

Handwritten initials/signature

1 Department of Real Estate
2 320 W. 4th St., Room 350
3 Los Angeles, California 90013
4
5 Telephone: (213) 576-6982

FILED

JAN - 8 2013

DEPARTMENT OF REAL ESTATE
BY: *Handwritten signature*

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7
8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) No. H-37858 LA
12) L-2012 040 080
13)
14) STERLING INVESTMENT)
15) SOLUTIONS, INC.) STIPULATION AND AGREEMENT
16) dba Sterling Loan Solutions)
17) and HENRY PHELPS MACLEAN)
18) individually and as)
19) designated officer of)
20) Sterling Investment)
21) Solutions, Inc.)
22)
23) Respondents.)
24)
25)
26)
27)

20 It is hereby stipulated by and between STERLING
21 INVESTMENT SOLUTIONS, INC. and HENRY PHELPS MACLEAN (sometimes
22 referred to as Respondents), and their attorney, David W. Reid,
23 and the Complainant, acting by and through James R. Peel,
24 Counsel for the Department of Real Estate, as follows for the
25 purpose of settling and disposing of the Accusation filed on
26 February 10, 2012, in this matter.
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1 1. All issues which were contested and all evidence
2 which was presented by Complainant and Respondents at a formal
3 hearing on the Accusation, which hearing is to be held in
4 accordance with the provisions of the Administrative Procedure
5 Act ("APA"), shall instead and in place thereof be submitted
6 solely on the basis of the provisions of this Stipulation and
7 Agreement ("Stipulation").

8 2. Respondents have received, read and understand the
9 Statement to Respondent, the Discovery Provisions of the
10 Administrative Procedure Act ("APA") and the Accusation filed by
11 the Department of Real Estate in this proceeding.

12 3. On February 22, 2012, Respondents filed a Notice
13 of Defense pursuant to Section 11506 of the Government Code for
14 the purpose of requesting a hearing on the allegations in the
15 Accusation. Respondents hereby freely and voluntarily withdraw
16 said Notice of Defense. Respondents acknowledge that they
17 understand that by withdrawing said Notice of Defense they will
18 thereby waive their rights to require the Commissioner to prove
19 the allegations in the Accusation at a contested hearing held in
20 accordance with the provisions of the APA and that they will
21 waive other rights afforded to them in connection with the
22 hearing such as the right to present evidence in defense of the
23 allegations in the Accusation and the right to cross-examine
24 witnesses.
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2 4. This Stipulation is based on the factual
3 allegations contained in the Accusation filed in this
4 proceeding. In the interest of expedience and economy,
5 Respondents choose not to contest these factual allegations, but
6 to remain silent and understand that, as a result thereof, these
7 factual statements, will serve as a prima facie basis for the
8 disciplinary action stipulated to herein. The Real Estate
9 Commissioner shall not be required to provide further evidence
10 to prove such allegations.

11 5. This Stipulation is made for the purpose of
12 reaching an agreed disposition of this proceeding and is
13 expressly limited to this proceeding and any other proceeding or
14 case in which the Department of Real Estate ("Department"), the
15 state or federal government, or an agency of this state, another
16 state or the federal government is involved.

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

1 1. Provided, however, that 30 days of said suspension
2 shall be stayed for two (2) years, upon the following terms and
3 conditions:

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

7 b. That no final subsequent determination be made,
8 after hearing or upon stipulation that cause for disciplinary
9 action occurred within two (2) years of the effective date of
10 this Decision. Should such a determination be made, the
11 Commissioner may, in his discretion, vacate and set aside the
12 stay order and reimpose all or a portion of the stayed
13 suspension. Should no such determination be made, the stay
14 imposed herein shall become permanent.

15 2. Respondent MACLEAN shall, within six months from
16 the effective date of this Decision, take and pass the
17 Professional Responsibility Examination administered by the
18 Department including the payment of the appropriate examination
19 fee. If Respondent fails to satisfy this condition, the
20 Commissioner may order suspension of Respondent's license until
21 Respondent passes the examination.

