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

**FILED**

DEC 19 2012

DEPARTMENT OF REAL ESTATE  
BY: *[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

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In the Matter of the Accusation of )  
)  
CAL VISTA HOME LOANS INC.; )  
doing business as Cal Vista Mortgage )  
Company, and MARY ANN RADER, )  
individually and as designated )  
officer of Cal Vista Home Loans Inc., )  
)  
Respondents. )

No. H-37773 LA  
L-20112010588

STIPULATION  
AND  
AGREEMENT

It is hereby stipulated by and between Respondents CAL VISTA HOME LOANS INC. and MARY ANN RADER, individually and as designated officer of Cal Vista Home Loans Inc. Corporation (sometimes collectively referred to as "Respondents"), represented by Frank M. Buda Esq. and the Complainant, acting by and through Elliott Mac Lennan, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation ("Accusation") filed on December 30, 2011, in this matter:

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondents 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. Respondents have received, read and understand the Statement to Respondent,  
2 the Discovery Provisions of the APA and the Accusation filed by the Department of Real Estate  
3 in this proceeding.

4                   3. Respondents timely filed a Notice of Defense pursuant to Section 11506 of the  
5 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.  
6 Respondents hereby freely and voluntarily withdraw said Notice of Defense. Respondents  
7 acknowledge that they understand that by withdrawing said Notice of Defense they thereby waive  
8 their right to require the Commissioner to prove the allegations in the Accusation at a contested  
9 hearing held in accordance with the provisions of the APA and that they will waive other rights  
10 afforded to them in connection with the hearing such as the right to present evidence in their  
11 defense and the right to cross-examine witnesses.

12                   4. This Stipulation is based on the factual allegations contained in the Accusation.  
13 In the interest of expedience and economy, Respondents choose not to contest these allegations,  
14 but to remain silent and understand that, as a result thereof, these factual allegations, without  
15 being admitted or denied, will serve as a prima facie basis for the disciplinary action stipulated to  
16 herein. The Real Estate Commissioner shall not be required to provide further evidence to prove  
17 said factual allegations.

18                   5. This Stipulation is made for the purpose of reaching an agreed disposition of  
19 this proceeding and is expressly limited to this proceeding and any other proceeding or case in  
20 which the Department of Real Estate ("Department"), the state or federal government, or any  
21 agency of this state, another state or federal government is involved.

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

1 made herein.

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

8 8. Respondents understand that by agreeing to this Stipulation, Respondents agree  
9 to pay, pursuant to Business and Professions Code Section 10148, the cost of the audit. The  
10 amount of said cost for the original audit (LA100134/LA100255) is \$8,008.22.

11 9. Respondents have received, read, and understand the "Notice Concerning  
12 Costs of Subsequent Audit". Respondents further understand that by agreeing to this Stipulation,  
13 the findings set forth below in the Determination of Issues become final, and the Commissioner  
14 may charge Respondents for the cost of any subsequent audit conducted pursuant to Business and  
15 Professions Code Section 10148 to determine if the violations have been corrected. The  
16 maximum cost of the follow-up audit will not exceed \$8,008.22.

17 10. Respondents understand that by agreeing to this Stipulation, Respondents  
18 agree to pay, pursuant to Business and Professions Code Section 10106, the cost of the  
19 investigation and enforcement. The amount of said cost is \$ 584.00.

20 DETERMINATION OF ISSUES

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

23 I.

24 The conduct, acts or omissions of CAL VISTA HOME LOANS INC., as  
25 described in Paragraph 4, herein above, are in violation of Section 10145, 10234 (a), and  
26 10238(e) of the Business and Professions Code ("Code") and is a basis for the suspension or  
27 revocation of Respondent's license and license rights as a violation of the Real Estate Law

1 pursuant to Code Sections 10177(d).

2 II.

3 The conduct, acts or omissions of MARY ANN RADER, as described in  
4 Paragraph 4, herein above, are in violation of Code Section 10159.2 and is a basis for discipline  
5 of Respondent's license and license rights as violation of the Real Estate Law pursuant to Code  
6 Section 10177(h).

7 ORDER

8 WHEREFORE, THE FOLLOWING ORDER is hereby made:

9 I.

10 All licenses and licensing rights of Respondents CAL VISTA HOME LOANS  
11 INC. and MARY ANN RADER, under the Real Estate Law are suspended for a period of sixty  
12 (60) days from the effective date of this Decision, all stayed.

