

FILED

OCT 18 2016

BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

BUREAU OF REAL ESTATE
By *[Signature]*

* * * *

In the Matter of the Accusation of)	
)	No. H-40232 LA
MUTUAL WEST CORPORATION;)	
and JUAN MANUEL QUINONES III)	
individually and as)	
designated officer of)	
Mutual West Corporation,)	
)	
Respondents.)	
_____)	

DECISION

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on August 31, 2016, and the findings of fact set forth herein are based on one or more of the following: (1) Respondent's express admissions; (2) affidavits; and (3) other evidence.

Pursuant to Government Code section 11521, the Bureau of Real Estate may order reconsideration of this Decision on petition of any party. The Bureau's power to order reconsideration of this Decision shall expire 30 days after mailing of this Decision, or on the effective date of this Decision, whichever occurs first. The right to reinstatement of a revoked real estate license or to the reduction of a penalty is controlled by Section 11522 of the Government Code. A copy of Sections 11521 and 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of respondent.

FINDINGS OF FACT

1. Respondents failed to appear at the August 29, 2016, hearing therefore this matter shall proceed as a default.
2. At all times mentioned herein, Respondents were licensed as real estate brokers.

3. Respondent QUINONES was the designated officer and pursuant to Business and Professions Code "Code" Section 10159.2 was responsible for the supervision and control of the activities conducted on behalf of the corporation by its officers and employees as necessary to secure full compliance with the provisions of the real estate law.

4. At all times material herein, Respondents engaged in the business of, acted in the capacity of, advertised or assumed to act as real estate brokers in the State of California within the meaning of Section 10131 (d) of the Code.

5. On or about December 18, 2015, the Bureau completed an examination of Respondents' books and records, pertaining to the activities described in Paragraph 4 above, covering a period from January 1, 2014, through June 30, 2015, which examination revealed violations of the Code and of Title 10, Chapter 6, California Code of Regulations (hereinafter Regulations) as set forth below.

6. Respondents acted in violation of the Code and the Regulations as follows, and as more specifically set forth in Audit Report No. LA 140217 and related exhibits.

a. Violated Code Section 10145 by collecting a total of \$8,130 from Enrique A. for loan modification services for property at 1186 E. 55 th St., Los Angeles, CA and not maintaining the funds in a real estate broker trust account.

b. Violated Code Section 10176(i) by misappropriating the funds to their own use and benefit without the knowledge and permission of the borrower Enrique A.

c. Violated Code Section 10148 by not providing the Bureau their records for loan transactions for review and copying at the request of the Bureau. The records include receipts and disbursements, deposit slips, bank statements related to the loan modification transaction files examined.

d. Violated Code Section 10176(e) by commingling the funds of Enrique A. with their own personal funds.

e. Violated Code Section 10085.6 by offering to perform mortgage loan modification and received compensation before fully performing every service contracted to perform.

f. Violated Regulation 2731 by using fictitious business name Mutual West without first obtaining a license bearing such name.

g. Violated Code Section 10140.6(b) in that the mortgage loan applications did not always include broker license number at the first point of contact with consumers.

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h. Violated Code Section 10240 in that the mortgage loan disclosure statement did not always include broker license number. Respondent did not maintain a copy of the statement provided to borrowers to show that said statements were provided to borrowers within three business days after the borrowers signed their loan application.

DETERMINATION OF ISSUES

1. The conduct, acts and omissions of Respondents subjects their real estate licenses to disciplinary action pursuant to Sections 10177(d), 10177(g) and 10176(i) of the Code. The conduct of Respondent QUINONES is subject to disciplinary action pursuant to Code Sections 10159.2, 10177(d), and 10177(h).

2. The standard of proof applied was clear and convincing proof to a reasonable certainty.

ORDER

All licenses and license rights of Respondents MUTUAL WEST CORPORATION and JUAN MANUEL QUINONES III are revoked.

This Decision shall become effective at 12 o'clock noon NOV 07 2016.

DATED: 10/8/2016.

WAYNE S. BELL
Real Estate Commissioner



1 Bureau of Real Estate
2 320 West Fourth Street, Suite 350
3 Los Angeles, California 90013-1105
4 (213) 576-6982

FILED

AUG 31 2016

BUREAU OF REAL ESTATE

By 

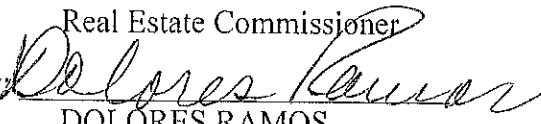
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9 BEFORE THE BUREAU OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * * *

12 In the Matter of the Accusation of)
13) NO. H-40232 LA
14 MUTUAL WEST CORPORATION;)
15 and JUAN MANUEL QUINONES III) DEFAULT ORDER
16 individually and as)
17 designated officer of)
18 Mutual West Corporation,)
19 Respondents.)
20)
21)
22)
23)
24)
25)
26)
27)

28 Respondents, MUTUAL WEST CORPORATION and JUAN MANUEL
29 QUINONES III, having failed to appear at the hearing, are now in default. It is, therefore,
30 ordered that a default be entered on the record in this matter.
31

32 IT IS SO ORDERED August 31, 2016

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34 Real Estate Commissioner
35 By 
36 DOLORES RAMOS
37 Regional Manager