010, provided the right to a restricted real estate salesperson license was subject to the provisions of California Business and Professions Code Sections 10156.7 and to enumerated additional terms,

1 conditions, and restrictions. Among those terms, conditions,
2 and restrictions was the following:

3 Respondent SYLVIA DELAROSA shall, within nine (9)
4 months from the effective date of this Decision,
5 present evidence satisfactory to the Real Estate
6 Commissioner that Respondent has since the most recent
7 issuance of an original or renewal real estate license,
8 taken and successfully completed the continuing
9 education requirements of Article 2.5 of Chapter 3 of
10 the Real Estate Law for renewal of a real estate
11 license. If Respondent fails to satisfy this
12 condition, the Commissioner may order the suspension of
13 the restricted license until Respondent presents such
14 evidence. The Commissioner shall afford Respondent the
15 opportunity for a hearing pursuant to the
16 Administrative Procedure Act to present such evidence.

17 The Commissioner has determined that as of February
18 5, 2011, you have failed to satisfy this condition.

19 NOW, THEREFORE, IT IS ORDERED under authority of the
20 Decision issued in this matter that the real estate salesperson
21 license heretofore issued to Respondent and the exercise of any
22 privileges thereunder are hereby suspended until such time as
23 you provide proof satisfactory to the Department of Real Estate
24 of compliance with the "condition" referred to above, or pending
25 final determination after hearing (see "Hearing Right" set forth
26 below).

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1 IT IS FURTHER ORDERED that all license certificates
2 and identification cards issued by the Department of Real Estate
3 which are in your possession of Respondent be immediately
4 surrendered by personal delivery or by mailing in the enclosed
5 self-addressed envelope to:

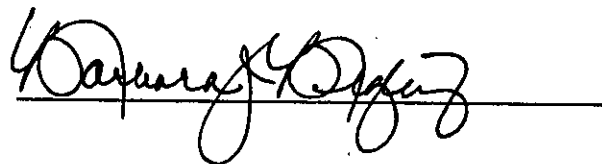
6 DEPARTMENT OF REAL ESTATE
7 Attention: Flag Section
8 P.O. Box 187000
9 Sacramento, CA 95818-7000

10 HEARING RIGHTS: You have the right to a hearing to
11 contest the Commissioner's determination that you are in
12 violation of the Order issued in this matter. If you desire a
13 hearing, you must submit a written request. The request may be
14 in any form, as long as it is in writing and indicates that you
15 want a hearing. Unless a written request for a hearing, signed
16 by or on behalf of you, is delivered or mailed to the Department
17 of Real Estate at 320 West 4th Street, Suite 350, Los Angeles,
18 CA 90013-1105, within 20 days after the date that this Order was
19 mailed to or served on you, the Department of Real Estate will
20 not be obligated or required to provide you with a hearing.

21 This Order shall be effective immediately.

22 Dated: 5/17, 2011.

23 Real Estate Commissioner

24 
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FILED

APR 15 2010

DEPARTMENT OF REAL ESTATE
BY: [Signature]

STATE OF CALIFORNIA

* * *

STIPULATION
AND
AGREEMENT

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

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

12 3. Respondent timely filed a Notice of Defense
13 pursuant to Section 11506 of the Government Code for the purpose
14 of requesting a hearing on the allegations in the Accusation.
15 Respondent hereby freely and voluntarily withdraws said Notice of
16 Defense. Respondent acknowledges that he understand that by
17 withdrawing said Notice of Defense he thereby waives his right to
18 require the Commissioner to prove the allegations in the
19 Accusation at a contested hearing held in accordance with the
20 provisions of the APA and that he will waive other rights
21 afforded to him in connection with the hearing such as the right
22 to present evidence in his defense including the right to cross-
23 examine witnesses.

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1 4. This Stipulation is based on the factual
2 allegations contained in the Accusation. In the interest of
3 expedience and economy, Respondent chooses not to contest these
4 allegations, but to remain silent and understand that, as a
5 result thereof, these factual allegations, without being admitted
6 or denied, will serve as a prima facie basis for the disciplinary
7 action stipulated to herein. The Real Estate Commissioner shall
8 not be required to provide further evidence to prove said factual
9 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 to
13 this proceeding and any other proceeding or case in which the
14 Department of Real Estate ("Department"), the state or federal
15 government, or any agency of this state, another state or federal
16 government is involved.

