



1 Community Housing Financial, )  
2 M&C Mortgage Services, )  
3 and M&C Realty, )  
4 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

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

2/2/04

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:

Jan-02/2004

  
CARLOS ALBERTO DEL CARMEL,  
Respondent

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25 \* \* \*

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

IT IS SO ORDERED February 23, 2004.

JOHN R. LIBERATOR  
Acting Commissioner

John R. Liberator

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, )  
individually and as former designated ) H-29181 LA  
officer of AFG Funding, Inc.; and ) L-2001090322  
MIRIAM ESCOBAR AVILA, formerly )  
Miriam Roman Escobar, ) H-29154 LA  
) 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

SAC

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

**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**  
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

By 17  
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 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  
NOV 16 2001  
DEPARTMENT OF REAL ESTATE

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

By CS

In the Matter of the Accusation of )  
CARLOS ALBERTO DEL CARMEL, )  
individually and dba Home Loans )  
Financial and Real Estate, )  
and formerly dba 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, and )  
GUILLERMO P. FIALLO, )  
individually and dba Fiallo )  
Mortgage and Fiallo Realty )  
and Millennium Mortgage and )  
formerly dba Camacho Realty & )  
Associates, The Capital Source, )  
Community Housing Financial, )  
M&C Mortgage Services, )  
and M&C Realty, )  
Respondent. )

NO. H-29181 LA  
L-2001090322

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 October 26, 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 GUILLERMO P. FIALLO, individually and dba Fiallo Mortgage and Fiallo Realty and Millennium Mortgage and formerly dba Camacho Realty & Associates, The Capital Source, Community Housing Financial, M&C Mortgage Services, and M&C Realty (hereinafter "Respondent"), only. The Accusation as to CARLOS ALBERTO DEL CARMEL will be handled separately.

## FINDINGS OF FACT

### I

On August 15, 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 August 15, 2001.

On October 26, 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 real estate broker, individually and dba Fiallo Mortgage and Fiallo Realty and Millennium Mortgage and formerly dba Camacho Realty & Associates, The Capital Source, Community Housing Financial, M&C Mortgage Services, and M&C Realty.

### 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(a) and (d), including the operation and conduct of a real estate sales and mortgage loan business with the public wherein Respondent arranged the sale and purchase of real property and loans secured by interest in real property or solicited for prospective borrowers or lenders, or negotiated loans for the purchase of real property in expectation of compensation.

### IV

Beginning on or about July 28, 2000, and continuing through the present, Respondent has failed to retain and make available for examination and inspection by a designated representative of the Commissioner, all documents executed or obtained by Respondent in connection with transactions for which a real estate license is required during the last three years including, but not limited to, all of the following in connection with the real estate sale, lending loan servicing, broker-escrow, and property management activities of Guillermo

P. Fiallo, for the period January 1, 1998 through February 29, 2000: all listings, deposit receipts, canceled checks and other documents requested in addendum to the Subpoena dated July 26, 2000, requesting these documents which was served on Respondent by certified mail.

V

On or about February 14, 1994, Respondent FIALLO was licensed as a real estate broker. As of July 28, 2000, Respondent FIALLO has abandoned his address at 4800 East Gage Ave., Suite 104, Bell, CA 90201 and 8917 Hunt Ave., South Gate, CA; has failed to maintain on file with the Commissioner of the Department a new address for the principal place of business for his real estate brokerage activities; and presently has no known addresses in California to conduct acts requiring a license.

DETERMINATION OF ISSUES

I

Respondent's conduct, as set forth in Finding IV, is in violation of Code Section 10148. Said conduct is cause for the suspension or revocation of Respondent's license under Code Section 10177(d).

II

Respondent's conduct, as set forth in Finding V, constitutes violations under Code Section 10162 and Section 2715 of Title 10, Chapter 6, California Code of Regulations. Said conduct is cause for the suspension or revocation of Respondent's license under Code Sections 10165 and 10177(d).

