

1 the Discovery Provisions of the APA and the Accusation filed by the Department of Real Estate
2 in this proceeding.

3 3. Respondent filed a Notice of Defense pursuant to Section 11506 of the
4 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.
5 Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent
6 acknowledges that he understands that by withdrawing said Notice of Defense he thereby waives
7 his right to require the Commissioner to prove the allegations in the Accusation at a contested
8 hearing held in accordance with the provisions of the APA and that he will waive other rights
9 afforded to him in connection with the hearing such as the right to present evidence in his
10 defense and the right to cross-examine witnesses.

11 4. This Stipulation is based on the allegations contained in the Accusation. In the
12 interest of expedience and economy Respondent chooses not to contest these allegations but to
13 remain silent and understands that, as a result thereof, these allegations, without being admitted
14 or denied, will serve as a prima facie basis for the disciplinary action stipulated to herein. The
15 Real Estate Commissioner shall not be required to provide further evidence to prove said
16 allegations.

17 5. This Stipulation is made for the purpose of reaching an agreed disposition of
18 this proceeding and is expressly limited to this proceeding and any other proceeding or case in
19 which the Department of Real Estate ("Department"), or another licensing agency of this state,
20 another state or if the federal government is involved, and otherwise shall not be admissible in
21 any other criminal or civil proceeding.

22 6. It is understood by the parties that the Real Estate Commissioner may adopt
23 this Stipulation as his Decision in this matter thereby imposing the penalty and sanctions on
24 Respondent's real estate license and license rights as set forth in the below "Order". In the event
25 that the Commissioner in his discretion does not adopt the Stipulation, the Stipulation shall be
26 void and of no effect and Respondent shall retain the right to a hearing and proceeding on the
27 Accusation under the provisions of the APA and shall not be bound by any stipulation or waiver

1 made herein.

2 7. The Order or any subsequent Order of the Real Estate Commissioner made
3 pursuant to this Stipulation shall not constitute an estoppel, merger or bar to any further
4 administrative or civil proceedings by the Department of Real Estate with respect to any matters
5 which were not specifically alleged to be causes for accusation in this proceeding.

6 8. Respondent understands that by agreeing to this Stipulation, Respondent
7 agrees to pay, pursuant to Business and Professions Code Section 10148, the cost of the audit of
8 SINAI MORTGAGE CORPORATION. The amount of said cost for the original audit (LA
9 100061) is \$ 3,628.89.

10 9. Respondent has received, read, and understands the "Notice Concerning Costs
11 of Audits". Respondent further understands that by agreeing to this Stipulation, the findings set
12 forth below in the Determination of Issues become final, and the Commissioner may charge
13 Respondents for the cost of any subsequent audit conducted pursuant to Business and
14 Professions Code Section 10148 to determine if the violations have been corrected. The
15 maximum cost of the follow-up audit will not exceed \$ 3,628.89.

16 DETERMINATION OF ISSUES

17 By reason of the foregoing stipulations and waivers, and solely for the purpose
18 of settlement of the pending Accusation without a hearing, it is stipulated and agreed that the
19 following Determinations of Issues shall be made:

20 The conduct, acts or omissions of Respondent WILLIAM ARCHILA, as set
21 forth in the Accusation, constitutes cause to suspend or revoke the real estate license and
22 licensing rights of Respondent WILLIAM ARCHILA pursuant to Business and Professions
23 Code Sections 10145, 10177(d), 10177(g) and 10177(h), for violation of Code Sections 10145,
24 10160, 10140.6(b), 10176(g), 10236.4(b) and 10159.2, and Title 10, Chapter 6 of the
25 California Code of Regulations, Regulations 2831, 2832 2834, 2773 and 2950(h).

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ORDER

WHEREFORE, THE FOLLOWING ORDERS are hereby made:

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3 I. The real estate broker license of Respondent WILLIAM ARCHILA under the
4 Real Estate Law is revoked; provided, however, a restricted real estate broker license shall be
5 issued to Respondent, pursuant to Section 10156.5 of the Business and Professions Code, if
6 Respondent makes application there for and pays to the Department of Real Estate the
7 appropriate fee for the restricted license within ninety (90) days from the effective date of this
8 Decision. The restricted license issued to Respondent shall be subject to all of the provisions of
9 Section 10156.7 of the Code and the following limitations, conditions and restrictions imposed
10 under authority of Section 10156.6 of that Code.