17 6. It is understood by the parties that the Real
18 Estate Commissioner may adopt this Stipulation as his Decision in
19 this matter thereby imposing the penalty and sanctions on
20 Respondent's real estate licenses and license rights as set forth
21 in the below "Order". In the event that the Commissioner in his
22 discretion does not adopt the Stipulation, the Stipulation shall
23 be void and of no effect and Respondent shall retain the right to
24 a hearing and proceeding on the Accusation under the provisions
25 of the APA and shall not be bound by any stipulation or waiver
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27

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.

DETERMINATION OF ISSUES

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

I.

The conduct of STEVE BENARD STREIFEL, as described in Paragraph 4, above, is in violation of Sections 10085, 10145 and 10146 of the Business and Professions Code ("Code") and Sections 2831, 2831.1, 2831.2, 2970 and 2972 of Title 10, Chapter 6 of the California Code of Regulations ("Regulations") and is a basis for discipline of Respondents' licenses and license rights as a violation of the Real Estate Law pursuant to Code Section 10177(d).

II.

The conduct of STEVE BENARD STREIFEL, as described in Paragraph 4, herein above, constitutes a failure to keep Excel Lending Inc. in compliance with the Real Estate Law during the time that Respondent was the officer designated of said corporation, in violation of Code Section 10159.2. This conduct

1 is a basis for discipline of Respondent's license pursuant to
2 Code Section 10177(h).

3 ORDER

4 WHEREFORE, THE FOLLOWING ORDER is hereby made:

5 The real estate broker license of Respondent
6 STEVE BENARD STREIFEL under the Real Estate Law is revoked;
7 provided, however, a restricted real estate salesperson license
8 shall be issued to Respondent, pursuant to Section 10156.5 of the
9 Business and Professions Code, if Respondent:

10 Makes application therefor and pays to the Department
11 of Real Estate the appropriate fee for the restricted license
12 within ninety (90) days from the effective date of this Decision.
13 The restricted license issued to Respondent shall be subject to
14 all of the provisions of Section 10156.7 of the Code and the
15 following limitations, conditions and restrictions imposed under
16 authority of Section 10156.6 of that Code.

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

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

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

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

13 (a) That the employing broker has read the
14 Decision of the Commissioner which granted
15 the right to a restricted license; and

16 (b) That the employing broker will exercise
17 close supervision over the performance by the
18 restricted licensee relating to activities
19 for which a real estate license is required.
20

21 5. All licenses and licensing rights of Respondent
22 STEVE BANARD STREIFEL are indefinitely suspended unless or until
23 Respondent provides proof satisfactory to the Commissioner, of
24 having taken and successfully completed the continuing education
25 course on trust fund accounting and handling specified in
26 paragraph (3) of subdivision (a) of Section 10170.5 of the
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1 Business and Professions Code. Proof of satisfaction of this
2 requirement includes evidence that respondent has successfully
3 completed the trust fund account and handling continuing
4 education course within 120 days prior to the effective date of
5 the Decision in this matter.

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

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14
15 DATED: 3-24-10

16 ELLIOTT MAC LENNAN, Counsel for
17 the Department of Real Estate

18 * * *

19 EXECUTION OF THE STIPULATION

20 I have read the Stipulation. Its terms are understood
21 by me and are agreeable and acceptable to me. I understand that
22 I am waiving rights given to me by the California Administrative
23 Procedure Act (including but not limited to Sections 11506,
24 11508, 11509 and 11513 of the Government Code), and I willingly,
25 intelligently and voluntarily waive those rights, including the
26 right of requiring the Commissioner to prove the allegations in
27 the Accusation at a hearing at which I would have the right to

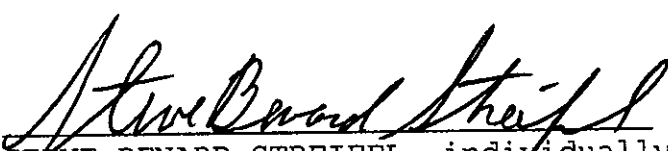
1 cross-examine witnesses against me and to present evidence in
2 defense and mitigation of the charges.

