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**FILED**

FEB -3 2011

DEPARTMENT OF REAL ESTATE

BY: *Jane B. Olson*

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \* \*

In the Matter of the Accusation of	)	
	)	No. H-36360 LA
CONTACT ONE FUNDING CORP and	)	L-2010020586
<u>ESTEBAN MORENO,</u>	)	
	)	
Respondents.	)	

ORDER NUNC PRO TUNC MODIFYING

STIPULATION AND AGREEMENT IN SETTLEMENT AND ORDER

It having been called to the attention of the Real Estate Commissioner that there are errors in the Decision dated December 14, 2010, effective January 10, 2011, and good cause appearing therefor, the Decision is amended as follows:

Paragraph 6 of the Order is amended to read as follows:

"All licenses and licensing rights of Respondent ESTEBAN MORENO under the Real Estate law are suspended for a period of 60 days from the date of issuance of the restricted license. Provided, however, that if Respondent petitions, said suspension shall be stayed upon condition that":

1 a. Respondent pays a monetary penalty pursuant to  
2 Section 10175.2 of the Business and Professions Code at the rate  
3 of \$50 for each day of the suspension for a total monetary  
4 penalty of \$3,000.

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

10 c. No further cause for disciplinary action against the  
11 real estate license of Respondent occurs within one year from the  
12 effective date of the Decision in this matter.

13 d. If Respondent fails to pay the monetary penalty in  
14 accordance with the terms and conditions of the Decision, the  
15 Commissioner may, without a hearing, order the immediate  
16 execution of all or any part of the stayed suspension in which  
17 event the Respondent shall not be entitled to any repayment nor  
18 credit, prorated or otherwise, for money paid to the Department  
19 under the terms of this Decision.

20 e. If Respondent pays the monetary penalty and if no  
21 further cause for disciplinary action against the real estate  
22 license of Respondent occurs within one year from the effective  
23 date of the Decision, the stay hereby granted shall become  
24 permanent.

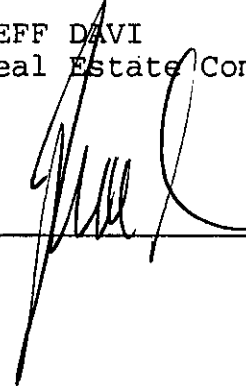
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This Order, nunc pro tunc to December 14, 2010, shall become effective immediately.

IT IS SO ORDERED 1-31-2011.

JEFF DAVI  
Real Estate Commissioner



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**FILED**

DEC 21 2010

1 Department of Real Estate  
2 320 West 4th Street, Ste. 350  
3 Los Angeles, California 90013-1105  
4  
5 Telephone: (213) 576-6982  
6  
7

DEPARTMENT OF REAL ESTATE  
BY: Jana B. Olson

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )  
12 )  
13 CONTACT ONE FUNDING CORP and )  
14 ESTEBAN MORENO, )  
15 Respondents. )

No. H-36360 LA  
L-2010020586

STIPULATION  
AND  
AGREEMENT

16  
17 It is hereby stipulated by and between Respondent  
18 ESTEBAN MORENO, represented by James De Aguilera, Esq. and the  
19 Complainant, acting by and through James A. Demus, Counsel for  
20 the Department of Real Estate, as follows for the purpose of  
21 settling and disposing of the Accusation ("Accusation") filed on  
22 November 17, 2009, in this matter:

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

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

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

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

20           4. This Stipulation is based on the factual  
21 allegations contained in the Accusation. In the interest of  
22 expedience and economy, Respondent chooses not to contest these  
23 allegations, but to remain silent and understand that, as a  
24 result thereof, these factual allegations, without being admitted  
25 or denied, will serve as a prima facie basis for the disciplinary  
26 action stipulated to herein. The Real Estate Commissioner shall  
27 not be required to provide further evidence to prove said factual

1 allegations.

2           5. This Stipulation is made for the purpose of  
3 reaching an agreed disposition of this proceeding and is  
4 expressly limited to this proceeding and any other proceeding or  
5 case in which the Department of Real Estate ("Department"), the  
6 state or federal government, or any agency of this state, another  
7 state or federal government is a party.

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

18           7. The Order or any subsequent Order of the Real  
19 Estate Commissioner made pursuant to this Stipulation shall not  
20 constitute an estoppel, merger or bar to any further  
21 administrative or civil proceedings by the Department of Real  
22 Estate with respect to any matters which were not specifically  
23 alleged to be causes for Accusation in this proceeding but do  
24 constitute a bar, estoppel and merger as to any allegations  
25 actually contained in the Accusations against Respondents herein.

