

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

FILED

OCT 22 2019

DEPT. OF REAL ESTATE

By: [Signature]

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of) DRE No. H-41385 LA
AW FINANCE INC.,)
Respondent.)

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On June 17, 2019, an Accusation was filed in this matter against Respondent AW FINANCE INC. ("Respondent").

On August 23, 2019 Respondent petitioned the Commissioner to voluntarily surrender its real estate broker license pursuant to Section 10100.2 of the Business and Professions Code.

IT IS HEREBY ORDERED that Respondent AW FINANCE INC.'s petition for voluntary surrender of its real estate broker license is accepted as of the effective date of this Order as set forth below, based upon the understanding and agreement expressed in Respondent's Declaration dated August 23, 2019, (attached as Exhibit "A" hereto). Respondent's license certificate and pocket card shall be sent to the below-listed address so that they reach the Department on or before the effective date of this Order:

///

///

DEPARTMENT OF REAL ESTATE
Attention: Licensing Flag Section
P. O. Box 137013
Sacramento, CA 95813-7013

This Order shall become effective at 12 o'clock noon on ~~OCT 21 2019~~.

DATED: September 28, 2019

DANIEL J. SANDRI
ACTING REAL ESTATE COMMISSIONER

Daniel J. Sandri

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

1
2
3
4
5
6
7
8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) DRE No. H-41385 LA
12 AW FINANCE INC.,)
13 Respondent.)
14

15 DECLARATION

16 My name is Roberto Martin Mercado and I am currently the designated officer of
17 record for AW FINANCE INC., which is currently licensed as a real estate broker and/or has
18 license rights (DRE license ID 01999633) with respect to said license. I am authorized and
19 empowered to sign this declaration on behalf of AW FINANCE INC. I am acting on behalf of AW
20 FINANCE INC. in this matter.

21 In lieu of proceeding in this matter in accordance with the provisions of the
22 Administrative Procedure Act (Sections 11400 et seq., of the Government Code), AW FINANCE
23 INC. wishes to voluntarily surrender its real estate license(s) issued by the Department of Real
24 Estate ("Department"), pursuant to Business and Professions Code Section 10100.2.

25 I understand that AW FINANCE INC., by so voluntarily surrendering its license(s),
26 may be relicensed as a broker, or issued a new mortgage loan originator endorsement, only by
27 petitioning for reinstatement pursuant to Section 11522 of the Government Code. I also understand

1 that by so voluntarily surrendering its license(s), AW FINANCE INC. agrees to the following:

2 1. The filing of this Declaration shall be deemed as its petition for voluntary
3 surrender.

4 2. It shall also be deemed to be an understanding and agreement by AW
5 FINANCE INC. that it waives all rights it has to require the Commissioner to prove the allegations
6 contained in the Accusation filed in this matter at a hearing held in accordance with the provisions
7 of the Administrative Procedure Act (Government Code Sections 11400 et seq.), and that it also
8 waives other rights afforded to it in connection with the hearing such as the right to discovery, the
9 right to present evidence in defense of the allegations in the Accusation and the right to cross-
10 examine witnesses.

11 3. I further agree on behalf of AW FINANCE INC. that upon acceptance by the
12 Commissioner, as evidenced by an appropriate order, all affidavits and all relevant evidence
13 obtained by the Department in this matter prior to the Commissioner's acceptance, and all
14 allegations contained in the Accusation filed in the Department's Case No. H-41385 LA, may be
15 considered by the Department to be true and correct for the purpose of deciding whether to grant
16 relicensure or reinstatement of AW FINANCE INC.'s license pursuant to Government Code
17 Section 11522.

18 4. I freely and voluntarily surrender all of AW FINANCE INC.'s licenses and
19 license rights under the Real Estate Law.

20 I declare under penalty of perjury under the laws of the State of California that the
21 above is true and correct and that this declaration was executed August 23, 2019, at
22 Los Angeles, California.

23
24
25 
26 AW FINANCE INC.
By: Roberto Martin Mercado, Designated Officer

1 Department of Real Estate
2 320 West 4th Street, Ste. 350
3 Los Angeles, California 90013-1105
4 Telephone: (213) 576-6982

FILED

OCT 02 2019

DEPT. OF REAL ESTATE

By Ingrid Danner

7
8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)

No. H-41385 LA

12 AW FINANCE INC.;)

STIPULATION

)
AND

13 GOLDEN ATLAS REALTY; and)

AGREEMENT

14 ROBERTO MARTIN MERCADO,)

15 individually and as designated officer of)
16 AW Finance Inc. and as designated officer)
17 Of Golden Atlas Realty,)
18)
19)
20)

Respondents.)

21 It is hereby stipulated by and between Respondents GOLDEN ATLAS REALTY
22 (“GAR”) and ROBERTO MARTIN MERCADO (“MERCADO”), and the Complainant, acting
23 by and through Julie L. To, Counsel for the Department of Real Estate (“Department” or
24 “DRE”), as follows for the purpose of settling and disposing of the Accusation (“Accusation”)
25 filed on June 17, 2019 in Case No. H-41385 LA, in this matter.
26
27

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 hearing
3 was to be held in accordance with the provisions of the Administrative Procedure Act ("APA"),
4 shall instead and in place thereof be submitted solely on the basis of the provisions of this
5 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 Department of Real Estate
8 ("Department") in this proceeding.

9 3. On July 25, 2019, Respondents timely filed Notices of Defense pursuant to
10 Section 11506 of the Government Code for the purpose of requesting a hearing on the allegations
11 in the Accusation. Respondents hereby freely and voluntarily withdraw said Notices of Defense.
12 Respondents acknowledge that they understand that by withdrawing said Notices of Defense they
13 thereby waive their right to require the Commissioner to prove the allegations in the Accusation
14 at a contested hearing held in accordance with the provisions of the APA and that they will waive
15 other rights afforded to them in connection with the hearing such as the right to present evidence
16 in their defense and the right to cross-examine witnesses.

17 4. This Stipulation is based on the factual allegations contained in the Accusation.
18 In the interest of expedience and economy, Respondents choose not to contest these allegations,
19 but to remain silent, and understand that, as a result thereof, these factual allegations, without
20 being admitted or denied, 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 said factual allegations.

23 5. This Stipulation is made for the purpose of reaching an agreed disposition of
24 this proceeding and is expressly limited to this proceeding and any other proceeding or case in
25 which the Department or another licensing agency of this state, another state, or if the federal
26

1 government is involved, and otherwise shall not be admissible in any other criminal or civil
2 proceeding.

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

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

16 8. Respondents understand that by agreeing to this Stipulation, Respondents agree
17 to pay, pursuant to Code Section 10106, the Commissioner's cost of the investigation and
18 enforcement which resulted in the determination that Respondents committed the violations
19 found in the Determination of Issues. The amount of said investigation and enforcement costs is
20 \$5,083.10; therefore, Respondents agree to pay, pursuant to Code Section 10106, the amount
21 \$5,083.10.

22 ///

23 ///

24 ///

25 ///

26

27

1 DETERMINATION OF ISSUES

2 By reason of the foregoing stipulations, admissions and waivers, and solely for the
3 purpose of settlement of the pending Accusation without a hearing, it is stipulated and agreed
4 that the following determination of issues shall be made:

5 The conduct, acts or omissions of Respondents GAR and MERCADO, as
6 described in Paragraph 4, herein above, are in violation of: Regulation 2742; Code Section
7 10140.6 and Regulation 2773; Code Section 10159.2 and Regulations 2742 and 2725; and Code
8 Sections 10162 and 10163; and are bases for the suspension or revocation of the licenses and
9 license rights of Respondents GAR and MERCADO as a violation of the Real Estate Law
10 pursuant to Code Sections 10177(d), 10177(f) and 10177(g).

