

FILED

OCT 28 2010

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

Telephone: (213) 576-6982

DEPARTMENT OF REAL ESTATE
BY: James B. Lion

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of	)	No. H-36512 LA
	)	L-2010041333
DIRECT MONEY SOURCE INC and	)	
<u>TALA R. DAVIS,</u>	)	<u>STIPULATION</u>
	)	<u>AND</u>
Respondents.	)	<u>AGREEMENT</u>

It is hereby stipulated by and between Respondent TALA R. DAVIS and the Complainant, acting by and through James A. Demus, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation ("Accusation") filed on March 16, 2010, in this matter:

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

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

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

17 4. This Stipulation is based on the factual
18 allegations contained in the Accusation. In the interest of
19 expedience and economy, Respondent chooses not to contest these
20 allegations, but to remain silent and understands that, as a
21 result thereof, these factual allegations, without being admitted
22 or denied, will serve as a prima facie basis for the disciplinary
23 action stipulated to herein. The Real Estate Commissioner shall
24 not be required to provide further evidence to prove said factual
25 allegations.
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1 5. This Stipulation is made for the purpose of
2 reaching an agreed disposition of this proceeding and is
3 expressly limited to this proceeding and any other proceeding or
4 case in which the Department of Real Estate ("Department"), the
5 state or federal government, or any agency of this state, another
6 state or federal government is a party.

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

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

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DETERMINATION OF ISSUES

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

The conduct of TALA R. DAVIS as described in Paragraph 4, hereinabove, is a basis for discipline of Respondent's license and license rights as violations of the Real Estate law pursuant to Business and Professions Code ("Code") Sections 10137, 10177(d) and 10177(g).

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

I.

All licenses and licensing rights of Respondent TALA R. DAVIS, under the Real Estate Law are suspended for a period of ninety (90) days upon renewal of Respondent's license; provided, however, that sixty (60) days of said suspension, shall be stayed for two (2) years upon the following terms and conditions:

A.

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

2. That no final subsequent determination be made, after hearing or upon stipulation, that cause for disciplinary action occurred within two (2) years of the renewal of Respondent's license. Should such a determination be made, the Commissioner may, in his discretion, vacate and set aside the

1 stay order and reimpose all or a portion of the stayed
2 suspension. Should no such determination be made, the stay
3 imposed herein shall become permanent.

4 B.

5 However, if Respondent petitions, the initial 30 days
6 of said suspension (or a portion thereof) shall be stayed upon
7 condition that:

8 1. Respondent pays a monetary penalty pursuant to
9 Section 10175.2 of the Business and Professions Code at the rate
10 of \$100 for each day of the suspension for a total monetary
11 penalty of \$3,000.

12 2. Said payment shall be in the form of a cashier's
13 check or certified check made payable to the Recovery Account of
14 the Real Estate Fund. Said check must be received by the
15 Department prior to the renewal date of her license.

16 3. No further cause for disciplinary action against
17 the real estate license of Respondent occurs within two years
18 from the renewal date of her license.

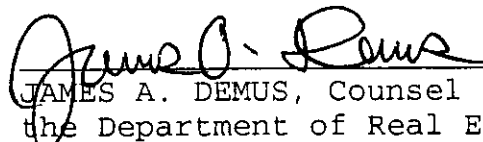
19 4. If Respondent fails to pay the monetary penalty in
20 accordance with the terms and conditions of the Decision, the
21 Commissioner may, without a hearing, order the immediate
22 execution of all or any part of the stayed suspension in which
23 event the Respondent shall not be entitled to any repayment nor
24 credit, prorated or otherwise, for money paid to the Department
25 under the terms of this Decision.
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1 5. If Respondent pays the monetary penalty and if no
2 further cause for disciplinary action against the real estate
3 license of Respondent occurs within one year from the renewal of
4 Respondent's license, the stay hereby granted shall become
5 permanent.