3 MAILING AND FACSIMILE

4 Respondent (1) shall mail the original signed signature
5 page of the Stipulation herein to Elliott Mac Lennan: Attention:
6 Legal Section, Department of Real Estate, 320 W. Fourth St.,
7 Suite 350, Los Angeles, California 90013-1105. Additionally,
8 Respondent shall also (2) facsimile a copy of signed signature
9 page, to the Department at the following telephone/fax number:
10 (213) 576-6917, Attention: Elliott Mac Lennan.

11 A facsimile constitutes acceptance and approval of the
12 terms and conditions of this stipulation. Respondent agrees,
13 acknowledges and understands that by electronically sending to
14 the Department a facsimile copy of Respondent's actual signature
15 as it appears on the stipulation that receipt of the facsimile
16 copy by the Department shall be as binding on Respondent as if
17 the Department had received the original signed stipulation.
18

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21 DATED: 2/26/2010

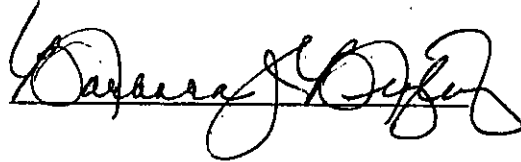

22 STEVE BENARD STREIFEL, individually
23 and as designated officer of Excel
24 Lending Inc. Respondent
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* * *

1 The foregoing Stipulation and Agreement is hereby
2 adopted as my Decision as to Respondent STEVE BENARD STREIFEL,
3 individually and as designated officer of Excel Lending Inc. and
4 shall become effective at 12 o'clock noon on
5 May 17 , 2010.

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7 IT IS SO ORDERED 4/6 , 2010.

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9 JEFF DAVI
10 Real Estate Commissioner

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1 Department of Real Estate
2 320 W. 4TH Street, Suite 350
3 Los Angeles, CA 90013-1105

4 Telephone: (213) 576-6982 (Office)

FILED

APR 15 2010

DEPARTMENT OF REAL ESTATE
BY: *[Signature]*

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)

12 EXCEL LENDING INC. doing business)
13 as E-Modification; and)
14 STEVE BENARD STREIFEL,)
15 individually and as designated)
16 officer of Excel Lending Inc.,)
17 and SYLVIA DELAROSA,)

18 Respondents.)

No. H-36248 LA
L-2009120833

STIPULATION
AND
AGREEMENT

18 It is hereby stipulated by and between Respondents
19 EXCEL LENDING INC. and SYLVIA DELAROSA (sometimes referred to as
20 "Respondents), and the Complainant, acting by and through Elliott
21 Mac Lennan, Counsel for the Department of Real Estate, as follows
22 for the purpose of settling and disposing of the Accusation filed
23 on September 21, 2009 ("Accusation") in this matter:
24

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

1 held in accordance with the provisions of the Administrative
2 Procedure Act ("APA"), shall instead and in place thereof be
3 submitted solely on the basis of the provisions of this
4 Stipulation and 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 EXCEL LENDING INC., as described in
10 Paragraph 4, above, is in violation of Sections 10085, 10145 and
11 10146 of the Business and Professions Code ("Code") and Sections
12 2831, 2831.1, 2831.2, 2970 and 2972 of Title 10, Chapter 6 of the
13 California Code of Regulations ("Regulations") and is a basis for
14 discipline of Respondent's licenses and license rights as a
15 violation of the Real Estate Law pursuant to Code Section
16 10177(d).

17 II.

18 The conduct of EXCEL LENDING INC. and SYLVIA DELAROSA,
19 as described in Paragraph 4, above, is in violation of Code
20 Section 10130 and is a basis for discipline of Respondent's
21 licenses and license rights as a violation of the Real Estate Law
22 pursuant to Code Section 10177(d).

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ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

I.

All real estate license and license rights of
Respondent EXCEL LENDING INC. under the Real Estate Law are
revoked.

II.

