

1 DEPARTMENT OF REAL ESTATE
2 320 West 4th Street, Suite 350
3 Los Angeles, California 90013-1105
4 Telephone: (213) 620-2072

FILED

MAR 26 2019

DEPT. OF REAL ESTATE

By *Lissette Garcia*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * *

11 In the Matter of the Accusation against

12 GOTMORTGAGE.COM,

13 GOTMORTGAGE.COM REAL ESTATE GROUP, and

14 ANDREA HAEWON PARK, individually, and as
15 designated officer for Gotmortgage.com and
Gotmortgage.com Real Estate Group,

16 Respondents.

DRE No. H-41146 LA
OAH No. 2018100530

**STIPULATION AND
AGREEMENT IN
SETTLEMENT AND ORDER**

17 It is hereby stipulated by and between Respondents GOTMORTGAGE.COM,
18 GOTMORTGAGE.COM REAL ESTATE GROUP, and ANDREA HAEWON PARK,
19 individually, and as designated officer for Gotmortgage.com and Gotmortgage.com Real Estate
20 Group (collectively "Respondents") and Complainant, acting by and through Lissette Garcia,
21 Counsel for the Department of Real Estate ("Department"), as follows for the purpose of settling
22 and disposing the Accusation filed on August 21, 2018, with Department Case No.
23 H-41146 LA ("Accusation") in this matter:
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Stipulation and Agreement
H-41146 LA

1 1. All issues which were to be contested and all evidence which was to be presented by
2 Complainant and Respondents at a formal hearing on the Accusation, which hearing was to be
3 held in accordance with the provisions of the Administrative Procedure Act ("APA"), shall
4 instead and in place thereof be submitted on the basis of the provisions of this Stipulation and
5 Agreement in Settlement and Order ("Stipulation").

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

8 3. Respondents filed a Notice of Defense pursuant to Section 11506 of the Government
9 Code for the purpose of requesting a hearing on the allegations in the Accusation. Respondents
10 hereby freely and voluntarily withdraw said Notice of Defense. Respondents acknowledge and
11 understand that by withdrawing said Notice of Defense, Respondents will thereby waive
12 Respondents' rights to require the Real Estate Commissioner ("Commissioner") to prove the
13 allegations in the Accusation at a contested hearing held in accordance with the provisions of the
14 APA and that Respondents will waive other rights afforded to Respondents in connection with
15 the hearing such as the right to present evidence in defense of the allegations in the Accusation
16 and the right to cross-examine witnesses.

17 4. This Stipulation is based on the factual allegations contained in the Accusation filed in
18 this proceeding. In the interest of expedience and economy, Respondents choose not to contest
19 these factual allegations, but to remain silent and understand that, as a result thereof, these
20 factual statements, will serve as a prima facie basis for the disciplinary action stipulated to
21 herein. The Real Estate Commissioner shall not be required to provide further evidence to prove
22 such allegations.

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1 5. This Stipulation and Respondents' decision not to contest the Accusation are made for
2 the purpose of reaching an agreed disposition of this proceeding and are expressly limited to this
3 proceeding and any other proceeding or case in which the Department, or another licensing
4 agency of this state, another state or if the federal government is involved and otherwise shall not
5 be admissible in any other criminal or civil proceedings.

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

13 7. The Order or any subsequent Order of the Real Estate 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 Department of Real Estate with respect to any conduct which was not
16 specifically alleged to be causes for accusation in this proceeding.

17 DETERMINATION OF ISSUES

18 By reason of the foregoing stipulation and agreement and solely for the purpose of
19 settlement of the pending Accusation without a hearing, it is stipulated and agreed that the
20 following determination of issues shall be made:

21 I.

22 On or about July 31, 2018, Respondent GOTMORTGAGE.COM changed its corporate
23 name to Lending 3, Inc. All references herein to "GOTMORTGAGE.COM" include "Lending
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1 3, Inc.” The conduct, acts and/or omissions of Respondent GOTMORTGAGE.COM as set forth
2 in Paragraphs 19, 20, 21, 25, 31, and 35 of the Accusation, constitute cause for the suspension or
3 revocation of all real estate licenses, MLO license endorsements, and license rights of
4 Respondent GOTMORTGAGE.COM under the provisions of sections 10166.051, 10166.05,
5 subdivisions (a) and (c), and 10177, subdivisions (d) and (f), of the Business and Professions
6 Code (“Code”) for violation of Code sections 10186.2, 10232.25, 10235 and Regulations 2848,
7 subdivision (a)(13) of the Regulations of the Real Estate Commissioner, Title 10, Chapter 6,
8 California Code of Regulations (“Regulations”).

9 II.

10 The conduct, acts and/or omissions of Respondent ANDREA HAEWON PARK as set
11 forth in Paragraphs 19, 20, 21, 25, 31, 32, 35, and 36 of the Accusation, constitute cause for the
12 suspension or revocation of all real estate licenses, MLO license endorsements, and license rights
13 of Respondent ANDREA HAEWON PARK under the provisions of Code sections 10166.051,
14 10166.05, subdivisions (a) and (c), and 10177, subdivisions (d), (f), and (h), for violation of
15 Code sections 10159.2, 10186.2, 10232.25, 10235 and Regulations 2848, subdivision (a)(13).

