FILED

AUG 31 2012

DEPARTMENT OF REAL ESTATE
BY: K. Niederholtmeyer

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of CLARK SCOTT GOTTLIEB, Respondent.	No. H-37269 LA

ORDER SUSPENDING REAL ESTATE LICENSE

To: Clark Scott Gottlieb
1219 Goldenrod Ave.
Corona Del Mar, CA 92625

On August 25, 2011, Respondent's real estate broker license was suspended on terms and conditions. Among those terms, conditions and restrictions, Respondent was required to submit, within six months from the aforementioned effective date, evidence of having taken and passed the Professional Responsibility Examination administered by the Department. The Commissioner has determined that Respondent has failed to satisfy this condition.

NOW, THEREFORE, IT IS ORDERED that Respondent's real estate broker license and the exercise of any privileges thereunder is hereby suspended until such time as Respondent provides proof satisfactory to the Department of having taken and passed the Professional Responsibility Examination, or pending final determination made after hearing (see "Hearing Rights" set forth below).

IT IS FURTHER ORDERED that all license certificates and identification cards issued by the Department of Real Estate which are in the possession of Respondent be immediately surrendered by personal delivery or by mailing in the enclosed self-addressed envelope to:

DEPARTMENT OF REAL ESTATE
Attention: Flag Section
Post Office Box 187000
Sacramento, CA 95818-7000

HEARING RIGHTS: You have the right to a hearing to contest the Commissioner's determination that you are in violation of the Order issued in this matter. If you desire a hearing, you must submit a written request. The request may be in any form, as long as it is in writing and indicates that you want a hearing. Unless a written request for a hearing, signed by or on behalf of you, is delivered or mailed to the Department at 320 West 4th Street, Suite 350, Los Angeles, California 90013-1105, within 20 days after the date that this Order was mailed to or served on you, the Department will not be obligated or required to provide you with a hearing.

This Order shall be effective immediately.

DATED: 8/13/2012

REAL ESTATE COMMISSIONER

By WAYNE S. BELL
Chief Counsel

FILED

SEP 30 2011

DEPARTMENT OF REAL ESTATE

BY: [signature]

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of DUNN RUSSELL & ASSOCIATES INC.; and CLARK SCOTT GOTTLIEB, individually, and as designated officer for Dunn Russell & Associates Inc., Respondents.	)	No. H-37269 LA

DECISION

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on August 22, 2011, and the findings of fact set forth herein are based on one or more of the following: (1) Respondent's express admissions; (2) affidavits; and (3) other evidence.

This Decision suspends or revokes one or more real estate licenses on the ground of the violation of the Real Estate Law (commencing with Section 10000 of the Business and Professions Code (Code)) or Chapter 1 (commencing with Section 11000 of the Code) of Part 2 or the rules and regulations of the commissioner for the administration and enforcement of the Real Estate Law and Chapter 1 (commencing with Section 11000 of the Code) of Part 2.

The right to reinstatement of a revoked real estate license or to the reduction of a suspension is controlled by Section 11522 of the Government Code. A copy of Section 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of Respondents.

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FINDINGS OF FACT

I

On May 10, 2011, Robin Trujillo made the Accusation in her official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified mail, to Respondent's last known mailing addresses on file with the Department on May 12, 2011.

Respondent failed to file a Notice of Defense within the time required by Section 11506 of the Government Code. Respondent's default was entered herein on August 22, 2011.

II

Respondent DUNN RUSSELL & ASSOCIATES INC. is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code (hereinafter "Code") as a real estate corporation.

III

The evidence established that at all times mentioned herein Respondent engaged in the business of soliciting borrowers and lenders and negotiating the terms of loans secured by real property between borrowers and third party lenders for or in expectation of compensation, within the meaning of Code Section 10131(d).

IV

The evidence established that at all times mentioned herein Respondent engaged in the business of advance fee brokerage within the definition of Code Section 10131.2 by claiming, demanding, charging, receiving, collecting or contracting for the collection of an advance fee, within the meaning of Code Section 10026, in connection with any employment undertaken to obtain a loan or loans.

