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1 Bureau of Real Estate
320 West 4th Street, Suite 350
2 Los Angeles, California 90013-1105

BUREAU OF REAL ESTATE

By Norma Simms

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4 (213) 576-6910

8 BUREAU OF REAL ESTATE
9 STATE OF CALIFORNIA

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12 In the Matter of the Accusation of)
13 SUBURBAN MORTGAGE COMPANY OF)
14 NEW MEXICO and JAMIL E. ATCHA,)
15 individually, and as designated)
16 officer of Suburban Mortgage)
17 Company of New Mexico,)
18 Respondents.)

BRE No: H-38754 LA
OAH No: 2013041198

STIPULATION AND
AGREEMENT

18 It is hereby stipulated by and between Respondents
19 SUBURBAN MORTGAGE COMPANY OF NEW MEXICO and JAMIL E. ATCHA,
20 represented in this matter by Mary E. Work, Esq., and the
21 Complainant, acting by and through James A. Demus, Counsel for
22 the Bureau of Real Estate, as follows for the purpose of settling
23 and disposing of the Accusation filed on March 6, 2013, in this
24 matter:

25 1. All issues which were to be contested and all
26 evidence which was to be presented by Complainant and Respondents
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1 at a formal hearing on the Accusation, which hearing was to be
2 held in accordance with the provisions of the Administrative
3 Procedure Act ("APA"), shall instead and in place thereof be
4 submitted solely on the basis of the provisions of this
5 Stipulation and Agreement ("Stipulation").

6 2. Respondents have received, read and understand the
7 Statement to Respondent, the Discovery Provisions of the APA and
8 the Accusation filed by the Bureau of Real Estate in this
9 proceeding.

10 3. Respondents timely filed a Notice of Defense
11 pursuant to Section 11506 of the Government Code for the purpose
12 of requesting a hearing on the allegations in the Accusation.
13 Respondents hereby freely and voluntarily withdraw said Notice of
14 Defense. Respondents acknowledge that they understand that by
15 withdrawing said Notice of Defense they thereby waive the right
16 to require the Commissioner to prove the allegations in the
17 Accusation at a contested hearing held in accordance with the
18 provisions of the APA and that they will waive other rights
19 afforded to them in connection with the hearing such as the right
20 to present evidence in their defense of the allegations in the
21 Accusation and the right to cross-examine witnesses.

22 4. This Stipulation is based on the factual
23 allegations contained in the Accusation. In the interest of
24 expedience and economy, Respondents choose not to contest these
25 allegations, but to remain silent and understand that, as a
26 result thereof, these factual allegations, without being admitted
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1 or denied, will serve as a prima facie basis for the disciplinary
2 action stipulated to herein. The Real Estate Commissioner shall
3 not be required to provide further evidence to prove said factual
4 allegations.

5 5. This Stipulation is made for the purpose of
6 reaching an agreed disposition of this proceeding and is
7 expressly limited to this proceeding and any other proceeding or
8 case in which the Bureau of Real Estate ("Bureau"), the state or
9 federal government, or any agency of this state, another state or
10 federal government is a party.

11 6. It is understood by the parties that the Real
12 Estate Commissioner may adopt this Stipulation as his Decision in
13 this matter thereby imposing the penalty and sanctions on
14 Respondents' real estate licenses and license rights as set forth
15 in the "Order" herein below. In the event that the Commissioner
16 in his discretion does not adopt the Stipulation, it shall be
17 void and of no effect and Respondents shall retain the right to a
18 hearing and proceeding on the Accusation under the provisions of
19 the APA and shall not be bound by any stipulation or waiver made
20 herein.

21 7. The Order or any subsequent Order of the Real
22 Estate Commissioner made pursuant to this Stipulation shall not
23 constitute an estoppel, merger or bar to any further
24 administrative or civil proceedings by the Bureau of Real Estate
25 with respect to any matters which were not specifically alleged
26 to be causes for Accusation in this proceeding but do constitute
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1 a bar, estoppel and merger as to any allegations actually
2 contained in the Accusation against Respondents herein.