The real estate salesperson license of Respondent
SYLVIA DELAROSA 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:

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

1. The restricted license issued to Respondent may be
suspended prior to hearing by Order of the Real Estate
Commissioner in the event of Respondent's conviction or plea of
nolo contendere to a crime which is substantially related to
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 (b) That the employing broker will exercise
21 close supervision over the performance by the
22 restricted licensee relating to activities
23 for which a real estate license is required.
24

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1 5. Respondent SYLVIA DELAROSA shall, within nine (9)
2 months from the effective date of this Decision, present evidence
3 satisfactory to the Real Estate Commissioner that Respondent has,
4 since the most recent issuance of an original or renewal real
5 estate license, taken and successfully completed the continuing
6 education requirements of Article 2.5 of Chapter 3 of the Real
7 Estate Law for renewal of a real estate license. If Respondent
8 fails to satisfy this condition, the Commissioner may order the
9 suspension of the restricted license until Respondent presents
10 such evidence. The Commissioner shall afford Respondent the
11 opportunity for a hearing pursuant to the Administrative
12 Procedure Act to present such evidence.

13 6. Respondent SYLVIA DELAROSA shall within six (6)
14 months from the effective date of the Decision herein, take and
15 pass the Professional Responsibility Examination administered by
16 the Department including the payment of the appropriate
17 examination fee. If Respondent fails to satisfy this condition,
18 the Commissioner may order suspension of Respondent's license
19 until Respondent passes the examination.
20

21
22
23 DATED: 2-26-10

24 ELL
25 ELLIOTT MAC LENNAN, Counsel for
26 the Department of Real Estate
27

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* * *

EXECUTION OF THE STIPULATION

I have read the Stipulation. 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.

MAILING AND FACSIMILE

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

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1 A facsimile constitutes acceptance and approval of the
2 terms and conditions of this stipulation. Respondent agrees,
3 acknowledges and understands that by electronically sending to
4 the Department a facsimile copy of Respondent's actual signature
5 as it appears on the stipulation that receipt of the facsimile
6 copy by the Department shall be as binding on Respondent as if
7 the Department had received the original signed stipulation.
8
9

10 DATED: 2/26/10
11

Sylvia Delarosa
EXCEL LENDING INC.
BY: SYLVIA DELAROSA, President and
CEO of Excel Lending Inc.,
Respondent
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15 DATED: 2/26/10
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Sylvia Delarosa
SYLVIA DELAROSA, Respondent
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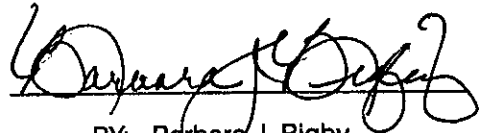
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* * *

1 The foregoing Stipulation and Agreement is hereby
2
3 adopted as my Decision as to Respondents EXCEL LENDING INC. and
4 SYLVIA DELAROSA, and shall become effective at 12 o'clock noon on
5 May 5, 2010.

6 IT IS SO ORDERED 4/6, 2010.

7 JEFF DAVI
8 Real Estate Commissioner

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10 BY: Barbara J. Bigby
11 Chief Deputy Commissioner
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FILED

SEP 21 2009

ELLIOTT MACLENNAN, SBN 66674
Department of Real Estate
320 West 4th Street, Ste. 350
Los Angeles, California 90013-1105

Telephone: (213) 576-6911 (direct)
-or- (213) 576-6982 (office)

DEPARTMENT OF REAL ESTATE
BY: A. Guadalupe

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

EXCEL LENDING INC. doing business
as E-Modification; and
STEVE BENARD STREIFEL,
individually and as designated
officer of Excel Lending Inc.,
and SYLVIA DELAROSA,

Respondents.

No. H-36248 LA

A C C U S A T I O N

The Complainant, Robin Trujillo, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against EXCEL LENDING INC.; STEVE BENARD STREIFEL, individually and as designated officer of Excel Lending Inc., and SYLVIA DELAROSA, alleges as follows:

1.

The Complainant, Robin Trujillo, acting in her official capacity as a Deputy Real Estate Commissioner of the State of California, makes this Accusation against EXCEL LENDING INC.,

1 STEVE BENARD STREIFEL and SYLVIA DELAROSA.

2 2.

