

1 Department of Real Estate  
2 320 W. 4th Street, Suite 350  
3 Los Angeles, CA 90013-1105  
4 Telephone: (213) 576-6982

**FILED**

**APR - 2 2019**

**DEPT. OF REAL ESTATE**

By *Zri - ja*

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Application of )  
12 RICK ARCINIEGA, ) No. H-41006 LA  
13 ) STIPULATION AND WAIVER  
14 Respondent. ) (Mortgage Loan Originator License  
15 ) Endorsement)

16 It is hereby stipulated by and between, RICK ARCINIEGA (“Respondent”), who is  
17 represented by Frank M. Buda, Esq., and the Complainant, acting by and through Judith B. Vasan,  
18 Counsel for the Department of Real Estate (“Department”), as follows for the purpose of settling  
19 and disposing of the First Amended Statement of Issues filed on July 3, 2018, in this matter:

20 Respondent acknowledges that Respondent has received and read the First Amended  
21 Statement of Issues (“Statement of Issues”) and the Statement to Respondent filed by the  
22 Department in connection with Respondent’s application for an individual mortgage loan originator  
23 license endorsement (“MLO License Endorsement”). Respondent understands that the Real Estate  
24 Commissioner (“Commissioner”) may hold a hearing on the Statement of Issues for the purpose of  
25 requiring further proof of Respondent’s honesty and truthfulness and to prove other allegations  
26 therein, or that the Commissioner may in his discretion waive the hearing and grant Respondent a  
27 restricted MLO License Endorsement based upon this Stipulation and Waiver.

1 Respondent also understands that by filing the Statement of Issues in this matter the  
2 Commissioner is shifting the burden to Respondent to make a satisfactory showing that Respondent  
3 meets all the requirements for issuance of an MLO License Endorsement. Respondent further  
4 understands that by entering into this Stipulation and Waiver Respondent will be stipulating that the  
5 Commissioner has found that Respondent has failed to make such a showing, thereby justifying the  
6 denial of the issuance to Respondent of an MLO License Endorsement.

7 Respondent hereby admits that the allegations of the Statement of Issues filed against  
8 Respondent are true and correct and requests that the Commissioner in his discretion issue a  
9 restricted MLO License Endorsement to Respondent under the authority of Section 2945.4 of Title  
10 10, California Code of Regulations and Sections 10156.5 and 10166.051 of the Business and  
11 Professions Code (“Code”).

12 Respondent is aware that by signing this Stipulation and Waiver, Respondent is waiving  
13 Respondent’s right to a hearing and the opportunity to present evidence at the hearing if this  
14 Stipulation and Waiver is accepted by the Commissioner. However, Respondent is not waiving  
15 Respondent’s right to a hearing and to further proceedings to obtain a restricted or unrestricted  
16 MLO License Endorsement if this Stipulation and Waiver is not accepted by the Commissioner.

17 Respondent agrees that by signing this Stipulation and Waiver, the conditions, limitations  
18 and restrictions imposed on Respondent’s restricted MLO License Endorsement, identified below,  
19 may be removed only by filing a Petition for Removal of Restrictions (“Petition”) with the  
20 Commissioner, and that Respondent’s Petition must follow the procedures set forth in Government  
21 Code Section 11522.

22 Respondent further understands that the restricted MLO License Endorsement issued to  
23 Respondent shall be subject to all of the provisions of Section 10156.7 of the Code and to the  
24 following limitations, conditions and restrictions imposed under authority of Section 10156.6 of the  
25 Code:

- 26 1. The restricted MLO License Endorsement shall not confer any property rights in the  
27 privileges to be exercised including the right to renewal, and the Commissioner may by

1 appropriate order suspend the right to exercise any privileges granted under the  
2 restricted MLO License Endorsement in the event of:

- 3 a. Respondent's conviction (including a plea of nolo contendere) of a crime that  
4 bears a substantial relationship to Respondent's fitness or capacity to hold a real  
5 estate license or an MLO License Endorsement; or  
6 b. The receipt of evidence that Respondent has violated provisions of the California  
7 Real Estate Law, the Subdivided Lands Law, Regulations of the Commissioner, or  
8 conditions attaching to the restricted MLO License Endorsement.

9 2. Respondent shall not be eligible to petition for the issuance of an unrestricted MLO  
10 License Endorsement nor the removal of any of the conditions, limitations or  
11 restrictions attaching to the restricted MLO License Endorsement until two (2) years  
12 have elapsed from the date of issuance of the restricted MLO License Endorsement to  
13 Respondent.

14  
15 3-5-2019

16 Dated

17   
18 Judith B. Vasan, Counsel  
19 Department of Real Estate

20 \* \* \*

21 Respondent has read this Stipulation and Waiver, and its terms are understood by  
22 Respondent and are agreeable and acceptable to Respondent. Respondent understands that  
23 Respondent is waiving rights given to Respondent by the Administrative Procedure Act (including  
24 but not limited to Sections 11506, 11508, 11509 and 11513 of the Government Code), and  
25 Respondent willingly, intelligently and voluntarily waives those rights, including the right of a  
26 hearing on the Statement of Issues at which Respondent would have the right to cross-examine  
27 witnesses against Respondent and to present evidence in defense and mitigation of the charges.


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1 Respondent shall send a hard copy of the original signed Stipulation and Waiver to:  
2 Judith B. Vasan, Department of Real Estate, 320 West Fourth St, Ste 350, Los Angeles, CA, 90013.


3 In the event of time constraints before an administrative hearing, Respondent can signify  
4 acceptance and approval of the terms and conditions of this Stipulation and Waiver by emailing a  
5 scanned copy of the signature page, as actually signed by Respondent, to the Department counsel  
6 assigned to this case. Respondent agrees, acknowledges and understands that by electronically  
7 sending the Department a scan of Respondent's actual signature as it appears on the Stipulation and  
8 Waiver, that receipt of the scan by the Department shall be binding on Respondent as if the  
9 Department had received the original signed Stipulation and Waiver.

10  
11 3/4/19  
12 Dated

  
13 \_\_\_\_\_  
14 RICK ARCINIEGA, Respondent

15 *I have reviewed this Stipulation and Waiver as to form and content and have advised*  
16 *my client accordingly.*

17 3-7-19  
18 Dated

  
19 \_\_\_\_\_  
20 Frank M. Buda,  
21 Attorney for Respondent

22 \* \* \*

23 I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver  
24 signed by Respondent. I am satisfied that the hearing for the purpose of requiring further proof as  
25 to the honesty and truthfulness of Respondent need not be called and that it will not be inimical to  
26 the public interest to issue a restricted individual Mortgage Loan Originator License Endorsement  
27 to Respondent.

28 ///  
29 ///  
30 ///

1 Therefore, IT IS HEREBY ORDERED that a restricted individual Mortgage Loan  
2 Originator License Endorsement be issued to Respondent, if Respondent has otherwise fulfilled all  
3 of the statutory requirements for mortgage loan originator license endorsement. The restricted  
4 individual Mortgage Loan Originator License Endorsement shall be limited, conditioned, and  
5 restricted as specified in the foregoing Stipulation and Waiver.

6 This Order is effective immediately.

7 IT IS SO ORDERED *March 26, 2019*.

8 DANIEL J. SANDRI  
9 ACTING REAL ESTATE COMMISSIONER

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