11 ORDER

12 WHEREFORE, THE FOLLOWING ORDER is hereby made:

13 I.

14 All licenses and licensing rights of Respondents GOLDEN ATLAS REALTY and
15 ROBERTO MARTIN MERCADO under the Real Estate Law are suspended for a period of
16 thirty (30) days from the effective date of this Decision and Order; provided, however, that:

17 1. Thirty (30) days of said suspension shall be stayed for two (2) years upon the
18 following terms and conditions:

19 a) Respondents shall obey all laws, rules and regulations governing the
20 rights, duties and responsibilities of a real estate licensee in the State of
21 California; and,

22 b) That no final subsequent determination be made, after hearing or upon
23 stipulation, that cause of disciplinary action occurred within two (2) years
24 from the effective date of this Decision and Order. Should such a
25 determination be made, the Commissioner may, in his discretion, vacate

1 and set aside the stay order and reimpose all or a portion of the stayed
2 suspension. Should no such determination be made, the stay imposed
3 herein shall become permanent.

4 2. Respondent MERCADO shall, within six (6) months from the effective date of
5 this Decision and Order, take and pass the Professional Responsibility Examination
6 administered by the Department, including the payment of the appropriate examination fee. If
7 Respondent MERCADO fails to satisfy this condition, Respondent MERCADO's real estate
8 license shall automatically be suspended until Respondent MERCADO passes the examination.

9 3. Respondent MERCADO shall, within nine (9) months from the effective date
10 of this Decision and Order, present evidence satisfactory to the Commissioner that Respondent
11 MERCADO has, since the most recent issuance of an original or renewal real estate license,
12 taken and successfully completed the continuing education requirements of Article 2.5 of
13 Chapter 3 of the Real Estate Law for renewal of a real estate license. If Respondent MERCADO
14 fails to satisfy this condition, Respondent MERCADO's real estate license shall automatically be
15 suspended until Respondent MERCADO presents evidence satisfactory to the Commissioner of
16 having taken and successfully completed the continuing education requirements. Proof of
17 completion of the continuing education courses must be delivered to the Department of Real
18 Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013.

19 4. All licenses and licensing rights of Respondents GAR and MERCADO are
20 indefinitely suspended unless or until Respondents GAR and MERCADO jointly and severally
21 pay the sum of \$5,083.10 for the Commissioner's reasonable cost of the investigation and
22 enforcement which led to this disciplinary action. Said payment shall be in the form of a
23 cashier's check or certified check made payable to the Department of Real Estate. The
24 investigation and enforcement costs must be delivered to the Department of Real Estate, Flag
25
26
27

1 Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this
2 Decision and Order.

3
4 DATED: 9-16-19



5 Julie L. To, Counsel for
6 Department of Real Estate

7 * * *

8 EXECUTION OF THE STIPULATION

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

16 MAILING AND FACSIMILE

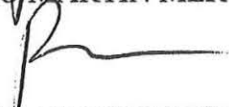
17 Respondents can signify acceptance and approval of the terms and conditions of
18 this Stipulation and Agreement by sending a hard copy of the original signed signature page of
19 the Stipulation herein to Julie L. To, Legal Section, Department of Real Estate, 320 W. Fourth
20 St., Suite 350, Los Angeles, California 90013-1105. In the event of time constraints before an
21 administrative hearing, Respondents can signify acceptance and approval of the terms and
22 conditions of this Stipulation and Agreement by e-mailing a scanned copy of the signature page,
23 as actually signed by Respondents, to the Department counsel assigned to this case. Respondents
24 agree, acknowledge, and understand that by electronically sending to the Department a scan of
25 Respondents' actual signatures as they appear on the Stipulation and Agreement, that receipt of
26 the scan by the Department shall be binding on Respondents as if the Department had received

1 the original signed Stipulation and Agreement.

2 DATED: 9/12/2019

3 
ROBERTO MARTIN MERCADO, Respondent

4 DATED: 9/12/2019

5 
GOLDEN ATLAS REALTY, Respondent
By: ROBERTO MARTIN MERCADO, Designated
Officer

6 * * *

7
8 The foregoing Stipulation and Agreement is hereby adopted as my Decision as to
9 Respondents GOLDEN ATLAS REALTY and ROBERTO MARTIN MERCADO, individually
10 and as designated officer of GOLDEN ATLAS REALTY, and shall become effective at 12
11 o'clock noon on OCT 21 2019, 2019.

12 IT IS SO ORDERED September 28, 2019.

13
14 DANIEL J. SANDRI
15 ACTING REAL ESTATE COMMISSIONER

16
17 
18