3 All references to the "Code" are to the California
4 Business and Professions Code and all references to "Regulations"
5 are to Title 10, Chapter 6, California Code of Regulations.

6 3.

7 License History

8 A. EXCEL LENDING INC. ("ELI"). At all times
9 mentioned, Respondent ELI was licensed or had license rights
10 issued by the Department of Real Estate ("Department") as a real
11 estate broker. On September 18, 2008, ELI was originally
12 licensed as a corporate real estate broker. At all times
13 mentioned herein, Respondent ELI was authorized to act by and
14 through Respondent STEVE BENARD STREIFEL as ELI's broker
15 designated pursuant to Business and Professions Code (hereinafter
16 "Code") Sections 10159.2 and 10211 to be responsible for ensuring
17 compliance with the Real Estate Law. On January 23, 2009, ELI
18 became non broker affiliated when STREIFEL cancelled his
19 designated officer license.
20

21 B. STEVE BENARD STREIFEL. At all times mentioned,
22 Respondent STEVE BENARD STREIFEL ("STREIFEL") was licensed or had
23 license rights issued by the Department as a real estate broker.
24 On February 27, 1996, STREIFEL was originally licensed as a real
25 estate broker and on September 18, 2008, became the designated
26
27

1 officer of ELI. On January 23, 2009, STREIFEL cancelled as
2 designated officer of ELI.

3 C. SYLVIA DELAROSA ("DELAROSA") is the corporate
4 President and sole shareholder of ELI. DELAROSA was originally
5 licensed as a real estate salesperson on August 22, 2002.
6 DELAROSA was employed by broker Juan C. Granados from October
7 02, 2006 to November 14, 2009; by Contact One Realty Group from
8 November 15, 2007 to February 27, 2009; and employed by Financial
9 Freedom Funding Inc. from February 28, 2009 to date. At no time
10 during the audit period set forth below, was DELAROSA licensed by
11 ELI.

12 Brokerage

13 4.

14 At all times mentioned, in the City and County of
15 Fontana, ELI, STREIFEL and DELAROSA acted as real estate brokers
16 conducting licensed activities within the meaning of Code
17 Sections 10131(d) and 10131.2. ELI and STREIFEL engaged in the
18 business of a loan modification and an advance fee brokerage.
19 For compensation or in expectation of compensation and for fees
20 often collected in advance, Respondents contacted lenders' loss
21 mitigation departments on behalf of distressed homeowners seeking
22 modification of the terms of their home loans including, but not
23 limited to, repayment plans, forbearance, Deed-In-Lieu of
24 Foreclosure, partial claims, and reduction in principal or
25

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1 interest. ELI, STREIFEL and DELAROSA handled the following loan
2 modifications during the audit period:

3

4 Loan Modifications	Advance Fees Collected
5 137	\$338,405.88

6

7 Audit Examination

8 5.

9 On May 4, 2009, the Department completed an audit
10 examination of the books and records of ELI pertaining to the
11 loan modification and advance fee activities described in
12 Paragraph 4, which require a real estate license. The audit
13 examination covered a period of time beginning on January 1, 2007
14 to December 31, 2008. The audit examination revealed violations
15 of the Code and the Regulations as set forth in the following
16 paragraphs, and more fully discussed in Audit Report LA 080163
17 and the exhibits and work papers attached to said audit report.
18

19 Bank and Trust Accounts

20 6.

21 At all times mentioned, in connection with the
22 activities described in Paragraph 4, above, ELI accepted or
23 received funds including funds in trust (hereinafter "trust
24 funds") from or on behalf of actual or prospective parties,
25 including lenders, borrowers, homeowners for loan modifications
26 handled by ELI. Thereafter ELI made deposits and or
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1 disbursements of such trust funds. From time to time herein
2 mentioned during the audit period, said trust funds were
3 deposited and/or maintained by ELI in the bank accounts as
4 follows:

5 "Excel Lending Inc.
6 Account No. 942-2634114
7 Wells Fargo Bank
8 Portland, OR 97228

(B/A #1)

9 "Excel Lending Inc. dba E-Modifications
10 Account No. 188-9200703
11 Wells Fargo Bank
12 Portland, OR 97228

(B/A #2)

13 Audit Violations

14 7.

