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FILED

DEC 20 2023

DEPT. OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) No. H-41983 LA / H-42461 LA
)
DISCREET CAPITAL, INC., and MICHAEL)
HAMILTON CAMP, individually, and as)
designated officer of Discreet Capital, Inc.,)
and ROBERT LINDSAY BROWN,)
)
Respondents.)
_____)

ORDER NUNC PRO TUNC

It having been called to the attention of the Real Estate Commissioner that there is a mistake in the terms of the Order of the Stipulation and Agreement in Settlement and Order dated July 12, 2023 effective August 9, 2023, and good cause appearing therefor, the Order is amended as follows:

Page 6, Paragraph C of Section II, Line 15, is amended to read as follows:

“All MLO license endorsements and endorsement rights of Respondent under the Real Estate Law are suspended for a period of one hundred and eighty (180) days from the Effective Date or the reinstatement of

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an MLO license endorsement or the issuance of a new MLO license endorsement.”

This Order shall become effective immediately.

IT IS SO ORDERED 12/12/2023.

DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER



By: MARCUS McCARTHER
Chief Deputy Real Estate Commissioner

1 Department of Real Estate
320 W. 4th Street, Suite 350
2 Los Angeles, CA 90013-1105

3 Telephone: (213) 576-6982

FILED

JUL 19 2023

DEPT. OF REAL ESTATE

By John Aguil

8 **DEPARTMENT OF REAL ESTATE**

9 **STATE OF CALIFORNIA**

10 ***

11 In the Matter of the Accusation of)

DRE No. H-41983 LA / H-42461 LA

12 DISCREET CAPITAL, INC., and MICHAEL)
13 HAMILTON CAMP, individually, and as)
designated officer of Discreet Capital, Inc., and)
14 ROBERT LINDSAY BROWN,)

STIPULATION AND AGREEMENT
IN SETTLEMENT AND ORDER

15 Respondents.)

16
17 It is hereby stipulated by and between Respondents DISCREET CAPITAL, INC.
18 and MICHAEL HAMILTON CAMP (collectively "Respondents") and their attorney of record,
19 Frank M. Buda, and the Complainant, acting by and through Kevin H. Sun, Counsel for the
20 Department of Real Estate, as follows for the purpose of settling and disposing of the Accusations
21 filed on April 27, 2021, in Case No. H-41983 LA, and on October 3, 2022, in Case No. H-42461
22 LA:

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

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

4 3. On or about May 11, 2021, Respondents filed Notices of Defense pursuant to
5 Section 11506 of the Government Code for the purpose of requesting a hearing on the allegations in
6 the Accusation in Case No. 41983 LA. On or about October 18, 2022, MICHAEL HAMILTON
7 CAMP ("CAMP") filed a Notice of Defense pursuant to Section 11506 of the Government Code
8 for the purpose of requesting a hearing on the allegations in the Accusation in Case No. 42461 LA.
9 Respondents hereby freely and voluntarily withdraw said Notices of Defense. Respondents
10 acknowledge that they understand that by withdrawing said Notices of Defense they will thereby
11 waive their rights to require the Commissioner to prove the allegations in the Accusation at a
12 contested hearing held in accordance with the provisions of the APA and that they will waive other
13 rights afforded to them in connection with the hearing such as the right to present evidence in
14 defense of the allegations in the Accusation and the right to cross-examine witnesses.

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

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

25 6. It is understood by the parties that the Real Estate Commissioner may adopt the
26 Stipulation as his Decision in this matter, thereby imposing the penalty and sanctions on
27 Respondents' real estate licenses and license rights as set forth in the below "Order". In the event

1 that the Commissioner in his discretion does not adopt the Stipulation and Agreement, it shall be
2 void and of no effect, and Respondents shall retain the right to a hearing and proceeding on the
3 Accusation under all the provisions of the APA and shall not be bound by any admission or waiver
4 made herein.

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

9 **DETERMINATION OF ISSUES**

10 By reason of the foregoing stipulations, admissions and waivers and solely for the
11 purpose of settlement of the pending Accusation without a hearing, it is stipulated and agreed that
12 the following determination of issues shall be made:

13 As for Case No. H-41983 LA, the conduct of Respondents, as described in the
14 Accusation, are in violation of California Business and Professions Code (“Code”) 10145, 10159.5,
15 10162, 10176(e) and 10176(g) and Title 10, Chapter 6, California Code of Regulations
16 (“Regulations”) Sections 2715, 2731, 2831, 2831.1, 2831.2, 2832, 2832.1, 2834, 2835(a) and are
17 grounds for the suspension or revocation of all of the real estate license and license rights of
18 Respondents under the provision of Code Section 10177(d) and (g). Further, the conduct of CAMP,
19 as described in the Accusation, are in violation of Code 10159.2 and Regulations Sections 2725 and
20 are grounds for the suspension or revocation of all of the real estate license and license rights of
21 CAMP under the provision of Code Section 10177(h).

