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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

13
14 Real Estate Commissioner

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16 

17 By WAYNE S. BELL
18 Chief Counsel

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8

BEFORE THE DEPARTMENT OF REAL ESTATE

9

STATE OF CALIFORNIA

10

11

In the Matter of the Accusation of

NO. H-5477 SAC

12

CAL-PRO MORTGAGE INC., a Corporation,

13

CAMERON THOMAS PANNABECKER

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

14

R B S GROUP INC., a Corporation, and

15

RONALD ANTHONY CUTLER,

Respondents.

16

DECLARATION

17

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.

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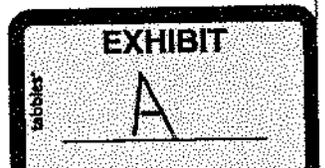
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In lieu of proceeding in this matter in accordance with the provisions of the Administrative Procedure Act (Sections 11400 et seq., of the Government Code), I wish to voluntarily surrender the corporate real estate broker license of RBS issued by the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

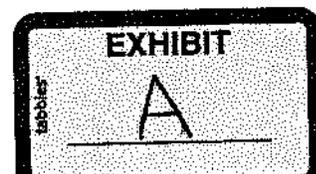
I understand that by so voluntarily surrendering the license of RBS, RBS may be relicensed as a corporate broker only by petitioning for reinstatement pursuant to Section 11522



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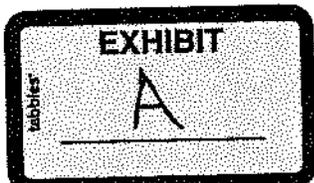
I declare under penalty of perjury under the laws of the State of California
that the above is true and correct and that this declaration was executed at:

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,) STIPULATION AND AGREEMENT
16 R B S GROUP INC., a Corporation, and) IN SETTLEMENT AND ORDER
17 RONALD ANTHONY CUTLER,) (as to Respondent CUTLER only)
18 Respondents.)

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

- 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.

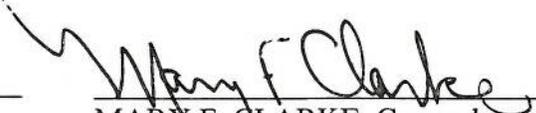
26 7. Respondent shall, within six (6) months from the issuance of the
27 restricted license, take and pass the Professional Responsibility

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

10-29-12

DATED


MARY F. CLARKE, Counsel
DEPARTMENT OF REAL ESTATE

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

October 26, 2012

DATED


RONALD ANTHONY CUTLER
Respondent

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

December 10, _____, 2012.

IT IS SO ORDERED 11/16/ _____, 2012.

Real Estate Commissioner


By WAYNE S. BELL
Chief Counsel

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FILED

AUG 16 2012

DEPARTMENT OF REAL ESTATE

By H. 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 Cameron Thomas Pannabecker
and Cal-Pro Mortgage, 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 February 16, 2012, Respondents CAMERON THOMAS PANNABECKER, and CAL-PRO MORTGAGE INC., only, petitioned the Real Estate Commissioner to voluntarily surrender their real estate licenses pursuant to Section 10100.2 of the Business and Professions Code.

IT IS HEREBY ORDERED that the petition of Respondents CAMERON THOMAS PANNABECKER, and CAL-PRO MORTGAGE INC., only, for the voluntary

1 surrender of their real estate licenses is accepted as of the effective date of this Order as set forth
2 below, based upon the understanding and agreement expressed in the Declaration of
3 Respondents CAMERON THOMAS PANNABECKER, and CAL-PRO MORTGAGE INC.,
4 only, dated February 16, 2012 (attached hereto as Exhibit "A"). Respondents' license certificates
5 and pocket cards shall be sent to the below listed address so that they reach the Department of
6 Real Estate on or before the effective date of this Order:

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

12 This Order shall become effective at 12 o'clock noon on September 5, 2012.

13 DATED: _____

14 *August 13, 2012*

15 Real Estate Commissioner

16 

17
18 By WAYNE S. BELL
19 Chief Counsel

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BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

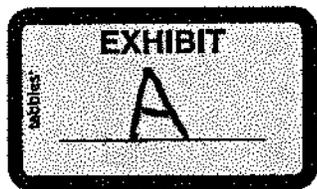
In the Matter of the Accusation of)
)
CAL-PRO MORTGAGE INC., a Corporation,)
CAMERON THOMAS PANNABECKER,)
R B S GROUP INC., a Corporation, and)
RONALD ANTHONY CUTLER,)
)
Respondent.)

