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

DEC - 9 2013

DEPARTMENT OF REAL ESTATE
BY: 

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BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-38638 LA
)	L-2013020357
FIRST AMERICAN HOME LOANS INC.; and)	
)	
MARK H. BRYAN, individually and as)	<u>STIPULATION</u>
designated officer of First American Home Loans Inc.;)	<u>AND</u>
)	<u>AGREEMENT</u>
Respondents.)	
)	

It is hereby stipulated by and between Respondents FIRST AMERICAN HOME LOAN INC. and MARK H. BRYAN, individually and as designated officer of First American Home Loans Inc. (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 Bureau of Real Estate, as follows for the purpose of settling and disposing of the Accusation ("Accusation") filed on January 4, 2013, 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 Bureau of Real Estate in
3 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 Bureau of Real Estate ("Bureau"), the state or federal government, or any agency of
21 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 his 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 Bureau 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 10106, the cost of the investigation
10 and enforcement of this matter. The amount of said cost is \$2,308.00.

11 DETERMINATION OF ISSUES

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

14 I.

15 The conduct, acts or omissions of FIRST AMERICAN HOME LOAN INC. and
16 MARK H. BRYAN, as described in Paragraph 4, herein above, are in violation of Section
17 10236.4(b) of the Business and Professions Code ("Code") and is a basis for discipline of
18 Respondent's license and license rights as a violation of the Real Estate Law pursuant to Code
19 Section 10177(d).

20 ORDER

21 WHEREFORE, THE FOLLOWING ORDER is hereby made:

22 I.

23 All licenses and licensing rights of Respondents FIRST AMERICAN HOME
24 LOAN INC. and MARK H. BRYAN, under the Real Estate Law are suspended for a period of
25 thirty (30) days from the effective date of this Decision, provided however; said suspension shall
26 be stayed for two (2) years upon the following terms and conditions:

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

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

8 II.

9 All licenses and licensing rights of Respondent are indefinitely suspended from
10 the effective date of the Decision unless or until Respondent pays the sum of \$2,308.00 for the
11 Commissioner's reasonable cost of the investigation and enforcement which led to this
12 disciplinary action. Said payment shall be in the form of a cashier's check or certified check
13 made payable to the Bureau of Real Estate, Real Estate Fund.

14 III.

15 Respondents FIRST AMERICAN HOME LOANS INC. and MARK H. BRYAN
16 shall, within six (6) months from the effective date of this Decision, present evidence
17 satisfactory to the Real Estate Commissioner that:

18 (A) With respect to the Borrowers in the table(s) below:

19 (1) Restitution of advance fees paid for loss mitigation and/or loan modification
20 services has been made;

21 (2) Unless determined by the Real Estate Commissioner to be satisfied or not
22 applicable; and

23 (3) If Respondents fail to satisfy either condition (1) or (2), the Commissioner
24 may order the suspension of Respondents licenses until Respondents present such evidence. The

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

3 (B) To the extent that restitution repayment is applicable:

4 (1) Respondents shall deliver or mail the restitution payments, by certified mail,
5 return receipt requested, to the Borrowers last address on file with or known to Respondents in
6 the table(s), below.

7
8 (2) If any of the payments are returned by the Post Office marked "unable to
9 deliver," Respondents shall employ a locator service (that may include or be limited to the
10 Internet or other database retrieval search) to try and locate the aforesaid borrowers. Repayments
11 shall then be made to the addresses recommended by the locator service.

12 (3) If unable to effect repayment after using a locator service, Respondents shall
13 provide reasonable proof satisfactory to the Commissioner of their efforts to comply with the
14 provisions of this Paragraph.

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16 (4) If the Commissioner determines that proof to be unsatisfactory, the
17 Commissioner shall so advise Respondents, and indicate what additional reasonable efforts
18 should be made to make repayment to the Borrowers.

19 (5) If Respondents fail to satisfy this condition, the Commissioner may order
20 suspension of Respondents' license until Respondents effect compliance herein and/or may order
21 that undeliverable or undelivered restitution payments escheat to the State of Virginia.

22
23 (6) If the Commissioner determines that proof to be unsatisfactory and that
24 reasonable efforts have not been made to locate the Borrowers, the Commissioner may, by
25 separate order, suspend Respondents' license for thirty (30 days).
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Table: Restitution per Accusation

Borrowers	Licensed Activity	Advance Fee Collected
J/E Delgado	Loan Modification	\$1,600.00
Henderson	Loan Modification	\$ 450.00
Total		\$2,050.00

IV.

All proof required by this Order, shall be sent to the attention of Elliott Mac Lennan, Counsel, Legal Section, Bureau of Real Estate, 320 W. Fourth St., Suite 350, Los Angeles, California 90013-1105.

DATED: 10-10-13

E L L
ELLIOTT MAC LENNAN, Counsel for
Bureau of Real Estate

EXECUTION OF THE STIPULATION

We have read the Stipulation and Agreement and have discussed it with our attorney. Its terms are understood by us and are agreeable and acceptable to us. We understand that we are waiving rights given to us by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509 and 11513 of the Government Code), and we 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 we would have the right to cross-examine witnesses against us and to present evidence in defense and mitigation of the charges.

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MAILING AND FACSIMILE

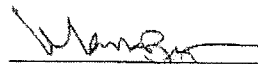
Respondents (1) shall mail the original signed signature page of the stipulation herein to Elliott Mac Lennan: Attention: Legal Section, Bureau of Real Estate, 320 W. Fourth St., Suite 350, Los Angeles, California 90013-1105. Respondents shall also (2) facsimile a copy of signed signature page, to the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

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

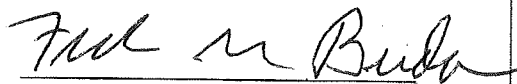
DATED: 9/12/13


FIRST AMERICAN HOME LOAN INC.,
Respondent
By: MARK H. BRYAN, President

DATED: 9/12/13


MARK H. BRYAN, Respondent,
individually

DATED: 9-12-13


FRANK M. BUDA, ESQ.
Attorney for Respondents

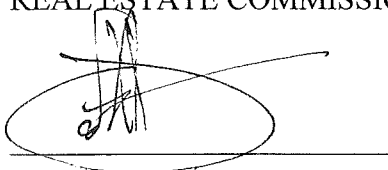
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The foregoing Stipulation and Agreement is hereby adopted as my Decision as to
Respondents FIRST AMERICAN HOME LOAN INC. and MARK H. BRYAN, and shall
become effective at 12 o'clock noon on December 23, 2013.

IT IS SO ORDERED ~~NOVEMBER~~ 17, 2013.

REAL ESTATE COMMISSIONER

A handwritten signature in black ink, appearing to be 'JM', is written over a horizontal line. The signature is enclosed within a hand-drawn oval.

By: JEFFREY MASON
Chief Deputy Commissioner