6 II.

7 Respondent shall, within six months from the renewal of
8 her license, take and pass the Professional Responsibility
9 Examination administered by the Department including the payment
10 of the appropriate examination fee. If Respondent fails to
11 satisfy this condition, the Commissioner may order suspension of
12 Respondent's license until Respondent passes the examination.

13
14 DATED: 9/2/10


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

16 * * *

17 EXECUTION OF THE STIPULATION

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

3 Respondent can signify acceptance and approval of the
4 terms and conditions of this Stipulation by faxing a copy of its
5 signature page, as actually signed by Respondent, to the
6 Department at the following fax number: James A. Demus at (213)
7 576-6917. Respondent agrees, acknowledges and understands that
8 by electronically sending to the Department a fax copy of
9 Respondent's actual signature as it appears on the Stipulation,
10 that receipt of the faxed copy by the Department shall be as
11 binding on Respondent as if the Department had received the
12 original signed Stipulation.
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16 DATED: _____

17 TALA R. DAVIS Respondent

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4 terms and conditions of this Stipulation by faxing a copy of its
5 signature page, as actually signed by Respondent, to the
6 Department at the following fax number: James A. Demus at (213)
7 576-6917. Respondent agrees, acknowledges and understands that
8 by electronically sending to the Department a fax copy of
9 Respondent's actual signature as it appears on the Stipulation,
10 that receipt of the faxed copy by the Department shall be as
11 binding on Respondent as if the Department had received the
12 original signed Stipulation.

13
14
15 DATED: 8.25.10

16 
TALA R. DAVIS Respondent
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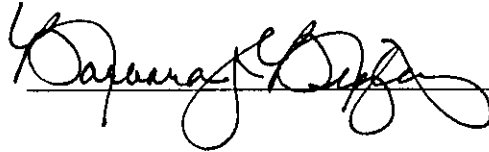
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1 The foregoing Stipulation and Agreement is hereby
2 adopted as my Decision as to Respondent TALA R. DAVIS and shall
3 become effective at 12 o'clock noon on **NOV 17 2010**
4 2010.

5 IT IS SO ORDERED 10/20, 2010.

6
7 JEFF DAVI
8 Real Estate Commissioner

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FILED

OCT 28 2010

DEPARTMENT OF REAL ESTATE
BY: Laura B. Olson

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of)	
)	NO. H-36512 LA
<u>DIRECT MONEY SOURCE INC</u>)	
and TALA R. DAVIS,)	
)	
Respondents.)	
)	

DECISION

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on September 1, 2010 and the findings of fact set forth herein are based on one or more of the following: (1) Respondent's express admissions; (2) affidavits; and (3) other evidence.

FINDINGS OF FACT

1.

On March 15, 2010, Robin Trujillo made the Accusation in her official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statement to Respondent, and Notice of Defense were mailed by certified mail, return receipt requested, to the last known mailing address on file with the Department for both Direct Money Source Inc ("DIRECT") and Tala R. Davis on March 16, 2010. The packet sent to DIRECT was returned to sender with a stamp indicating "No such number. Unable to forward." On March 23, 2010, the packet was sent to another known address of DIRECT by regular mail. No response has been received from DIRECT to date.

On September 1, 2010, no Notice of Defense having been filed herein within the time prescribed by Section 11506 of the Government Code, DIRECT's default was entered herein.

2.

Respondent DIRECT is presently licensed or has license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code as a corporate broker. Respondent was first licensed by the Department of Real Estate of the State of California as a corporate broker on or about April 5, 2006.

3.

In early 2007, Alphonso Diaz ("Diaz") contacted DIRECT about refinancing a loan on his property located at 37521 Morning Circle, Palmdale, CA. DIRECT employees David M. Singui ("Singui") and Aziz Meghji ("Meghji") both assured Diaz that they could refinance his loan. Neither Singui nor Meghji have ever been licensed by the Department in any capacity. On or about January 22, 2007, DIRECT submitted a Uniform Residential Loan Application regarding the refinance of Diaz's property. Singui signed this agreement as the interviewer for DIRECT. Escrow closed on this transaction on March 16, 2007.