NO. H-5477 SAC
(As to Cameron Thomas Pannabecker and
Cal-Pro Mortgage, Inc., Only)

DECLARATION

My name is CAMERON THOMAS PANNABECKER, I am currently licensed as a real estate broker individually and as designated officer-broker for CAL-PRO MORTGAGE INC. (herein "CAL-PRO") and have license rights with respect to both licenses. I am representing myself in this matter.

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 my real estate license, and that of CAL-PRO, issued by the Department of Real Estate (herein the "Department") pursuant to Section 10100.2 of the Business and Professions Code.



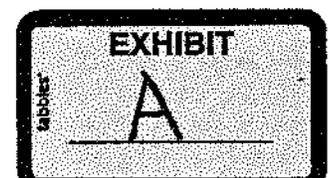
1 I understand that by so voluntarily surrendering my license, I may be relicensed as
2 a broker or salesperson only by petitioning for reinstatement pursuant to Section 11522 of the
3 Government Code.

4 I understand that by so voluntarily surrendering the license of CAL-PRO, CAL-
5 PRO may be relicensed as a real estate corporation only by petitioning for reinstatement pursuant
6 to Section 11522 of the Government Code.

7 I also understand that by so voluntarily surrendering the licenses, CAL-PRO and I
8 agree to the following:

- 9 1. The filing of this Declaration shall be deemed as my petition, and the
10 petition for CAL-PRO, for voluntary surrender.
- 11 2. It shall also be deemed to be an understanding and agreement by me on my
12 behalf, and on behalf of CAL-PRO, that I and CAL-PRO waive all rights we
13 have to require the Commissioner to prove the allegations contained in the
14 Accusation filed in this matter at a hearing held in accordance with the
15 provisions of the Administrative Procedure Act (Government Code Sections
16 11400 et seq.), and that I and CAL-PRO also waive other rights afforded in
17 connection with the hearing such as the right to discovery, the right to
18 present evidence in defense of the allegations in the Accusation, and the
19 right to cross-examine witnesses.
- 20 3. I and CAL-PRO further agree that upon acceptance by the Commissioner, as
21 evidenced by an appropriate order, all affidavits and all relevant evidence
22 obtained by the Department in this matter prior to the Commissioner's
23 acceptance, and all allegations contained in the Accusation filed in the
24 Department Case No. H-5477 SAC, may be considered by the Department to
25 be true and correct for the purpose of deciding whether to grant relicensure
26 or reinstatement pursuant to Government Code Section 11522.

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- 4. This voluntary surrender and Respondents' decision not to contest the Accusation are made for the purpose of reaching an agreed disposition of this proceeding, and, except as set forth above, shall not be admissible in any other criminal or civil proceedings.
- 5. CAL-PRO and I freely and voluntarily surrender all licenses and license rights under the Real Estate Law.

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:

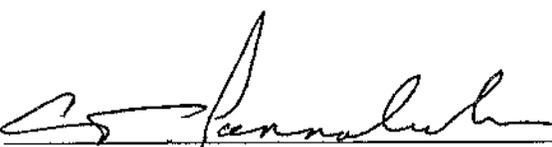
Stockton, California.

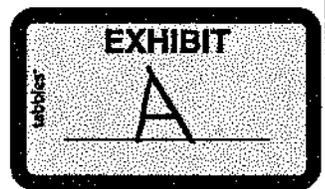
CAL-PRO MORTGAGE INC.
Respondent

2-16-12
Dated

By: 
CAMERON THOMAS PANNABECKER
Designated Officer - Broker

2-16-12
Dated


CAMERON THOMAS PANNABECKER
Respondent



1 MARY F. CLARKE, Counsel (SBN.186744)
2 Department of Real Estate
3 P. O. Box 187007
4 Sacramento, CA 95818-7007

5 Telephone: (916) 227-0789
6 -or- (916) 227-0780 (Direct)

FILED

SEP 21 2010

DEPARTMENT OF REAL ESTATE

H. Contreras

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

10 In the Matter of the Accusation of)
11)
12 CAL-PRO MORTGAGE INC., a Corporation,)
13 CAMERON THOMAS PANNABECKER,)
14 R B S GROUP INC., a Corporation, and)
15 RONALD ANTHONY CUTLER,)
16 Respondents.)