22 As for Case No. H-42461 LA, the conduct, acts or omissions of Respondent CAMP,
23 as set forth in the Accusation, are a basis for discipline of Respondent’s real estate license,
24 mortgage loan originator (“MLO”) license endorsement, and license rights pursuant to Code
25 sections 10166.05(c), 10166.051(a), 10166.051(b), 10177(d), 10177(g) and/or 10177(j).

26 ///

27 ///

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

I.

(DISCREET CAPITAL, INC.)

All licenses and license rights of Respondent DISCREET CAPITAL, INC. under the Real Estate Law are suspended for a period of one hundred and eighty (180) days from the effective date of this Decision;

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

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

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

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

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

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

B. The remaining one hundred and fifty (150) days of the one hundred and eighty day suspension shall be stayed for two (2) years upon the following terms and conditions:

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

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

8 II.

9 (MICHAEL HAMILTON CAMP)

10 All licenses and license rights of Respondent MICHAEL HAMILTON CAMP under
11 the Real Estate Law are suspended for a period of one hundred and eighty (180) days from the
12 effective date of this Decision;

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

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

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

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

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

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

4 B. The remaining one hundred and fifty (150) days of the one hundred and eighty
5 (180) day suspension shall be stayed for two (2) years upon the following terms and conditions:

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

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

13 C. All MLO license endorsements and endorsement rights of Respondent under the
14 Real Estate Law are suspended for a period of one hundred and eighty (180) days from the
15 Effective Date of the reinstatement of an MLO license endorsement or the issuance of a new MLO
16 license endorsement.

17 1. Respondent further agrees that Respondent must satisfy the Education and
18 Administrative Penalty provisions prior to reinstatement of their MLO license endorsement or
19 issuance of new MLO license endorsement.

20 2. No MLO license endorsement shall be issued to Respondent, unless
21 Respondent takes and completes, prior to the reinstatement of Respondent's MLO license
22 endorsement or the issuance of a new MLO license endorsement, the following mortgage loan
23 originator education requirements:

24 a) Twenty (20) hours of NMLS approved pre-licensure education
25 ("PE"), which shall consist of fourteen (14) hours of federal law
26 curriculum, three (3) hours of ethics curriculum, and three (3)
27 hours of non-traditional mortgage lending curriculum. None of

1 these twenty (20) hours of PE may be state-specific curriculum;

2 b) Eight (8) hours of continuing education (“CE”), which shall
3 consist of four (4) hours of federal law curriculum, two (2) hours
4 of ethics curriculum, and two (2) hours of non-traditional
5 mortgage lending curriculum. None of these eight (8) hours of CE
6 may be state-specific curriculum.

7 3. Respondent may not take any of the PE provided for in Paragraph 2(a) of
8 this Section in an online self-study format (“OSS”). Respondent may take the CE provided for in
9 Paragraph 2(b) in any format.

10 4. For a period of three (3) years from the Effective Date of this Order,
11 Respondent shall be required to complete any additional PE and/or CE required under the SAFE
12 Act in a format other than OSS. If Respondent fails to comply with this condition, the renewal
13 application or new application of Respondent will be deemed incomplete by the Department.

14 5. If Respondent fails to timely satisfy the education provided for in
15 Paragraph 2 of this section, Respondent’s MLO license endorsement shall remain suspended until
16 Respondent presents evidence satisfactory to the Commissioner of having taken and successfully
17 completed the education requirements.

18 6. Respondent agrees that the CE provided for in Paragraph 2 of this section
19 is in addition to any NMLS education required for licensure under the SAFE Act. The CE provided
20 for in Paragraph 2 will not count toward satisfying 2024 standard SAFE Act CE requirements.

21 7. Respondent further agrees that the Department may exercise its
22 examination or investigative authority pursuant to the normal process for such authorized under the
23 Real Estate Law and Commissioner’s Regulations in the instance a determination is made wherein
24 Respondent is found to be in violation of the education requirements under this section.

