

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

FILED

JUL 29 2019

DEPT. OF REAL ESTATE

By *[Signature]*

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7
8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of

No. H-41098 LA

12 SHORE CAPITAL CORPORATION;
13 and ANDRE P. LUJAN, individually
14 and as Designated Officer of
Shore Capital Corporation,

STIPULATION AND AGREEMENT

15 Respondents.

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17 It is hereby stipulated by and between Respondents SHORE CAPITAL
18 CORPORATION and ANDRE P. LUJAN, individually and as designated officer of Shore
19 Capital Corporation, (sometimes collectively referred to as "Respondents"), acting by and
20 through their attorney, Garry McCarthy, Esq. of Tyson & Mendes, and the Complainant, acting
21 by and through Judith B. Vasan, Counsel for the Department of Real Estate, as follows for the
22 purpose of settling and disposing of the Accusation ("Accusation") filed on July 11, 2018, in this
23 matter:

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

STIPULATION AND AGREEMENT

1 this Stipulation and Agreement ("Stipulation").

2 2. Respondents have received, read and understand the Statement to Respondent,
3 the Discovery Provisions of the APA and the Accusation filed by the Department of Real Estate
4 ("Department") in this proceeding.

5 3. Respondents each filed a Notice of Defense pursuant to Section 11506 of the
6 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.
7 Respondents hereby freely and voluntarily withdraw said Notices of Defense. Respondents
8 acknowledge that they understand that by withdrawing said Notices of Defense they thereby
9 waive their right to require the Commissioner to prove the allegations in the Accusation at a
10 contested hearing held in accordance with the provisions of the APA and that they will waive
11 other rights afforded to them in connection with the hearing such as the right to present evidence
12 in their defense, and the right to cross-examine witnesses.

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

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

24 6. It is understood by the parties that the Real Estate Commissioner may adopt
25 this Stipulation as his Decision in this matter thereby imposing the penalty and sanctions on
26 Respondents' real estate licenses and license rights as set forth in the below "Order". In the
27 event that the Commissioner in his discretion does not adopt the Stipulation, the Stipulation shall

1 be void and of no effect and Respondents shall retain the right to a hearing and proceed on the
2 Accusation under the provisions of the APA and shall not be bound by any stipulation or waiver
3 made herein.

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

8 DETERMINATION OF ISSUES

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

11 The conduct, acts or omissions of Respondent SHORE CAPITAL
12 CORPORATION, as set forth in the Accusation, are a basis for discipline of Respondent
13 SHORE CAPITAL CORPORATION's licenses, license rights, and Mortgage Loan Originator
14 ("MLO") license endorsement pursuant to Code sections 10166.051(a), 10166.051(b), 10177(a),
15 10177(d), 10177(f), and 10177(g).

16 The conduct, acts or omissions of Respondent ANDRE P. LUJAN as set forth in
17 the Accusation, are in violation of Code section 10159.2 and Section 2725 of Title 10, Chapter 6
18 of the California Code of Regulations ("Regulations") and are a basis for discipline of
19 Respondent ANDRE P. LUJAN's licenses, license rights, and MLO license endorsement
20 pursuant to Code sections 10177(d), 10177(g), and 10177(h).

21 ORDER

22 WHEREFORE, THE FOLLOWING ORDER is hereby made:

23 (ANDRE P. LUJAN)

24 I.

25 All licenses, license rights, and MLO license endorsements of Respondent
26 ANDRE P. LUJAN under the Real Estate Law are suspended for a period of sixty (60) days from
27 the effective date of this Decision;

STIPULATION AND AGREEMENT

1 A. Provided, however, that the initial thirty (30) days of said suspension shall be
2 stayed for two (2) years upon the following terms and conditions:

3 1. Respondent ANDRE P. LUJAN shall pay a monetary penalty pursuant to
4 Code section 10175.2 at the rate of \$100.00 per day for each of the thirty (30) days of suspension
5 for a total monetary penalty of \$3,000.00.

6 2. Said payment shall be in the form of a cashier's check made payable to
7 the Department of Real Estate. Said check must be delivered to the Department of Real Estate,
8 Flag Section, P.O. Box 137013, Sacramento, CA 95813-7013, **prior to the effective date of this**
9 **Decision and Order.**

10 3. No further cause for disciplinary action against the real estate license of
11 Respondent ANDRE P. LUJAN occurs within two (2) years from the effective date of the
12 Decision in this matter.

13 4. If Respondent ANDRE P. LUJAN fails to pay the monetary penalty in
14 accordance with the terms and conditions of the Decision, the suspension shall go into effect
15 automatically with regard to said Respondent. Respondent shall not be entitled to any repayment
16 nor credit, prorated or otherwise, for money paid to the Department under the terms of this
17 Decision and Order.

18 5. If Respondent ANDRE P. LUJAN pays the monetary penalty and if no
19 further cause for disciplinary action against the real estate license of Respondent occurs within
20 two (2) years from the effective date of the Decision, the stay hereby granted shall become
21 permanent.

22 B. The remaining thirty (30) days of the sixty (60) day suspension shall be stayed
23 for two (2) years upon the following terms and conditions:

24 1. That Respondent ANDRE P. LUJAN shall obey all laws, rules and
25 regulations governing the rights, duties and responsibilities of a real estate licensee in the State of
26 California; and
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1 2. That no final subsequent determination be made after hearing or upon
2 stipulation, that cause for disciplinary action occurred within two (2) years from the effective
3 date of this Decision. Should such a determination be made, the Commissioner may, in his
4 discretion, vacate and set aside the stay order and re-impose all or a portion of the stayed
5 suspension. Should no such determination be made under this section, the stay imposed herein
6 shall become permanent.