26                           DETERMINATION OF ISSUES

27           By reason of the foregoing, it is stipulated and agreed

1 that the following determination of issues shall be made:

2 I.

3 The conduct of ESTEBAN MORENO as described in Paragraph  
4 4, hereinabove, is a basis for discipline of Respondent's license  
5 and license rights as violations of the Real Estate law pursuant  
6 to Business and Professions Code ("Code") Sections 10176(a) and  
7 10176(i).

8 ORDER

9 WHEREFORE, THE FOLLOWING ORDER is hereby made:

10 I.

11 All licenses and licensing rights of Respondent  
12 ESTEBAN MORENO under the Real Estate Law are revoked; provided,  
13 however, a restricted real estate broker license shall be issued  
14 to Respondent pursuant to Section 10156.5 of the Business and  
15 Professions Code, if Respondent makes application therefor and  
16 pays to the Department the appropriate fee within 90 days from  
17 the effective date of this Decision. The restricted license  
18 issued to Respondent shall be subject to all of the provisions  
19 of Section 10156.7 of the Business and Professions Code and to  
20 the following limitations, conditions and restrictions imposed  
21 under authority of Section 10156.6 of that code:

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

27

1                    2. The restricted license issued to Respondent may be  
2 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 this restricted  
7 license.

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

13                    4. Respondent shall, within nine months from the  
14 effective date of this Decision, present evidence satisfactory  
15 to the Real Estate Commissioner that Respondent has, since the  
16 most recent issuance of an original or renewal real estate  
17 license, taken and successfully completed the continuing  
18 education requirements of Article 2.5 of Chapter 3 of the Real  
19 Estate Law for renewal of a real estate license. If Respondent  
20 fails to satisfy this condition, the Commissioner may order the  
21 suspension of the restricted license until the Respondent  
22 presents such evidence. The Commissioner shall afford  
23 Respondent the opportunity for a hearing pursuant to the  
24 Administrative Procedure Act to present such evidence.

25                    5. Respondent shall, within six months from the  
26 effective date of this Decision, take and pass the Professional  
27 Responsibility Examination administered by the Department



1 including the payment of the appropriate examination fee. If  
2 Respondent fails to satisfy this condition, the Commissioner may  
3 order suspension of Respondent's license until Respondent passes  
4 the examination.

5 6. All licenses and licensing rights of Respondent  
6 ESTEBAN MORENO under the Real Estate Law are suspended for a  
7 period of 60 days from the effective date of this Decision;  
8 provided, however, that if Respondent petitions, said suspension  
9 shall be stayed upon condition that:

10 a. Respondent pays a monetary penalty pursuant to  
11 Section 10175.2 of the Business and Professions Code at the rate  
12 of \$50 for each day of the suspension for a total monetary  
13 penalty of \$3,000.

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

19 c. No further cause for disciplinary action against  
20 the real estate license of Respondent occurs within one year from  
21 the effective date of the Decision in this matter.

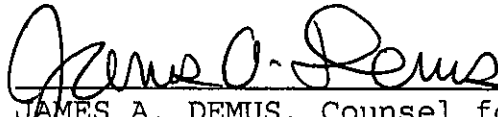
22 d. If Respondent fails to pay the monetary penalty in  
23 accordance with the terms and conditions of the Decision, the  
24 Commissioner may, without a hearing, order the immediate  
25 execution of all or any part of the stayed suspension in which  
26 event the Respondent shall not be entitled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

Corrected

1 under the terms of this Decision.

2 e. If Respondent pays the monetary penalty and if no  
3 further cause for disciplinary action against the real estate  
4 license of Respondent occurs within one year from the effective  
5 date of the Decision, the stay hereby granted shall become  
6 permanent.

7  
8 DATED: 11/22/10

  
9 JAMES A. DEMUS, Counsel for  
the Department of Real Estate

10 \* \* \*

11 EXECUTION OF THE STIPULATION

12 I have read the Stipulation and discussed it with my  
13 counsel. Its terms are understood by me and are agreeable and  
14 acceptable to me. I understand that I am waiving rights given to  
15 me by the California Administrative Procedure Act (including but  
16 not limited to Sections 11506, 11508, 11509 and 11513 of the  
17 Government Code), and I willingly, intelligently and voluntarily  
18 waive those rights, including the right of requiring the  
19 Commissioner to prove the allegations in the Accusation at a  
20 hearing at which I would have the right to cross-examine  
21 witnesses against me and to present evidence in defense and  
22 mitigation of the charges.

