

1 Department of Real Estate
320 West Fourth Street, Suite 350
2 Los Angeles, California 90013-1105

3 Telephone: (213) 576-6982
4 -or- (213) 576-6910 (Direct)

FILED
FEB 27 2004
DEPARTMENT OF REAL ESTATE

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

10 * * *

11 In the Matter of the Accusation of)
12 AFG FUNDING, INC., a corporation) DRE NO. H-29011 LA
13 and CARLOS ALBERTO DEL CARMEL,) OAH NO. L-2001050172
14 individually and as former)
designated officer of)
15 AFG Funding, Inc.,)
Respondents.)

16
17 In the Matter of the Accusation of)
18 CARLOS ALBERTO DEL CARMEL,) DRE NO. H-29181 LA
19 individually and dba Home Loans) OAH NO. L-2001090322
20 Financial and Real Estate,)
21 and formerly dba Camacho Realty,)
Fast Track Funding, Fast Track)
22 Realty, Millennium Mortgage,)
Millennium Realty Group,)
23 New Century Realty, New)
Millennium Realty, Principal)
24 Mortgage & Investments,)
Principal Realty, Servimex Home)
25 Loans, Star Realty &)
Investments, and)
26 GUILLERMO P. FIALLO,)
27 individually and dba Fiallo)
Mortgage and Fiallo Realty)
and Millennium Mortgage and)
formerly dba Camacho Realty &)
Associates, The Capital Source,)

1 Community Housing Financial,)
2 M&C Mortgage Services,)
3 and M&C Realty,)
Respondents.)

4 In the Matter of the Accusation of)
5 INT'L MILLENNIUM GROUP,)
6 a corporation,)
7 formerly dba Fast Track)
8 Funding, Fast-Track Realty,)
9 Millennium Mortgage,)
10 and New Millennium Realty,)
11 and CARLOS ALBERTO DEL CARMEL,)
12 individually and as)
13 designated officer of Int'l)
14 Millennium Group,)
15 dba Home Loans Financial and)
16 Real Estate, and formerly)
17 Camacho Realty,)
18 Fast Track Funding, Fast Track)
19 Realty, Millennium Mortgage,)
20 Millennium Realty Group,)
21 New Century Realty, New)
22 Millennium Realty, Principal)
23 Mortgage & Investments,)
24 Principal Realty, Servimex)
25 Home Loans, and Star Realty)
26 & Investments,)
27 Respondents.)

DRE NO. H-29154 LA
OAH NO. L-2001090321

STIPULATION AND AGREEMENT

18 It is hereby stipulated by and between CARLOS ALBERTO
19 DEL CARMEL, individually and as former designated officer of
20 AFG Funding, Inc., dba Home Loans Financial and Real Estate,
21 and formerly dba Camacho Realty, Fast Track Funding, Fast Track
22 Realty, Millennium Mortgage, Millennium Realty Group, New
23 Century Realty, New Millennium Realty, Principal Mortgage &
24 Investments, Principal Realty, Servimex Home Loans, Star Realty
25 & Investments (hereinafter "Respondent"), representing himself,
26
27

1 and the Complainant, acting by and through Chris Leong, Counsel
2 for the Department of Real Estate, as follows for the purpose
3 of settling and disposing of the Accusation, Case No. H-29011
4 LA filed on April 9, 2001 and the First Amended Accusation
5 filed on March 4, 2002; Accusation, Case No. H-29181 LA filed
6 on August 15, 2001; and Accusation, Case No. H-29154 LA filed
7 on July 25, 2001. The Accusations as to remaining Respondents
8 have been or are being handled separately.

9 1. All issues which were to be contested and all
10 evidence which was to be presented by Complainant and
11 Respondent at a formal hearing on the Accusations, which
12 hearing was to be held in accordance with the provisions of the
13 Administrative Procedure Act, shall instead and in place
14 thereof be submitted solely on the basis of the provisions of
15 this Stipulation and Agreement (hereafter "Stipulation").

16 2. Respondent has received, read and understands the
17 Statement to Respondent, the Discovery Provisions of the
18 Administrative Procedure Act and the Accusation, filed by the
19 Department of Real Estate in this proceeding.

