

1 October 7, 2010, in this matter:

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

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

13 3. On November 1, 2010, Respondent filed a Notice of
14 Defense pursuant to Section 11506 of the Government Code for the
15 purpose of requesting a hearing on the allegations in the
16 Accusation. Respondent hereby freely and voluntarily withdraws
17 said Notice of Defense. Respondent acknowledges that he
18 understands that by withdrawing said Notice of Defense he will
19 thereby waive his right to require the Commissioner to prove the
20 allegations in the Accusation at a contested hearing held in
21 accordance with the provisions of the APA and that he will waive
22 other rights afforded to him in connection with the hearing such
23 as the right to present evidence in defense of the allegations
24 in the Accusation and the right to cross-examine witnesses.

25 4. This Stipulation is based on the factual
26 allegations contained in the Accusation filed in this
27 proceeding. In the interest of expedience and economy,

1 Respondent chooses not to contest these factual allegations, but
2 to remain silent and understands that, as a result thereof,
3 these factual statements, will serve as a prima facie basis for
4 the disciplinary action stipulated to herein. The Real Estate
5 Commissioner shall not be required to provide further evidence
6 to prove such allegations.

7 5. This Stipulation and Respondent's decision not to
8 contest the Accusation are made for the purpose of reaching an
9 agreed disposition of this proceeding and are expressly limited
10 to this proceeding and any other proceeding or case in which the
11 Department of Real Estate ("Department"), or another licensing
12 agency of this state, another state or if the federal government
13 is involved and otherwise shall not be admissible in any other
14 criminal or civil proceedings.

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

25 7. The Order or any subsequent Order of the Real
26 Estate Commissioner made pursuant to this Stipulation shall not
27 constitute an estoppel, merger or bar to any further

1 administrative or civil proceedings by the Department of Real
2 Estate with respect to any conduct which was not specifically
3 alleged to be causes for accusation in this proceeding.

4 DETERMINATION OF ISSUES

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

9 I

10 The conduct, acts and/or omissions of Respondent IVAN
11 LOMELI, as set forth in the Accusation, constitute cause for the
12 suspension or revocation of all the real estate license and
13 license rights of Respondent IVAN LOMELI under the provisions of
14 Code Sections 10177(d) and 10177(h) for violations of Code
15 Section 10159.2 of Title 10, Chapter 6, California Code of
16 Regulations.

17 ORDER

18 WHEREFORE, THE FOLLOWING ORDER is hereby made:

19 I

20 A. All licenses and licensed rights of Respondent
21 IVAN LOMELI under the Real Estate Law are suspended for a period
22 of forty-five (45) days from the effective date of this
23 Decision; provided, however, that if Respondent petitions, the
24 initial thirty (30) days of said suspension shall be stayed upon
25 the following terms and conditions:

26 1. Respondent IVAN LOMELI shall pay a monetary
27 penalty pursuant to Section 10175.2 of the Business and

1 Professions Code at the rate of \$125 for each day of the
2 suspension for a total monetary penalty of \$3,750.

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

8 3. No further cause for disciplinary action against
9 the real estate licenses of Respondent IVAN LOMELI occurs within
10 two (2) years from the effective date of the Decision in this
11 matter.

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

19 5. If Respondent IVAN LOMELI pays the monetary
20 penalty and if no further cause for disciplinary action against
21 the real estate license of Respondent IVAN LOMELI occurs within
22 two (2) years from the effective date of the Decision, the stay
23 hereby granted shall become permanent.

24 B. The remaining fifteen (15) days of the forty-five
25 (45) day suspension shall be stayed for two (2) years upon the
26 following terms and conditions:
27

1 education requirements of Article 2.5 of Chapter 3 of the Real
2 Estate Law for renewal of a real estate license.

3 IV

4 All licenses and licensing rights of Respondent IVAN
5 LOMELI are indefinitely suspended unless or until Respondent
6 provides evidence satisfactory to the Real Estate Commissioner,
7 that he has made payment of restitution in the amount of \$461 to
8 Filemon Flores.

