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FILED

APR 16 2018

BUREAU OF REAL ESTATE

By 

9 BEFORE THE BUREAU OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Application of) No. H-41006 LA
13 RICK ARCINIEGA,) STATEMENT OF ISSUES
14 Respondent.) Mortgage Loan Originator
15) License Endorsement
16)

17 The Complainant, Chika Sunquist, a Supervising Special Investigator of the
18 State of California, for cause of Statement of Issues against RICK ARCINIEGA
19 (“Respondent”), alleges as follows:

20 1.

21 The Complainant, Chika Sunquist, Supervising Special Investigator of the State
22 of California, makes this Statement of Issues against Respondent in her official capacity.

23 2.

24 Respondent is presently licensed and/or has license rights under the Real Estate
25 Law, Part 1 of Division 4 of the California Business and Professions Code (“Code”), as a real
26 estate broker (License ID 01101436). Respondent’s license expires on January 21, 2020, unless
27 renewed.

STATEMENT OF ISSUES – RICK ARCINIEGA

(PRIOR LICENSE DISCIPLINARY ACTION)

7.

On September 26, 2012, the Bureau¹ filed an Accusation in Bureau Case No. H-38444 LA, against International Team Realty² and Respondent, individually and as designated officer of International Team Realty, based on audit examinations of Respondent's mortgage loan broker activity and International Team Realty's broker escrow activity, mortgage loan broker activity and real estate resale activity.

8.

On January 15, 2014, Respondent executed a Stipulation and Agreement ("Stipulation") in Case No. H-38444 LA where Respondent stipulated to the acts and omissions in the Accusation as grounds for disciplinary action in that he, individually and as designated officer of International Team Realty, committed violations of the Real Estate Law and Regulations, including in part Code sections 10145 (trust fund shortage), 10159.2 (failure to supervise), 10159.5 (unauthorized fictitious business name), 10176(a) (misrepresentation), and 10240(c) (failure to provide written disclosure statement), and Regulations section 2832.1 (trust fund shortage). On March 3, 2014, the Real Estate Commissioner ("Commissioner") adopted the Stipulation as his Decision and ordered the suspension of Respondent's real estate broker license for 90 days. Said suspension was stayed for 30 days on the condition that Respondent pay a monetary penalty. The remaining 60 days were stayed under certain terms and conditions. Moreover, Respondent was ordered to take and pass the Professional Responsibility Examination, successfully complete the continuing education requirements, and successfully complete the continuing education course on trust fund accounting and handling.

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¹ Effective July 1, 2013, the Department of Real Estate became the Bureau of Real Estate as part of the Department of Consumer Affairs.

² International Team Realty's corporate real estate broker license (License ID 01827976) expired on February 8, 2016.

1 (WITHHELD INFORMATION OR MADE MATERIAL MISSTATEMENTS)

2 9.

3 In response to Question (K) in the section entitled "Regulatory Action" under
4 "Disclosure Questions" of Respondent's MLO license endorsement application submitted on
5 October 26, 2016, to wit: "Has any State or federal agency or foreign financial regulatory
6 authority or self-regulatory organization (SRO) ever...(2) found you to have been involved in a
7 violation of a financial services-related business regulation(s) or statutes(s)?" Respondent
8 answered "No," which constitutes the withholding of information or the making of a material
9 misstatement as to the suspension of his real estate broker license on March 26, 2014, as
10 described in Paragraph 9, above.

11 10.

12 In response to Question (K) in the section entitled "Regulatory Action" under
13 "Disclosure Questions" of Respondent's MLO license endorsement application submitted on
14 October 26, 2016, to wit: "Has any State or federal agency or foreign financial regulatory
15 authority or self-regulatory organization (SRO) ever...(4) entered an order against you in
16 connection with a financial services-related activity?" Respondent answered "No," which
17 constitutes the withholding of information or the making of a material misstatement as to the
18 suspension of his real estate broker license on March 26, 2014, as described in Paragraph 9,
19 above.

20 11.

21 In response to Question (K) in the section entitled "Regulatory Action" under
22 "Disclosure Questions" of Respondent's MLO license endorsement application submitted on
23 October 26, 2016, to wit: "Has any State or federal agency or foreign financial regulatory
24 authority or self-regulatory organization (SRO) ever...(6) denied or suspended your
25 registration or license or application for licensure, disciplined you, or otherwise by order,
26 prevented you from associating with a financial services-related business or restricted your
27 activities?" Respondent answered "No," which constitutes the withholding of information or

1 the making of a material misstatement as to the suspension of his real estate broker license on
2 March 26, 2014, as described in Paragraph 9, above.

3 12.

4 In response to Question (K) in the section entitled "Regulatory Action" of
5 Respondent's MLO license endorsement application submitted on October 26, 2016, to wit:
6 "Has any State or federal agency or foreign financial regulatory authority or self-regulatory
7 organization (SRO) ever...(9) entered an order concerning you in connection with any license
8 or registration?" Respondent answered "No," which constitutes the withholding of information
9 or the making of a material misstatement as to the Commissioner's Decision and Order
10 concerning Respondent dated March 26, 2014, as described in Paragraph 9, above.

11 13.

12 The facts alleged in Paragraphs 7 through 12 above, constitute cause for the
13 denial of Respondent's application for a MLO license endorsement under Code sections
14 10166.05(c) and 10166.051(b) and Regulations section 2945.2(b).

15 14.

16 These proceedings are brought under the provisions of Section 10100, Division
17 4 of the Business and Professions Code of the State of California and Sections 11500 through
18 11528 of the California Government Code.

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WHEREFORE, the Complainant prays that the above-entitled matter be set for hearing and, upon proof of the charges contained herein, that the Commissioner refuse to authorize the issuance of, and deny the issuance of, a MLO license endorsement to Respondent RICK ARCINIEGA and for such other and further relief as may be proper under other applicable provisions of law.

Dated at Sacramento, California this 11th day of April, 2018.



Chika Sunquist
Supervising Special Investigator

cc: RICK ARCINIEGA
Chika Sunquist
Sacto.