

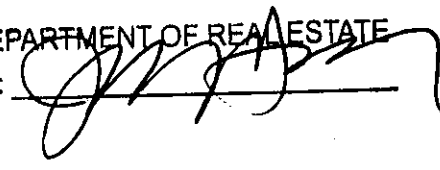
72069
1 Department of Real Estate
320 W. 4TH Street, Suite 350
2 Los Angeles, CA 90013-1105

3 Telephone: (213) 576-6982

FILED

AUG 17 2011

DEPARTMENT OF REAL ESTATE

BY: 

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)

12 RORY T. WILSON)

13 Respondent.)

No. H-37118 LA

L-2011050087

STIPULATION

AND

AGREEMENT

17 It is hereby stipulated by and between Respondent RORY
18 T. WILSON ("WILSON") and the Complainant, acting by and through
19 Julie L. To, Counsel for the Department of Real Estate, as
20 follows for the purpose of settling and disposing of the
21 Accusation ("Accusation") filed on March 9, 2011, in this matter:

22 1. All issues which were to be contested and all
23 evidence which was to be presented by Complainant and Respondent
24 WILSON at a formal hearing on the Accusation, which hearing was
25 to be held in accordance with the provisions of the
26 Administrative Procedure Act ("APA"), shall instead and in place
27

1 thereof be submitted solely on the basis of the provisions of
2 this Stipulation and Agreement ("Stipulation").

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

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

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

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 involved, and otherwise shall not
7 be admissible in any other criminal or civil proceedings.

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 licenses 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 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:

I.

The conduct, acts and omissions of Respondent WILSON, as described in Paragraph 4, above, are in violation of Sections 10085 of the Business and Professions Code ("Code") and Section 2970 of Title 10, Chapter 6 of the California Code of Regulations ("Regulations") and is a basis for discipline of Respondent WILSON's licenses and license rights as a violation of the Real Estate Law pursuant to Code Section 10177(d) and 10177(g).

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

I.

The license and licensing rights of Respondent RORY T. WILSON, under the Real Estate Law, are suspended for a period of thirty (30) days from the effective date of this Decision.

A. Provided, however, the thirty (30) day suspension shall be stayed for two (2) years upon the following terms and conditions:

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 from the effective date of this Decision. Should such a determination be made, the

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

5 3. Respondent is disallowed during the two-year stay
6 period from performing loan modification activities.

7 II.

8 All licenses and licensing rights of Respondent RORY T.
9 WILSON, are indefinitely suspended unless or until Respondent
10 provides proof satisfactory to the Commissioner, of having taken
11 and successfully completed the continuing education course on
12 trust fund accounting and handling specified in paragraph (3) of
13 subdivision (a) of Section 10170.5 of the Business and
14 Professions Code. Proof of satisfaction of this requirement
15 includes evidence that Respondent has successfully completed the
16 trust fund account and handling continuing education course
17 within 120 days prior to the effective date of the Decision.

18 III.

19 Respondent RORY T. WILSON shall, within nine (9) months
20 from the effective date of this Decision, present evidence
21 satisfactory to the Real Estate Commissioner that Respondent has,
22 since the most recent issuance of an original or renewal real
23 estate license, taken and successfully completed the continuing
24 education requirements of Article 2.5 of Chapter 3 of the Real
25 Estate Law for renewal of a real estate license. If Respondent
26 fails to satisfy this condition, the Commissioner may order the
27 suspension of Respondent's license until Respondent presents such

1 evidence. The Commissioner shall afford Respondent the
2 opportunity for a hearing pursuant to the Administrative
3 Procedure Act to present such evidence.

4 IV.

5 Respondent RORY T. WILSON shall within six (6) months
6 from the effective date of this Decision, take and pass the
7 Professional Responsibility Examination administered by the
8 Department including the payment of the appropriate examination
9 fee. If Respondent fails to satisfy this condition, the
10 Commissioner may order suspension of Respondent's license until
11 Respondent passes the examination.

12 V.

13 Respondent RORY T. WILSON shall, prior to the effective
14 date of this Decision, present evidence satisfactory to the Real
15 Estate Commissioner that Respondent has refunded to borrowers
16 Silvia Gonzalez and Alex Gonzalez \$2,610.00. If Respondent fails
17 to satisfy this condition, the Commissioner may order the
18 suspension of Respondent's license until Respondent presents such
19 evidence.

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24 DATED: 06-24-11


JULIE L. TO, Counsel for
the Department of Real Estate

25 * * *

EXECUTION OF THE STIPULATION

I have read the Stipulation and Agreement. 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.