NO. H-5477 SAC

ACCUSATION

15 The Complainant, TRICIA SOMMERS, a Deputy Real Estate Commissioner of
16 the State of California, for cause of Accusation against CAL-PRO MORTGAGE INC. (herein
17 "CAL-PRO") dba "The Mortgage Modification Center of Stockton," CAMERON THOMAS
18 PANNABECKER (herein "PANNABECKER"), R B S GROUP INC. (herein "R B S") dba
19 "Mortgage Modification Center," and RONALD ANTHONY CUTLER (herein "CUTLER")
20 dba's "SF Servicing," "Suntec Financial," and "Suntec Properties," (herein collectively
21 "Respondents"), is informed and alleges as follows:

22 1.

23 The Complainant makes this Accusation in her official capacity.

24 2.

25 At all times herein mentioned, Respondents were and now are, licensed and/or
26 have license rights under the Real Estate Law (Part 1 of Division 4 of the Business and
27 Professions Code) (herein "the Code").

1. 3.

2 At all times herein mentioned, CAL-PRO was and now is licensed by the State of
3 California Department of Real Estate (herein the "Department") as a corporate real estate broker
4 by and through PANNABECKER as designated officer-broker of CAL-PRO, to qualify said
5 corporation and to act for said corporation as a real estate broker.

6 4.

7 At all times herein mentioned, PANNABECKER was and now is licensed by the
8 Department as a real estate broker, individually and as designated officer-broker of CAL-PRO.
9 As said designated officer-broker, PANNABECKER was at all times mentioned herein
10 responsible pursuant to Section 10159.2 of the Code for the supervision of the activities of the
11 officers, agents, real estate licensees and employees of CAL-PRO for which a license is required.

12 5.

13 At all times herein mentioned, R B S was, effective January 23, 2009, and now is
14 licensed by the Department as a corporate real estate broker by and through CUTLER as designated
15 officer-broker of R B S, to qualify said corporation and to act for said corporation as a real estate broker.

16 6.

17 At all times herein mentioned, CUTLER was and now is licensed by the
18 Department as a real estate broker, individually and as designated officer-broker of R B S. As
19 said designated officer-broker, CUTLER was at all times mentioned herein responsible pursuant
20 to Section 10159.2 of the Code for the supervision of the activities of the officers, agents, real
21 estate licensees, and employees of R B S, for which a license is required.

22 7.

23 Between about October 2008 and about January 2009, Respondents were in
24 business together to provide loan modifications.

25 8.

26 At all times herein mentioned, Respondents engaged in the business of, acted in
27 the capacity of, advertised, or assumed to act as real estate brokers within the State of California

1 within the meaning of Section 10131(d) of the Code, including the operation and conduct of
2 mortgage loan brokerages with the public wherein, on behalf of others, for compensation or in
3 expectation of compensation, Respondents solicited lenders or borrowers for or negotiated loans or
4 collected payments or performed services for borrowers or lenders or note owners in connection
5 with loans secured directly or collaterally by liens on real property or on a business opportunity.

6 9.

7 In so acting as real estate brokers, as described in Paragraph 8 above, Respondents
8 received funds in trust (herein "trust funds") from or on behalf of borrowers, lenders, and/or
9 others in connection with the negotiation and collection of payments.

10 FIRST CAUSE OF ACCUSATION – CAL-PRO

11 10.

12 The allegations of Paragraphs 1 through 9 are incorporated herein by reference.

13 11.

14 The aforesaid trust funds accepted or received by Respondent CAL-PRO were
15 deposited or caused to be deposited by Respondent CAL-PRO into one or more bank accounts
16 (herein "trust fund accounts") maintained by Respondent CAL-PRO for the handling of trust
17 funds at the following branches in Stockton, California:

- 18 (a) Bank of Stockton, "Cal-Pro Mortgage Inc., DBA The Mortgage
19 Modification Center" account number 1285003198 (herein "CAL-PRO
20 Trust Account #1"); and,
21 (b) Bank of Stockton, "Cal-Pro Mortgage Inc.," account number 2242932801
22 (herein "CAL-PRO/PANNABECKER Account #2").

