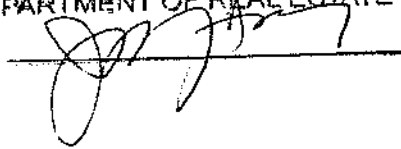


1 Department of Real Estate
2 320 W. 4TH Street, Suite 350
3 Los Angeles, CA 60013-1105

4 Telephone: (213) 576-6982

FILED

JUL 27 2012

5 DEPARTMENT OF REAL ESTATE
6 BY: 

7
8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

* * *

10)
11 In the Matter of the Accusation of)

No. H-37688 LA
L-2011120758

12)
13 MAZLAT INC., formerly doing)
14 business as Help-U Financial and)
15 First Premier Capital Lending;)

STIPULATION
AND
AGREEMENT

16)
17 RICHARD SCOTT SLEPACK,)
18 individually and as designated)
19 officer of Mazlat Inc.; and)

20)
21 JOSE TORRES SIMON,)
22)
23)

24 Respondents.)
25)
26)
27)

28 It is hereby stipulated by and between Respondents
29 MAZLAT INC., RICHARD SCOTT SLEPACK ("SLEPACK"), individually and
30 as designated officer of Mazlat Inc., and the Complainant, acting
31 by and through Julie L. To, Counsel for the Department of Real
32 Estate, as follows for the purpose of settling and disposing of
33 the Accusation ("Accusation") filed on November 17, 2011, in this
34 matter:
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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. Respondents have received, read and understand 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. Respondents filed a Notice of Defense pursuant to
13 Section 11506 of the Government Code for the purpose of
14 requesting a hearing on the allegations in the Accusation.
15 Respondents hereby freely and voluntarily withdraw said Notice of
16 Defense. Respondents acknowledge that they understand that by
17 withdrawing said Notice of Defense they thereby waive their right
18 to 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 they will waive other rights
21 afforded to them in connection with the hearing such as the right
22 to present evidence in their defense and the right to cross-
23 examine witnesses.
24

25 4. This Stipulation is based on the factual
26 allegations contained in the Accusation. In the interest of
27

1 expedience and economy, Respondents choose not to contest these
2 allegations, but to remain silent and understand that, as a
3 result thereof, these factual allegations, without being admitted
4 or denied, will serve as a prima facie basis for the disciplinary
5 action stipulated to herein. The Real Estate Commissioner shall
6 not be required to provide further evidence to prove said factual
7 allegations.

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

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

25 7. The Order or any subsequent Order of the Real
26
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1 Estate Commissioner made pursuant to this Stipulation shall not
2 constitute an estoppel, merger or bar to any further
3 administrative or civil proceedings by the Department of Real
4 Estate with respect to any matters which were not specifically
5 alleged to be causes for accusation in this proceeding.

6 8. Respondents understand that by agreeing to this
7 Stipulation, Respondents agree to pay, pursuant to Business and
8 Professions Code Section 10148, the cost of the audit which led
9 to this disciplinary action. The amount of said cost is
10 \$4,605.00.

11 9. Respondents have received, read, and understand the
12 "Notice Concerning Costs of Subsequent Audit." Respondents
13 further understand that by agreeing to this Stipulation, the
14 findings set forth below in the Determination of Issues become
15 final, and the Commissioner may charge Respondents for the cost
16 of any subsequent audit conducted pursuant to Business and
17 Professions Code Section 10148 to determine if the violations
18 have been corrected. The maximum cost of the subsequent audit
19 will not exceed \$4,605.00.
20

21 DETERMINATION OF ISSUES

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

24 I.

25 The conduct of MAZLAT INC. as described in Paragraph 4,
26 herein above, is in violation of Sections 10130, 10145, 10148,
27

1 10236.4, 10240, 10241 of the Business and Professions Code
2 ("Code") and Sections 2831, 2831.1, 2832, 2835, 2840, 2840.1 of
3 Title 10, Chapter 6 of the California Code of Regulations
4 ("Regulations") and is a basis for discipline of Respondent's
5 license and license rights as a violation of the Real Estate Law
6 pursuant to Code Sections 10177(d) and 10177(g)

7 II.

8
9 The conduct of RICHARD SCOTT SLEPACK, as described in
10 Paragraph 4, above, is in violation of Section 10159.2 of the
11 Business and Professions Code ("Code") and Section 2725 of Title
12 10, Chapter 6 of the California Code of Regulations
13 ("Regulations") is a basis for discipline of Respondent's
14 licenses and license rights as a violation of the Real Estate Law
15 pursuant to Code Section 10177(d), 10177(g), and 10177(h).

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ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

I.

