

FILED

NOV 19 2012

DEPARTMENT OF REAL ESTATE

By K. Contreras

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

CAL-PRO MORTGAGE INC., a Corporation,
CAMERON THOMAS PANNABECKER,
R B S GROUP INC., a Corporation, and
RONALD ANTHONY CUTLER,

Respondents.

NO. H-5477 SAC
(As to R B S Group, Inc., Only)

ORDER ACCEPTING VOLUNTARY SURRENDER

On September 21, 2010, an Accusation was filed in this matter against Respondents CAL-PRO MORTGAGE INC., a Corporation, CAMERON THOMAS PANNABECKER, R B S GROUP INC., a Corporation, and RONALD ANTHONY CUTLER.

By Declaration signed for R B S GROUP INC., by Designated Officer-Broker Ronald Anthony Cutler, dated September 19, 2012, Respondent R B S GROUP, INC., only, petitioned the Real Estate Commissioner to voluntarily surrender its real estate license pursuant to Section 10100.2 of the Business and Professions Code.

IT IS HEREBY ORDERED that the petition of Respondent R B S GROUP INC., only, for the voluntary surrender of its real estate license is accepted as of the effective date of


1 this Order as set forth below, based upon the understanding and agreement expressed in the
2 Declaration of Respondent R B S GROUP INC., only, dated September 19, 2012 (attached hereto
3 as Exhibit "A"). Respondent's license certificate and pocket cards shall be sent to the below
4 listed address so that they reach the Department of Real Estate on or before the effective date of
5 this Order:

6
7 **DEPARTMENT OF REAL ESTATE**
8 **Attn: Licensing Flag Section**
9 P. O. Box 187000
10 Sacramento, CA 95818-7000

11 This Order shall become effective at 12 o'clock noon on December 10, 2012.

12 DATED: 11/16/2012

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14 Real Estate Commissioner

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17 By WAYNE S. BELL
18 Chief Counsel
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STATE OF CALIFORNIA

In the Matter of the Accusation of

CAL-PRO MORTGAGE INC., a Corporation,
CAMERON THOMAS PANNABECKER
R B S GROUP INC., a Corporation, and
RONALD ANTHONY CUTLER,

NO. H-5477 SAC

(As to R B S GROUP INC., Only)

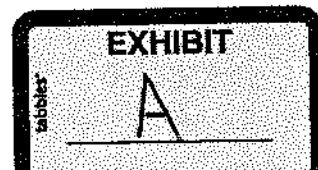
Respondents.

DECLARATION

My name is RONALD ANTHONY CUTLER, I am currently licensed as a real estate broker individually and as designated officer-broker for R B S GROUP INC. (herein "RBS") and have license rights with respect to both licenses. I am not represented by an attorney.

In lieu of proceeding in this matter in accordance with the provisions of the Administrative Procedure Act (Sections 11400 et seq., of the Government Code), I wish to voluntarily surrender the corporate real estate broker license of RBS issued by the Department of Real Estate (herein the "Department") pursuant to Business and Professions Code Section 10100.2.

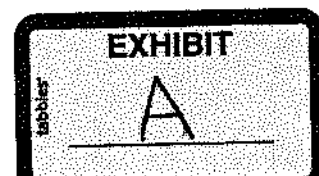
I understand that by so voluntarily surrendering the license of RBS, RBS may be relicensed as a corporate broker only by petitioning for reinstatement pursuant to Section 11522



1 of the Government Code.

