

*Sacto Jan*

**FILED**

FEB 13 2013

1 Department of Real Estate  
2 320 West Fourth Street, #350  
3 Los Angeles, California 90013

DEPARTMENT OF REAL ESTATE

BY: James B. Demus

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8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )  
12 )  
13 AMERICAN DREAM LOANS INC, MARIA )  
14 ELENA DE BERNARDO and LEONEL B. )  
15 MOLINA, individually, and formerly )  
16 as designated officers of American )  
17 Dream Loans Inc, )  
18 Respondents. )

DRE No. H-37845 LA  
OAH No. 2012031218

STIPULATION AND  
AGREEMENT

17 It is hereby stipulated by and between MARIA ELENA DE  
18 BERNARDO, represented in this matter by Frank M. Buda, Esq., and  
19 the Complainant, acting by and through James A. Demus, Counsel  
20 for the Department of Real Estate, as follows for the purpose of  
21 settling and disposing of the Accusation in this matter, filed on  
22 February 9, 2012:

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

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

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

7           3. Respondent filed a Notice of Defense pursuant to  
8 Section 11506 of the Government Code for the purpose of  
9 requesting a hearing on the allegations in the Accusation.  
10 Respondent hereby freely and voluntarily withdraws said Notice of  
11 Defense. Respondent acknowledges that she understands that by  
12 withdrawing said Notice of Defense, she thereby waives her right  
13 to require the Commissioner to prove the allegations in the  
14 Accusation at a contested hearing held in accordance with the  
15 provisions of the APA and that she will waive other rights  
16 afforded to her in connection with the hearing such as the right  
17 to present evidence in his defense and the right to cross-examine  
18 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 chooses not to contest these  
22 allegations, but to remain silent and understands that, as a  
23 result thereof, these factual allegations, without being admitted  
24 or denied, will serve as a prima facie basis for the disciplinary  
25 action stipulated to herein. The Real Estate Commissioner shall  
26 not be required to provide further evidence to prove said factual  
27 allegations.

1           5. This Stipulation is based on Respondent's decision  
2 not to contest the allegations set forth in the Accusation as a  
3 result of the agreement negotiated between the parties. This  
4 Stipulation is expressly limited to this proceeding and any  
5 further proceeding initiated by or brought before the Department  
6 of Real Estate based upon the factual allegations in the  
7 Accusation and is made for the sole purpose of reaching an agreed  
8 disposition of this proceeding. The decision of Respondent not  
9 to contest the allegations contained in the "Order" herein below,  
10 is made solely for the purpose of effectuating this Stipulation.  
11 It is the intent and understanding of the parties that this  
12 Stipulation shall not be binding or admissible against  
13 Respondents in any action against Respondent by third parties.

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

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

1 Estate with respect to any matters which were not specifically  
2 alleged to be causes for accusation in this proceeding.

3 DETERMINATION OF ISSUES

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

8 The conduct of MARIA ELENA DE BERNARDO, as described in  
9 Paragraph 4, above, provides a basis for discipline of MARIA  
10 ELENA DE BERNARDO's license and license rights pursuant to  
11 Sections 10177(g) of the Code.

12 ORDER

13 WHEREFORE THE FOLLOWING ORDER IS MADE PURSUANT TO THE  
14 WRITTEN STIPULATION OF THE PARTIES:

15 I.

16 Respondent MARIA ELENA DE BERNARDO is publicly  
17 reproved.

18 II.

19 Respondent MARIA ELENA DE BERNARDO shall within six (6)  
20 months from the effective date of the Decision herein, take and  
21 pass the Professional Responsibility Examination administered by  
22 the Department including the payment of the appropriate  
23 examination fee. If Respondent fails to satisfy this condition,  
24 the Commissioner may order suspension of Respondent MARIA ELENA  
25 DE BERNARDO license until Respondent passes the examination.

1 III.

2 Respondent MARIA ELENA DE BERNARDO shall, by the  
3 effective of the Decision herein, provide proof of paying  
4 restitution of \$1,400 to Oscar Cruz (hereinafter "Cruz").

5 (a) Respondent shall deliver or mail the restitution  
6 payments, by certified mail, return receipt requested, to Cruz's  
7 last address on file with, or known to Respondent.

8 (b) If a payment is returned by the Post Office marked  
9 "unable to deliver," Respondent shall employ a locator service  
10 (that may include or be limited to the Internet or other database  
11 retrieval search) to try and locate Cruz. Repayment shall then  
12 be made to the addresses recommended by the locator service.

13 (c) If unable to effect repayment after using a locator  
14 service, Respondent shall provide reasonable proof satisfactory  
15 to the Commissioner of her efforts to comply with the provisions  
16 of this Paragraph.

