

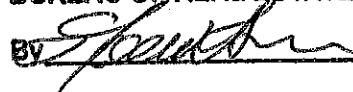
1 Bureau of Real Estate  
320 West 4th Street, Ste. 350  
2 Los Angeles, California 90013-1105

3 Telephone: (213) 576-6982

**FILED**

AUG 20 2015

BUREAU OF REAL ESTATE

BY 

8 BEFORE THE BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11  
12 In the Matter of the Accusation of )  
13 RIGHT START MORTGAGE INC.; and )  
14 BUSTER WILLIAMS, )  
15 DAVID JASON WILLIAMS, )  
16 individually and as designated officers )  
17 of Right Start Mortgage Inc., )  
18 Respondents, )  
19 )

No. H-39033 LA

STIPULATION  
AND  
AGREEMENT

20 It is hereby stipulated by and between Respondents RIGHT START  
21 MORTGAGE INC., BUSTER WILLIAMS and DAVID JASON WILLIAMS, individually and  
22 as designated officers of Right Start Mortgage Inc., (sometimes referred to as "Respondents"),  
23 represented by Frank M. Buda, Esq., and the Complainant, acting by and through Elliott Mac  
24 Lennan, Counsel for the Bureau of Real Estate, as follows for the purpose of settling and  
25 disposing of the Accusation ("Accusation") filed on September 13, 2013, in this matter:  
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1                   1. All issues which were to be contested and all evidence which was to be  
2 presented by Complainant and Respondents at a formal hearing on the Accusation, which  
3 hearing was to be held in accordance with the provisions of the Administrative Procedure Act  
4 (“APA”) shall instead and in place thereof be submitted solely on the basis of the provisions of  
5 this Stipulation and Agreement (“Stipulation”).

6                   2. Respondents have received, read and understand the Statement to Respondent,  
7 the Discovery Provisions of the APA and the Accusation filed by the Bureau of Real Estate in  
8 this proceeding.

9                   3. Respondents timely filed a Notice of Defense pursuant to Section 11506 of  
10 the Government Code for the purpose of requesting a hearing on the allegations in the  
11 Accusation. Respondents hereby freely and voluntarily withdraw said Notice of Defense.  
12 Respondents acknowledge that they understand that by withdrawing said Notice of Defense they  
13 thereby waive their right to require the Real Estate Commissioner (“Commissioner”) to prove  
14 the allegations in the Accusation at a contested hearing held in accordance with the provisions  
15 of the APA and that they will waive other rights afforded to them in connection with the hearing  
16 such as the right to present evidence in their defense and the right to cross-examine witnesses.  
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18                   4. This Stipulation is based on the factual allegations contained in the  
19 Accusation. In the interest of expedience and economy, Respondents choose not to contest  
20 these allegations, but to remain silent and understand that, as a result thereof, these factual  
21 allegations, without being admitted or denied, will serve as a prima facie basis for the  
22 disciplinary action stipulated to herein. The Commissioner shall not be required to provide  
23 further evidence to prove said factual allegations.  
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1                   5. This Stipulation is made for the purpose of reaching an agreed disposition of  
2 this proceeding and is expressly limited to this proceeding and any other proceeding or case in  
3 which the Bureau of Real Estate ("Bureau") the state or federal government, or any agency of  
4 this state, another state or federal government is involved, and otherwise shall not be admissible  
5 in any other criminal or civil proceedings.

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

13                   7. The Order or any subsequent Order of the Commissioner made pursuant to  
14 this Stipulation shall not constitute an estoppel, merger or bar to any further administrative or  
15 civil proceedings by the Bureau of Real Estate with respect to any matters which were not  
16 specifically alleged to be causes for Accusation in this proceeding but do constitute a bar,  
17 estoppel and merger as to any allegations actually contained in the Accusation against  
18 Respondents herein.

19                   8. Respondents understand that by agreeing to this Stipulation, Respondents  
20 agree to pay, pursuant to Business and Professions Code Section 10148, the cost of the original  
21 audit which led to this disciplinary action. The amount of said cost is \$13,591.14.

22                   9. Respondents have received, read, and understand the "Notice Concerning  
23 Costs of Subsequent Audit". Respondents further understand that by agreeing to this  
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1 Stipulation, the findings set forth below in the Determination of Issues become final, and the  
2 Commissioner may charge Respondents for the cost of any subsequent audit conducted pursuant  
3 to Business and Professions Code Section 10148 to determine if the violations have been  
4 corrected. The maximum cost of the subsequent audit shall not exceed \$13,591.14.

5 10. Respondents understand that by agreeing to this Stipulation, Respondents  
6 agree to pay, pursuant to Business and Professions Code Section 10106, the cost of the  
7 investigation and enforcement of this matter. The amount of said cost is \$3,000.00  
8

9 DETERMINATION OF ISSUES

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

12 I.

13 The conduct of Respondents RIGHT START MORTGAGE INC. as referenced  
14 in Paragraph 4 of the Stipulation, above, is in violation of Code Sections 10140.6(b)(1),  
15 10159.5, 10160 and 10161.8 and Sections 2731, 2752, 2753, 2773, and 2950(h) of Title 10,  
16 Chapter 6 of the California Code of Regulations ("Regulations") and is a basis for suspension or  
17 revocation of Respondents' license and license rights as a violation of the Real Estate Law  
18 pursuant to Code Section 10177(g).

