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MAR 06 2013

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DEPARTMENT OF REAL ESTATE
BY: _____

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
)
SUBURBAN MORTGAGE COMPANY OF NEW)
MEXICO; and JAMIL E. ATCHA,)
individually and as designated)
officer of Suburban Mortgage)
Company of New Mexico,)
)
Respondents.)

No. H-38754 LA

A C C U S A T I O N

The Complainant, Maria Suarez, a Deputy Real Estate
Commissioner of the State of California, for cause of Accusation
against SUBURBAN MORTGAGE COMPANY OF NEW MEXICO and JAMIL E.
ATCHA, individually and as designated officer of Suburban
Mortgage Company of New Mexico, alleges as follows:

1.

The Complainant, Maria Suarez, acting in her official
capacity as a Deputy Real Estate Commissioner of the State of
California, makes this Accusation against SUBURBAN MORTGAGE
COMPANY OF NEW MEXICO and JAMIL E. ATCHA.

1 2.

2 All references to the "Code" are to the California
3 Business and Professions Code and all references to "Regulations"
4 are to Title 10, Chapter 6, California Code of Regulations.

5 LICENSE HISTORY

6 3.

7 A. At all times mentioned, SUBURBAN MORTGAGE COMPANY
8 OF NEW MEXICO ("SUBURBAN") and JAMIL E. ATCHA ("ATCHA") were
9 licensed or had license rights issued by the Department of Real
10 Estate ("Department") as real estate brokers.

11 B. At all times mentioned, SUBURBAN was licensed by
12 the Department as a corporate real estate broker by and through
13 ATCHA, as the designated officer and broker responsible, pursuant
14 to Code Section 10159.2 for supervising the activities requiring
15 a real estate license conducted on behalf SUBURBAN of by
16 SUBURBAN's officers, agents and employees, including ATCHA.
17 SUBURBAN was originally licensed on October 5, 2009.

18 C. At all times mentioned, JAMIL E. ATCHA ("ATCHA")
19 was licensed or had license rights issued by the Department as a
20 real estate broker. On April 4, 2003, ATCHA was originally
21 licensed as a real estate broker. On October 5, 2009, ATCHA was
22 licensed as the designated officer of SUBURBAN.

23 BROKERAGE

24 SUBURBAN MORTGAGE COMPANY OF NEW MEXICO

25 4.

26 At all times mentioned, in the City of Irvine, County
27 of Orange, SUBURBAN and ATCHA acted as real estate brokers

1 (a) SUBURBAN engaged in the business of a real estate
2 broker while not in good legal standing with the office of the
3 Secretary of State, in violation of Regulation 2742.

4 (b) Between October 2010 and February 2012, SUBURBAN
5 failed to notify the Department that SUBURBAN had changed its
6 main office address, in violation of Code Section 10162 and
7 Regulation 2715.

8 (c) SUBURBAN engaged in business as a mortgage loan
9 originator after January 1, 2011, without obtaining and
10 maintaining a mortgage loan originator endorsement, in violation
11 of Code Section 10166.02(b).

12 (d) SUBURBAN failed to notify the Department that
13 James Randall Lynch was employed as a salesperson by SUBURBAN
14 during the period from July 6, 2011 to December 29, 2011, in
15 violation of Code Section 10161.8 and Regulation 2752.

16 (e) SUBURBAN failed to maintain possession of license
17 certificates of real estate salespersons licensed under SUBURBAN,
18 in violation of Code Section 10160 and Regulation 2753.

19 (f) The broker-salesperson relationship agreements
20 SUBURBAN had with most of its salespersons failed to cover a
21 material aspect of the relationship between the parties,
22 regarding supervision of licensed activities by the broker, in
23 violation of Regulation 2726.

24 8.

25 The conduct of Respondents SUBURBAN and ATCHA,
26 described in Paragraph 7, above, violated the Code and the
27 Regulations as set forth below:

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PARAGRAPH

PROVISIONS VIOLATED

- 7(a) Regulation 2742
- 7(b) Code Section 10162 and Regulation 2715
- 7(c) Code Section 10166.02(b)
- 7(d) Code Section 10161.8 and Regulation 2752
- 7(e) Code Section 10160 and Regulation 2753
- 7(f) Regulation 2726

The foregoing violations constitute cause for the suspension or revocation of the real estate licenses and license rights of SUBURBAN and ATCHA, under the provisions of Code Sections 10165, 10177(d) and/or 10177(g).