V

The evidence established that Respondent engaged in advance fee activities including, but not limited to, the

following loan modification activities with respect to loans which were secured by liens on real property:

On or about July 31, 2009, Talia H. paid an advance fee of $3950 to Respondent. The advance fee was collected pursuant to the provisions of an agreement pertaining to loan solicitation, negotiation, and modification services to be provided by Respondent with respect to a loan secured by the real property located at 988 S. Quincy Circle, Anaheim, California.

VI

The evidence established that Respondent collected the advance fee described in Paragraph V, above, pursuant to the provisions of an agreement which constitutes an advance fee agreement within the meaning of Code Sections 10026 and 10085.

VII

The evidence established that Respondent failed to submit the agreement referred to in Paragraph V, above, to the Commissioner ten days before using it in violation of Code Section 10085 and Section 2970, Title 10, Chapter 6, Code of Regulations ("Regulations").

VIII

The evidence established that the conduct, acts and/or omissions of Respondent, as set forth above, constitute cause for the suspension or revocation of the licenses and license rights of Respondent pursuant to Code Sections 10085, 10177(d) and 10177(g).

DETERMINATION OF ISSUES

I

Respondent DUNN RUSSELL & ASSOCIATES INC. is in violation of Code Section 10085 and Section 2970 of the Regulations, as set forth in Finding VIII, above, which justifies the suspension or revocation of its licenses and/or license rights under the provisions of Code Section 10177(d) for violation of the Real Estate Law and Section 10177(g) for negligence or incompetence.

II

The standard of proof applied was clear and convincing proof to a reasonable certainty.

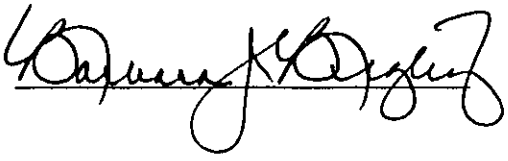
ORDER

The licenses and license rights of Respondent DUNN RUSSELL ASSOCIATES INC., under the provisions of Part I of Division 4 of the Business and Professions Code, are revoked.

This Decision shall become effective at 12 o'clock noon OCT 20 2011.

DATED: 9/26/11.

Barbara J. Bigby
Acting Real Estate Commissioner



Department of Real Estate
320 West Fourth Street, Suite 350
Los Angeles, California 90013-1105
(213) 576-6982

FILED
AUG 22 2011
DEPARTMENT OF REAL ESTATE
BY: _____

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of **DUNN RUSSELL & ASSOCIATES INC.**; and CLARK SCOTT GOTTLIEB, individually, and as designated officer of Dunn Russell & Associates Inc., Respondent.	NO. H-37269 LA DEFAULT ORDER

Respondent, DUNN RUSSELL & ASSOCIATES INC., having failed to file a Notice of Defense within the time required by Section 11506 of the Government Code, is now in default. It is, therefore, ordered that a default be entered on the record in this matter.

IT IS SO ORDERED August 22, 2011.

BARBARA J. BIGBY
Acting Real Estate Commissioner

By: PHILLIP IHDE
Regional Manager

Department of Real Estate
320 West 4th Street, Suite 350
Los Angeles, CA 90013-1105

Telephone: (213) 576-6982

FILED

AUG 05 2011

DEPARTMENT OF REAL ESTATE
BY: _____

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of DUNN RUSSELL & ASSOCIATES INC.; and CLARK SCOTT GOTTLIEB, individually, and as designated officer of Dunn Russell & Associates Inc., Respondents.	NO. H-37269 LA STIPULATION AND AGREEMENT

It is hereby stipulated by and between CLARK SCOTT GOTTLIEB (sometimes referred to as "Respondent") and the Complainant, acting by and through Cheryl Keily, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on May 12, 2011, in this matter.

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondent

at a formal hearing on the Accusation, which hearing was to be held in accordance with the provisions of the Administrative Procedure Act (APA), shall instead and in place thereof be submitted solely on the basis of the provisions of this Stipulation and Agreement.

2. Respondent has received, read and understood the Statement to Respondent, the Discovery Provisions of the APA and the Accusation filed by the Department of Real Estate ("Department") in this proceeding.

3. On May 20, 2011, Respondent filed a Notice of Defense, pursuant to Section 11506 of the Government Code for the purpose of requesting a hearing on the allegations in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent acknowledges that he understands that by withdrawing said Notice of Defense he will thereby waive his right to require the Commissioner to prove the allegations in the Accusation at a contested hearing held in accordance with the provisions of the APA and that he will waive other rights afforded to him in connection with the hearing, such as the right to present evidence in defense of the allegations in the Accusation and the right to cross-examine witnesses.