19 II.

20 The conduct of BUSTER WILLIAMS and DAVID JASON WILLIAMS, as  
21 referenced in Paragraph 4 of the Stipulation, above, constitutes a failure to supervise and to keep  
22 Right Start Mortgage Inc. in compliance with the Real Estate Law during the time that said  
23 Respondents were the officers designated by a corporate broker licensee, in violation of Code  
24 Section 10177(h).and is a basis for suspension or revocation of Respondents' license and license  
25 rights as a violation of the Real Estate Law pursuant to Code Section 10177(h).

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1 III.

2 All licenses and licensing rights of Respondents are indefinitely suspended unless  
3 or until Respondents pay the sum of \$3,000.00 for the Commissioner's reasonable cost of the  
4 investigation and enforcement which led to this disciplinary action by the effective date. Said  
5 payment must be received by the Bureau prior to the effective date of the Order in this matter.  
6 Respondents are jointly and severally liable for said cost.

7 IV.

8 All licenses and licensing rights of Respondents BUSTER WILLIAMS and  
9 DAVID JASON WILLIAMS are indefinitely suspended unless or until Respondents provide  
10 proof satisfactory to the Commissioner, of having taken and successfully completed the  
11 continuing education course on trust fund accounting and handling specified in paragraph (3) of  
12 subdivision (a) of Section 10170.5 of the Business and Professions Code. Proof of satisfaction of  
13 these requirements includes evidence that Respondents have successfully completed the trust  
14 fund account and handling continuing education courses, no earlier than 120 days prior to the  
15 effective date of the Order in this matter. Proof of completion of the trust fund accounting and  
16 handling course must be delivered to the Bureau of Real Estate, Flag Section at P.O. Box  
17 137013, Sacramento, CA 95813-7013 or by fax at 916-263-8758, prior to the effective date of  
18 this Order.

19 V.

20 Respondents BUSTER WILLIAMS and DAVID JASON WILLIAMS shall  
21 within nine (9) months from the effective date of this Decision, present evidence satisfactory to  
22 the Real Estate Commissioner that Respondents have, since the most recent issuance of an  
23 original or renewal real estate license, taken and successfully completed the continuing  
24 education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real  
25 estate license. If Respondents fail to satisfy this condition, the Commissioner may order the  
26 suspension of the license until Respondents presents such evidence. The Commissioner shall  
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1 afford Respondents the opportunity for a hearing pursuant to the Administrative Procedure Act  
2 to present such evidence.

3 VI.

4 As an additional condition for the Commissioner to enter into this Stipulation,  
5 Respondents shall pay a monetary penalty of \$1,000 each totaling \$3,000. by the effective date  
6 of the Decision herein. All licenses and licensing rights of Respondents shall be indefinitely  
7 suspended after the effective date unless or until Respondents pay said sum.

8 GENERAL PROVISIONS

9 I.

10 As a further condition for the Commissioner to enter into this Stipulation,  
11 Respondents shall provide evidence satisfactory to the Real Estate Commissioner that all  
12 violations cited in the Determination of Issues have been corrected prior to the effective date of  
13 the Decision.

14 II.

15 All proof required by this Decision, shall be sent to the attention of Bureau of  
16 Real Estate, Flag Section, P.O. Box 137013, Sacramento, CA 95813-7013. All checks, if any,  
17 unless otherwise specified, are payable to the Bureau of Real Estate unless otherwise directed.  
18 All proof required by this Decision, and all payments required herein, may be made by either  
19 cashier's check or made by credit card. Credit card payments shall be accompanied by Form RE  
20 909. Proof and payments shall be sent to the attention of Bureau of Real Estate, Flag Section,  
21 and P.O. Box 137013, Sacramento, CA 95813-7013.

22 DATED: 6-5-15

23 EJL  
24 ELLIOTT MAC LENNAN, Counsel for  
25 Bureau of Real Estate

26 EXECUTION OF THE STIPULATION

27 We have read the Stipulation and discussed it with our attorney. Its terms are  
understood by us and are agreeable and acceptable to us. We understand that we are waiving

1 rights given to us by the California Administrative Procedure Act (including but not limited to  
2 Sections 11506, 11508, 11509 and 11513 of the Government Code). We willingly, intelligently  
3 and voluntarily waive those rights, including the right of requiring the Commissioner to prove  
4 the allegations in the Accusation at a hearing at which we would have the right to cross-examine  
5 witnesses against us and to present evidence in defense and mitigation of the charges.

6 MAILING/FACSIMILE

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

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

17  
18 DATED: 7/24/2015

  
RIGHT START MORTGAGE INC., Respondent


19  
20 DATED: 7/24/2015

  
BUSTER WILLIAMS, Respondent

21  
22  
23 DATED: 7/24/2015

  
DAVID JASON WILLIAMS, Respondent

24  
25 DATED: 7-27-15

  
FRANK M. BUDA, ESQ.  
Attorney for Respondents



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2           The foregoing Stipulation and Agreement is hereby adopted as my Decision as to  
3 Respondents RIGHT START MORTGAGE INC., BUSTER WILLIAMS, and DAVID JASON  
4 WILLIAMS and shall become effective at 12 o'clock noon on SEP 10 2015,  
5 2015.

6           IT IS SO ORDERED August 14, 2015.

7                           **WAYNE S. BELL**  
8                           Real Estate Commissioner

9                           

10                           By: JEFFREY MASON  
11                           Chief Deputy Commissioner