9 DATED: 7/26/11 Lissette Garcia
10 LISSETE GARCIA, Counsel for the
11 Department of Real Estate
* * *

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

24 Respondent can signify acceptance and approval of the
25 terms and conditions of this Stipulation and Agreement by faxing
26 a copy of the signature page, as actually signed by Respondent,
27 to the Department at the following fax number: (213) 576-6917.

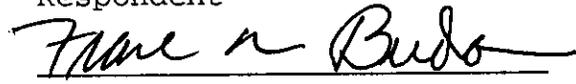
1 Respondent agrees, acknowledges and understands that by
2 electronically sending to the Department a fax copy of his
3 actual signature as it appears on the Stipulation and Agreement,
4 that receipt of the faxed copy by the Department shall be as
5 binding on Respondent as if the Department had received the
6 original signed Stipulation and Agreement.

7 Further, if the Respondent is represented by counsel,
8 the Respondent's counsel can signify his agreement to the terms
9 and conditions of the Stipulation and Agreement by submitting
10 that signature via fax.

11 DATED: 7/12/11


12 IVAN LOMELI
Respondent

13 DATED: 7/14/11

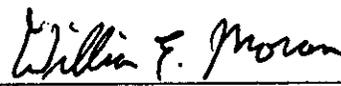

14 FRANK M. BUDA
Counsel for Respondent
15 Approved as to Form

16 * * *

17 The foregoing Stipulation and Agreement is hereby
18 adopted as my Decision and Order in this matter, and shall
19 become effective at 12 o'clock noon on September 14, 2011.

20 IT IS SO ORDERED August 11, 2011.

21 BARBARA J. BIGBY
22 Acting Real Estate Commissioner

23 
24 By WILLIAM E. MORAN
25 Assistant Commissioner, Enforcement
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IT IS HEREBY ORDERED that Respondents AZTEC CAPITAL ENTERPRISES, INC., ALLIED MORTGAGE CONSULTANTS CORP. and ALLIED REAL ESTATE CONSULTANTS CORP.'s petition for voluntary surrender of their real estate corporation licenses is accepted as of the effective date of this Order as set forth below, based upon the understanding and agreement expressed in Respondents' Declaration dated July 12, 2011 (attached as Exhibit "A" hereto). Respondents' license certificates, pocket cards and any branch office license certificates shall be sent to the below listed address so that they reach the Department on or before the effective date of this Order:

Department of Real Estate
Attn: Licensing Flag Section
P.O. Box 187000
Sacramento, CA 95818-7000

This Order shall become effective at 12 o'clock noon on September 14, 2011.

DATED: August 11, 2011

BARBARA J. BIGBY
Acting Real Estate Commissioner

William E. Moran
By WILLIAM E. MORAN
Assistant Commissioner, Enforcement

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-36856 LA
)	L-2010120187
<u>AZTEC CAPITAL ENTERPRISES, INC.,</u>)	
)	
<u>ALLIED MORTGAGE CONSULTANTS CORP.,</u>)	
)	
<u>ALLIED REAL ESTATE CONSULTANTS</u>)	
<u>CORP., and IVAN LOMELI,</u>)	
individually and as former)	
designated officer of Aztec)	
Capital Enterprises, Inc.; Allied)	
Real Estate Consultants Corp., and)	
current designated officer of)	
Allied Mortgage Consultants Corp.,)	
)	
Respondents.)	