20 3. Respondent filed Notices of Defense pursuant to
21 Section 11505 of the Government Code for the purpose of
22 requesting a hearing on the allegations in the Accusations.
23 Respondent hereby freely and voluntarily withdraws said Notices
24 of Defense. Respondent acknowledges that he understands that
25 by withdrawing said Notices of Defense he will thereby waive
26 his right to require the Commissioner to prove the allegations
27 in the Accusations at a contested hearing held in accordance

1 with the provisions of the Administrative Procedure Act and
2 that Respondent will waive other rights afforded to him in
3 connection with the hearing, such as the right to present
4 evidence in defense of the allegations in the Accusations and
5 the right to cross-examine witnesses.

6 4. In the interest of expedience and economy,
7 Respondent chooses not to contest the factual allegations in
8 the Accusations, but to remain silent and understands that, as a
9 result thereof, these factual statements, without being admitted
10 or denied, will serve as a prima facie basis for the disciplinary
11 action stipulated to herein. The Real Estate Commissioner shall
12 not be required to provide further evidence to prove such
13 allegations.

14 5. It is understood by the parties that the Real
15 Estate Commissioner may adopt the Stipulation as his Decision
16 in this matter, thereby imposing the penalty and sanctions on
17 Respondent's real estate license and license rights as set
18 forth in the "Order" below. In the event that the Commissioner
19 in his discretion does not adopt the Stipulation, it shall be
20 void and of no effect, and Respondent shall retain the right to
21 a hearing and proceeding on the Accusations under all the
22 provisions of the Administrative Procedure Act and shall not be
23 bound by any admission or waiver made herein.

24 6. The Order or any subsequent Order of the Real
25 Estate Commissioner made pursuant to this Stipulation shall not
26 constitute an estoppel, merger or bar to any further
27 administrative or civil proceeding by the Department of Real

1 Estate with respect to any matters which were not specifically
2 alleged to be causes for accusation in this proceeding.

3 7. The admissions herein, and Respondent's decision
4 not to contest the Accusations, are made solely for the purpose
5 of reaching an agreed disposition of this proceeding and are
6 expressly limited to this proceeding and any other proceeding
7 or case in which the Department of Real Estate or another
8 licensing agency of this state, another state or if the federal
9 government is involved, and otherwise shall not be admissible
10 in any other criminal or civil proceedings.

11 DETERMINATION OF ISSUES

12 By reason of the foregoing stipulations, admissions
13 and waivers and solely for the purpose of settlement of the
14 pending Accusations without a hearing, it is stipulated and
15 agreed that the following Determination of Issues shall be
16 made:

17 The acts and omissions of Respondent DEL CARMEL,
18 described in the Accusations are in violation of Sections 2726,
19 2731, 2831 and 2831.1 of Title 10, Chapter 6, California Code
20 of Regulations and are cause for the suspension or revocation
21 of all real estate licenses and license rights of Respondent
22 under the provisions of Section 10177(d) and 10177(h) of the
23 Business and Professions Code.

24 ORDER

25 WHEREFORE, THE FOLLOWING ORDER is hereby made:

26 All licenses and licensing rights of Respondent
27 CARLOS ALBERTO DEL CARMEL, individually and as former designated

1 officer of AFG Funding, Inc., and dba Home Loans Financial and
2 Real Estate, and formerly dba Camacho Realty, Fast Track
3 Funding, Fast Track Realty, Millennium Mortgage, Millennium
4 Realty Group, New Century Realty, New Millennium Realty,
5 Principal Mortgage & Investments, Principal Realty, Servimex
6 Home Loans, Star Realty & Investments, under the Real Estate
7 Law are revoked; provided, however, a restricted real estate
8 broker license shall be issued to Respondent pursuant to
9 Section 10156.5 of the Business and Professions Code, if
10 Respondent makes application therefor and pays to the
11 Department of Real Estate the appropriate fee for the
12 restricted license within 90 days from the effective date of
13 this Decision. The restricted license issued to Respondent
14 shall be subject to all of the provisions of Section 10156.7 of
15 the Business and Professions Code and to the following
16 limitations, conditions, and restrictions imposed under
17 authority of Section 10156.6 of that Code:

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

23 2. The restricted license issued to Respondent may be
24 suspended, prior to hearing by Order of the Real Estate
25 Commissioner on evidence satisfactory to the Commissioner that
26 Respondent has violated provisions of the California Real Estate
27 Law, the Subdivided Lands Law, Regulations of the Real Estate

1 Commissioner or conditions attaching to the restricted license.

2 3. Respondent shall not be eligible to apply for the
3 issuance of unrestricted real estate license nor the removal of
4 any of the conditions, limitations or restrictions of the
5 restricted license until two years have elapsed from the
6 effective date of this Decision.