4. This Stipulation is based on the factual allegations contained in the Accusation. In the interest of

expedience and economy, Respondent chooses not to contest these allegations, but to remain silent and understands that, as a result thereof, these factual allegations, without being admitted or denied, will serve as a prima facie basis for the disciplinary action stipulated to herein. The Real Estate Commissioner shall not be required to provide further evidence to prove said factual allegations.

5. This Stipulation is made for the purpose of reaching an agreed disposition of this proceeding and is expressly limited to this proceeding and any other proceeding or case in which the Department of Real Estate ("Department"), the state or federal government, or any agency of this state, another state or federal government is involved, and otherwise shall not be admissible in any other criminal or civil proceedings.

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

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DETERMINATION OF ISSUES

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

The conduct, acts or omissions of Respondent CLARK SCOTT GOTTLIEB, as set forth in the Accusation, constitute cause to suspend or revoke the real estate license and license rights of Respondent CLARK SCOTT GOTTLIEB under the provisions of Code Section 10177(h).

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

1. All licenses and license rights of Respondent under the Real Estate Law are suspended for a period of thirty (30) days from the effective date of this Decision; provided, however, that the entire period of said suspension shall be stayed for one (1) year upon the following terms and conditions:

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

b. That no final subsequent determination be made, after hearing or upon stipulation, that cause for disciplinary action occurred within one (1) year of the effective date of this Decision. Should such a determination be made, the Commissioner may, in his discretion, vacate and set aside the

stay order and reimpose all or a portion of the stayed suspension. Should no such determination be made, the stay imposed herein shall become permanent.

2. Respondent shall, within six months from the effective date of this Decision, take and pass the Professional Responsibility Examination administered by the Department including the payment of the appropriate examination fee. If Respondent fails to satisfy this condition, the Commissioner may order suspension of Respondent's license until Respondent passes the examination.

DATED: July 6, 2011

CHERYL D. KEILY, Counsel
DEPARTMENT OF REAL ESTATE

* * *

I have read the Stipulation and Agreement, 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 Administrative Procedure Act (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.

Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by faxing a copy of its signature page, as actually signed by Respondent, to the Department at the following telephone/fax number (213) 576-6917. Respondent agrees, acknowledges, and understands that by electronically sending to the Department a fax copy of his actual signature as it appears on the Stipulation and Agreement, that receipt of the faxed copy by the Department shall be as binding on Respondent as if the Department had received the original signed Stipulation and Agreement.

DATED: 6-24-11

CLARK SCOTT GOTTLIEB
Respondent

* * *

The foregoing Stipulation and Agreement is hereby adopted as my Decision in this matter and shall become effective at 12 o'clock noon on _____, 2011.

IT IS SO ORDERED _____, 2011.

BARBARA J. BIGBY
Acting Real Estate Commissioner

Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by faxing a copy of its signature page, as actually signed by Respondent, to the Department at the following telephone/fax number (213) 576-6917. Respondent agrees, acknowledges, and understands that by electronically sending to the Department a fax copy of his actual signature as it appears on the Stipulation and Agreement, that receipt of the faxed copy by the Department shall be as binding on Respondent as if the Department had received the original signed Stipulation and Agreement.

DATED: _____

CLARK SCOTT GOTTLIEB
Respondent

* * *

The foregoing Stipulation and Agreement is hereby adopted as my Decision in this matter and shall become effective at 12 o'clock noon on AUG 25 2011, 2011.

IT IS SO ORDERED 8/1, 2011.

BARBARA J. BIGBY
Acting Real Estate Commissioner

CHERYL D. KEILY, SBN# 94008
Department of Real Estate
320 West Fourth Street, Ste. 350
Los Angeles, California 90013

Telephone: (213) 576-6982
(Direct) (213) 576-6905

FILED

MAY 12 2011

DEPARTMENT OF REAL ESTATE
BY: _____

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation

No. H-37269 LA

DUNN RUSSELL & ASSOCIATES INC.; and CLARK SCOTT GOTTLIEB, individually, and as designated officer of Dunn Russell & Associates Inc.,

Respondents.