2 I also understand that by so voluntarily surrendering RBS' license, RBS agrees to
3 the following:

- 4 1. The filing of this Declaration shall be deemed as RBS' petition for voluntary
5 surrender.
- 6 2. It shall also be deemed to be an understanding and agreement by me on
7 behalf of RBS, that RBS waive all rights it has to require the Commissioner
8 to prove the allegations contained in the Accusation filed in this matter at a
9 hearing held in accordance with the provisions of the Administrative
10 Procedure Act (Government Code Sections 11400 et seq.), and that RBS
11 also waives other rights afforded in connection with the hearing such as the
12 right to discovery, the right to present evidence in defense of the allegations
13 in the Accusation and the right to cross-examine witnesses.
- 14 3. I, on behalf of RBS, further agree that upon acceptance by the
15 Commissioner, as evidenced by an appropriate order, all affidavits and all
16 relevant evidence obtained by the Department in this matter prior to the
17 Commissioner's acceptance, and all allegations contained in the Accusation
18 filed in the Department Case No. H-5477 SAC, may be considered by the
19 Department to be true and correct for the purpose of deciding whether to
20 grant relicensure or reinstatement pursuant to Government Code Section
21 11522.
- 22 4. This voluntary surrender and RBS' decision not to contest the Accusation
23 are made for the purpose of reaching an agreed disposition of this
24 proceeding, and, except as set forth above, shall not be admissible in any
25 other criminal or civil proceedings.
- 26 5. I, on behalf of RBS, freely and voluntarily surrender its license and license
27 rights under the Real Estate Law.



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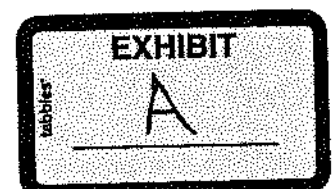
I declare under penalty of perjury under the laws of the State of California
that the above is true and correct and that this declaration was executed at:

Stockton, California.

RBS INVESTMENTS, INC.
Respondent

9/19/2012
Dated

By: Ronald Anthony Cutler
RONALD ANTHONY CUTLER
Designated Officer - Broker



1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187007
3 Sacramento, CA 95818-7007

4 Telephone: (916) 227-0789

FILED

NOV 19 2012

DEPARTMENT OF REAL ESTATE

By K. Contreras

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

11 * * *

12 In the Matter of the Accusation of)	
)	
13 CAL-PRO MORTGAGE INC.,)	NO. H-5477 SAC
14 a Corporation,)	
15 CAMERON THOMAS PANNABECKER,)	<u>STIPULATION AND AGREEMENT</u>
16 R B S GROUP INC., a Corporation, and)	<u>IN SETTLEMENT AND ORDER</u>
RONALD ANTHONY CUTLER,)	(as to Respondent CUTLER only)
)	
17 Respondents.)	
)	

18
19 It is hereby stipulated by and between RONALD ANTHONY CUTLER
20 (herein "Respondent") and the Complainant, acting by and through Mary F. Clarke, Counsel for
21 the Department of Real Estate (herein "the Department"), as follows for the purpose of settling
22 and disposing of the Accusation filed on September 21, 2010, in this matter:

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

1 2. Respondent has received, read and understands the Statement to Respondent,
2 the Discovery Provisions of the APA, and the Accusation filed by the Department in this
3 proceeding.

4 3. A Notice of Defense was filed on November 8, 2010, by Respondent pursuant
5 to Section 11505 of the Government Code for the purpose of requesting a hearing on the
6 allegations in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice
7 of Defense. Respondent acknowledges that he understands that by withdrawing said Notice of
8 Defense, he will thereby waive his right to require the Real Estate Commissioner (herein "the
9 Commissioner") to prove the allegations in the Accusation at a contested hearing held in
10 accordance with the provisions of the APA and that he will waive other rights afforded to him in
11 connection with the hearing such as the right to present evidence in defense of the allegations in
12 the Accusation and the right to cross-examine witnesses.

13 4. Respondent, pursuant to the limitations set forth below, hereby admits that the
14 factual allegations pertaining to him in the Accusation filed in this proceeding are true and
15 correct, except for the misrepresentation and/or negligence allegation, as described on Page 11,
16 Paragraph 26, subsection (l) of the Accusation; and the Commissioner shall not be required to
17 provide further evidence of such allegations.

18 5. It is understood by the parties that the Commissioner may adopt the
19 Stipulation and Agreement in Settlement and Order as his decision in this matter thereby
20 imposing the penalty and sanctions on Respondent's real estate license and license rights as set
21 forth in the below "Order". In the event that the Commissioner in his discretion does not
22 adopt the Stipulation and Agreement in Settlement and Order, it shall be void and of no effect,
23 and Respondent shall retain the right to a hearing and proceeding on the Accusation under all
24 the provisions of the APA and shall not be bound by any admission or waiver made herein.