DECLARATION

My name is IVAN LOMELI and I was formerly a designated officer of Respondents AZTEC CAPITAL ENTERPRISES, INC. and ALLIED REAL ESTATE CONSULTANTS, CORP. Said corporations are licensed as real estate brokers and/or have license rights with respect to said licenses. I am currently the designated officer of Respondent ALLIED MORTGAGE CONSULTANTS CORP. Said corporation is licensed as a real estate broker and has license rights with

1 respect to said license. I am authorized and empowered to sign
2 this declaration on behalf of AZTEC CAPITAL ENTERPRISES, INC.,
3 ALLIED MORTGAGE CONSULTANTS CORP. and ALLIED REAL ESTATE
4 CONSULTANTS, CORP. I am acting on behalf of AZTEC CAPITAL
5 ENTERPRISES, INC., ALLIED MORTGAGE CONSULTANTS CORP. and ALLIED
6 REAL ESTATE CONSULTANTS, CORP. in this matter.

7 In lieu of proceeding in this matter in accordance with
8 the provisions of the Administrative Procedure Act (Sections
9 11400 et seq., of the Government Code) AZTEC CAPITAL
10 ENTERPRISES, INC., ALLIED MORTGAGE CONSULTANTS CORP. and ALLIED
11 REAL ESTATE CONSULTANTS, CORP. wish to voluntarily surrender
12 their real estate licenses issued by the Department of Real
13 Estate ("Department"), pursuant to Business and Professions Code
14 Section 10100.2.

15 I understand that AZTEC CAPITAL ENTERPRISES, INC.,
16 ALLIED MORTGAGE CONSULTANTS CORP. and ALLIED REAL ESTATE
17 CONSULTANTS, CORP., by so voluntarily surrendering their
18 licenses, can only have them reinstated in accordance with the
19 provisions of Section 11522 of the Government Code. I also
20 understand that by so voluntarily surrendering their licenses,
21 AZTEC CAPITAL ENTERPRISES, INC., ALLIED MORTGAGE CONSULTANTS
22 CORP. and ALLIED REAL ESTATE CONSULTANTS, CORP. agree to the
23 following:

24 The filing of this Declaration shall be deemed as their
25 petition for voluntary surrender. It shall also be deemed to be
26 an understanding and agreement by AZTEC CAPITAL ENTERPRISES,
27 INC., ALLIED MORTGAGE CONSULTANTS CORP. and ALLIED REAL ESTATE

1 CONSULTANTS, CORP. that, they waive all rights they have to
2 require the Commissioner to prove the allegations contained in
3 the Accusation filed in this matter at a hearing held in
4 accordance with the provisions of the Administrative Procedure
5 Act (Government Code Sections 11400 et seq.), and that they also
6 waive other rights afforded to them in connection with the
7 hearing such as the right to discovery, the right to present
8 evidence in defense of the allegations in the Accusation and the
9 right to cross-examine witnesses. I further agree on behalf of
10 AZTEC CAPITAL ENTERPRISES, INC., ALLIED MORTGAGE CONSULTANTS
11 CORP. and ALLIED REAL ESTATE CONSULTANTS, CORP. that upon
12 acceptance by the Commissioner, as evidenced by an appropriate
13 order, all affidavits and all relevant evidence obtained by the
14 Department in this matter prior to the Commissioner's acceptance,
15 and all allegations contained in the Accusation filed in the
16 Department Case No. H-36856 LA, may be considered by the
17 Department to be true and correct for the purpose of deciding
18 whether or not to grant reinstatement of AZTEC CAPITAL
19 ENTERPRISES, INC., ALLIED MORTGAGE CONSULTANTS CORP. and ALLIED
20 REAL ESTATE CONSULTANTS CORP.'s licenses pursuant to Government
21 Code Section 11522.

22 I declare under penalty of perjury under the laws of
23 the State of California that the above is true and correct and
24 that I am acting freely and voluntarily on behalf of AZTEC
25 CAPITAL ENTERPRISES, INC., ALLIED MORTGAGE CONSULTANTS CORP. and
26 ALLIED REAL ESTATE CONSULTANTS, CORP. to surrender their licenses
27 and all license rights attached thereto.