3 DETERMINATION OF ISSUES

4 By reason of the foregoing, it is stipulated and agreed
5 that the following determination of issues shall be made:

6 I.

7 The conduct of SUBURBAN MORTGAGE COMPANY OF NEW MEXICO
8 and JAMIL E. ATCHA, as described in Paragraph 4, hereinabove,
9 provides a basis for discipline of their licenses and license
10 rights pursuant to Business and Professions Code Sections 10165
11 and 10177(g).

12 ORDER

13 WHEREFORE, THE FOLLOWING ORDER is hereby made:

14 I.

15 A.

16 All licenses and licensing rights of Respondent
17 SUBURBAN MORTGAGE COMPANY OF NEW MEXICO under the Real Estate
18 Law are suspended for a period of thirty (30) days from the
19 effective date of this Decision; provided, however, that
20 fifteen (15) days of said suspension, shall be stayed for two
21 (2) years upon the following terms and conditions:

22 1. Respondent shall obey all laws, rules and
23 regulations governing the rights, duties and responsibilities of
24 a real estate licensee in the State of California; and

25 2. That no final subsequent determination be made,
26 after hearing or upon stipulation that cause for disciplinary
27

1 action occurred within two (2) years of the effective date of
2 this Decision. Should such a determination be made, the
3 Commissioner may, in his discretion, vacate and set aside the
4 stay order and reimpose all or a portion of the stayed
5 suspension. Should no such determination be made, the stay
6 imposed herein shall become permanent.

7 B.

8 If Respondent SUBURBAN MORTGAGE COMPANY OF NEW MEXICO
9 petitions, an additional 15 days shall be stayed upon condition
10 that:

11 1. Respondent pays a monetary penalty pursuant to
12 Section 10175.2 of the Code at the rate of \$50 for each day of
13 the suspension for a total monetary penalty of \$750.

14 2. Said payment shall be in the form of a cashier's
15 check or certified check made payable to the Recovery Account of
16 the Real Estate Fund. Said check must be received by the Bureau
17 prior to the effective date of the Decision in this matter.

18 3. No further cause for disciplinary action against
19 the real estate license of Respondent occurs within two years
20 from the effective date of the Decision in this matter.

21 4. If Respondent fails to pay the monetary penalty in
22 accordance with the terms and conditions of the Decision, the
23 Commissioner may, without a hearing, order the immediate
24 execution of all or any part of the stayed suspension in which
25 event the Respondent shall not be entitled to any repayment nor
26

1 credit, prorated or otherwise, for money paid to the Bureau under
2 the terms of this Decision.

3 5. If Respondent pays the monetary penalty and if no
4 further cause for disciplinary action against the real estate
5 license of Respondent occurs within two years from the effective
6 date of the Decision, the stay hereby granted shall become
7 permanent.

8 II.

9 A.

10 All licenses and licensing rights of Respondent
11 JAMIL E. ATCHA under the Real Estate Law are suspended for a
12 period of thirty (30) days from the effective date of this
13 Decision; provided, however, that fifteen (15) days of said
14 suspension, shall be stayed for two (2) years upon the
15 following terms and conditions:

16
17 1. Respondent shall obey all laws, rules and
18 regulations governing the rights, duties and responsibilities of
19 a real estate licensee in the State of California; and

20 2. That no final subsequent determination be made,
21 after hearing or upon stipulation that cause for disciplinary
22 action occurred within two (2) years of the effective date of
23 this Decision. Should such a determination be made, the
24 Commissioner may, in his discretion, vacate and set aside the
25 stay order and reimpose all or a portion of the stayed
26 suspension. Should no such determination be made, the stay
27 imposed herein shall become permanent.

1 B.

2 If Respondent JAMIL E. ATCHA petitions, an additional
3 15 days shall be stayed upon condition that:

4 1. Respondent pays a monetary penalty pursuant to
5 Section 10175.2 of the Code at the rate of \$50 for each day of
6 the suspension for a total monetary penalty of \$750.