25 D. All licenses and licensing rights of Respondent are indefinitely suspended unless
26 or until Respondent pays an administrative penalty of \$1,500.00. Said payment shall be in the form
27 of a cashier’s check made payable to the Department of Real Estate. The payment must be

1 delivered to the Department of Real Estate, Flag Section, at P.O. Box 137013, Sacramento, CA
2 95813-7013, prior to the Effective Date of this Decision and Order.

3 III.

4 (DISCREET CAPITAL, INC. and MICHAEL HAMILTON CAMP)


5 A. All licenses and licensing rights of Respondents are indefinitely suspended unless
6 or until Respondents pay the sum of \$5,533.55 (\$2,677.55 investigation cost and \$2,856.00 for
7 enforcement cost) for the Commissioner's reasonable costs of the investigation and enforcement
8 which led to this disciplinary action. Said payment shall be in the form of a cashier's check made
9 payable to the Department of Real Estate. **The payment for the investigative and enforcement**
10 **costs must be delivered to the Department of Real Estate, Flag Section at P.O. Box 137013,**
11 **Sacramento, CA 95813-7013, prior to the effective date of this Decision and Order. If**
12 Respondents fail to satisfy this condition, the Commissioner shall order suspension of
13 Respondents' licenses and license rights until the sum is paid.

14 B. Pursuant to Code Sections 10148, Respondents shall pay the Commissioner's
15 reasonable costs for the audit which led to this disciplinary action in the amount of \$10,523.80, or
16 show proof of payment. Respondents shall pay such costs within sixty (60) days of receiving an
17 invoice therefore from the Commissioner. Payment of the audit costs should not be made until
18 Respondents receives the invoice. If Respondents fails to satisfy this condition in a timely manner
19 as provided for herein, Respondents' real estate licenses shall automatically be suspended until
20 payment is made in full, or until a decision providing otherwise is adopted following a hearing held
21 pursuant to this condition.

22 C. Pursuant to Code section 10148 of the Code, Respondents shall pay the
23 Commissioner's reasonable costs, not to exceed \$13,154.75, for a subsequent audit to determine if
24 Respondents has corrected the violations found in the Determination of Issues. In calculating the
25 amount of the Commissioner's reasonable costs, the Commissioner may use the estimated average
26 hourly salary for all persons performing audits of real estate brokers, and shall include an allocation
27 for travel time to and from the auditor's place of work. Respondents shall pay such costs within

1 sixty (60) days of receiving an invoice therefor from the Commissioner. Payment of the audit costs
2 should not be made until Respondents receive the invoice. If Respondents fail to satisfy this
3 condition in a timely manner as provided for herein, Respondents' real estate licenses shall
4 automatically be suspended until payment is made in full, or until a decision, providing otherwise,
5 is adopted following a hearing held pursuant to this condition.

6
7 DATED: 4/27/2023


Kevin H. Sun, Counsel for
Department of Real Estate

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10 * * *

11 **EXECUTION OF THE STIPULATION**

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

19 Respondents shall mail the original signed signature page of the stipulation herein to
20 Kevin H. Sun, Attention: Legal Section, Department of Real Estate, 320 W. Fourth St., Suite 350,
21 Los Angeles, California 90013-1105.

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

1 Respondents as if the Department had received the original signed Stipulation. Respondents shall
2 also mail the original signed signature page of this Stipulation to the Department counsel.

3 Respondents' signatures below constitute acceptance and approval of the terms and
4 conditions of this Stipulation. Respondents agree, acknowledge and understand that by signing this
5 Stipulation, Respondents are bound by its terms as of the date of such signatures and that this
6 agreement is not subject to rescission or amendment at a later date except by a separate Decision
7 and Order of the Real Estate Commissioner.

8 [Redacted]
9 DATED: 4-27-23
10 DISCREET CAPITAL, INC.
11 Respondent
12 By: [Redacted]

13 DATED: 4-27-23
14 MICHAEL HAMILTON CAMP
15 Respondent

16 DATED: 4-27-23
17 [Redacted]
18 Frank M. Buda, Esq.
19 Counsel for Respondents
20 Approved as to Form

21 * * *

22 The foregoing Stipulation and Agreement is hereby adopted as my Decision as to
23 Respondents DISCREET CAPITAL, INC. and MICHAEL HAMILTON CAMP in this matter and
24 shall become effective at 12 o'clock noon on August 9, 2023.

25 IT IS SO ORDERED 7.12.23, 2023.

26 DOUGLAS R. McCAULEY
27 REAL ESTATE COMMISSIONER

[Redacted]