23 12.

24 On about April 28, 2008, Respondent CAL-PRO, through Respondent
25 PANNABECKER, entered into a Mortgage Modification Agreement Terms and Conditions and
26 a Modified Service Agreement (Addendum) with Iqtador and Tehmina Ahmed (herein "the
27 Ahmed's") for real property located at 3219 Millspring, Stockton, CA 95219.

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13.

On about April 29, 2008 and about May 16, 2008, Respondent CAL-PRO, through Respondent PANNABECKER, collected advance fees from the Ahmed's in the amount of approximately \$700.00 and \$800.00, respectively.

14.

On about November 3, 2008, Respondent CAL-PRO, through Todd Braden, Mortgage Consultant, entered into a Mortgage Modification Agreement Terms and Conditions and a Fee Agreement with David G. and Shelly Anderson (herein "the Anderson's") for real property located at 144 Indiana St., Woodbridge, CA 95258, and collected advanced fees in the amount of approximately \$750.00.

15.

At all times herein mentioned, Respondent CAL-PRO failed to submit to the Department any or all materials used in advanced fee agreements, including but not limited to the contract form, any letters or cards used to solicit prospective sellers, and radio and television advertising, at least 10 calendar days before it was used in obtaining said advance fee agreement, as described in Paragraphs 12-14, above, in violation of Section of 10085 of the Code and Section 2970 of Title 10, Chapter 6 of the California Code of Regulations (herein "the Regulations").

16.

At all times herein mentioned, Respondent CAL-PRO claimed and/or demanded and/or charged advance fees for performing services in connection with loans to be secured directly or collaterally by a lien on real property, as described in Paragraphs 13-14, above, in violation of Section 10085.5 of the Code.

17.

Between about January 1, 2008 and February 28, 2009, in connection with Respondent CAL-PRO's loan brokerage activities described in Paragraph 8, above, Respondent CAL-PRO:

- (a) caused, suffered or permitted the balance of funds in CAL-PRO Trust Account #1 to be reduced to an amount, which as of February 23, 2008, was

1 approximately \$9,971.00 less than the aggregate liability of Respondent
2 CAL-PRO to all owners of such funds, without the prior written consent of
3 the owners of such funds, in violation of Section 2832.1 of the Regulations;

- 4 (b) failed to place trust funds in CAL-PRO/PANNABECKER Account #2,
5 entrusted to Respondent CAL-PRO into the hands of a principal on whose
6 behalf the funds were received, into a neutral escrow depository, or into a
7 trust fund account in the name of Respondent CAL-PRO as trustee at a bank
8 or other financial institution, in conformance with the requirements of
9 Sections 10145 and 10146 of the Code and Section 2832 of the Regulations;
- 10 (c) failed to keep a separate record for each beneficiary or transaction for CAL-
11 PRO/PANNABECKER Account #2 containing all the information required
12 by Section 10145 of the Code and Section 2831.1 of the Regulations;
- 13 (d) failed to reconcile at least once a month, the balance of all separate
14 beneficiary or transaction records with CAL-PRO Trust Account #1 and
15 CAL-PRO/PANNABECKER Account #2, as required by Section 2831.2 of
16 the Regulations
- 17 (e) failed to provide quarterly accountings of advanced fees to borrowers, in
18 violation of Section 2972 of the Regulations; and
- 19 (f) as of February 23, 2009, authorized Cheryl Pannabecker an unlicensed
20 person without fidelity bond coverage, to make withdrawals from CAL-PRO
21 Trust Account #1, in violation of Section 2834 of the Regulations.

22 SECOND CAUSE OF ACCUSATION – PANNABECKER

23 18.

24 The allegations of Paragraphs 1 through 17 are incorporated herein by reference.

25 19.