III

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

ORDER

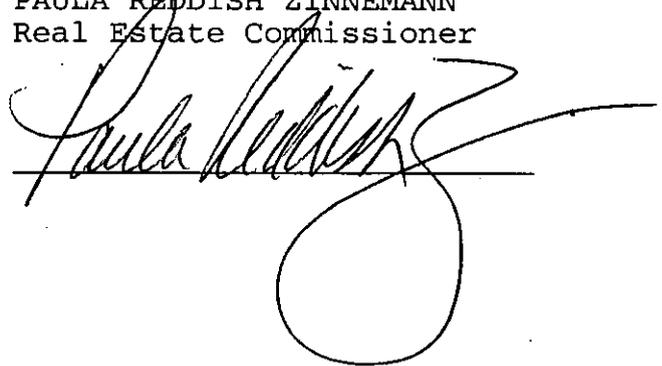
The license and license rights of Respondent, GUILLERMO P. FIALLO, individually and dba Fiallo Mortgage and Fiallo Realty and Millennium Mortgage and formerly dba Camacho Realty & Associates, The Capital Source, Community Housing Financial, M&C Mortgage Services, and M&C Realty, under the provisions 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 6, 2001.

DATED:

November 8, 2001.

PAULA REDDISH ZINNEBANN  
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, circular flourish at the bottom right.

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

**FILED**  
OCT 26 2001  
DEPARTMENT OF REAL ESTATE

By C3

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \* \*

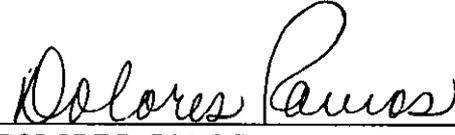
11 In the Matter of the Accusation of ) NO. H-29181 LA  
12 CARLOS ALBERTO DEL CARMEL, ) L-2001090322  
13 individually and dba Home Loans )  
14 Financial and Real Estate, )  
15 and formerly dba Camacho Realty, )  
16 Fast Track Funding, Fast Track )  
17 Realty, Millennium Mortgage, ) DEFAULT ORDER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

24 Respondent, GUILLERMO P. FIALLO, individually and dba  
25 Fiallo Mortgage and Fiallo Realty and Millennium Mortgage and  
26 formerly dba Camacho Realty & Associates, The Capital Source,  
27

1 Community Housing Financial, M&C Mortgage Services, and M&C  
2 Realty, having failed to file a Notice of Defense within the  
3 time required by Section 11506 of the Government Code, is now  
4 in default. It is, therefore, ordered that a default be entered  
5 on the record in this matter.

6 IT IS SO ORDERED October 26, 2001.

7 PAULA REDDISH ZINNEMANN  
8 Real Estate Commissioner

9 

10 By: DOLORES RAMOS  
11 Regional Manager

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27

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. )

Case No. H-29011 LA

OAH No. L-2001050172

INT'L MILLENIUM GROUP, etc. )  
and CARLOS ALBERTO DEL CARMEL, etc. )

Respondents. )

Case No. H-29154 LA

OAH No. L-2001090321

CARLOS ALBERTO DEL CARMEL, etc. )  
and GUILLERMO P. FIALLO, etc. )

Respondents. )

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

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**  
AUG 15 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-29181 LA

A C C U S A T I O N

12 CARLOS ALBERTO DEL CARMEL, )  
13 individually and dba Home Loans )  
14 Financial and Real Estate, )  
15 and formerly dba Camacho Realty, )  
16 Fast Track Funding, Fast Track )  
17 Realty, Millennium Mortgage, )  
18 Millennium Realty Group, )  
19 New Century Realty, New )  
20 Millennium Realty, Principal )  
21 Mortgage & Investments, )  
22 Principal Realty, Servimex Home )  
23 Loans, Star Realty & )  
24 Investments, and )  
25 GUILLERMO P. FIALLO, )  
26 individually and dba Fiallo )  
27 Mortgage and Fiallo Realty )  
and Millennium Mortgage and )  
formerly dba Camacho Realty & )  
Associates, The Capital Source, )  
Community Housing Financial, )  
M&C Mortgage Services, )  
and M&C Realty, )