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

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

21 II.

22 Pursuant to Section 10148 of the Business and Professions Code, Respondents  
23 CAL VISTA HOME LOANS INC. and MARY ANN RADER, shall pay the Commissioner's  
24 reasonable cost for (a) the audit which led to this disciplinary action and (b) a subsequent audit to  
25 determine if Respondents are now in compliance with the Real Estate Law. The cost of the audit  
26 which led to this disciplinary action is \$8,008.22. In calculating the amount of the  
27 Commissioner's reasonable cost, the Commissioner may use the estimated average hourly salary

1 for all persons performing audits of real estate brokers, and shall include an allocation for travel  
2 time to and from the auditor's place of work. Said amount for the prior and subsequent audits  
3 shall not exceed \$16,016.44. Respondents shall pay such cost within 60 days of receiving an  
4 invoice from the Commissioner detailing the activities performed during the audit and the  
5 amount of time spent performing those activities.

6 The Commissioner may suspend the license of Respondent pending a hearing held  
7 in accordance with Section 11500, et seq., of the Government Code, if payment is not timely  
8 made as provided for herein, or as provided for in a subsequent agreement between the  
9 Respondents and the Commissioner. The suspension shall remain in effect until payment is  
10 made in full or until Respondent enters into an agreement satisfactory to the Commissioner to  
11 provide for payment, or until a decision providing otherwise is adopted following a hearing held  
12 pursuant to this condition.

13 III.

14 All licenses and licensing rights of Respondent are indefinitely suspended from  
15 the effective date of the Decision unless or until Respondent pays the sum of \$584.00 for the  
16 Commissioner's reasonable cost of the investigation and enforcement which led to this  
17 disciplinary action. Said payment shall be in the form of a cashier's check or certified check  
18 made payable to the Department of Real Estate, Real Estate Fund.

19 IV.

20 All licenses and licensing rights of MARY ANN RADER, are indefinitely  
21 suspended unless or until Respondent provides proof satisfactory to the Commissioner, of having  
22 taken and successfully completed the continuing education course on trust fund accounting and  
23 handling specified in paragraph (3) of subdivision (a) of Section 10170.5 of the Business and  
24 Professions Code. Proof of satisfaction of this requirement includes evidence that respondent has  
25 successfully completed the trust fund account and handling continuing education course within  
26 120 days prior to the effective date of the Decision in this matter.

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2 EXECUTION OF THE STIPULATION

3 We have read the Stipulation and Agreement and discussed it with our attorney.  
4 Its terms are understood by us and are agreeable and acceptable to us. We understand that we  
5 are waiving rights given to us by the California Administrative Procedure Act (including but not  
6 limited to Sections 11506, 11508, 11509 and 11513 of the Government Code), and we willingly,  
7 intelligently and voluntarily waive those rights, including the right of requiring the  
8 Commissioner to prove the allegations in the Accusation at a hearing at which we would have the  
9 right to cross-examine witnesses against us and to present evidence in defense and mitigation of  
10 the charges.

11 MAILING AND FACSIMILE

12 Respondents (1) shall mail the original signed signature page of the stipulation  
13 herein to Elliott Mac Lennan: Attention: Legal Section, Department of Real Estate, 320 W.  
14 Fourth St., Suite 350, Los Angeles, California 90013-1105. Respondents shall also (2) facsimile  
15 a copy of signed signature page, to the Department at the following telephone/fax number: (213)  
16 576-6917, Attention: Elliott Mac Lennan.

17 A facsimile constitutes acceptance and approval of the terms and conditions of  
18 this stipulation. Respondents agree, acknowledge and understand that by electronically sending  
19 to the Department a facsimile copy of Respondents' actual signature as it appears on the  
20 stipulation that receipt of the facsimile copy by the Department shall be as binding on  
21 Respondents as if the Department had received the original signed stipulation.

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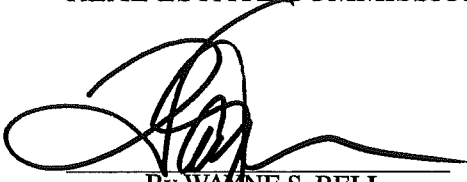
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The foregoing Stipulation and Agreement is hereby adopted as my Decision as to Respondents CAL VISTA HOME LOANS INC. and MARY ANN RADER, and shall become effective at 12 o'clock noon on January 18, 2012.

IT IS SO ORDERED 12/12, 2012.

REAL ESTATE COMMISSIONER



By WAYNE S. BELL  
Chief Counsel