16 III.

17 The conduct, acts and/or omissions of Respondent ANDREA HAEWON PARK, as an
18 officer for GOTMORTGAGE.COM REAL ESTATE GROUP, as set forth in Paragraphs 7, 9,
19 12, 20, 21, 22, and 25, of the Accusation, constitute cause for the suspension or revocation of all
20 real estate licenses, MLO license endorsements, and license rights of Respondent
21 GOTMORTGAGE.COM REAL ESTATE GROUP under the provisions of Code sections
22 10166.051, 10166.05, subdivisions (a) and (c), and 10177, subdivision (f).

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1 ORDER

2 I.

3 All licenses, MLO license endorsements, and licensing rights of Respondent
4 GOTMORTGAGE.COM, aka Lending 3, Inc., under the Real Estate Law are revoked; provided,
5 however, a restricted real estate broker license and a restricted MLO license endorsement shall
6 be issued to Respondent pursuant to Section 10156.5 of the Code if Respondent makes
7 application therefor and pays to the Department the appropriate fee for the restricted license
8 within 90 days from the effective date of this Decision and Order. The restricted licenses issued
9 to Respondent shall be subject to all of the provisions of Section 10156.7 of the Code and to the
10 following limitations, conditions and restrictions imposed under authority of Section 10156.6 of
11 that Code:

12 1. The restricted license and restricted MLO license endorsement issued to
13 Respondent may be suspended prior to hearing by Order of the Commissioner in the event of
14 Respondent's conviction or plea of nolo contendere to a crime which is substantially related to
15 Respondent's fitness or capacity as a real estate licensee.

16 2. The restricted license and restricted MLO license endorsement issued to
17 Respondent may be suspended prior to hearing by Order of the Real Estate Commissioner on
18 evidence satisfactory to the Commissioner that Respondent has violated provisions of the
19 California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate
20 Commissioner or conditions attaching to the restricted license.

21 3. Respondent shall not be eligible to petition for the issuance of any unrestricted
22 real estate license or MLO license endorsement nor for removal of any of the conditions,
23 limitations or restrictions of a restricted license until two (2) years have elapsed from the
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1 effective date of this Decision and Order. Respondent shall not be eligible to apply for any
2 unrestricted licenses until all restrictions attaching to the license have been removed.

3 4. All licenses, MLO license endorsements, and licensing rights of Respondent are
4 indefinitely suspended unless or until Respondent pays, severally or jointly with the other
5 Respondents, the sum of \$6,583.37 for the Commissioner's reasonable cost of the investigation
6 and enforcement which led to this disciplinary action. Said payment shall be in the form of a
7 cashier's check made payable to the Department of Real Estate. **The investigative and**
8 **enforcement costs must be delivered to the Department of Real Estate, Flag Section at P.O.**
9 **Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this Decision and**
10 **Order. Payment of investigation and enforcement costs should not be made until the**
11 **Stipulation has been approved by the Commissioner.**

12 II.

13 All licenses, MLO license endorsements, and licensing rights of Respondent ANDREA
14 HAEWON PARK under the Real Estate Law are revoked; provided, however, a restricted real
15 estate broker license and a restricted MLO license endorsement shall be issued to Respondent
16 pursuant to Section 10156.5 of the Code if Respondent makes application therefor and pays to
17 the Department the appropriate fee for the restricted license within 90 days from the effective
18 date of this Decision and Order. The restricted licenses issued to Respondent shall be subject to
19 all of the provisions of Section 10156.7 of the Code and to the following limitations, conditions
20 and restrictions imposed under authority of Section 10156.6 of that Code:

21 1. The restricted license and restricted MLO license endorsement issued to
22 Respondent may be suspended prior to hearing by Order of the Commissioner in the event of
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1 Respondent's conviction or plea of nolo contendere to a crime which is substantially related to
2 Respondent's fitness or capacity as a real estate licensee.

3 2. The restricted license and restricted MLO license endorsement issued to
4 Respondent may be suspended prior to hearing by Order of the Real Estate Commissioner on
5 evidence satisfactory to the Commissioner that Respondent has violated provisions of the
6 California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate
7 Commissioner or conditions attaching to the restricted license.

8 3. Respondent shall not be eligible to petition for the issuance of any unrestricted
9 real estate license or MLO license endorsement nor for removal of any of the conditions,
10 limitations or restrictions of a restricted license until two (2) years have elapsed from the
11 effective date of this Decision and Order. Respondent shall not be eligible to apply for any
12 unrestricted licenses until all restrictions attaching to the license have been removed.