Respondents. )

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

1 Accusation against CARLOS ALBERTO DEL CARMEL, individually and  
2 dba Home Loans Financial and Real Estate and formerly dba  
3 Camacho Realty, Fast Track Funding, Fast Track Realty,  
4 Millennium Mortgage, Millennium Realty Group, New Century  
5 Realty, New Millennium Realty, Principal Mortgage &  
6 Investments, Principal Realty, Servimex Home Loans, Star Realty  
7 & Investments (DEL CARMEL) and GUILLERMO P. FIALLO,  
8 individually and dba Fiallo Mortgage and Fialo Realty and  
9 Millennium Mortgage and formerly dba Camacho Realty &  
10 Associates, The Capital Source, Community Housing Financial,  
11 M&C Mortgage Services and M&C Realty (FIALLO), is informed and  
12 alleges in her official capacity as follows:

13 1.

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

18 2.

19 At all times material herein, FIALLO was and still is  
20 licensed by the Department of Real Estate of the State of  
21 California (Department) as a real estate broker individually and  
22 dba Home Loans Financial and Real Estate, Fiallo Mortgage and  
23 Fialo Realty and Millennium Mortgage and formerly dba Camacho  
24 Realty, Fast Track Funding, Fast Track Realty, Millennium  
25 Mortgage, Millennium Realty Group, New Century Realty, New  
26 Millennium Realty, Principal Mortgage & Investments, Principal  
27 Realty, Servimex Home Loans, Star Realty & Investments, Camacho

1 Realty & Associates, The Capital Source, Community Housing  
2 Financial, M&C Mortgage Services, and M&C Realty, .

3 3.

4 At all times material herein, DEL CARMEL was and now  
5 is licensed by the Department as a real estate broker,  
6 individually and dba Camacho Realty, Millennium Realty Group  
7 and Fast Track Realty.

8 4.

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

19 FIRST CAUSE OF ACCUSATION

20 (Audit Findings)

21 5.

22 On April 5, 2000, the Department concluded its  
23 examination of Respondent DEL CARMEL's books and records  
24 pertaining to his activities as a real estate broker covering a  
25 period from approximately March 1, 1999 to February 29, 2000.  
26 The examination (audit number LA 990374) revealed violations of  
27 the Code and of Title 10, Chapter 6, California Code of

1 Regulations (Regulations), as set forth below.

2 6.

3 At all times herein, in connection with the real  
4 estate activity described in Paragraph 5, above, Respondent DEL  
5 CARMEL did not accept or receive funds, including funds in  
6 trust (hereinafter "trust funds") from or on behalf of actual  
7 and prospective parties to transactions handled by Respondents.

8 7.

9 Respondent DEL CARMEL acted in violation of the Code  
10 and the Regulations in that he:

11 (a) failed to review HUD Purchase Agreements for  
12 clients including Camacho, 5229 Batavia, South Gate, CA and  
13 Ramirez 3907 ½ 57<sup>th</sup>, Bell, CA and allowed the sales agreements  
14 to be in the name of another broker, FIALLO, in violation of  
15 Regulation 2757.

16 (b) failed to maintain a broker-salesman agreement  
17 between DEL CARMEL and FIALLO which authorizes FIALLO to sign  
18 sales agreements on behalf of DEL CARMEL, in violation of  
19 Regulation 2726 and Code Section 10161.8.

20 8.

21 The conduct, acts and omissions of Respondent DEL  
22 CARMEL, as described in Paragraph 7, violated the Code and the  
23 Regulations as set forth above and constitute cause for the  
24 suspension or revocation of all real estate licenses and  
25 license rights of Respondents under the provisions of Code  
26 Section 10177(d).