25 6. The Order or any subsequent Order of the Commissioner made pursuant to
26 this Stipulation and Agreement in Settlement and Order shall not constitute an estoppel,
27 merger, or bar to any further administrative or civil proceedings by the Department with

respect to any matters which were not specifically alleged to be causes for accusation in this proceeding.

7. Respondent understands that by agreeing to this Stipulation and Agreement in Settlement and Order, Respondent agrees to pay, pursuant to Section 10148 of the California Business and Professions Code (herein the "Code"), the cost of the audit which resulted in the determination that Respondent committed the trust fund violations found below in the Determination of Issues. The amount of said cost is \$5,964.55.

8. Respondent further understands that by agreeing to this Stipulation and Agreement in Settlement and Order, the findings set forth below in the Determination of Issues become final, and that the Commissioner may charge Respondent for the costs of any audit conducted pursuant to Section 10148 of the Code to determine if the trust fund violations found below in the Determination of Issues have been corrected. The maximum costs of said audit shall not exceed \$5,964.55.

DETERMINATION OF ISSUES

I

The acts and omissions of Respondent as described in the Accusation are grounds for the suspension or revocation of the licenses and license rights of Respondent under the following provisions of the Code, and/or Chapter 6, Title 10, of the California Code of Regulations (herein “the Regulations”):

- (a) as to Paragraph 26(a) under Section 10145 of the Code and Section 2832.1 of the Regulations in conjunction with Section 10177(d) of the Code;
- (b) as to Paragraph 26(b) under Section 10145 of the Code and 2832 of the Regulations in conjunction with Section 10177(d) of the Code;
- (c) as to Paragraph 26(c) under Section 2831 of the Regulations in conjunction with Section 10177(d) of the Code;
- (d) as to Paragraph 26(d) under Section 10145 of the Code and Section 2831.1 of the Regulations in conjunction with Section 10177(d) of the Code;

- 1 (e) as to Paragraph 26(e) under Section 10238(f) of the Code in conjunction
2 with Section 10177(d) of the Code;
- 3 (f) as to Paragraph 26(f) under Section 2846.7 of the Regulations in conjunction
4 with Section 10177(d) of the Code;
- 5 (g) as to Paragraph 26(g) under Section 10238(e) of the Code in conjunction
6 with Section 10177(d) of the Code;
- 7 (h) as to Paragraph 26(h) under Section 10234 of the Code in conjunction with
8 Section 10177(d) of the Code;
- 9 (i) as to Paragraph 26(i) under Sections 10232.4 and 10234.5 of the Code in
10 conjunction with Section 10177(d) of the Code;
- 11 (j) as to Paragraph 26(j) under Section 10160 of the Code and Section 2753 of
12 the Regulations in conjunction with Section 10177(d) of the Code; and
- 13 (k) as to Paragraph 26(k) under Section 10130 of the Code in conjunction with
14 Section 10177(d) of the Code.

15 ORDER

16 A. All licenses and licensing rights of Respondent under the Real Estate Law are
17 revoked; provided, however, a restricted real estate broker license shall be issued to Respondent
18 pursuant to Section 10156.5 of the Code if:

- 19 1. Within 90 days from the effective date of the Decision entered pursuant
20 to this Order, Respondent, prior to and as a condition of the issuance of
21 said restricted license makes application for the restricted license and
22 pays to the Department the appropriate fee therefor;
- 23 2. provides proof satisfactory to the Commissioner that Respondent has,
24 within one hundred twenty (120) days prior to the effective date of the
25 Decision, herein completed the continuing education course on trust fund
26 accounting and handling specified in subdivision (a) of Section 10170.5 of
27 the Code; and

1 3. Respondent submits to the Department, prior to the effective date of the
2 Decision herein, Annual Trust Account Reports for the years 2008
3 through 2011, as described in Section 10232.2 of the Code and Section
4 2846.7 of the Regulations.

5 B. The restricted license issued to Respondent shall be subject to all of the
6 provisions of Section 10156.7 of the Code and to the following limitations, conditions, and
7 restrictions imposed under authority of Section 10156.6 of the Code:

8 1. The restricted license issued to Respondent may be suspended prior to
9 hearing by Order of the Commissioner in the event of Respondent's
10 conviction or plea of nolo contendere to a crime which is substantially
11 related to Respondent's fitness or capacity as a real estate licensee.