26 The aforesaid trust funds accepted or received by Respondent PANNABECKER
27 were deposited or caused to be deposited by Respondent PANNABECKER into one or more

1 bank accounts (herein "trust fund accounts") maintained by Respondent PANNABECKER for
2 the handling of trust funds at the following branches in Stockton, California:

3 (a) Bank of Stockton, "Cal-Pro Mortgage Inc.," account number 2242932801
4 (previously named "CAL-PRO/PANNABECKER Account #2," as
5 described in Paragraph 11(b), above); and,

6 (b) Bank of Stockton, "MACPAC LLC DBA The Mortgage Modification
7 Center" account number 2242343501 (herein "PANNABECKER
8 Account #2").

9 20.

10 Between about January 1, 2008 and February 28, 2009, in connection with
11 Respondent PANNABECKER's loan brokerage activities described in Paragraph 8, above,
12 Respondent PANNABECKER:

13 (a) through Synthia Wright (herein "Wright"), entered into loan modification
14 agreements and collected advanced fees, , prior to submission to the
15 Department of any or all materials used in advanced fee agreements from
16 the following borrowers, in violation of Sections 10085 and 10085.5 of the
17 Code and Section 2970 of the Regulations:

<u>Borrower Names</u>	<u>Date Funds Received</u>	<u>Amount</u>	<u>Property Address</u>
Perry Cole	5/23/08	\$750	817 Camphor Way, Lodi, CA
Jose Coba	5/23/08 & 6/6/08	\$375 ea	3114 N. F St., Stockton, CA
Paulo & Kandi Munaro	6/9/08	\$750	1505 Longview Ave. Stockton, CA
Jose & Lisa Moreno	6/10/08	\$750	8417 Kellie Way Stockton, CA
Arlene Yanez	6/10/08 & 6/27/08	\$750 ea	307 Pardee, Stockton, CA
David & Katherine Iles	7/3/08	\$750	108 N Anteros Ave. Stockton, CA
Margarito & Katherine N. Ortega	7/8/08	\$750	2191 East Myrtle St. Stockton, CA

- 1 (b) employed and compensated Wright, an individual not affiliated with
2 Respondent PANNABECKER's broker license, for performing the licensed
3 activities described in Paragraph 20(a), above, in violation of Sections
4 10130 and 10137 of the Code;
- 5 (c) as of November 30, 2008, failed to place trust funds entrusted to Respondent
6 PANNABECKER into the hands of a principal on whose behalf the funds
7 were received; into a neutral escrow depository, or into a trust fund account
8 in the name of Respondent PANNABECKER as trustee at a bank or other
9 financial institution, for CAL-PRO/PANNABECKER Account #2 and
10 PANNABECKER Account and #2 in conformance with the requirements
11 of Sections 10145 and 10146 of the Code and Section 2832 of the
12 Regulations;
- 13 (d) failed to reconcile at least once a month, the balance of all separate
14 beneficiary or transaction records with CAL-PRO/PANNABECKER
15 Account #2 and PANNABECKER Account and #2, as required by Section
16 2831.2 of the Regulations
- 17 (e) failed to provide quarterly accountings of advanced fees to borrowers, in
18 violation of Section 2972 of the Regulations; and
- 19 (f) failed to obtain a real estate license bearing the fictitious business name
20 "The Mortgage Modification Center" while conducting activities for which
21 a license was required in violation of Section 2731 of the Regulations.

22 THIRD CAUSE OF ACCUSATION - R B S

23 21.

24 The allegations of Paragraphs 1 through 20 are incorporated herein by reference.

25 22.

26 The aforesaid trust funds accepted or received by Respondent R B S were
27 deposited or caused to be deposited by Respondent R B S into one or more bank accounts

1 (herein "trust fund accounts") maintained by Respondent R B S for the handling of trust funds at
2 the following branches in Stockton, California:

3 (a) Bank of Stockton, "R B S Group Inc. Ronald Cutler Trustee Loan
4 Modification Trust Account," account number 1225003175

5 (herein "R B S Trust #1"); and,

6 (b) Bank of Stockton, "R B S Group Inc. dba Mortgage Modification
7 Center Ronald Cutler Trustee" account number 1225003126

8 (herein "R B S Trust #2").

9 23.