27 ///

SECOND CAUSE OF ACCUSATION

1  
2  
3 Beginning on or about July 28, 2000, and continuing  
4 through the present, Respondent FIALLO has failed to retain and  
5 make available for examination and inspection by a designated  
6 representative of the Commissioner, all documents executed or  
7 obtained by Respondent FIALLO in connection with transactions for  
8 which a real estate license is required during the last three  
9 years including, but not limited to, all of the following in  
10 connection with the real estate sales, lending loan servicing,  
11 broker-escrow, and property management activities of Guillermo P.  
12 Fiallo, for the period January 1, 1998 through February 29, 2000.  
13 Including among other documents, all listings, deposit receipts,  
14 canceled checks and other documents requested in addendum to the  
15 Subpoena.

16 A Subpena dated July 26, 2000, requesting these  
17 documents was served on Respondent FIALLO by certified mail.

10.

18  
19 The facts alleged above are grounds for the suspension  
20 or revocation of Respondents' licenses under Code Section  
21 10177(d) in conjunction with Code Section 10148.

THIRD CAUSE OF ACCUSATION

11.

22  
23  
24 On or about February 14, 1994, Respondent FIALLO was  
25 licensed as a real estate broker. As of July 28, 2000,  
26 Respondent FIALLO has abandoned his address at 4800 East Gage  
27 Ave., Suite 104, Bell, CA 90201 and 8917 Hunt Ave., South Gate,

1 CA; has failed to maintain on file with the Commissioner of the  
2 Department a new address for the principal place of business for  
3 his real estate brokerage activities; and presently has no known  
4 addresses in California to conduct acts requiring a license.

5 12.

6 The conduct of Respondent FIALLO, as alleged in  
7 Paragraph 11, constitutes violations under Code Section 10162  
8 and Section 2715 of the Regulations. Said conduct is cause  
9 pursuant to Code Sections 10165 and 10177(d) for the suspension  
10 or revocation of all licenses and license rights of Respondent  
11 FIALLO under Real Estate Law.

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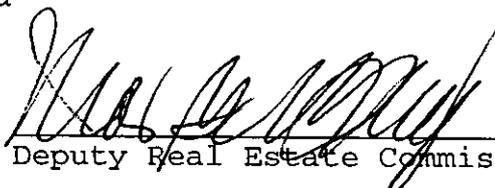
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27 ///

1 WHEREFORE, Complainant prays that a hearing be  
2 conducted on the allegations of this Accusation and that upon  
3 proof thereof, a decision be rendered imposing disciplinary  
4 action against all licenses and/or license rights of  
5 Respondents, CARLOS ALBERTO DEL CARMEL, individually and  
6 dba Home Loans Financial and Real Estate, Fiallo Mortgage and  
7 Fialo Realty and Millennium Mortgage and formerly dba Camacho  
8 Realty, Fast Track Funding, Fast Track Realty, Millennium  
9 Mortgage, Millennium Realty Group, New Century Realty, New  
10 Millennium Realty, Principal Mortgage & Investments, Principal  
11 Realty, Servimex Home Loans, Star Realty & Investments, Camacho  
12 Realty & Associates, The Capital Source, Community Housing  
13 Financial, M&C Mortgage Services, and M&C Realty,  
14 and GUILLERMO P. FIALLO, individually and dba Fiallo Mortgage  
15 and Fialo Realty and Millennium Mortgage and formerly dba  
16 Camacho Realty & Associates, The Capital Source, Community  
17 Housing Financial, M&C Mortgage Services, and M&C Realty, under  
18 the Real Estate Law (Part 1 of Division 4 of the Business and  
19 Professions Code), and for such other and further relief as may  
20 be proper under other applicable provisions of law.

21 Dated at Los Angeles, California

22 this 15th day of August, 2001.

  
Deputy Real Estate Commissioner

23  
24 cc: Guillermo P. Fiallo  
25 Carlos Alberto Del Carmel  
26 Maria Suarez  
27 Sacto.  
LA Audit/Goff  
CW