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Date and Place

Ivan Lomeli

AZTEC CAPITAL ENTERPRISES,
INC., ALLIED MORTGAGE
CONSULTANTS CORP. and ALLIED
REAL ESTATE CONSULTANTS, CORP.
By IVAN LOMELI

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LISSETE GARCIA, Counsel (SBN 211552)
Department of Real Estate
320 West 4th Street, Suite 350
Los Angeles, California 90013-1105

Telephone: (213) 576-6982
(Direct) (213) 576-6914

FILED
OCT - 7 2010
DEPARTMENT OF REAL ESTATE

By C. [Signature]

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-36856 LA
)	
AZTEC CAPITAL ENTERPRISES, INC.,)	<u>A C C U S A T I O N</u>
ALLIED MORTGAGE CONSULTANTS CORP.,)	
ALLIED REAL ESTATE CONSULTANTS CORP,)	
and IVAN LOMELI, individually and)	
as former designated officer of)	
Aztec Capital Enterprises, Inc.;)	
Allied Real Estate Consultants Corp.,)	
and current designated officer of)	
Allied Mortgage Consultants Corp.,)	
)	
Respondents.)	

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against AZTEC CAPITAL ENTERPRISES, INC., ALLIED MORTGAGE CONSULTANTS CORP., ALLIED REAL ESTATE CONSULTANTS CORP., and IVAN LOMELI, individually and as former designated officer of Aztec Capital Enterprises, Inc. and Allied Real Estate Consultants Corp., and current designated officer of Allied Mortgage Consultants Corp., alleges as follows:

1 1.

2 The Complainant, Maria Suarez, acting in her official
3 capacity as a Deputy Real Estate Commissioner of the State of
4 California, makes this Accusation against AZTEC CAPITAL
5 ENTERPRISES, INC., ALLIED MORTGAGE CONSULTANTS CORP., ALLIED REAL
6 ESTATE CONSULTANTS CORP., and IVAN LOMELI, individually and as
7 former designated officer of Aztec Capital Enterprises, Inc. and
8 Allied Real Estate Consultants Corp., and current designated
9 officer of Allied Mortgage Consultants Corp.

10 2.

11 All references to the "Code" are to the California
12 Business and Professions Code and all references to "Regulations"
13 are to Title 10, Chapter 6, California Code of Regulations.

14 LICENSE HISTORY

15 3.

16 A. At all times mentioned, AZTEC CAPITAL ENTERPRISES,
17 INC. ("AZTEC") was licensed or had license rights issued by the
18 Department of Real Estate ("Department") as a real estate
19 corporation. On September 9, 2002, AZTEC was originally licensed
20 as a real estate corporation. At all times mentioned herein,
21 Respondent AZTEC also did business as Allied Mortgage
22 Consultants.

23 B. At all times mentioned, ALLIED MORTGAGE CONSULTANTS
24 CORP. ("AMCC") was licensed or had license rights issued by the
25 Department as a real estate corporation. On January 9, 2006,
26 AMCC was originally licensed as a real estate corporation.

27

1 C. At all times mentioned, ALLIED REAL ESTATE
2 CONSULTANTS CORP. ("ARECC") was licensed or had license rights
3 issued by the Department as a real estate corporation. On
4 January 9, 2006, ARECC was originally licensed as a real estate
5 corporation. ARECC's real estate license expired on January 9,
6 2010. Respondent ARECC has renewal rights under Section 10201 of
7 the Code. The Department retains jurisdiction pursuant Code
8 Section 10103.

9 D. At all times mentioned, IVAN LOMELI ("LOMELI") was
10 licensed or had license rights issued by the Department as a real
11 estate broker. On June 30, 2003, LOMELI was originally licensed
12 as a real estate broker. From September 9, 2006, through July 8,
13 2010, LOMELI was licensed as the designated officer of AZTEC.
14 From March 22, 2010, through the present, LOMELI was and is
15 licensed as the designated officer of AMCC. From January 9,
16 2006, through January 8, 2010, LOMELI was the designated officer
17 of ARECC.