7 4. Respondent shall, within nine (9) months from the
8 effective date of this Decision, present evidence satisfactory to
9 the Real Estate Commissioner that Respondent has, since the most
10 recent issuance of an original or renewal real estate license,
11 taken and successfully completed the continuing education
12 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
13 for renewal of a real estate license. If Respondent fails to
14 satisfy this condition, the Commissioner may order the suspension
15 of the restricted license until the Respondent presents such
16 evidence. The Commissioner shall afford Respondent the
17 opportunity for a hearing pursuant to the Administrative
18 Procedure Act to present such evidence.

19 5. Respondent shall, within six (6) months from the
20 effective date of this Decision, take and pass the Professional
21 Responsibility Examination administered by the Department,
22 including the payment of the appropriate examination fee. If
23 Respondent fails to satisfy this condition, the Commissioner may
24 order suspension of the license until Respondent passes the
25 examination.

26 6. Respondent cannot be the designated officer of any
27 corporate real estate broker.

1 7. Pursuant to Section 10148 of the Business and
2 Professions Code, Respondent shall pay the Commissioner's
3 reasonable cost for: a subsequent audit to determine if
4 Respondent has corrected the trust fund violations found in the
5 Determination of Issues. The cost of the subsequent audit shall
6 not exceed \$1,553.12. In calculating the amount of the
7 Commissioner's reasonable cost, the Commissioner may use the
8 estimated average hourly salary for all persons performing audits
9 of real estate brokers, and shall include an allocation for
10 travel time to and from the auditor's place of work.

11 Respondent shall pay such cost within 60 days of
12 receiving an invoice from the Commissioner detailing the
13 activities performed during the audit and the amount of time
14 spent performing those activities. The Commissioner may suspend
15 the restricted license issued to Respondent pending a hearing
16 held in accordance with Section 11500, et seq., of the Government
17 Code, if payment is not timely made as provided for herein, or as
18 provided for in a subsequent agreement between the Respondent and
19 the Commissioner. The suspension shall remain in effect until
20 payment is made in full, or until Respondent enters into an
21 agreement satisfactory to the Commissioner to provide for
22 payment, or until a decision providing otherwise is adopted
23 following a hearing held pursuant to this condition.

24
25 DATED: _____

2/10/04


CHRIS LEONG
CHRIS LEONG, ESQ.
Counsel for Complainant

26
27 * * *

1 I have read the Stipulation and Agreement, and I
2 CARLOS DEL CARMEL and its terms are understood by me and are
3 agreeable and acceptable to me. I understand that I am waiving
4 rights given to me by the California Administrative Procedure
5 Act (including but not limited to Sections 11506, 11508, 11509
6 and 11513 of the Government Code), and I willingly,
7 intelligently and voluntarily waive those rights, including the
8 right of requiring the Commissioner to prove the allegations in
9 the Accusations at a hearing at which we would have the right to
10 cross-examine witnesses against me and to present evidence in
11 defense and mitigation of the charges.

12 Respondent can signify acceptance and approval of the
13 terms and conditions of this Stipulation and Agreement by faxing
14 a copy of the signature page, as actually signed by Respondent,
15 to the Department at the following fax number (213) 576-6917.
16 Respondent agrees, acknowledges and understands that by
17 electronically sending to the Department a fax copy of his actual
18 signature as it appears on the Stipulation and Agreement, that
19 receipt of the faxed copy by the Department shall be as binding
20 on Respondent as if the Department had received the original
21 signed Stipulation and Agreement.

22
23 DATED: Feb-02/2004


24 CARLOS ALBERTO DEL CARMEL,
Respondent

25 * * *

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1 The foregoing Stipulation and Agreement is hereby
2 adopted as my Decision in this matter and shall become effective
3 at 12 o'clock noon on March 18, 2004.

4 IT IS SO ORDERED February 23, 2004

5 JOHN R. LIBERATOR
6 Acting Commissioner

7 John R. Liberator
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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of) Case Nos. H-29011 LA
) L-2001050172
AFG FUNDING, INC., a corporation;)
CARLOS ALBERTO DEL CARMEL,) H-29181 LA
individually and as former designated) L-2001090322
officer of AFG Funding, Inc.; and)
MIRIAM ESCOBAR AVILA, formerly) H-29154 LA
Miriam Roman Escobar,) L-2001090321
)
Respondents.)