A C C U S A T I O N

The Complainant, Robin Trujillo, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against Respondents DUNN RUSSELL & ASSOCIATES INC. ("DUNN RUSSELL"); and CLARK SCOTT GOTTLIEB ("GOTTLIEB") alleges as follows:

1.

The Complainant, Robin Trujillo, a Deputy Real Estate Commissioner of the State of California, makes this Accusation in

her official capacity.

2.

Respondent DUNN RUSSELL is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code, hereinafter "Code"), as a real estate corporation.

3.

Respondent GOTTLIEB is presently licensed and/or has license rights under the Real Estate Law as a real estate broker. Respondent GOTTLIEB was the designated officer of Respondent DUNN RUSSELL from June 10, 2009, to November 17, 2009.

4.

At all times relevant herein Respondent GOTTLIEB, as the officer designated by Respondent DUNN RUSSELL pursuant to Section 10211 of the Code, was responsible for the supervision and control of the activities conducted on behalf of Respondent DUNN RUSSELL by its officers and employees as necessary to secure full compliance with the Real Estate Law as set forth in Section 10159.2 of the Code.

5.

Respondent GOTTLIEB ordered, caused, authorized or participated in the conduct of Respondent DUNN RUSSELL, as is alleged in this Accusation.

6.

At all times mentioned herein Respondents engaged in the business of soliciting borrowers and lenders and negotiating

the terms of loans secured by real property between borrowers and third party lenders for or in expectation of compensation, within the meaning of Code Section 10131(d).

7.

At all times mentioned herein Respondents engaged in the business of advance fee brokerage within the definition of Code Section 10131.2 by claiming, demanding, charging, receiving, collecting or contracting for the collection of an advance fee, within the meaning of Code Section 10026, in connection with any employment undertaken to obtain a loan or loans.

FIRST CAUSE OF ACCUSATION
(Advance Fee Violation)

8.

Respondents engaged in advance fee activities including, but not limited to, the following loan modification activities with respect to loans which were secured by liens on real property:

a. On or about July 31, 2009, Talia H. paid an advance fee of $3950 to Respondent DUNN RUSSELL. The advance fee was collected pursuant to the provisions of an agreement pertaining to loan solicitation, negotiation, and modification services to be provided by DUNN RUSSELL with respect to a loan secured by the real property located at 988 S. Quincy Circle, Anaheim, California.

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9.

Respondents collected the advance fees described in Paragraph 8, above, pursuant to the provisions of an agreement which constitutes an advance fee agreement within the meaning of Code Sections 10026 and 10085.

10.

Respondents failed to submit the agreement referred to in Paragraph 8, above, to the Commissioner ten days before using it in violation of Code Section 10085 and Section 2970, Title 10, Chapter 6, Code of Regulations ("Regulations").

11.

The conduct, acts and/or omissions of Respondents, as set forth above, are cause for the suspension or revocation of the licenses and license rights of Respondents pursuant to Code Sections 10085, 10177(d) and/or 10177(g).

SECOND CAUSE OF ACCUSATION
(Failure to Supervise)

12.

Complainant hereby incorporates by reference the allegations set forth in Paragraphs 1 through 11, above.

13.

The conduct, acts and/or omissions, of Respondent GOTTLIEB, in allowing Respondent DUNN RUSSELL to violate the Real Estate Law, as set forth above, constitutes a failure by Respondent GOTTLIEB, as the officer designated by a corporate broker licensee, to exercise the supervision and control over the

activities of Respondent DUNN RUSSELL, as required by Code Section 10159.2, and is cause to suspend or revoke the real estate licenses and license rights of Respondent GOTTLIEB under Code Sections 10177(d), 10177(g) and/or 10177(h).

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against all the licenses and license rights of Respondent DUNN RUSSELL & ASSOCIATES INC. and Respondent CLARK SCOTT GOTTLIEB under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code), and for such other and further relief as may be proper under other applicable provisions of law.

Dated at Los Angeles, California
this 10 day of May, 2011.

Robin Trujillo
Deputy Real Estate Commissioner

cc: DUNN RUSSELL & ASSOCIATES INC.
CLARK SCOTT GOTTLIEB
Robin Trujillo
Sacto.