18 E. At all times material herein, AZTEC, AMCC, ARECC
19 were licensed by the Department as corporate real estate brokers
20 by and through LOMELI, as the designated officer and broker
21 responsible, pursuant to Code Sections 10159.2 and 10211 of the
22 Business and Professions Code for supervising the activities
23 requiring a real estate license conducted on behalf of AZTEC,
24 AMCC and ARECC by their officers, agents and employees, including
25 LOMELI.

26 ///

27 ///

1 BROKERAGE

2 4.

3 At all times mentioned, in the State of California,
4 Respondents acted as real estate brokers and conducted licensed
5 activities within the meaning of:

6 A. Code Section 10131(a). Respondents engaged in the
7 business of, acted in the capacity of, advertised or assumed to
8 act as real estate brokers, including the solicitation for
9 listings of and the negotiation of the sale of real property as
10 the agent of others.

11 B. Code Section 10131(d). Respondents engaged in
12 activities with the public wherein lenders and borrowers were
13 solicited for loans secured directly or collaterally by liens on
14 real property, wherein such loans were arranged, negotiated,
15 processed and consummated on behalf of others for compensation or
16 in expectation of compensation and for fees often collected in
17 advance.

18 FIRST CAUSE OF ACCUSATION

19 (Employment of Unlicensed Person/Dishonest Dealing)
20 (Filemon Transaction)

21 5.

22 At no time mentioned have Maria Damian, Benjamin Luna
23 or Yamileth Alvarez, also known as Yamileth Solorzano, been
24 licensed in any capacity by the Department to conduct activities
25 requiring a real estate license.

26 6.

27 On April 23, 2008, the Department received a complaint
from consumer Filemon Flores against Respondents based on alleged

1 acts that require a real estate license.

2 7.

3 While acting as agents or representatives on behalf of
4 Respondents AZTEC and LOMELI (doing business as Allied Mortgage
5 Consultants) Maria Damian, Benjamin Luna and Yamileth Alvarez
6 solicited and offered to perform refinance services for borrower
7 Filemon Flores in connection with a loan secured by Filemon
8 Flores' real property located at 412 East 42nd Place, Los
9 Angeles, California 90011 ("42nd Place property"). Mr. Flores is
10 not a native English-speaker and relied on the veracity of the
11 explanations of the refinance terms given by Respondents' agents.

12 8.

13 Respondents' agents made various misrepresentations and
14 false promises to influence, persuade and induce Mr. Flores to
15 refinance his 42nd Place property. Said misrepresentations and
16 false promises included, but were not necessarily limited to,
17 duplicate charges to Mr. Flores for fire insurance and appraisal
18 fees of the 42nd Place property, actual refinance terms regarding
19 the pre-payment penalty, variable interest rate, yield spread
20 premium, and cash back to the borrower.

21 9.

22 Respondents' agents further induced Mr. Flores to agree
23 to have Allied Mortgage Consultants' escrow department handle the
24 escrow for the refinance of the 42nd Place property. On November
25 29, 2007, Allied Mortgage Consultants issued a final settlement
26 statement for the refinance of the 42nd Place property, Escrow
27 No. 002831-JL. Thereafter, Mr. Flores discovered Respondents'

1 misrepresentations and deceit regarding the refinance of his real
2 property, including that he paid twice for fire insurance and
3 appraisal fees and that the actual terms of the refinance were
4 not what had been promised by the Respondents. Mr. Flores paid
5 for fire insurance for the 42nd Place property on or about March
6 28, 2007, and August 1, 2007. Mr. Flores paid for an appraisal
7 of the 42nd Place property on or about May 12, 2007, and August
8 1, 2007.

9 10.

10 The acts or omissions of Respondents AZTEC and LOMELI,
11 as set forth in Paragraphs 5 through 9 above, in employing or
12 compensating Maria Damian, Benjamin Luna and Yamileth Alvarez to
13 conduct activities requiring a real estate license when they were
14 not licensed by the Department is cause to revoke or suspend the
15 licenses and license rights of Respondents AZTEC and LOMELI
16 pursuant to Code Sections 10137, 10177(d) and/or 10177(g).

17 11.

18 The conduct, acts and/or omissions of Respondents AZTEC
19 and LOMELI in making misrepresentations and false promises
20 through its agents or representatives, to influence, persuade or
21 induce Mr. Flores to refinance the 42nd Place property
22 constitutes grounds to revoke or suspend the licenses and license
23 rights of Respondents AZTEC and LOMELI pursuant to Code Sections
24 10176(a), 10176(b), 10176(c), 10176(i), 10177(h) and/or 10177(g).

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SECOND CAUSE OF ACCUSATION
(Audit)

12.

There is hereby incorporated in this Second, separate and distinct Cause of Accusation, all of the allegations contained in Paragraphs 1 through 11, with the same force and effect as if herein fully set forth.

13.

On or about June 1, 2010, the Department attempted to schedule and complete an audit examination of the books and records of AZTEC, AMCC, and ARECC pertaining to the resale and mortgage loan activities described in Paragraph 4, which require a real estate license. The audit examination was to cover a period of time beginning on May 1, 2007 to May 31, 2010. On July 8, 2010, Respondent LOMELI tendered his resignation as designated officer for AZTEC. The Department's audit examination revealed violations of the Code and the Regulations as set forth in the following paragraphs, and more fully discussed in Audit Report LA 090213 and the exhibits and work papers attached to said audit report.

VIOLATIONS OF THE REAL ESTATE LAW

14.

In the course of activities described in Paragraphs 4 through 9, above, Respondents acted in violation of the Code and the Regulations in that they:

(a) Failed to retain all records of AZTEC's, AMCC's and ARECC's activities requiring a real estate broker license during

1 the past three years, including sales and loan transaction files
2 for Respondents' real estate clients and further including
3 listings, real estate contracts, canceled checks, escrow and
4 trust records, in violation of Code Section 10148.

5 (b) Abandoned AZTEC's main office and mailing address
6 located at 411 N. Central Avenue #115, Glendale, California,
7 without prompt or proper notification to the Department, in
8 violation of Code Section 10162 and Regulation 2715.

9 15.

10 The conduct of Respondents AZTEC, AMCC, ARECC and
11 LOMELI, described in Paragraph 14, above, violated the Code and
12 the Regulations as set forth below:

<u>PARAGRAPH</u>	<u>PROVISIONS VIOLATED</u>
14 14(a)	Code Section 10148
15 14(b)	Code Section 10162 and Regulation 2715

16 The foregoing violations constitute cause for the
17 suspension or revocation of the real estate licenses and license
18 rights of AZTEC, AMCC, ARECC, and LOMELI under the provisions of
19 Code Section 10148, 10165, 10177(d) and/or 10177(g).

20
21 THIRD CAUSE OF ACCUSATION
(Suspension of Corporate Status)
22 (AZTEC, AMCC, and ARECC)

23 16.

24 There is hereby incorporated in this Third, separate
25 and distinct Cause of Accusation, all of the allegations
26 contained in Paragraphs 1 through 15, with the same force and
27 effect as if herein fully set forth.

1 17.

2 Respondent AZTEC is a California corporation formed as
3 on or about September 12, 2000. Respondent LOMELI is the Chief
4 Executive Officer, President and a Director of AZTEC.

5 18.

6 On April 8, 2010, the California Secretary of State
7 suspended the corporate powers, rights and privileges of
8 Respondent AZTEC pursuant to the provisions of the California
9 Corporation Code. On May 3, 2010, the California Franchise Tax
10 Board suspended the corporate powers, rights and privileges of
11 Respondent AZTEC pursuant to the provisions of the California
12 Revenue and Taxation Code. AZTEC's corporate status remains
13 suspended.