FILED
JUL 17 2003
DEPARTMENT OF REAL ESTATE

NOTICE OF CONTINUED HEARING ON ACCUSATION

To the above-named Respondent(s):

You are hereby notified that a hearing will be held before the Department of Real Estate at the Office of Administrative Hearings, 320 West Fourth Street, Suite 630, Los Angeles, CA 90013-1105 on FEBRUARY 2 through FEBRUARY 6, 2004 at 9:00 A.M., or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: July 17, 2003

By

Chris Leong
CHRIS LEONG, Counsel

cc: AFG Funding, Inc.
Carlos Alberto Del Carmel
Lawrence M. Lebowsky, Esq.
Miriam Escobar Avila
Michael Harris, Esq.
Sacto.
OAH

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of) Case No. H-29011 LA
) H-29154 LA
AFG FUNDING, INC., a corporation;) H-29181 LA
CARLOS ALBERTO DEL CARMEL,)
individually and as former designated) OAH No. L-2001050172
officer of AFG Funding, Inc.; and) L-2001090321
MIRIAM ROMAN ESCOBAR,) L-2001090322
)
Respondents.)

FILED
JAN 17 2003
DEPARTMENT OF REAL ESTATE

NOTICE OF CONTINUED HEARING ON ACCUSATION

To the above-named Respondent(s):

By Chris Leong

You are hereby notified that a hearing will be held before the Department of Real Estate at the Office of Administrative Hearings, 320 West Fourth Street, Suite 630, Los Angeles, CA 90013-1105 on JULY 15 through JULY 18, 2003 at 9:00 A.M., or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: January 17, 2003

By

CHRIS LEONG
CHRIS LEONG, Counsel

cc: AFG Funding, Inc.
Carlos Alberto Del Carmel
Miriam Roman Escobar
Lawrence M. Lebowsky, Esq.
Raul Avila (authorized representative AFG/Escobar)
Sacto.
OAH

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of) Case No. H-29011 LA
) H-29154 LA
AFG FUNDING, INC., a corporation;) H-29181 LA
)
CARLOS ALBERTO DEL CARMEL,)
individually and as former designated) OAH No. L-2001050172
officer of AFG Funding, Inc.; and) L-2001090321
) L-2001090322
MIRIAM ROMAN ESCOBAR,)
)
Respondents.)

FILED
AUG - 5 2002
DEPARTMENT OF REAL ESTATE

NOTICE OF CONTINUED HEARING ON ACCUSATION

To the above-named Respondent(s):

By Chris Leong

You are hereby notified that a hearing will be held before the Department of Real Estate at the Office of Administrative Hearings, 320 West Fourth Street, Suite 630, Los Angeles, CA 90013-1105 on SEPTEMBER 23, 2002 at 9:00 A.M., and will continue on a day-to-day basis, as necessary through SEPTEMBER 27, 2002, or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: August 5, 2002

By

Chris Leong
CHRIS LEONG, Counsel

cc: AFG Funding, Inc.
Carlos Alberto Del Carmel
Miriam Roman Escobar
Lawrence M. Lebowsky, Esq.
Raul Avila (authorized representative AFG/Escobar)
Sacto.
OAH

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of) Case No. H-29011 LA
) H-29154 LA
) H-29181 LA
AFG FUNDING, INC., a corporation;)
CARLOS ALBERTO DEL CARMEL,)
individually and as former designated) OAH No. L-2001050172
officer of AFG Funding, Inc.; and) L-2001090321
MIRIAM ROMAN ESCOBAR,) L-2001090322
)
)
Respondents.)

FILED
APR - 3 2002
DEPARTMENT OF REAL ESTATE

AMENDED NOTICE OF HEARING ON ACCUSATION

To the above-named Respondent(s):

By 13

You are hereby notified that a hearing will be held before the Department of Real Estate at the Office of Administrative Hearings, 320 West Fourth Street, Suite 630, Los Angeles, CA 90013-1105 on JUNE 17, 2002 at 9:00 A.M., and will continue on a day-to-day basis, as necessary through JUNE 21, 2002, or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: April 3, 2002

By CHRIS LEONG
CHRIS LEONG, Counsel

cc: AFG Funding, Inc.
Carlos Alberto Del Carmel
Miriam Roman Escobar
Raul Avila (authorized representative AFG/Escobar)
Frank M. Buda, Esq.
/Sacto.
OAH

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of)
)
AFG FUNDING, INC. and) Case No. H-29011 LA
CARLOS ALBERTO DEL CARMEL, etc.)
) OAH No. L-2001050172
_____) Respondents.)
)
INT'L MILLENIUM GROUP, etc.) Case No. H-29154 LA
and CARLOS ALBERTO DEL CARMEL, etc.)
) OAH No. L-2001090321
_____) Respondents.)
)
CARLOS ALBERTO DEL CARMEL, etc.) Case No. H-29181 LA
and GUILLERMO P. FIALLO, etc.)
) OAH No. L-2001090322
_____) Respondents.)

FILED
FEB 11 2002
DEPARTMENT OF REAL ESTATE

NOTICE OF CONTINUED HEARING ON ACCUSATION ^{By} 17

To the above-named Respondent(s):

You are hereby notified that a hearing will be held before the Department of Real Estate at the Office of Administrative Hearings, 320 West Fourth Street, Suite 630, Los Angeles, CA 90013-1105 on JUNE 18, 2002, at 9:00 A.M., and will continue on a day-to-day basis, as necessary through JUNE 21, 2002, or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

Notice of Continued Hearing on Accusation
February 11, 2002
Page Two

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: February 11, 2002

By



DARLENE AVERETTA
Asst. Chief Counsel
for Chris Leong, Counsel

cc: AFG Funding, Inc./Miriam R. Escobar, Pres.
Raul Avila (authorized Rep-AFG)
Carlos Alberto Del Carmel
Frank M. Buda, Esq.
Sacto.
OAH

FILED
DEC -5 2001
DEPARTMENT OF REAL ESTATE

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
)
 INT'L MILLENNIUM GROUP,)
 a corporation,)
 formerly dba Fast Track)
 Funding, Fast-Track Realty,)
 Millennium Mortgage,)
 and New Millennium Realty,)
 and CARLOS ALBERTO DEL CARMEL,)
 individually and as)
 designated officer of Int'l)
 Millennium Group,)
 dba Home Loans Financial and)
 Real Estate, and formerly)
 Camacho Realty,)
 Fast Track Funding, Fast Track)
 Realty, Millennium Mortgage,)
 Millennium Realty Group,)
 New Century Realty, New)
 Millennium Realty, Principal)
 Mortgage & Investments,)
 Principal Realty, Servimex Home)
 Loans, Star Realty &)
 Investments,)
)
 Respondents.)
)

NO. H-29154 LA
L-2001090321

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 November 6, 2001, 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.

This Decision is for INT'L MILLENNIUM GROUP, a corporation, formerly dba Fast Track Funding, Fast-Track Realty, Millennium Mortgage and New Millennium Realty (hereinafter "Respondent"), only. The Accusation as to CARLOS ALBERTO DEL CARMEL will be handled separately.

FINDINGS OF FACT

I

On July 25, 2001, Maria Suarez made the Accusation in her official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified mail, return receipt requested and by regular mail to Respondent's last known mailing addresses on file with the Department of Real Estate of the State of California (hereinafter "Department") on July 25, 2001.

On November 6, 2001, no Notice of Defense having been filed herein, within the time prescribed by Section 11506 of the Government Code, Respondent's default was entered herein.

II

At all times material herein, Respondent was and still is licensed by the Department as a corporate real estate broker.

III

At all times material herein, Respondent engaged in the business of, acted in the capacity of, advertised or assumed to act as a real estate broker for others in the State of California, within the meaning of Business and Professions Code (hereinafter "Code") Section 10131(d), including the operation and conduct of a real estate mortgage loan business with the public wherein Respondent arranged loans secured by interest in real property or solicited for prospective borrowers or lenders in expectation of compensation.

IV

On April 5, 2000, the Department concluded its examination of Respondent's books and records pertaining to its activities as a real estate broker covering a period from approximately June 6, 1999 to January 31, 2000. The examination (audit number LA 990261) revealed violations of the Code and of Title 10, Chapter 6, California Code of Regulations (hereinafter "Regulations"), as set forth below.

V

At all times herein, in connection with the real estate loan activity described in Finding IV, above, Respondent maintained bank accounts including, but not necessarily limited to, two bank accounts. The first account was maintained at Bank of America, 6312 Atlantic Ave., Bell, California, account number 03651-18532, in the name of Millennium Mortgage. The second account was maintained at Standard Savings Bank, 228 W. Garvey Ave., Monterey Park, California, account number 137395653, in the name of Millennium Mortgage.

VI

Respondent acted in violation of the Code and the Regulations in that:

(a) Respondent failed to maintain records that it provided borrowers with approved mortgage loan disclosure statements, including Zaragoza, Thomas, Natale and Barajas, in violation of Code Section 10240(a).

(b) Respondent continued to conduct real estate activity using a canceled fictitious name, Millennium Mortgage, in violation of Regulation 2731.

DETERMINATION OF ISSUES

I

Respondent's conduct, as set forth in Finding IV, is in violation of Code Section 10240(a) and Regulation 2731. Said conduct is cause for the suspension or revocation of Respondent's license under Code Section 10177(d).

II

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

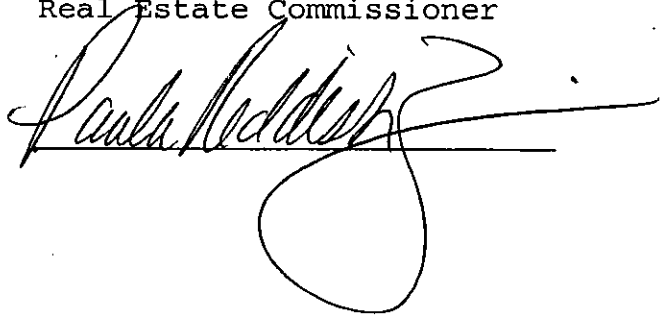
ORDER

The license and license rights of Respondent INT'L MILLENNIUM GROUP, a corporation, formerly dba Fast Track Funding, Fast-Track Realty, Millennium Mortgage and New Millennium Realty, under the provisions of Part 1 of Division 4 of the Business and Professions Code are revoked.

This Decision shall become effective at 12 o'clock noon on December 26, 2001.

DATED: November 29, 2001.

PAULA REDDISH ZINNEMANN
Real Estate Commissioner

A large, stylized handwritten signature in black ink, appearing to read "Paula Reddish Zinnemann", is written over a horizontal line. The signature is highly cursive and includes a large loop at the bottom.

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

FILED
NOV - 6 2001
DEPARTMENT OF REAL ESTATE

By CS

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * *

11 In the Matter of the Accusation of) NO. H-29154 LA
12)
13 INT'L MILLENNIUM GROUP, a corporation,) L-2001090321
14 formerly dba Fast Track Funding, Fast-)
15 Track Realty, Millennium Mortgage,)
16 and New Millennium Realty, and) DEFAULT ORDER
17 CARLOS ALBERTO DEL CARMEL, individually)
18 and as designated officer of Int'l)
19 Millennium Group, dba Home Loans)
20 Financial and Real Estate, and formerly)
21 Camacho Realty, Fast Track Funding,)
Fast Track Realty, Millennium)
Mortgage, Millennium Realty Group,)
New Century Realty, New Millennium)
Realty, Principal Mortgage &)
Investments, Principal Realty,)
Servimex Home Loans, and Star Realty)
& Investments,)
Respondents.)

22 Respondent, INT'L MILLENNIUM GROUP, a corporation,
23 formerly dba Fast Track Funding, Fast-Track Realty, Millennium
24 Mortgage and New Millennium Realty, having failed to file
25 a Notice of Defense within the time required by Section 11506
26 of the Government Code, is now in default.
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It is, therefore, ordered that a default be entered on
the record in this matter.

IT IS SO ORDERED November 6, 2001.

PAULA REDDISH ZINNEMANN
Real Estate Commissioner



By: DOLORES RAMOS
Regional Manager

**BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA**

In the Matter of the Accusation of)
)
AFG FUNDING, INC. and)
CARLOS ALBERTO DEL CARMEL, etc.)
)
Respondents.)
)
INT'L MILLENIUM GROUP, etc.)
and CARLOS ALBERTO DEL CARMEL, etc.)
)
Respondents.)
)
CARLOS ALBERTO DEL CARMEL, etc.)
and GUILLERMO P. FIALLO, etc.)
)
Respondents.)