22 3. The licenses and licensing rights of Respondents
23 are indefinitely suspended unless and until they pay \$8,000 to
24 Felicia Cabada-Pena, and submit satisfactory proof to the
25 Department of Real Estate. Any such proof shall be submitted to
26 Real Estate Counsel James Peel.
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3 DATED:

Oct. 26, 2012

James R. Peel
JAMES R. PEEL, Counsel for the
Department of Real Estate

* * *

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5
6 W have read the Stipulation and Agreement, discussed
7 it with counsel, and its terms are understood by us and are
8 agreeable and acceptable to us. We understand that we are
9 waiving rights given to us by the California Administrative
10 Procedure Act (including but not limited to Sections 11506,
11 11508, 11509 and 11513 of the Government Code), and we
12 willingly, intelligently and voluntarily waive those rights,
13 including the right of requiring the Commissioner to prove the
14 allegations in the Accusation at a hearing at which we would
15 have the right to cross-examine witnesses against us and to
16 present evidence in defense and mitigation of the charges.

17 Respondents can signify acceptance and approval of the
18 terms and conditions of this Stipulation and Agreement by faxing
19 a copy of the signature page, as actually signed by Respondents,
20 to the Department at the following telephone/fax number:
21 (213) 576-6917. Respondents agree, acknowledge and understand
22 that by electronically sending to the Department a fax copy of
23 his or her actual signature as it appears on the Stipulation and
24 Agreement, that receipt of the faxed copy by the Department
25 shall be as binding on Respondents as if the Department had
26 received the original signed Stipulation and Agreement.

27 ///

1-26-1997 10:16PM FROM

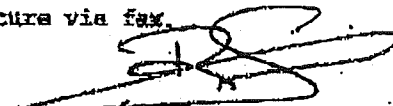

P.2

09/20/2012 FAX 1:03 PM

10/24/2012

1 Further, if the Respondents are represented, the
 2 Respondents' counsel can signify his or her agreement to the
 3 terms and conditions of the Stipulation and Agreement by
 4 submitting that signature via fax.

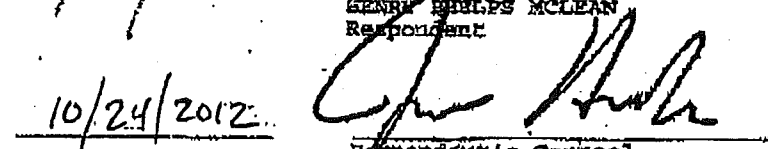
5 DATED: 10/24/2012


 Roy B. Satz, President

 Carys Manoul, Secretary
 STERLING INVESTMENT SOLUTIONS, INC
 Respondent

8 DATED: 10/22/2012


 HENRY PHELPS MCLEAN
 Respondent

11 DATED: 10/24/2012


 Respondent's Counsel

14 * * *

15 The foregoing Stipulation and Agreement is hereby
 16 adopted as my Decision and Order in this matter, and shall
 17 become affective at 12 o'clock noon on _____

18 IT IS SO ORDERED _____

19 Real Estate Commissioner
20 _____
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27

1 Further, if the Respondents are represented, the
2 Respondents' counsel can signify his or her agreement to the
3 terms and conditions of the Stipulation and Agreement by
4 submitting that signature via fax.

5
6
7 DATED: _____

STERLING INVESTMENT SOLUTIONS, INC
Respondent

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10 DATED: _____

HENRY PHELPS MCLEAN
Respondent

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12
13 DATED: _____

Respondent's Counsel

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15 * * *

16 The foregoing Stipulation and Agreement is hereby
17 adopted as my Decision and Order in this matter, and shall
18 become effective at 12 o'clock noon on JAN 28 2013

19 IT IS SO ORDERED 11/30/2012

20
21 Real Estate Commissioner

22 
23 By WAYNE S. BELL
24 Chief Counsel