7 (SHORE CAPITAL CORPORATION)

8 II.

9 All licenses, license rights, and MLO license endorsements of Respondent
10 SHORE CAPITAL CORPORATION under the Real Estate Law are suspended for a period of
11 one hundred twenty (120) days from the effective date of this Decision;

12 A. Provided, however, that the initial sixty (60) days of said suspension shall be
13 stayed for two (2) years upon the following terms and conditions:

14 1. Respondent SHORE CAPITAL CORPORATION shall pay a monetary
15 penalty pursuant to Code section 10175.2 at the rate of \$166.66 per day for each of the sixty (60)
16 days of suspension for a total monetary penalty of \$10,000.00.

17 2. Said payment shall be in the form of a cashier's check made payable to
18 the Department of Real Estate. Said check must be delivered to the Department of Real Estate,
19 Flag Section, P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this
20 **Decision and Order.**

21 3. No further cause for disciplinary action against the real estate license of
22 Respondent SHORE CAPITAL CORPORATION occurs within two (2) years from the effective
23 date of the Decision in this matter.

24 4. If Respondent SHORE CAPITAL CORPORATION fails to pay the
25 monetary penalty in accordance with the terms and conditions of the Decision, the suspension
26 shall go into effect automatically with regard to said Respondent. Respondent shall not be
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1 entitled to any repayment nor credit, prorated or otherwise, for money paid to the Department
2 under the terms of this Decision and Order.

3 5. If Respondent SHORE CAPITAL CORPORATION pays the monetary
4 penalty and if no further cause for disciplinary action against the real estate license of
5 Respondent occurs within two (2) years from the effective date of the Decision, the stay hereby
6 granted shall become permanent.

7 B. The remaining sixty (60) days of the one hundred twenty (120) day suspension
8 shall be stayed for two (2) years upon the following terms and conditions:

9 1. That Respondent SHORE CAPITAL CORPORATION shall obey all
10 laws, rules and regulations governing the rights, duties and responsibilities of a real estate
11 licensee in the State of California; and

12 2. That no final subsequent determination be made after hearing or upon
13 stipulation, that cause for disciplinary action occurred within two (2) years from the effective
14 date of this Decision. Should such a determination be made, the Commissioner may, in his
15 discretion, vacate and set aside the stay order and re-impose all or a portion of the stayed
16 suspension. Should no such determination be made under this section, the stay imposed herein
17 shall become permanent.

18 (SHORE CAPITAL CORPORATION AND ANDRE P. LUJAN)

19 III.

20 All licenses, license rights, and MLO license endorsements of Respondents


21 SHORE CAPITAL CORPORATION and ANDRE P. LUJAN are indefinitely suspended unless
22 or until Respondents pay the sum of \$2,974.69 for the Commissioner's reasonable costs of the
23 investigation and enforcement, which led to this disciplinary action. Respondents are jointly and
24 severally liable for the costs of the investigation and enforcement. Said payment shall be in the
25 form of a cashier's check made payable to the Department of Real Estate. The investigative and
26 enforcement costs must be delivered to the Department of Real Estate, Flag Section, at P.O. Box
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1 137013, Sacramento, CA 95813-7013, prior to the effective date of this Decision and Order.

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4 DATED: 6-17-2019



Judith B. Vasan, Counsel for
Department of Real Estate

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EXECUTION OF THE STIPULATION

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9 We have read the Stipulation, have discussed it with our counsel, and its terms are
10 understood by us and are agreeable and acceptable to us. We understand that we are waiving
11 rights given to us by the California Administrative Procedure Act (including but not limited to
12 Sections 11506, 11508, 11509 and 11513 of the Government Code), and we willingly,
13 intelligently and voluntarily waive those rights, including the right of requiring the
14 Commissioner to prove the allegations in the Accusation at a hearing at which we would have
15 the right to cross-examine witnesses against us and to present evidence in defense and mitigation
16 of the charges.

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Respondents shall mail the original signed signature page of the stipulation herein
to Judith B. Vasan, Attention: Legal Section, Department of Real Estate, 320 W. Fourth St.,
Suite 350, Los Angeles, California 90013-1105.

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In the event of time constraints before an administrative hearing, Respondents can
signify acceptance and approval of the terms and conditions of this Stipulation and Agreement
by emailing a scanned copy of the signature page, as actually signed by Respondents, to the
Department counsel assigned to this case. Respondents agree, acknowledge and understand that
by electronically sending the Department a scan of Respondents' actual signature as it appears on
the Stipulation and Agreement that receipt of the scan by the Department shall be binding on
Respondents as if the Department had received the original signed Stipulation. Respondents shall
also mail the original signed signature page of this Stipulation to the Department counsel.

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STIPULATION AND AGREEMENT

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The foregoing Stipulation and Agreement is hereby adopted as my Decision as to Respondents SHORE CAPITAL CORPORATION and ANDRE P. LUJAN, individually and as designated officer of Shore Capital Corporation, and shall become effective at 12 o'clock noon on **AUG 19 2019**.

IT IS SO ORDERED July 24, 2019.

DANIEL J. SANDRI
ACTING REAL ESTATE COMMISSIONER

Daniel J. Sandri