

Filing

1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 137007
3 Sacramento, CA 95813-7007

FILED

MAR 19 2021

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DEPARTMENT OF REAL ESTATE
By *K. Krapp*

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7
8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11
12 In the Matter of the Accusation of) DRE No. H-12408 SF
13)
14 SECURED CAPITAL LENDING, INC.,)
15 And VICTORIA BOYADJIAN,)
16) STIPULATION AND AGREEMENT
Respondents.) IN SETTLEMENT AND ORDER

17 It is hereby stipulated by and between SECURED CAPITAL LENDING, INC.
18 (SCL), sometimes herein referred to as Respondent, its counsel Darlene Hernandez, and the
19 Complainant, acting by and through Richard K. Uno, Counsel for the Department of Real Estate;
20 as follows for the purpose of settling and disposing of the First Amended Accusation filed on
21 November 7, 2019, in this matter as it pertains to SECURED CAPITAL LENDING, INC. only.

22 1. All issues which were to be contested and all evidence which was to be
23 presented by Complainant and Respondents at a formal hearing on the First Amended
24 Accusation, which hearing was to be held in accordance with the provisions of the
25 Administrative Procedure Act ("APA"), shall instead and in place thereof be submitted solely on
26 the basis of the provisions of this Stipulation and Agreement In Settlement and Order.
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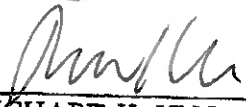
1 2. Respondent has received, read and understands the Statement to Respondent,
2 the Discovery Provisions of the APA and the First Amended Accusation filed by the Department
3 of Real Estate in this proceeding.

4 3. Respondent filed a Notice of Defense pursuant to Section 11505 of the
5 Government Code for the purpose of requesting a hearing on the allegations in the First
6 Amended Accusation. Respondent hereby freely and voluntarily withdraws said Notice of
7 Defense. Respondent acknowledges that it understands that by withdrawing said Notice of
8 Defense it will thereby waive its right to require the Commissioner to prove the allegations in the
9 First Amended Accusation at a contested hearing held in accordance with the provisions of the
10 APA and that it will waive other rights afforded to it in connection with the hearing such as the
11 right to present evidence in defense of the allegations in the First Amended Accusation and the
12 right to cross-examine witnesses.

13 4. Respondent agrees that Sarkis Chivitchian, the designated officer, will testify
14 at the hearing on the First Amended Accusation on file herein and to otherwise undertake
15 reasonable efforts to cooperate with DRE Counsel to affect such testimony. The Parties agree
16 that Respondent's obligation to undertake reasonable efforts to cooperate with DRE Counsel in
17 making witnesses available for hearing is in consideration of the Department's settlement offer.

18 5. The Order or any subsequent Order of the Real Estate Commissioner made
19 pursuant to this Stipulation and Agreement In Settlement and Order shall not constitute an
20 estoppel, merger or bar to any further administrative or civil proceedings by the Department of
21 Real Estate with respect to any matters which were not specifically alleged to be causes for
22 accusation in this proceeding.

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24 11/30/20
25 _____
26 DATED

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25 _____
26 RICHARD K. UNO, Counsel
27 DEPARTMENT OF REAL ESTATE

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ORDER

A. SECURED CAPITAL LENDING, INC.

1. The First Amended Accusation, H-12408 SF is dismissed as to SECURED CAPITAL LENDING, INC.

I have read the Stipulation and Agreement in Settlement and Order and its terms are understood by me and are agreeable and acceptable to me.

6/10/20

DATED



SECURED CAPITAL LENDING, INC.
Respondent
By CHIVITCHIAN,
Designated Officer

I have reviewed this Stipulation and Agreement as to form and content and have advised my clients accordingly.

6/10/20

DATED



DARLENE HERNANDEZ
Attorney for SCL Anthony Geraci

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The foregoing Stipulation and Agreement In Settlement and Order is hereby adopted by the Real Estate Commissioner as his Decision and Order and shall become effective at 12 o'clock noon on APR 02 2021.

IT IS SO ORDERED 2.2.21.

DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER