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

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1 A facsimile or PDF constitutes acceptance and approval
2 of the terms and conditions of this stipulation. Respondent
3 agrees, acknowledges and understands that by electronically
4 sending to the Department a facsimile or PDF copy of Respondent's
5 actual signature as it appears on the stipulation that receipt of
6 the facsimile or PDF copy by the Department shall be as binding
7 on Respondent as if the Department had received the original
8 signed stipulation.
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11 DATED: 6/9/11

R.T. Wilson
12 RORY T. WILSON, Respondent

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IT IS SO ORDERED August 11, 2011.

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

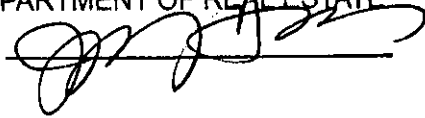
JULIE L. TO, State Bar No. 219482
Department of Real Estate
320 West Fourth Street, Ste. 350
Los Angeles, California 90013

Telephone: (213) 576-6982
(Direct) (213) 576-6916

FILED

MAR 09 2011

DEPARTMENT OF REAL ESTATE

BY: 

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)

No. H-37118 LA

RORY T. WILSON)

A C C U S A T I O N

Respondent.)

The Complainant, Maria Suarez, a Deputy Real Estate
Commissioner of the State of California, for cause of Accusation
against RORY T. WILSON ("WILSON") is informed and alleges as
follows:

1.

The Complainant, Maria Suarez, a Deputy Real Estate
Commissioner of the State of California, makes this Accusation in
her official capacity.

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2.

Respondent WILSON 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"), as a real estate broker. Respondent was first licensed as a real estate broker on November 27, 2007. Respondent has a licensed fictitious business name ("FBN") ("Integrity Capital") under his real estate broker license; no other FBNs are listed under Respondent's broker license.

3.

Lenders Bancorp Inc. is not presently licensed by the Department.

3.

On or about February 27, 2009, Silvia G. and Alex G. made a payment by Check No. 8892 totaling \$600.00 to WILSON and Lenders Bancorp Inc. as advance fees, pursuant to an agreement titled "Contract for California, Colorado, and Illinois, Agreement for Research and Analysis" pertaining to loan solicitation, negotiation, and modification services to be provided by LBI with respect to a loan secured by real property located at 2148 S. Sultana Avenue, Ontario, CA 91761. WILSON instructed Silvia G. and Alex G. not to make any payments to their lender. After five months of multiple emails and text messages and Silvia G.'s lender threatening foreclosure, Silvia G. and Alex G. have received neither results on their loan, nor a refund of their \$600.00.

4.

On or about August 6, 2009, in Small Claims Court in San Bernardino County, in Case No. SMCRS 902036, Silvia G. and Alex G. filed a lawsuit against WILSON and Lenders Bancorp Inc.. On or about October 16, 2009, the Small Claims Court ordered a default judgment for Silvia G. and Alex G. in the amount \$2,610.00.

5.

WILSON collected the advance fees described in Paragraph 3, above, pursuant to the provisions of a written agreement which constitutes an advance fee agreement within the meaning of Code Section 10085 and 10085.5.

6.

WILSON failed to submit the written agreement "Contract for California, Colorado, and Illinois, Agreement for Research and Analysis," referenced in Paragraph 3, above, to the Commissioner ten days before using it in violation of Code Section 10085 and Section 2970, Title 10, Chapter 6, Code of Regulations ("Regulations").

7.

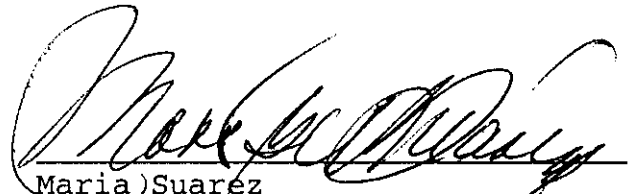
The conduct, acts and/or omissions of Respondent, as set forth above, in Paragraphs 3 through 6, are cause for the suspension or revocation of the licenses and license rights of Respondent pursuant to Code Sections 10085, 10176(a), 10176(i), 10177(d) and/or 10177(g).

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WHEREFORE, Complainant prays that a hearing be
conducted on the allegations of this Accusation and that upon
proof thereof, a decision be rendered imposing disciplinary
action against all the licenses and license rights of Respondent
RORY T. WILSON under the Real Estate Law (Part 1 of Division 4 of
the Business and Professions Code), and for such other and
further relief as may be proper under other applicable provisions
of law.

Dated at Los Angeles, California

this 31st day of March, 2011.


Maria Suarez
Deputy Real Estate Commissioner

cc: RORY T. WILSON
Maria Suarez
Sacto.