23 Respondent can signify acceptance and approval of the  
24 terms and conditions of this Stipulation by faxing a copy of its  
25 signature page, as actually signed by Respondents, to the  
26 Department at the following telephone/fax number: James A. Demus  
27

1 at (213) 576-6917. Respondent agrees, acknowledges and  
 2 understands that by electronically sending to the Department a  
 3 fax copy of Respondent's actual signature as it appears on the  
 4 Stipulation, that receipt of the faxed copy by the Department  
 5 shall be as binding on Respondent as if the Department had  
 6 received the original signed Stipulation.

7  
 8 DATED: 11/11/10

  
 \_\_\_\_\_  
 ESTEBAN MORENO Respondent

9  
 10 DATED: 11/11/10

  
 \_\_\_\_\_  
 JAMES DE AGUILERA  
 Attorney for Respondent

\* \* \*

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 16 The foregoing Stipulation and Agreement is hereby  
 17 adopted as my Decision as to Respondent ESTEBAN MORENO and shall  
 18 become effective at 12 o'clock noon on \_\_\_\_\_,  
 19 2010.

20 IT IS SO ORDERED \_\_\_\_\_, 2010.

21 JEFF DAVI  
 22 Real Estate Commissioner

23  
 24 \_\_\_\_\_  
 25  
 26  
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1 at (213) 576-6917. Respondent agrees, acknowledges and  
2 understands that by electronically sending to the Department a  
3 fax copy of Respondent's actual signature as it appears on the  
4 Stipulation, that receipt of the faxed copy by the Department  
5 shall be as binding on Respondent as if the Department had  
6 received the original signed Stipulation.

7  
8 DATED: \_\_\_\_\_ ESTEBAN MORENO Respondent

9  
10 DATED: \_\_\_\_\_ JAMES DE AGUILERA  
11 Attorney for Respondent  
12

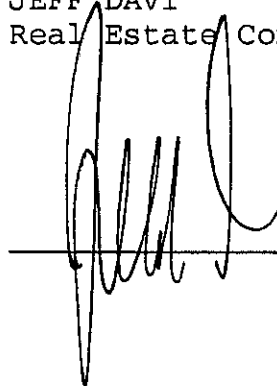
13 \* \* \*

14  
15  
16 The foregoing Stipulation and Agreement is hereby  
17 adopted as my Decision as to Respondent ESTEBAN MORENO and shall  
18 become effective at 12 o'clock noon on JAN 10 2011,  
19 2010.

20 IT IS SO ORDERED 12/14/, 2010.

21 JEFF DAVI  
22 Real Estate Commissioner

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\_\_\_\_\_

SPeTO

**FILED**

SEP 30 2010

DEPARTMENT OF REAL ESTATE

BY: Jana B. Olson

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of	)	NO. H-36360 LA
	)	
<u>CONTACT ONE FUNDING CORP</u>	)	
and ESTEBAN MORENO,	)	
	)	
Respondents.	)	

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On November 17, 2009, an Accusation was filed in this matter against Respondents CONTACT ONE FUNDING CORP and ESTEBAN MORENO.

On August 5, 2010, Respondent CONTACT ONE FUNDING CORP petitioned the Commissioner to voluntarily surrender its real estate broker license pursuant to Section 10100.2 of the Business and Professions Code.

IT IS HEREBY ORDERED that Respondent CONTACT ONE FUNDING CORP's petition for voluntary surrender of its real estate broker license is accepted as of the effective date of this Order as set forth below, based upon the understanding and agreement expressed in Respondent's Declaration dated August 5,

1 2010(attached as Exhibit "A" hereto). Respondent's license  
2 certificate(s), pocket card(s) and any branch office license  
3 certificate(s) shall be sent to the below listed address so that  
4 they reach the Department on or before the effective date of this  
5 Order:

6 Department of Real Estate  
7 Atten: Licensing Flag Section  
8 P.O. Box 187000  
9 Sacramento, CA 95818-7000

10 This Order shall become effective at 12 o'clock noon  
11 on OCT 20 2010.

12 DATED: 8-17-2010

13 JEFF DAVIS  
14 Real Estate Commissioner  
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1 I understand that CONTACT ONE FUNDING CORP, by so  
2 voluntarily surrendering its license, can only have it reinstated  
3 in accordance with the provisions of Section 11522 of the  
4 Government Code. I also understand that by so voluntarily  
5 surrendering its license, CONTACT ONE FUNDING CORP agrees to the  
6 following:


7 The filing of this Declaration shall be deemed as its  
8 petition for voluntary surrender. It shall also be deemed to be  
9 an understanding and agreement by CONTACT ONE FUNDING CORP that,  
10 it waives all rights it has to require the Commissioner to prove  
11 the allegations contained in the Accusation filed in this matter  
12 at a hearing held in accordance with the provisions of the  
13 Administrative Procedure Act (Government Code Sections 11400 et  
14 seq.), and that it also waives other rights afforded to it in  
15 connection with the hearing such as the right to discovery, the  
16 right to present evidence in defense of the allegations in the  
17 Accusation and the right to cross-examine witnesses. I further  
18 agree on behalf of CONTACT ONE FUNDING CORP that upon acceptance  
19 by the Commissioner, as evidenced by an appropriate order, all  
20 affidavits and all relevant evidence obtained by the Department  
21 in this matter prior to the Commissioner's acceptance, and all  
22 allegations contained in the Accusation filed in the Department  
23 Case No. H-36360 LA, may be considered by the Department to be  
24 true and correct for the purpose of deciding whether or not to  
25 grant reinstatement of CONTACT ONE FUNDING CORP's license  
26 pursuant to Government Code Section 11522.

27



1 I declare under penalty of perjury under the laws of  
2 the State of California that the above is true and correct and  
3 that I am acting freely and voluntarily on behalf of Contact One  
4 Funding Corp to surrender its license and all license rights  
5 attached thereto.

6 8-5-10 / Las Angeles, CA  
7 Date and Place

  
8 CONTACT ONE FUNDING CORP By  
9 CARLOS GRANADOS  
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SACD.  
RAY

JAMES DEMUS, Counsel (SBN 225005)  
Department of Real Estate  
320 West Fourth St., #350  
Los Angeles, CA 90013

(213) 576-6982  
(213) 576-6910 (direct)

**FILED**  
NOV 17 2009  
DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of )	No. H-36360 LA
)	
)	<u>A C C U S A T I O N</u>
CONTACT ONE FUNDING CORP )	
and ESTEBAN MORENO, )	
)	
Respondents. )	
)	

The Complainant, Robin L. Trujillo, a Deputy Real Estate Commissioner of the State of California, for cause of accusation against CONTACT ONE FUNDING CORP and ESTEBAN MORENO, alleges as follows:

1. The Complainant, Robin L. Trujillo, acting in her official capacity as a Deputy Real Estate Commissioner of the State of California, makes this Accusation against CONTACT ONE FUNDING CORP and ESTEBAN MORENO.

2. CONTACT ONE FUNDING CORP. (hereinafter referred to as "CONTACT") is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code, hereinafter Code).

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

5           4. At all times herein mentioned, MORENO was licensed  
6 as an individual real estate broker.

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

9           6. On or about November 17, 2006, escrow closed on a  
10 property at 2009 North Linwood Avenue, Santa Ana, CA, 92704.  
11 CONTACT and MORENO brokered this transaction, naming Jesus Montor  
12 (hereinafter "Montor") as the purchaser.

13           7. MORENO submitted a Uniform Residential Loan  
14 Application ("application") for the property listed in paragraph  
15 6 above, listing CONTACT as his employer. The application stated  
16 Montor's monthly income was \$9,850, when Montor's actual monthly  
17 income was approximately \$2,300. The application also failed to  
18 disclose mortgages on two properties that CONTACT and MORENO had  
19 purchased in Montor's name within the prior two months. Finally,  
20 the application listed the property as Montor's primary  
21 residence, when CONTRACT and MORENO purchased two other homes as  
22 Montor's "primary residence" within the prior two months.

23           8. In reliance upon these false representations made  
24 to the lender, the lender funded the loan.

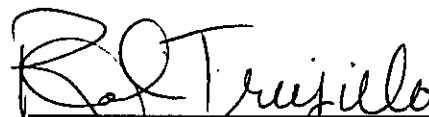
25           9. Montor had no knowledge that CONTACT and MORENO  
26 were using his name to purchase the property listed in paragraph  
27 6 above.



1           17. The conduct, acts and/or omissions of Respondents  
2 CONTACT and MORENO as described herein above, constitute cause  
3 under Code Sections 10176(a) and 101776(i) for the suspension or  
4 revocation of the licenses and license rights of Respondents  
5 under the Real Estate Law.

6  
7           WHEREFORE, Complainant prays that a hearing be  
8 conducted on the allegations of this Accusation and that upon  
9 proof thereof, a decision be rendered imposing disciplinary  
10 action against all licenses and license rights of Respondents  
11 CONTACT ONE FUNDING CORP and ESTEBAN MORENO under the Real Estate  
12 Law (Part 1 of Division 4 of the Business and Professions Code)  
13 and for such other and further relief as may be proper under  
14 other applicable provisions of law.

15 Dated at Los Angeles, California  
16 this 12 day of November, 2009.

17  
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19 

20 ROBIN L. TRUJILLO  
21 Deputy Real Estate Commissioner

22  
23  
24  
25 cc: Contact One Funding Corp  
26 Esteban Moreno  
27 Robin L. Trujillo  
Sacto.