4.

On or about February 16, 2007, DIRECT submitted a Uniform Residential Loan Application regarding the refinance of property located at 36548 Sinaloa Street, Palmdale, CA, for borrower Arnulfo Urena. Singui signed this agreement as the interviewer for DIRECT. Meghji also engaged in negotiation of this refinance with Countrywide Home Loans. Escrow closed on this transaction on February 21, 2007.

5.

DIRECT also operated a website located at <http://www.dmsfinancing.com>, during a time period when it did not have a designated broker-officer. In this website, DIRECT solicited borrowers or lenders to negotiate loans or perform services for borrowers or lenders in connection with loans secured directly or collaterally by real property.

DETERMINATION OF ISSUES

1.

The conduct of DIRECT as set forth above, provides cause for disciplinary action against DIRECT pursuant to Business and Profession Code Sections 10137, 10176(a), 10177(d) and 10177(g).

2.

The standard of proof applied was clear and convincing proof to a reasonable certainty.

ORDER

The license and license rights of Respondent DIRECT MONEY SOURCE INC under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

This Decision shall become effective at 12 o'clock noon on NOV 17 2010.

DATED: 10/19/2010.

JEFF DAVI
Real Estate Commissioner



1 Department of Real Estate
2 320 West Fourth Street, Suite 350
3 Los Angeles, CA 90013
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DEPARTMENT OF REAL ESTATE
BY: James B. Dixon

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of)	No. H-36512 LA
)	
<u>DIRECT MONEY SOURCE INC</u>)	<u>DEFAULT ORDER</u>
and TALA R. DAVIS,)	
)	
Respondents.)	
)	

Respondent DIRECT MONEY SOURCE INC, having failed to file a Notice of Defense within the time required by Section 11506 of the Government Code, is now in default. It is, therefore, ordered that a default be entered on the record in this matter.

IT IS SO ORDERED September 1, 2010

JEFF DAVI
Real Estate Commissioner

By: Dolores Weeks
DOLORES WEEKS
Regional Manager

1 JAMES DEMUS, Counsel (SBN 225005)
2 Department of Real Estate
3 320 West Fourth St., #350
4 Los Angeles, CA 90013

5 (213) 576-6982
6 (213) 576-6910 (direct)

FILED

MAR 16 2010

DEPARTMENT OF REAL ESTATE
BY: [Signature]

7
8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)

No. H- 36512 LA

12 DIRECT MONEY SOURCE INC and)
13 TALA R. DAVIS,)

A C C U S A T I O N

14 Respondents.)

15
16 The Complainant, Robin L. Trujillo, a Deputy Real
17 Estate Commissioner of the State of California, for cause of
18 Accusation against DIRECT MONEY SOURCE INC and TALA R. DAVIS,
19 alleges as follows:

20 I

21 The Complainant, Robin L. Trujillo, acting in her
22 official capacity as a Deputy Real Estate Commissioner of the
23 State of California, makes this Accusation against DIRECT MONEY
24 SOURCE INC. and TALA R. DAVIS.

25 II

26 DIRECT MONEY SOURCE INC ("DIRECT") is presently
27 licensed and/or has license rights under the Real Estate Law

1 (Part 1 of Division 4 of the Business and Professions Code,
2 hereinafter "Code") as a corporate broker. As of November 10,
3 2008, DIRECT did not have a designated broker-officer licensed by
4 the Department of Real Estate ("Department").

5 III

6 TALA R. DAVIS ("DAVIS") presently has license rights
7 under the Real Estate Law as a broker. On September 29, 2009,
8 her license expired. Pursuant to Code Section 10201, DAVIS
9 retains renewal rights for two years. The Department holds
10 jurisdiction over the lapsed license, pursuant to Business and
11 Professions Code Section 10103. From April 5, 2006 to November
12 10, 2008, DAVIS was licensed as the designated officer of DIRECT.