15 In the course of activities described in Paragraphs 4
16 and 6, above, and during the examination period described in
17 Paragraph 5, Respondents ELI, STREIFEL and DELAROSA acted in
18 violation of the Code and the Regulations in which Respondents:

19 (a) From April through June 2008, while not licensed as
20 real estate brokers, DELOSROSA, and ELI performed licensed
21 activities including conducting modifications of home loans for
22 homeowners and for collecting advance fees from homeowners
23 without obtaining a corporate real estate broker license, with
24 respect to the following homeowners:

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Homeowners/Borrowers	Start Date	Fees Collected
A. Gonzalez	04-1-08	\$1,595
D. Vargas	05-27-08	--
Cervantes/Munguia	07-16-08	\$1,700
Mary Moore	06-12-08	\$3,000
Total Fees Collected		\$6,2950

(b) (1) ELI and STREIFEL commingled trust funds and personal funds by depositing trust funds in the form of advance fees collected for loan modifications into ELI's general operating account, in violation of Code Sections 10145 and 10176(e) and Regulation 2832, for homeowner/borrowers Daniel Roberts, Mungui Ignacio, Mark Moore and Martha Alvarez.

(b) (2) ELI, STREIFEL and DELAROSA converted trust funds by depositing trust funds in the form of advance fees collected for loan modifications into DELAROSA's personal bank account, in violation of Code Sections 10145, 10176(i) and Regulation 2832, for homeowner/borrowers Daniel Roberts, Mungui Ignacio, Mark Moore and Martha Alvarez.

(c) ELI and STREIFEL failed to maintain a control record in the form of a columnar record in chronological order of all trust funds including advance fees collected in connection

1 with loan modifications, deposited and disbursed, in violation of
2 Code Section 10145 and Regulation 2831.

3 (d) ELI and STREIFEL failed to maintain a separate
4 record for each beneficiary or transaction, thereby failing to
5 account for all advance fees collected in connection with loan
6 modifications, in violation of Code Section 10145 and Regulation
7 2831.1.

8 (e) ELI and STREIFEL failed to perform a monthly
9 reconciliation of the balance of all separate beneficiary or
10 transaction records maintained pursuant to Regulation 2831.1 with
11 the record of all trust funds received and disbursed from the
12 bank accounts used for the deposit of advance fees for loan
13 modification services, in violation of Code Section 10145 and
14 Regulation 2831.2.

15 (f) ELI and STREIFEL. B/A #1 and B/A #2 were not in
16 the name of broker ELI, as trustee at a bank or other financial
17 institution, nor designated as trust accounts although trust
18 funds were deposited into these bank accounts, in violation of
19 Code Section 10145 and Regulation 2832(a).

20 (g) (1) ELI and STREIFEL permitted DELAROSA, president
21 and owner of ELI, a real estate salesperson not licensed under
22 STREIFEL to be an authorized as the sole signatory on B/A #1, in
23 violation of Code Section 10145 and Regulation 2834; and

24 (g) (2) Toma Nicolae Ghiran, an unlicensed and unbonded
25 person, ELI's operations manager, was not a signatory yet
26
27

1 possessed on-line access to ELI's bank accounts and passwords
2 which he accessed in order to disburse trust funds to pay
3 personal expenses including but not limited to telephone charges
4 and child support payments, in violation of Code Section 10145
5 and Regulation 2834; and,

6 (g) (3) STREIFEL was not a signatory on either B/A #1 or
7 B/A #2, in violation of Code Section 10145 and Regulation 2834.

8 (h) ELI and STREIFEL collected advance fees within the
9 meaning of Code Section 10026 from homeowners seeking loan
10 modification services wherein ELI failed to provide a pre-
11 approved advance fee agreement from the Department in the form of
12 a no objection letter, in violation of Code Section 10085 and
13 Regulation 2970, for the aforesaid homeowner/borrowers. Said no
14 objection letter was first issued by the Department on December
15 26, 2008.

16 (i) ELI and STREIFEL failed to establish and maintain a
17 trust account at a bank or other recognized financial institution
18 in the name of the broker for deposit of advance fees collected
19 by ELI, in violation of Code Section 10146.