7 2. Said payment shall be in the form of a cashier's
8 check or certified check made payable to the Recovery Account of
9 the Real Estate Fund. Said check must be received by the Bureau
10 prior to the effective date of the Decision in this matter.

11 6. No further cause for disciplinary action against
12 the real estate license of Respondent occurs within two years
13 from the effective date of the Decision in this matter.

14 7. If Respondent fails to pay the monetary penalty in
15 accordance with the terms and conditions of the Decision, the
16 Commissioner may, without a hearing, order the immediate
17 execution of all or any part of the stayed suspension in which
18 event the Respondent shall not be entitled to any repayment nor
19 credit, prorated or otherwise, for money paid to the Bureau under
20 the terms of this Decision.

21 8. If Respondent pays the monetary penalty and if no
22 further cause for disciplinary action against the real estate
23 license of Respondent occurs within two years from the effective
24 date of the Decision, the stay hereby granted shall become
25 permanent.

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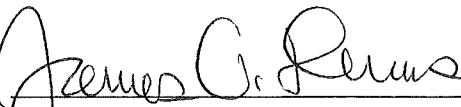
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III.

Pursuant to California Business and Professions Code
Section 10106, Respondents SUBURBAN MORTGAGE COMPANY OF NEW
MEXICO and JAMIL E. ATCHA shall be jointly and severally liable
for paying the Commissioner's reasonable cost for investigation
and enforcement of the matter. The investigation and enforcement
cost which led to this disciplinary action is \$4,783. Said
payment shall be made within sixty (60) days after the effective
date of this Decision.

The Commissioner may suspend the licenses of
Respondents pending a hearing held in accordance with California
Government Code Section 11500, et seq., if payment is not timely
made as provided for herein, or as provided for in a subsequent
agreement between the Respondents and the Commissioner. The
suspension shall remain in effect until payment is made in full
or until Respondents enter into an agreement satisfactory to the
Commissioner to provide for payment, or until a decision
providing otherwise is adopted following a hearing held pursuant
to this condition.

DATED: 10/15/13



JAMES A. DEMUS, Counsel for
the Bureau of Real Estate


EXECUTION OF THE STIPULATION

I have read the Stipulation and have discussed it with
counsel. Its terms are understood by me and are agreeable and

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

10 Respondents can signify acceptance and approval of the
 11 terms and conditions of this Stipulation by faxing a copy of its
 12 signature page, as actually signed by Respondents, to the Bureau
 13 at the following telephone/fax number: James A. Demus at (213)
 14 576-6917. Respondents agree, acknowledge and understand that by
 15 electronically sending to the Bureau a fax copy of Respondent's
 16 actual signature as it appears on the Stipulation, that receipt
 17 of the faxed copy by the Bureau shall be as binding on Respondent
 18 as if the Bureau had received the original signed Stipulation.

19
 20 DATED: 10/10/13



 JAMIL E. ATCHA, as Designated
 Officer of SUBURBAN MORTGAGE
 COMPANY OF NEW MEXICO

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 22
 23
 24 DATED: 10/10/13



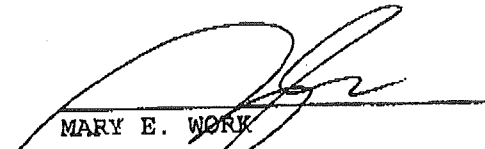
 JAMIL E. ATCHA, Respondent

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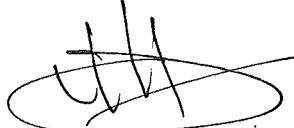
10/14/13


MARY E. WORK
Counsel for Respondent

The foregoing Stipulation and Agreement is hereby
adopted as my Decision as to Respondents SUBURBAN MORTGAGE
COMPANY OF NEW MEXICO and JAMIL E. ATCHA and shall become
effective at 12 o'clock noon on DEC - 5 2013, 2013.

IT IS SO ORDERED NOVEMBER 8, 2013.

Real Estate Commissioner

By: 

By: JEFFREY MASON
Chief Deputy Commissioner