17 (d) If the Commissioner determines that proof to be  
18 unsatisfactory, he shall so advise Respondent, and indicate what  
19 additional reasonable efforts should be made to make repayment.

20 (e) If Respondent fails to satisfy this condition, the  
21 Commissioner may order suspension of Respondent's license until  
22 Respondent effects compliance herein; and

23 (f) Restitution payments not made to any borrower shall  
24 escheat to the State of California.

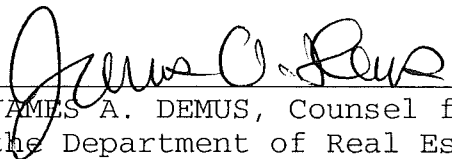
25 IV.

26 Proof of payment and completed coursework shall be  
27 submitted to Department Counsel James A. Demus, Attention: Legal

1 Section, Department of Real Estate, 320 W. Fourth St., Suite 350,  
2 Los Angeles, California 90013-1105, on or before the date set  
3 forth above.

4  
5  
6 DATED:

10/30/12

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

7  
8 EXECUTION OF THE STIPULATION


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

20 Respondent can signify acceptance and approval of the  
21 terms and conditions of this Stipulation by faxing a copy of the  
22 signature page, as actually signed by Respondent, to the  
23 Department at the following telephone/fax number: James A. Demus  
24 at (213) 576-6917. Respondent agrees, acknowledges and  
25 understands that by electronically sending to the Department a  
26 fax copy of Respondent's actual signature as it appears on the  
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Stipulation, that receipt of the faxed copy by the Department shall be as binding on Respondent as if the Department had received the original signed Stipulation.

DATED: 10 30-12   
MARIA ELENA DE BERNARDO

DATED: 10-30-12   
FRANK M. BUDA,  
Attorney for Respondent

\*\*\*

The foregoing Stipulation and Agreement is hereby adopted as my Decision as to Respondent MARIA ELENA DE BERNARDO and shall become effective at 12 o'clock noon on

IT IS SO ORDERED \_\_\_\_\_  
  
Real Estate Commissioner  
\_\_\_\_\_  
  
\_\_\_\_\_

1 Stipulation, that receipt of the faxed copy by the Department  
2 shall be as binding on Respondent as if the Department had  
3 received the original signed Stipulation.

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DATED: \_\_\_\_\_  
MARIA ELENA DE BERNARDO

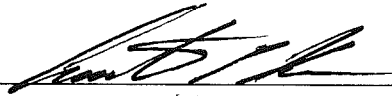
DATED: \_\_\_\_\_  
FRANK M. BUDA,  
Attorney for Respondent

\*\*\*

The foregoing Stipulation and Agreement is hereby  
adopted as my Decision as to Respondent MARIA ELENA DE BERNARDO  
and shall become effective at 12 o'clock noon on  
MAR - 5 2013, 2013

IT IS SO ORDERED 2/1, 2013

REAL ESTATE COMMISSIONER

by:   
By AWET P. KIDANE  
Chief Deputy Commissioner



*Santo*

**FILED**

FEB 13 2013

1 Department of Real Estate  
2 320 West Fourth Street, #350  
3 Los Angeles, California 90013

DEPARTMENT OF REAL ESTATE  
BY: James B. Olson

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8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

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11 In the Matter of the Accusation of )

) DRE No. H-37845 LA  
) OAH No. 2012031218

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13 ) AMERICAN DREAM LOANS INC, MARIA )  
14 ) ELENA DE BERNARDO and LEONEL B. )  
15 ) MOLINA, individually, and formerly )  
16 ) as designated officers of American )  
17 ) Dream Loans Inc, )

STIPULATION AND  
AGREEMENT

18 Respondents. )

19 It is hereby stipulated by and between LEONEL B.  
20 MOLINA, and the Complainant, acting by and through James A.  
21 Demus, Counsel for the Department of Real Estate, as follows for  
22 the purpose of settling and disposing of the Accusation in this  
23 matter, filed on February 9, 2012:

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

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

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

7           3. Respondent filed a Notice of Defense pursuant to  
8 Section 11506 of the Government Code for the purpose of  
9 requesting a hearing on the allegations in the Accusation.  
10 Respondent hereby freely and voluntarily withdraws said Notice of  
11 Defense. Respondent acknowledges that he understands that by  
12 withdrawing said Notice of Defense, he thereby waives his right  
13 to require the Commissioner to prove the allegations in the  
14 Accusation at a contested hearing held in accordance with the  
15 provisions of the APA and that he will waive other rights  
16 afforded to him in connection with the hearing such as the right  
17 to present evidence in his defense and the right to cross-examine  
18 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 chooses not to contest these  
22 allegations, but to remain silent and understands that, as a  
23 result thereof, these factual allegations, without being admitted  
24 or denied, will serve as a prima facie basis for the disciplinary  
25 action stipulated to herein. The Real Estate Commissioner shall  
26 not be required to provide further evidence to prove said factual  
27 allegations.