The license and licensing rights of Respondents MAZLAT
INC. and RICHARD SCOTT SLEPACK, under the Real Estate Law are
suspended for a period of ninety (90) days from the effective
date of this Decision :

A. Provided, however, that if Respondents request, the
initial thirty (30) days of said suspension (or a portion
thereof) shall be stayed for two (2) years upon condition that:

1. Each Respondent pays a monetary penalty pursuant to
Section 10175.2 of the Business and Professions Code at the rate
of \$83.33 per day for each day of the suspension for a monetary
penalty of \$2,500.00 for each Respondent, or \$5,000.00 total.

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

3. No further cause for disciplinary action against the
real estate license of Respondents occur within two (2) years
from the effective date of the Decision in this matter.

4. If Respondents fail to pay the monetary penalty in
accordance with the terms of the Decision, the Commissioner may,
without a hearing, order the immediate execution of all or any
part of the stayed suspension, in which event the Respondents

1 shall not be entitled to any repayment nor credit, prorated or
2 otherwise, for money paid to the Department under the terms of
3 this Decision.

4 5. If Respondents pay the monetary penalty and if no
5 further cause for disciplinary action against the real estate
6 licenses of Respondents occurs within two (2) years from the
7 effective date of the Decision, the stay hereby granted shall
8 become permanent.

9 B. The remaining sixty (60) days of the ninety (90) day
10 suspension shall be stayed for two (2) years upon the following
11 terms and conditions:

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

15 2. That no final subsequent determination be made
16 after hearing or upon stipulation, that cause for disciplinary
17 action occurred within two (2) years from the effective date of
18 this Decision. Should such a determination be made, the
19 Commissioner may, in the Commissioner's discretion, vacate and
20 set aside the stay order and reimpose all or a portion of the
21 stayed suspension. Should no such determination be made, the
22 stay imposed herein shall become permanent.

24 II.

25 Pursuant to Section 10148 of the Business and
26 Professions Code, Respondents MAZLAT INC. and RICHARD SCOTT
27

1 SLEPACK shall pay the Commissioner's reasonable cost for (a) the
2 audit which led to this disciplinary action and (b) a subsequent
3 audit to determine if Respondents are now in compliance with the
4 Real Estate Law. The cost of the audit which led to this
5 disciplinary action is \$4,605.00. In calculating the amount of
6 the Commissioner's reasonable cost, the Commissioner may use the
7 estimated average hourly salary for all persons performing audits
8 of real estate brokers, and shall include an allocation for
9 travel time to and from the auditor's place of work. Said amount
10 for the prior and subsequent audits shall not exceed \$9,210.00.

11 Respondents MAZLAT INC. and RICHARD SCOTT SLEPACK, or
12 either of them, shall pay such cost within 60 days of receiving
13 an invoice from the Commissioner detailing the activities
14 performed during the audit and the amount of time spent
15 performing those activities.

16 The Commissioner may suspend the licenses of
17 Respondents pending a hearing held in accordance with Section
18 11500, et seq., of the Government Code, if payment is not timely
19 made as provided for herein, or as provided for in a subsequent
20 agreement between said Respondents and the Commissioner. The
21 suspension shall remain in effect until payment is made in full
22 or until said Respondents enter into an agreement satisfactory to
23 the Commissioner to provide for payment, or until a decision
24 providing otherwise is adopted following a hearing held pursuant
25 to this condition.
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DATED: 07-06-12



JULIE L. TO, Counsel for
Department of Real Estate

* * *

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

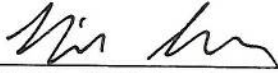
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1 A facsimile constitutes acceptance and approval of the
2 terms and conditions of this stipulation. Respondent agrees,
3 acknowledges and understands that by electronically sending to
4 the Department a facsimile copy of Respondent's actual signature
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.

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DATED: 7-5-2012

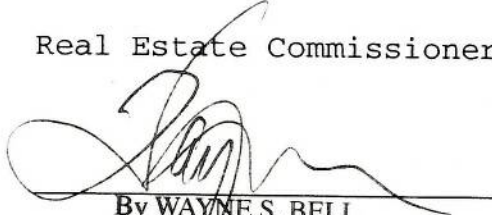


RICHARD SCOTT SLEPACK, as
designated officer of MAZLAT INC.,
Respondent

* * *

The foregoing Stipulation and Agreement is hereby
adopted as my Decision as to Respondents MAZLAT INC. and RICHARD
SCOTT SLEPACK, individually and as designated officer of Mazlat
Inc. and shall become effective at 12 o'clock noon on
AUG 27 2012, 2012.

IT IS SO ORDERED July 20, 2012.

Real Estate Commissioner

By WAYNE S. BELL
Chief Counsel