13 4. All licenses, MLO license endorsements, and licensing rights of Respondent are
14 indefinitely suspended unless or until Respondent provides proof satisfactory to the
15 Commissioner, of having taken and successfully completed the continuing education course on
16 trust fund accounting and handling specified in paragraph (3) of subdivision (a) of Section
17 10170.5 of the Business and Professions Code. Proof of satisfaction of this requirement includes
18 evidence that Respondents has successfully completed the trust fund account and handling
19 continuing education course, no earlier than 120 days prior to the effective date of the Decision
20 and Order in this matter. **Proof of completion of the trust fund accounting and handling**
21 **course must be delivered to the Department of Real Estate, Flag Section at P.O. Box**
22 **137013, Sacramento, CA 95813-7013 or by fax at 916-263-8758, prior to the effective date**
23 **of this Decision and Order.**

1 2. The restricted license and restricted MLO license endorsement issued to
2 Respondent may be suspended prior to hearing by Order of the Real Estate Commissioner on
3 evidence satisfactory to the Commissioner that Respondent has violated provisions of the
4 California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate
5 Commissioner or conditions attaching to the restricted license.


6 3. Respondent shall not be eligible to petition for the issuance of any unrestricted
7 real estate license or MLO license endorsement nor for removal of any of the conditions,
8 limitations or restrictions of a restricted license until two (2) years have elapsed from the
9 effective date of this Decision and Order. Respondent shall not be eligible to apply for any
10 unrestricted licenses until all restrictions attaching to the license have been removed.

11 4. All licenses, MLO license endorsements, and licensing rights of Respondent are
12 indefinitely suspended unless or until Respondent pays, severally or jointly with the other
13 Respondents, the sum of \$6,583.37 for the Commissioner's reasonable cost of the investigation
14 and enforcement which led to this disciplinary action. Said payment shall be in the form of a
15 cashier's check made payable to the Department of Real Estate. **The investigative and**
16 **enforcement costs must be delivered to the Department of Real Estate, Flag Section at P.O.**
17 **Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this Decision and**
18 **Order. Payment of investigation and enforcement costs should not be made until the**
19 **Stipulation has been approved by the Commissioner.**

20 5. All licenses, MLO license endorsements, and licensing rights of Respondent
21 GOTMORTGAGE.COM REAL ESTATE GROUP are indefinitely suspended unless or until
22 Respondent provides proof satisfactory to the Commissioner, that GOTMORTGAGE REAL
23 ESTATE GROUP is in good legal standing with the Office of the California Secretary of State,
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1 pursuant to Regulation 2742, subdivision (c). **Proof of GOTMORTGAGE.COM REAL**
2 **ESTATE GROUP's good legal standing and active status must be delivered to the**
3 **Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013**
4 **or by fax at 916-263-8758, prior to the effective date of this Decision and Order.**

5 DATED: 2/26/2019


Lissete Garcia, Counsel
Department of Real Estate

7 * * *

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

15 Respondents can signify acceptance and approval of the terms and conditions of this
16 Stipulation and Agreement by electronically e-mailing a copy of the signature page, as actually
17 signed by Respondents, to the Department. Respondents agree, acknowledge, and understand
18 that by electronically sending to the Department an electronic copy of Respondents' actual
19 signatures, as they appear on the Stipulation, that receipt of the emailed copy by the Department
20 shall be as binding on Respondents as if the Department had received the original signed
21 Stipulation. By signing this Stipulation, Respondents understand and agree that Respondents
22 may not withdraw Respondents' agreement or seek to rescind the Stipulation prior to the time the
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1 Commissioner considers and acts upon it or prior to the effective date of the Stipulation and
2 Order.

3 DATED: 2/26/19


Respondent GOTMORTGAGE.COM aka Lending 3, Inc.

By (Printed Name): Andrea Park

Title: President

7 DATED: 2/26/19


Respondent ANDREA HAEWON PARK


10 DATED: 2/26/19


Respondent GOTMORTGAGE.COM REAL ESTATE
GROUP

By (Printed Name): Andrea Park

Title: President

14 DATED: 2/26/19


M. Stephen Cho, Esq.
Counsel for Respondents, Approved as to Form
* * *

17 The foregoing Stipulation and Agreement in Settlement and Order is hereby adopted by
18 me as my Decision in this matter and shall become effective at 12 o'clock noon on
19 _____, 2018.

20 IT IS SO ORDERED _____, 2019.

21 DANIEL J. SANDRI
22 ACTING REAL ESTATE COMMISSIONER

1 Commissioner considers and acts upon it or prior to the effective date of the Stipulation and
2 Order.

3 DATED: 2/26/19

[Signature]
Respondent GOTMORTGAGE.COM aka Lending 3, Inc.

By (Printed Name): Andrea Park

Title: President

7 DATED: 2/26/19

[Signature]
Respondent ANDREA HAEWON PARK

10 DATED: 2/26/19

[Signature]
Respondent GOTMORTGAGE.COM REAL ESTATE GROUP

By (Printed Name): Andrea Park

Title: president

15 DATED: _____

M. Stephen Cho, Esq.
Counsel for Respondents, Approved as to Form
* * *

17 The foregoing Stipulation and Agreement in Settlement and Order is hereby adopted by
18 me as my Decision in this matter and shall become effective at 12 o'clock noon on
19 APR 15 2019, 2018.

20 IT IS SO ORDERED March 15, 2019.

21 DANIEL J. SANDRI
22 ACTING REAL ESTATE COMMISSIONER

23 [Signature]
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