10 Between about January 1, 2008 and May 31, 2009, in connection with Respondent
11 R B S' loan brokerage activities described in Paragraph 8, above, Respondent R B S:

12 (a) entered into loan modification agreements and collected advanced fees prior
13 to submission to the Department of any or all materials used in advanced fee
14 agreements from the following borrowers, in violation of Sections 10085
15 and 10085.5 of the Code and Section 2970 of the Regulations:

<u>Borrower Names</u>	<u>Date Funds Received</u>	<u>Amount</u>	<u>Property Address</u>
Martin & Laura Lopez	2/14/09	\$950	4704 Winona Way Stockton, CA
Boris E. Reyes & Jose A. Castaneda	1/30/09	\$950	58 Clearview Dr. Daly City, CA, and
	1/30/09	\$950	720 No. Idaho St. San Mateo, CA

21
22 (b) caused, suffered or permitted the balance of funds in R B S Trust #1 to be
23 reduced to amounts less than the liability of R B S resulting in a trust fund
24 shortage, without the prior written consent of the owners of such funds, in
25 violation of Section 2832.1 of the Regulations as follows:

<u>Account</u>	<u>Date</u>	<u>Shortage Amount</u>
R B S Trust #1	3/31/09	\$ 856.92
R B S Trust #1	4/24/09	\$4,040.86

- 1 (c) conducted licensed activities by entering into loan modification agreements
2 with borrowers Martin and Laura Lopez, and Boris E. Reyes and Jose A.
3 Castaneda, Paragraph 23(a), above, on January 20 and 21, 2009,
4 respectively, prior to having obtained a corporate real estate broker license,
5 in violation of Section 10130 of the Code; and,
6 (d) failed to maintain a Broker-Salesman Relationship Agreement with real estate
7 salesperson Paul Klein, in violation of Section 2726 of the Regulations.

8 FOURTH CAUSE OF ACCUSATION – CUTLER

9 24.

10 The allegations of Paragraphs 1 through 23 are incorporated herein by reference.

11 25.

12 The aforesaid trust funds accepted or received by Respondent CUTLER were
13 deposited or caused to be deposited by Respondent CUTLER into one or more bank accounts
14 (herein “trust fund accounts”) maintained by Respondent CUTLER for the handling of trust
15 funds at the following branches in Stockton, California:

- 16 (a) Farmers & Merchants Bank of Central California, “Ronald A. Cutler,
17 Trustee DBA Suntec Properties Real Property Trust Account,” account
18 number 64-001199-01 (herein “CUTLER Trust #1”);
19 (b) Pacific State Bank, “Suntec Financial Loan Servicing Trust Account”
20 account number 3711201 (herein “CUTLER Trust #2”);
21 (c) Pacific State Bank, “Suntec Financial Loan Escrow Trust Account Ron
22 Cutler Trustee,” account number 3711194 (herein “CUTLER Trust #3”);
23 (d) Farmers & Merchants Bank of Central California, “Suntec Financial Loan
24 Servicing Trust Account” account number 64-00154701 (herein “CUTLER
25 Bank #1”); and
26 (e) Farmers & Merchants Bank of Central California, “Suntec Financial Inc Loan
27 Servicing Trust Account” and “Suntec Financial Inc Loan Escrow Trust
Account,” account number 64-00097401 (herein “CUTLER Bank #2”).

1
2 Between about January 1, 2008 and May 31, 2009, in connection with Respondent
3 CUTLER's loan brokerage activities described in Paragraph 8, above, Respondent CUTLER:

- 4 (a) caused, suffered or permitted the balance of funds in CUTLER Bank #1 to
5 be reduced to an amount less than the liability of Respondent CUTLER
6 resulting in a trust fund shortage of about \$762.14 on December 31, 2008,
7 without the written consent of the owners of such funds, in violation of
8 Section 2832.1 of the Regulations;
- 9 (b) failed to place trust funds entrusted to Respondent CUTLER into the hands
10 of a principal on whose behalf the funds were received, into a neutral escrow
11 depository, or into a trust fund account in the name of Respondent CUTLER
12 as trustee at a bank or other financial institution, for CUTLER Banks #1 and
13 #2 in conformance with the requirements of Section 10145 of the Code and
14 Section 2832 of the Regulations;
- 15 (c) failed to keep a columnar record in chronological sequence of all trust funds
16 received and disbursed from CUTLER Bank #1 containing all the
17 information required by Section 2831 of the Regulations;
- 18 (d) failed to keep a separate record for each beneficiary or transaction for
19 CUTLER Bank #1 containing all the information required by Section 10145
20 of the Code and Section 2831.1 of the Regulations;
- 21 (e) failed to qualify three (3) investors: Jinene Ting, Kenji Yoshimura, and
22 Kenea Roshimura, from investing more than 10 percent of their assets in
23 connection with the Espindola loan (#2007057), as required by Section
24 10238 (f) of the Code;
- 25 (f) failed to file a Trust Account Review Report, after having met the Threshold
26 criteria for servicing during 2008, in violation of Section 2846.7 of the
27 Regulations;