NEGLIGENCE

9.

The overall conduct of Respondents SUBURBAN and ATCHA constitutes negligence or incompetence. This conduct and violation are cause for the suspension or revocation of the real estate licenses and license rights of said Respondents pursuant to Code Section 10177(g).

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1 SUPERVISION AND COMPLIANCE

2 10.

3 The overall conduct of Respondent ATCHA constitutes a
4 failure on his part, as officer designated by a corporate broker
5 licensee, to exercise the reasonable supervision and control over
6 the licensed activities of SUBURBAN as required by Code Section
7 10159.2, and to keep SUBURBAN in compliance with the Real Estate
8 Law, and is cause for the suspension or revocation of the real
9 estate license and license rights of ATCHA pursuant to the
10 provisions of Code Sections 10177(d), 10177(g) and 10177(h).

11 11.

12 Code Section 10166.02(f) states:

13 "A real estate broker or salesperson who fails to
14 notify the department pursuant to subdivision (a), or
15 who fails to obtain a license endorsement required
16 pursuant to paragraph (2) of subdivision (b), shall be
17 assessed a penalty of fifty dollars (\$50) per day for
18 each day written notification has not been received or
19 a license endorsement has not been obtained, up to and
20 including the 30th day after the first day of the
21 assessment penalty. On and after the 31st day, the
22 penalty is one hundred dollars (\$100) per day, not to
23 exceed a total penalty of ten thousand dollars
24 (\$10,000), regardless of the number of days, until the
25 department receives the written notification or the
26 licensee obtains the license endorsement. Penalties
27 for violations of subdivisions (a) and (b) shall be
additive."

28 Respondent's conduct, as described in paragraph 7(c),
29 is subject to a penalty assessment, as set forth above.

30 12.

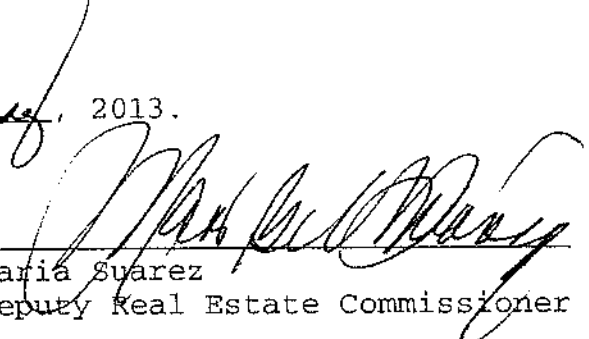
31 Code Section 10106, provides, in pertinent part, that
32 in any order issued in resolution of a disciplinary proceeding
33

1 before the Department, the Commissioner may request the
2 administrative law judge to direct a licensee found to have
3 committed a violation of this part to pay a sum not to exceed the
4 reasonable costs of the investigation and enforcement of the
5 case.

6
7 WHEREFORE, Complainant prays that a hearing be
8 conducted on the allegations of this Accusation and that upon
9 proof thereof, a decision be rendered imposing disciplinary
10 action against the license and license rights of Respondents
11 SUBURBAN MORTGAGE COMPANY OF NEW MEXICO and JAMIL E. ATCHA,
12 individually and as designated officer of Suburban Mortgage
13 Company of New Mexico, under the Real Estate Law, that
14 Complainant be awarded its costs of investigation and prosecution
15 of this case, and for such other and further relief as may be
16 proper under other applicable provisions of law.

17 Dated at Los Angeles, California

18
19 this 5th day of September, 2013.

20
21 
22 Maria Suarez
23 Deputy Real Estate Commissioner

24 cc: SUBURBAN MORTGAGE COMPANY OF NEW MEXICO
25 c/o JAMIL E. ATCHA D.O.
26 Maria Suarez
27 Sacto
Audits