Case No. H-29011 LA
OAH No. L-2001050172

Case No. H-29154 LA
OAH No. L-2001090321

Case No. H-29181 LA
OAH No. L-2001090322

FILED
OCT 30 2001
DEPARTMENT OF REAL ESTATE

NOTICE OF HEARING ON ACCUSATION

By C3

To the above-named Respondent(s):

You are hereby notified that a hearing will be held before the Department of Real Estate at the Office of Administrative Hearings, 320 West Fourth Street, Suite 630, Los Angeles, CA 90013-1105 on January 16, 2002, at 9:00 A.M., and will continue on a day-to-day basis, as necessary through January 18, 2002, or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

Notice of Hearing on Accusation
October 30, 2001
Page Two

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: October 30, 2001

By

CHRIS LEONG

CHRIS LEONG, Counsel

cc: AFG Funding, Inc./Miriam R. Escobar, Pres.
Raul Avila (authorized Rep/AFG)
Carlos Alberto Del Carmel
Frank M. Buda, Esq.
Sacto.
OAH

576

1 CHRIS LEONG, Counsel (SBN 141079)
2 Department of Real Estate
3 320 West Fourth Street, Suite 350
4 Los Angeles, California 90013-1105
5 Telephone: (213) 576-6982
6 -or- (213) 576-6910 (Direct)

FILED
JUL 25 2001
DEPARTMENT OF REAL ESTATE

By 

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) No. H-29154 LA
12 INT'L MILLENNIUM GROUP,) A C C U S A T I O N
13 a corporation,)
14 formerly dba Fast Track)
15 Funding, Fast-Track Realty,)
16 Millennium Mortgage,)
17 and New Millennium Realty,)
18 and CARLOS ALBERTO DEL CARMEL,)
19 individually and as)
20 designated officer of Int'l)
21 Millennium Group,)
22 dba Home Loans Financial and)
23 Real Estate, and formerly)
24 Camacho Realty,)
25 Fast Track Funding, Fast Track)
26 Realty, Millennium Mortgage,)
27 Millennium Realty Group,)
Millennium Realty, New)
Mortgage & Investments,)
Principal Realty, Servimex)
& Investments,)
Respondents.)

25 The Complainant, Maria Suarez, a Deputy Real Estate
26 Commissioner of the State of California, for cause of
27

1 Accusation against INT'L MILLENNIUM GROUP, a corporation,
2 formerly dba Fast Track Funding, Fast-Track Realty, Millennium
3 Mortgage, and New Millennium Realty (IMG) and CARLOS ALBERTO
4 DEL CARMEL, individually and as designated officer of Int'l
5 Millennium Group, dba Home Loans Financial and Real Estate, and
6 formerly Camacho Realty, Fast Track Funding, Fast Track Realty,
7 Millennium Mortgage, Millennium Realty Group, New Century
8 Realty, New Millennium Realty, Principal Mortgage &
9 Investments, Principal Realty, Servimex Home Loans, and Star
10 Realty & Investments (DEL CARMEL), is informed and alleges in
11 his official capacity as follows:

12 1.

13 IMG and DEL CARMEL are presently licensed and/or have
14 license rights under the Real Estate Law, Part 1 of Division 4
15 of the California Business and Professions Code (Code).

16 2.

17 At all times material herein, IMG was and still is
18 licensed by the Department of Real Estate of the State of
19 California (Department) as a corporate real estate broker, by
20 and through DEL CARMEL, as the designated officer and broker
21 responsible, pursuant to the provisions of Code Section
22 10159.2, for the supervision and control of the activities
23 conducted on behalf of IMG by IMG's officers and employees.

24 3.

25 At all times material herein, DEL CARMEL was and now
26 is licensed by the Department, individually as a real estate
27 broker and as the designated officer of IMG. As the designated

1 broker-officer, DEL CARMEL was and is responsible for the
2 supervision and control of the activities conducted on behalf
3 of IMG by IMG's officers and employees as necessary to secure
4 full compliance with the Real Estate Law, pursuant to Code
5 Section 10159.

6 4.

7 All further references herein to "Respondents",
8 unless otherwise specified, include the parties identified in
9 Paragraphs 1 through 3, above, and also include the officers,
10 directors, employees, and real estate licensees employed by or
11 associated with said parties, who at all times herein mentioned
12 were engaged in the furtherance of the business or operations
13 of said parties and who were acting within the course and scope
14 of their authority and employment.

15 5.