- 1 (g) had an interest as the borrower on the Cutler/Branscum Inc/Bransom loan
2 (#2008008), in violation of 10238(e) of the Code;
- 3 (h) failed to record the Deed of Trust for the Cutler/Branscum Inc/Bransom
4 loan (#2008008), in violation of Section 10234 of the Code;
- 5 (i) failed to provide lenders with the appropriate Lender Purchaser Disclosure
6 Statements (herein "LPDS") in connection with the Espindola loan
7 (#2007057) and the Cutler/Branscum Inc/Bransom loan (#2008008), in
8 that 1) the Respondent CUTLER's LPDS' were outdated, 2) appraisal
9 information was incomplete, and 3) broker failed to sign the LPDS', in
10 violation of Sections 10232.4 and 10234.5 of the Code;
- 11 (j) failed to maintain and make available the license certificates of the
12 following five (5) salespersons employed at Respondent's main office:
13 Erlinda Agonoy (01120261), Angie Arroyo (01482693), Janet Baptista
14 (01775794), Ricardo Roberto (01279290), and Joe Suarez (01447002),
15 in violation of Section 10160 of the Code and Section 2753 of the
16 Regulations;
- 17 (k) allowed R B S, an unlicensed corporation, to conduct licensed activities
18 prior to obtaining a license, as described in Paragraph 23(c), above, in
19 violation of Section 10130 of the Code; and,
- 20 (l) represented to seller Laura Timberlake-Larson on about July 29, 2008,
21 a \$1,000.00 earnest money deposit had been received from prospective
22 buyers John T. and Alice E. Lamberty (herein "the Lamberty's") on the
23 Residential Purchase Agreement for the purchase of real property
24 located at 1070 Cypress Run Drive, Stockton, California, when in fact,
25 an earnest money deposit was not received from the Lamberty's until
26 September 2, 2008, in violation of Sections 10176(a) and (i), and/or
27 10177(g) and/or (j) of the Code.

The facts alleged above are grounds for the suspension or revocation of the licenses and license rights of Respondents under the following provisions of the Code and/or the Regulations:

- (a) as to Paragraph 15 and Respondent CAL-PRO under Section 10085 of the Code and Section 2970 of the Regulations in conjunction with Section 10177(d) of the Code;
- (b) as to Paragraph 16 and Respondent CAL-PRO under Section 10085.5 of the Code in conjunction with Section 10177(d) of the Code;
- (c) as to Paragraph 17(a) and Respondent CAL-PRO under Section 2832.1 of the Regulations in conjunction with Section 10177(d) of the Code;
- (d) as to Paragraph 17(b) and Respondent CAL-PRO under Sections 10145 and 10146 of the Code and Section 2832 of the Regulations in conjunction with Section 10177(d) of the Code;
- (e) as to Paragraph 17(c) and Respondent CAL-PRO under Section 10145 of the Code and Section 2831.1 of the Regulations in conjunction with Section 10177(d) of the Code;
- (f) as to Paragraph 17(d) and Respondent CAL-PRO under Section 2831.2 of the Regulations in conjunction with Section 10177(d) of the Code;
- (g) as to Paragraph 17(e) and Respondent CAL-PRO under Section 2792 of the Regulations in conjunction with Section 10177(d) of the Code;
- (h) as to Paragraph 17(f) and Respondent CAL-PRO under Section 2834 of the Regulations in conjunction with Section 10177(d) of the Code;
- (i) as to Paragraph 20(a) and Respondent PANNABECKER under Sections 10085 and 10085.5 of the Code and Section 2970 of the Regulations in conjunction with Section 10177(d) of the Code;
- (j) as to Paragraph 20(b) and Respondent PANNABECKER under Sections 10130 and 10137 of the Code in conjunction with Section 10177(d) of the Code;