20 (j) ELI and STREIFEL, with reference to the lack of an
21 advance fee agreement, ELI failed to provide a complete
22 description of services to be rendered provided to each
23 prospective tenant in 10 point type font and failed to provide an
24 allocation and disbursement of the amount collected as the
25

1 advance fee, in violation of Code Section 10146 and Regulation
2 2972.

3 (k) ELI and STREIFEL used the fictitious names of "E-
4 Modification Inc., "E-Modif" and "Meritage Investments", to
5 conduct licensed activities including a loan modification and an
6 advanced fee brokerage, without first obtaining from the
7 Department a license bearing said fictitious business name, in
8 violation of Code Section 10159.5 and Regulation 2731.

9 (l) Streifel had no system in place for regularly
10 monitoring his compliance with the Real Estate Law especially in
11 regard to establishing, systems, policies and procedures to
12 review trust fund handling, in violation of Code Sections
13 10159.2, 10177(h) and Regulation 2725; and

14 (m) After notice and subpoena on March 5, 2009, ELI
15 failed to retain all records of ELI's activity during the audit
16 period requiring a real estate broker license, in violation of
17 Code Section 10148.

18
19 Discipline Statutes

20 8.

21 The conduct of Respondents ELI, STREIFEL and DELAROSA
22 described in Paragraph 7, above, violated the Code and the
23 Regulations as set forth below:

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PARAGRAPH	PROVISIONS VIOLATED
7(a)	Code Section 10130 (ELI and DELAROSA)
7(b)	Code Sections 10145, 10176(e), 10176(i) and Regulation 2832
7(c)	Code Section 10145 and Regulation 2831
7(d)	Code Section 10145 and Regulation 2831.1
7(e)	Code Sections 10145 and Regulations 2831.2
7(f)	Code Section 10145 and 2832(a)
7(g)	Code Section 10145 and 2834
7(h)	Code Section 10085 and Regulation 2970
7(i)	Code Section 10146
7(j)	Code Section 10146 and Regulation 2972
7(k)	Code Section 10159.5 and Regulation 2731
7(l)	Code Sections 10159.2 and 10177(h) and Regulation 2725 (STREIFEL)
7(m)	Code Section 10148 (ELI)

1 These violations are cause for the suspension or revocation of
2 the real estate license and license rights of Respondents ELI,
3 STREIFEL and DELAROSA under the provisions of Code Sections
4 10176(e), 10176(i), 10177(d) and/or 10177(g).

5 Negligence

6 9.

7 The overall conduct of Respondents EXCEL LENDING INC.,
8 and STEVE BENARD STREIFEL constitutes negligence and is cause for
9 the suspension or revocation of the real estate license and
10 license rights of said Respondents pursuant to the provisions of
11 Code Section 10177(g).
12

13 Supervision and Compliance

14 10.

15 The overall conduct of Respondent STEVE BENARD STREIFEL
16 constitutes a failure on said Respondents' part, as officer and
17 former officer designated by a corporate broker licensee, to
18 exercise the reasonable supervision and control over the licensed
19 activities of ELI as required by Code Section 10159.2 and
20 Regulation 2725, and to keep ELI in compliance with the Real
21 Estate Law, with specific regard to trust fund and credit report
22 fee handling, escrow accounting and escrow procedure, and
23 mortgage and loan brokering, and is cause for discipline of the
24 real estate license and license rights of all Respondents
25 pursuant to the provisions of Code Sections 10177(d), 10177(g)
26 and 10177(h).
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 the license and license rights of Respondents
5 EXCEL LENDING INC., STEVE BENARD, STREIFEL and SYLVIA DELAROSA,
6 under the Real Estate Law (Part 1 of vision 4 of the Business and
7 Professions Code) and for such other and further relief as may be
8 proper under other applicable provisions of law.

9 Dated at Los Angeles, California

10 this 28 day of August 2009. Robin Trujillo
11 Deputy Real Estate Commissioner

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23 cc: Excel Lending Inc.
24 c/o Steve Benard Streifel D.O.
25 Sylvia Delarosa
26 Robin Trujillo
27 Sacto
Sam Delgado
Audits - Anna Hartoonian