16 At all times material herein, Respondents engaged in
17 the business of, acted in the capacity of, advertised or
18 assumed to act as real estate brokers for others in the State
19 of California, within the meaning of Code Section 10131(d),
20 including the operation and conduct of a real estate mortgage
21 loan business with the public wherein Respondents arranged
22 loans secured by interest in real property or solicited for
23 prospective borrowers or lenders, or negotiated loans for the
24 purchase of real property in expectation of compensation.

25 ///

26 ///

27

FIRST CAUSE OF ACCUSATION

(Audit Findings)

6.

On April 5, 2000, the Department concluded its examination of Respondents' books and records pertaining to their activities as real estate brokers covering a period from approximately June 6, 1999 to January 31, 2000. The examination, audit number LA 990261, revealed violations of the Code and of Title 10, Chapter 6, California Code of Regulations (Regulations), as set forth below.

7.

At all times herein, in connection with the real estate loan activity described in Paragraph 5, above, Respondents accepted or received funds, including funds in trust (hereinafter "trust funds") from or on behalf of actual and prospective parties to transactions handled by Respondents and thereafter made deposits and/or disbursements of such funds. From time to time herein mentioned, said trust funds were deposited and/or maintained by Respondents in bank accounts including, but not necessarily limited to, two bank accounts. The first account was maintained at Bank of America located at 6312 Atlantic Ave., Bell, California, account number 03651-18532 in the name of Millennium Mortgage (G/A1). The second account was maintained at Standard Savings Bank located at 228 W. Garvey Ave., Monterey Park, California, account number 137395653 in the name of Millennium Mortgage (G/A2).

8.

1 Respondents acted in violation of the Code and the
2 Regulations in that:

3 (a) Respondents failed to maintain records that they
4 provided borrowers with approved mortgage loan disclosure
5 statements, including Zarogoza, Thomas, Natale and Barajas, in
6 violation of Code Section 10240(a).
7

8 (b) Respondents continued to conduct real estate
9 activity using a canceled fictitious name Millennium Mortgage,
10 in violation of Regulation 2731.

11 9.

12 The conduct, acts and omissions of Respondents, as
13 described in Paragraph 8, violated the Code and the Regulations
14 as set forth above and constitute cause for the suspension or
15 revocation of all real estate licenses and license rights of
16 Respondents under the provisions of Code Section 10177(d).

17 10.

18 SECOND CAUSE OF ACCUSATION

19 (Supervision Violation)

20 The conduct, acts and omissions of Respondent DEL
21 CARMEL, as described in Paragraph 8 above, and by not being
22 aware of approximately seventy (70) loans closed during the
23 audit period by IMG, independently and collectively constitute
24 failure on the part of Respondent DEL CARMEL, as officer
25 designated by a corporate broker licensee, to exercise the
26 reasonable supervision and control over the licensed activities
27 of Respondent IMG as required by Code Section 10159.2 and

1 Regulation 2725 and is cause for the suspension or revocation
2 of all real estate licenses and license rights of Respondent
3 DEL CARMEL pursuant to the provisions of Code Section 10177(h).

4 WHEREFORE, Complainant prays that a hearing be
5 conducted on the allegations of this Accusation and that upon
6 proof thereof, a decision be rendered imposing disciplinary
7 action against all licenses and/or license rights of
8 Respondents, INT'L MILLENNIUM GROUP, a corporation, formerly
9 dba Fast Track Funding, Fast-Track Realty, Millennium Mortgage
10 and New Millennium Realty and CARLOS ALBERTO DEL CARMEL,
11 individually and as designated officer of Int'l Millennium
12 Group, dba Home Loans Financial and Real Estate and formerly
13 Camacho Realty, Fast Track Funding, Fast Track Realty,
14 Millennium Mortgage, Millennium Realty Group, New Century
15 Realty, New Millennium Realty, Principal Mortgage &
16 Investments, Principal Realty, Servimex Home Loans, and Star
17 Realty & Investments, under the Real Estate Law (Part 1 of
18 Division 4 of the Business and Professions Code), and for such
19 other and further relief as may be proper under other
20 applicable provisions of law.

21 Dated at Los Angeles, California

22 this 25th day of July, 2001.

23 
24 Deputy Real Estate Commissioner

25 cc: Int'l Millennium Group
26 Carlos Alberto Del Carmel
27 Maria Suarez
Sacto.
LA Audit/Goff
CW