1           5. This Stipulation is based on Respondent's decision  
2 not to contest the allegations set forth in the Accusation as a  
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6 of Real Estate based upon the factual allegations in the  
7 Accusation and is made for the sole purpose of reaching an agreed  
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9 to contest the allegations contained in the "Order" herein below,  
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12 Stipulation shall not be binding or admissible against  
13 Respondents in any action against Respondent by third parties.

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

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

1 Estate with respect to any matters which were not specifically  
2 alleged to be causes for accusation in this proceeding.

3 DETERMINATION OF ISSUES

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

8 The conduct of LEONEL B. MOLINA, as described in  
9 Paragraph 4, above, is in violation of Business and Professions  
10 Code ("Code") Section 10085 and provides a basis for discipline  
11 of LEONEL B. MOLINA's license and license rights pursuant to  
12 Sections 10177(d) of the Code.

13 ORDER

14 WHEREFORE THE FOLLOWING ORDER IS MADE PURSUANT TO THE  
15 WRITTEN STIPULATION OF THE PARTIES:

16 I.

17 All licenses and licensing rights of Respondent  
18 LEONEL B. MOLINA under the Real Estate Law are suspended for a  
19 period of thirty (30) days from the effective date of this  
20 Decision; provided, however, that thirty (30) days of said  
21 suspension, shall be stayed for two (2) years upon the  
22 following terms and conditions:

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

26 2. That no final subsequent determination be made,  
27 after hearing or upon stipulation that cause for disciplinary

1 action occurred within two (2) years of the effective date of  
2 this Decision. Should such a determination be made, the  
3 Commissioner may, in his discretion, vacate and set aside the  
4 stay order and reimpose all or a portion of the stayed  
5 suspension. Should no such determination be made, the stay  
6 imposed herein shall become permanent.

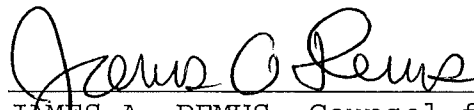
7 II.

8 Respondent LEONEL B. MOLINA shall within six (6) months  
9 from the effective date of the Decision herein, take and pass the  
10 Professional Responsibility Examination administered by the  
11 Department including the payment of the appropriate examination  
12 fee. If Respondent fails to satisfy this condition,  
13 the Commissioner may order suspension of Respondent LEONEL B.  
14 MOLINA's license until Respondent passes the examination.

15 III.

16 Proof of passing the Professional Responsibility  
17 Examination shall be submitted to Department Counsel James A.  
18 Demus, Attention: Legal Section, Department of Real Estate, 320  
19 W. Fourth St., Suite 350, Los Angeles, California 90013-1105, on  
20 or before the date set forth above.

21  
22  
23 DATED: 10/26/12

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

26 ///

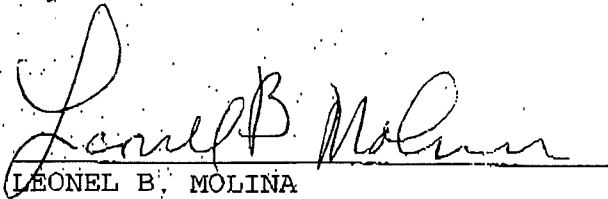
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EXECUTION OF THE STIPULATION

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.

Respondent can signify acceptance and approval of the terms and conditions of this Stipulation by faxing a copy of the signature page, as actually signed by Respondent, to the Department at the following telephone/fax number: James A. Demus at (213) 576-6917. Respondent agrees, acknowledges and understands that by electronically sending to the Department a fax copy of Respondent's actual signature as it appears on the Stipulation, that receipt of the faxed copy by the Department shall be as binding on Respondent as if the Department had received the original signed Stipulation.

DATED: 10/26/2012   
LEONEL B. MOLINA

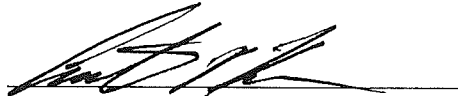
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The foregoing Stipulation and Agreement is hereby  
adopted as my Decision as to Respondent LEONEL B. MOLINA and  
shall become effective at 12 o'clock noon on  
MAR - 5 2013,

IT IS SO ORDERED 2/4/13,

REAL ESTATE COMMISSIONER

by: 

By AWET P. KIDANE  
Chief Deputy Commissioner