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

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

20 3. Respondent shall not be eligible to apply for the issuance of an unrestricted
21 real estate license nor for the removal of any of the conditions, limitations or restrictions of a
22 restricted license until two (2) years has elapsed from the effective date of the issuance of the
23 restricted license.

24 4. Respondent shall, within nine months from the effective date of this Decision,
25 present evidence satisfactory to the Real Estate Commissioner that Respondent has, since the
26 most recent issuance of an original or renewal real estate license, taken and successfully
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1 completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate
2 Law for renewal of a real estate license. If Respondent fails to satisfy this condition, the
3 Commissioner may order the suspension of the restricted license until the Respondent presents
4 such evidence. The Commissioner shall afford Respondent the opportunity for a hearing
5 pursuant to the Administrative Procedure Act to present such evidence.

6 5. Respondent shall within six (6) months from the effective date of the Decision
7 herein, take and pass the Professional Responsibility Examination administered by the
8 Department including the payment of the appropriate examination fee. If Respondent fails to
9 satisfy this condition, the Commissioner may order suspension of Respondent's license until
10 Respondent passes the examination.

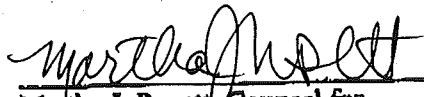
11 II. Pursuant to Section 10148 of the Business and Professions Code, Respondent
12 shall pay the Commissioner's reasonable cost for (a) the audit which led to this disciplinary
13 action, and (b) a subsequent audit to determine if Respondent has corrected the trust fund
14 violation(s) found in the Determination of Issues. In calculating the amount of the
15 Commissioner's reasonable cost, the Commissioner may use the estimated average hourly salary
16 for all persons performing audits of real estate brokers, and shall include an allocation for travel
17 time to and from the auditor's place of work. Respondent shall pay such cost within 60 days of
18 receiving an invoice from the Commissioner detailing the activities performed during the audit
19 and the amount of time spent performing those activities. The Commissioner may suspend the
20 license of Respondent pending a hearing held in accordance with Section 11500, et seq., of the
21 Government Code, if payment is not timely made as provided for herein, or as provided for in a
22 subsequent agreement between the Respondent and the Commissioner. The suspension shall
23 remain in effect until payment is made in full or until Respondent enters into an agreement
24 satisfactory to the Commissioner to provide for payment, or until a decision providing otherwise
25 is adopted following a hearing held pursuant to this condition.

26 III. Respondent shall, prior to and as a condition of the issuance of the restricted
27 license, submit proof satisfactory to the Commissioner of having taken and successfully

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completed the continuing education course on trust fund accounting and handling specified in subdivision (a) of Section 10170.5 of the Business and Professions Code. Proof of satisfaction of this requirement includes evidence that Respondent has successfully completed the trust fund account and handling continuing education course within 120 days prior to the effected date of the Decision in this matter.

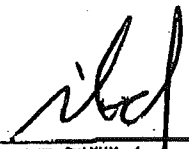
DATED: 2/15/13


Martha J. Rosett, Counsel for
Department of Real Estate

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

Respondent may signify acceptance and approval of the terms and conditions of this Stipulation by faxing a copy of its signature page, as actually signed by Respondent, to the Department at the following facsimile number: Martha J. Rosett at (213) 576-6917. Respondent agrees, acknowledges and understands that by electronically sending to the Department a fax copy of Respondent's actual signature as it appears on the Stipulation, receipt of the faxed copy by the Department shall be as binding on Respondent as if the Department had received the original signed Stipulation.

DATED: 02/15/2013


WILLIAM ARCHILA,
Respondent

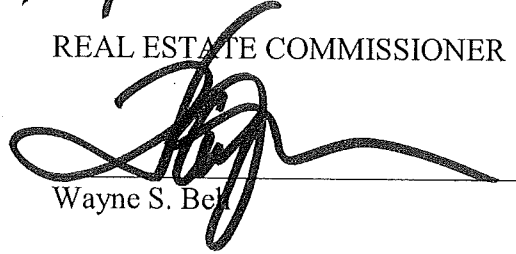
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The foregoing Stipulation and Agreement is hereby adopted as my Decision
as to Respondent WILLIAM ARCHILA and shall become effective at 12 o'clock noon on
May 20, 2013.

IT IS SO ORDERED

4/15/2013

REAL ESTATE COMMISSIONER



Wayne S. Beck