12 2. The restricted license issued to Respondent may be suspended prior to
13 hearing by Order of the Commissioner on evidence satisfactory to the
14 Commissioner that Respondent has violated provisions of the California
15 Real Estate Law, the Subdivided Lands Law, Regulations of the Real
16 Estate Commissioner, or conditions attaching to the restricted license.

17 3. Respondent shall not be eligible to apply for the issuance of an
18 unrestricted real estate license or for the removal of any of the conditions,
19 limitations, or restrictions of a restricted license until two (2) years have
20 elapsed from the effective date of this Order.

21 4. Respondent shall, within nine (9) months from the effective date of the
22 Order, present evidence satisfactory to the Commissioner that
23 Respondent has, since the most recent issuance of an original or renewal
24 real estate license, taken and successfully completed the continuing
25 education requirements of Article 2.5 of Chapter 3 of the Real Estate
26 Law for renewal of a real estate license. If Respondent fails to satisfy
27 this condition, the Commissioner may order the suspension of the

1 restricted license until Respondent presents such evidence. The
2 Commissioner shall afford Respondent the opportunity for a hearing
3 pursuant to the APA to present such evidence.

4 5. Respondent understands that by agreeing to this Stipulation and
5 Agreement, Respondent agrees to pay, pursuant to Section 10148 of the
6 Code, the cost of the audit which resulted in the determination that
7 Respondent committed the trust fund violations found above in Paragraph
8 I of the Determination of Issues. The amount of said costs is \$5,964.55.

9 6. Respondent shall pay the Commissioner's costs, not to exceed \$5,964.55,
10 of any audit conducted pursuant to Section 10148 of the Code to
11 determine if Respondent has corrected the violations described above in
12 Paragraph I of the Determination of Issues. In calculating the amount of
13 the Commissioner's reasonable cost, the Commissioner may use the
14 estimated average hourly salary for all persons performing audits of real
15 estate brokers, and shall include an allocation for travel time to and from
16 the auditor's place of work. Respondent shall pay such cost within 60
17 days of receiving an invoice therefore from the Commissioner detailing
18 the activities performed during the audit and the amount of time spent
19 performing those activities. If Respondent fails to pay such cost within
20 the 60 days, the Commissioner may in his discretion indefinitely suspend
21 all license and licensing rights of Respondent under the Real Estate Law
22 until payment is made in full or until Respondent enters into an
23 agreement satisfactory to the Commissioner to provide for payment.
24 Upon payment in full, the indefinite suspension provided in this
25 paragraph shall be stayed.

26 7. Respondent shall, within six (6) months from the issuance of the
27 restricted license, take and pass the Professional Responsibility

1 Examination administered by the Department, including the payment
2 of the appropriate examination fee. If Respondent fails to satisfy this
3 condition, the Commissioner may order the suspension of the restricted
4 license until Respondent passes the examination.

5
6 10-29-12

DATED

7 MARY F. CLARKE, Counsel
8 DEPARTMENT OF REAL ESTATE

9 I have read the Stipulation and Agreement in Settlement and Order and its terms
10 are understood by me and are agreeable and acceptable to me. I understand that I am waiving
11 rights given to me by the California APA (including but not limited to Sections 11506, 11508,
12 11509, and 11513 of the Government Code), and I willingly, intelligently, and voluntarily waive
13 those rights, including the right of requiring the Commissioner to prove the allegations in the
14 Accusation at a hearing at which I would have the right to cross-examine witnesses against me
15 and to present evidence in defense and mitigation of the charges.

16 October 26, 2012

DATED

17 RONALD ANTHONY CUTLER
18 Respondent

19
20 The foregoing Stipulation and Agreement in Settlement and Order is hereby
21 adopted by me as my Decision in this matter and shall become effective at 12 o'clock noon on

22 December 10, 2012.

23 IT IS SO ORDERED 11/16/2012.

24 Real Estate Commissioner

25 By WAYNE S. BELL
26 Chief Counsel
27