- 1 (k) as to Paragraph 20(c) and Respondent PANNABECKER under Sections 10145 and
2 10146 of the Code and Section 2832 of the Regulations in conjunction with Section
3 10177(d) of the Code;
- 4 (l) as to Paragraph 20(d) and Respondent PANNABECKER under Section 2831.2 of
5 the Regulations in conjunction with Section 10177(d) of the Code;
- 6 (m) as to Paragraph 20(e) and Respondent PANNABECKER under Section 2972 of the
7 Regulations in conjunction with Section 10177(d) of the Code;
- 8 (n) as to Paragraph 20(f) and Respondent PANNABECKER under Section 2731 of the
9 Regulations in conjunction with Section 10177(d) of the Code;
- 10 (o) as to Paragraph 23(a) and Respondent R B S under Sections 10085 and 10085.5 of
11 the Code and Section 2970 of the Regulations in conjunction with Section 10177(d)
12 of the Code;
- 13 (p) as to Paragraph 23(b) and Respondent R B S under Section 10145 of the Code and
14 Section 2832.1 of the Regulations in conjunction with Section 10177(d) of the Code;
- 15 (q) as to Paragraph 23(c) and Respondent R B S under Section 10130 of the Code in
16 conjunction with Section 10177(d) of the Code;
- 17 (r) as to Paragraph 23(d) and Respondent R B S under Section 2726 of the Regulations
18 in conjunction with Section 10177(d) of the Code;
- 19 (s) as to Paragraph 26(a) and Respondent CUTLER under Section 10145 of the Code and
20 Section 2832.1 of the Regulations in conjunction with Section 10177(d) of the Code;
- 21 (t) as to Paragraph 26(b) and Respondent CUTLER under Section 10145 of the Code
22 and 2832 of the Regulations in conjunction with Section 10177(d) of the Code;
- 23 (u) as to Paragraph 26(c) and Respondent CUTLER under Section 2831 of the
24 Regulations in conjunction with Section 10177(d) of the Code;
- 25 (v) as to Paragraph 26(d) and Respondent CUTLER under Section 10145 of the Code
26 and Section 2831.1 of the Regulations in conjunction with Section 10177(d) of the
27 Code;

- 1 (w) as to Paragraph 26(e) and Respondent CUTLER under Section 10238(f) of the Code
2 in conjunction with Section 10177(d) of the Code;
- 3 (x) as to Paragraph 26(f) and Respondent CUTLER under Section 2846.7 of the
4 Regulations in conjunction with Section 10177(d) of the Code;
- 5 (y) as to Paragraph 26(g) and Respondent CUTLER under Section 10238(e) of the
6 Code in conjunction with Section 10177(d) of the Code;
- 7 (z) as to Paragraph 26(h) and Respondent CUTLER under Section 10234 of the Code
8 in conjunction with Section 10177(d) of the Code;
- 9 (aa) as to Paragraph 26(i) and Respondent CUTLER under Sections 10232.4 and
10 10234.5 of the Code in conjunction with Section 10177(d) of the Code;
- 11 (bb) as to Paragraph 26(j) and Respondent CUTLER under Section 10160 of the Code
12 and Section 2753 of the Regulations in conjunction with Section 10177(d) of the
13 Code;
- 14 (cc) as to Paragraph 26(k) and Respondent CUTLER under Section 10130 of the Code
15 in conjunction with Section 10177(d) of the Code; and
- 16 (dd) as to Paragraph 26(l) and Respondent CUTLER under Sections 10176(a) and (i)
17 and/or 10177(g) and/or (j) of the Code.

18 WHEREFORE, Complainant prays that a hearing be conducted on the allegations
19 of this Accusation and that upon proof thereof a decision be rendered imposing disciplinary
20 action against all licenses and license rights of Respondents under the Real Estate Law (Part 1 of
21 Division 4 of the Business and Professions Code) and for such other and further relief as may be
22 proper under other applicable provisions of law.

23
24 
25 TRICIA SOMMERS
26 Deputy Real Estate Commissioner

26 Dated at Sacramento, California
27 this 7th day of August, 2010.