13 IV

14 UNLICENSED ACTIVITY

15 In early 2007, Alphonso Diaz ("Diaz") contacted DIRECT
16 about refinancing a loan on his property located at 37521 Morning
17 Circle, Palmdale, CA. DIRECT employees David M. Singui
18 ("Singui") and Aziz Meghji ("Meghji") both assured Diaz that they
19 could refinance his loan. Neither Singui nor Meghji have ever
20 been licensed by the Department in any capacity. On or about
21 January 22, 2007, DIRECT submitted a Uniform Residential Loan
22 Application regarding the refinance of Diaz's property. Singui
23 signed this agreement as the interviewer for DIRECT. Escrow
24 closed on this transaction on March 16, 2007.

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1 V

2 CONTINUING PATTERN OF CONDUCT

3 (Unlicensed Activity)

4 On or about February 16, 2007, DIRECT submitted a
5 Uniform Residential Loan Application regarding the refinance of
6 property located at 36548 Sinaloa Street, Palmdale, CA, for
7 borrower Arnulfo Urena. Singui signed this agreement as the
8 interviewer for DIRECT. Meghji also engaged in negotiation of
9 this refinance with Countrywide Home Loans. Escrow closed on
10 this transaction on February 21, 2007.

11 VI

12 Pursuant to Code Sections 10131 and 10137, it was
13 unlawful for DIRECT and DAVIS to employ unlicensed individuals to
14 engage in the activities described in paragraphs IV and V above.
15 Under Code Section 10159.2, DAVIS was responsible for the
16 supervision and control of the activities of DIRECT during the
17 period when she was designated officer of DIRECT.

18 VII

19 UNLICENSED SOLICITATION

20 DIRECT presently operates a website located at
21 <http://www.dmsfinancing.com>. In this website, DIRECT solicits
22 borrowers or lenders to negotiate loans or perform services for
23 borrowers or lenders in connection with loans secured directly or
24 collaterally by real property. DIRECT is offering to provide
25 loan services without having a designated broker-officer.

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VIII

Pursuant to Code Sections 10130 and 10131(d), it is unlawful for DIRECT to solicit borrowers or lenders for the activities described in paragraph VII above, when DIRECT does not have a designated broker-officer.

IX

The conduct of Respondent DIRECT, as alleged in paragraphs IV, V and VI above, subjects its real estate license and license rights to suspension or revocation pursuant to Sections 10137, 10176(a), 10177(d) and/or 10177(g) of the Code.

X

The conduct, acts, and/or omissions of Respondent DIRECT, as alleged in paragraphs VII and VIII above, subjects its real estate license and license rights to suspension or revocation, pursuant to Sections 10130, 10176(a), 10177(d) and/or 10177(a) of the Code.

XI

The conduct of Respondent DAVIS, as alleged in paragraphs IV, V and VI above, subjects her real estate license and license rights to suspension or revocation pursuant to Sections 10137, 10177(d) and/or 10177(g) of the Code.

XII

FAILURE TO SUPERVISE

Respondent DAVIS, as the officer then designated by DIRECT as the person responsible for the supervision and control of the activities conducted on behalf of the corporation by its officers and employees as necessary to secure full compliance

1 with Real Estate Law as set forth in Code Section 10159.2, failed
2 in said duties as set forth herein above. This is further cause
3 for suspension or revocation of the license and license rights of
4 Respondent DAVIS, pursuant to Code Section 10177(d), 10177(g) and
5 10177(h).

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

14 Dated at Los Angeles, California
15 this 15 day of March, 2010.

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18 ROBIN L. TRUJILLO
19 Deputy Real Estate Commissioner
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25 cc: Direct Money Source Inc
26 Tala R. Davis
27 Robin L. Trujillo
Sacto.