14 19.

15 Respondent AMCC is a California corporation formed as
16 on or about July 12, 2004. Respondent LOMELI is the Chief
17 Executive Officer, President and a Director of AMCC.

18 20.

19 On May 3, 2010, the California Franchise Tax Board
20 suspended the corporate powers, rights and privileges of
21 Respondent AMCC pursuant to the provisions of the California
22 Revenue and Taxation Code. AMCC's corporate status remains
23 suspended.

24 21.

25 Respondent ARECC is a California corporation formed as
26 on or about July 12, 2004. Respondent LOMELI is the Chief
27 Executive Officer, President and a Director of ARECC.

1 22.

2 On April 1, 2010, the California Franchise Tax Board
3 suspended the corporate powers, rights and privileges of
4 Respondent ARECC pursuant to the provisions of the California
5 Revenue and Taxation Code. ARECC's corporate status remains
6 suspended.

7 23.

8 The suspension of Respondents AZTEC, AMCC and ARECC is
9 in violation of Regulation 2742, and constitutes grounds to
10 suspend or revoke Respondents' corporate real estate broker
11 licenses pursuant to Code Sections 10177(d), 10177(g) and/or
12 10177(f).

13 FOURTH CAUSE OF ACCUSATION
14 (Lack of Broker Supervision and Compliance)
15 (LOMELI)

16 24.

17 There is hereby incorporated in this Fourth, separate
18 and distinct Cause of Accusation, all of the allegations
19 contained in Paragraphs 1 through 23, with the same force and
20 effect as if herein fully set forth.

21 25.

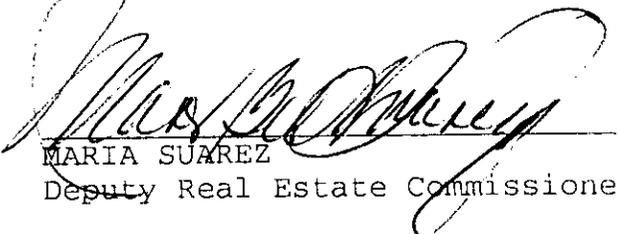
22 The overall conduct of Respondent LOMELI constitutes a
23 failure on his part, as officer designated by a corporate broker
24 licensee, to exercise the reasonable supervision and control over
25 the licensed activities of AZTEC, AMCC and ARECC as required by
26 Code Section 10159.2, and to keep AZTEC, AMCC and ARECC in
27 compliance with the Real Estate Law, and is cause for the

1 suspension or revocation of the real estate license and license
2 rights of LOMELI pursuant to the provisions of Code Sections
3 10177(d), 10177(g) and 10177(h).

4 WHEREFORE, Complainant prays that a hearing be
5 conducted on the allegations of this Accusation and that upon
6 proof thereof, a decision be rendered imposing disciplinary
7 action against the licenses and license rights of Respondents
8 AZTEC CAPITAL ENTERPRISES, INC., ALLIED MORTGAGE CONSULTANTS
9 CORP., ALLIED REAL ESTATE CONSULTANTS CORP., and IVAN LOMELI,
10 individually and as former designated officer of Aztec Capital
11 Enterprises, Inc. and Allied Real Estate Consultants Corp., and
12 current designated officer of Allied Mortgage Consultants Corp.,
13 under the Real Estate Law (Part 1 of Division 4 of the Business
14 and Professions Code) and for such other and further relief as
15 may be proper under other applicable provisions of law.

16 Dated at Los Angeles, California

17 this 5th day of October, 2010.

18
19 
20 MARIA SUAREZ
21 Deputy Real Estate Commissioner
22
23

24 cc: Aztec Capital Enterprises, Inc.
25 Allied Mortgage Consultants Corp.
26 Allied Real Estate Consultants Corp.
27 Ivan Lomeli
Maria Suarez
Sacto