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JAN 15 2013

DEPARTMENT OF REAL ESTATE
BY: C

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of PAMELA LEE CUMMINGS, Respondent.	No. H-37270 LA

ORDER SUSPENDING REAL ESTATE LICENSE

TO: PAMELA LEE CUMMINGS
5703 E. Scrivener Street
Long Beach, CA 90808

On February 15, 2012, your real estate broker license was suspended on the terms, conditions, and restrictions set forth in the Real Estate Commissioner's Order effective February 15, 2012, in Case No. H-37270 LA. Among those terms, conditions and restrictions, you were required to take and pass the Professional Responsibility Examination within six months from the effective date of the Decision. The Commissioner has determined that as of August 15, 2012, you have failed to satisfy this condition.

NOW, THEREFORE, IT IS ORDERED under authority of the Order issued in this matter that the real estate broker license heretofore issued to Respondent and the exercise of any privileges and rights thereunder is hereby suspended until such time as you provide proof satisfactory to the Department of compliance with the "condition" referred to above, 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 Department 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
Attn: Flag Section
P. O. 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 W. 4th Street, Room 350, Los Angeles, California 90013, 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: 12/10/2012.

Real Estate Commissioner

By WAYNE S. BELL
Chief Counsel

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

Telephone: (213) 576-6982

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JAN 26 2012

DEPARTMENT OF REAL ESTATE
BY: _____

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of PAMELA LEE CUMMINGS, Respondent.	NO. H-37270 LA L-2011060772 STIPULATION AND AGREEMENT

It is hereby stipulated by and between PAMELA LEE CUMMINGS (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 understands 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 June 8, 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 she understands that by withdrawing said Notice of Defense she will thereby waive her 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 she will waive other rights afforded to her 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 understand 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. It is understood by the parties that the Real Estate Commissioner may adopt the Stipulation and Agreement as his decision in this matter, thereby imposing the penalty and sanctions on Respondent's real estate licenses and license rights as set forth in the below "Order". In the event that the Commissioner in his discretion does not adopt the Stipulation and Agreement, it shall be void and of no effect, and Respondent shall retain the right to a hearing and proceeding on the Accusation under all the provisions of the APA and shall not be bound by any admission or waiver made herein.

7. 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.

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 of Respondent is in violation of Business and Professions Code ("Code") Sections 10085 and 10145 and Sections 2970 and 2831 of Title 10, Chapter 6, California Code of Regulations, and is grounds for the suspension or revocation of all of the real estate licenses and license rights of Respondent under the provisions of Code Section 10177(g).

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

1. ALL licenses and licensing rights of Respondent PAMELA LEE CUMMINGS, under the Real Estate Law are suspended for a period of sixty (60) 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. Respondent 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.

3. Pursuant to Section 10148 of the Code, Respondent PAMELA LEE CUMMINGS shall pay the Commissioner's reasonable cost for (a) the audit which led to the disciplinary action, and (b) a subsequent audit to determine if Respondent has corrected the trust fund violations found in the Determination of Issues. In calculating the amount of the Commissioner' reasonable cost, the Commissioner may use the estimated average hourly salary for all persons performing audits of real estate brokers, and shall include an allocation for travel time to and from the auditor's place of work. Respondents shall pay such cost within 60 days of receiving an invoice from the Commissioner detailing the activities performed during the audit and the amount of time spent performing those activities. The Commissioner may suspend the license of Respondent pending a hearing held in accordance with Section 11500, et seq., of the Government Code, if payment

is not timely made as provided for herein, or as provided for in a subsequent agreement between Respondent and the Commissioner. The suspension shall remain in effect until payment is made in full or until Respondent enters into an agreement satisfactory to the Commissioner to provide for payment, or until a decision providing otherwise is adopted following a hearing held pursuant to this condition.

DATED: December 15, 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.

PAMELA LEE CUMMINGS
Respondent 12/15/2011

* * *

The foregoing Stipulation and Agreement is hereby adopted as my Decision in this matter and shall become effective at 12 o'clock noon on , 20____.

IT IS SO ORDERED , 20____.

BARBARA J. BIGBY
Acting Real Estate Commissioner

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: _____

_____
PAMELA LEE CUMMINGS
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 FEB 15 2012, 20____.

IT IS SO ORDERED 1/19, 2012.

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

PAMELA LEE CUMMINGS,

Respondent.

No. H-37270 LA

ACCUSATION

The Complainant, Robin Trujillo, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against PAMELA LEE CUMMINGS ("Respondent") is informed and 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.

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2.

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

3.

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).

4.

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.

FIRST CAUSE OF ACCUSATION
(Advance Fee Violation pursuant to Section 10085 of the Code)

5.

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

a. On or about June 5, 2009, Lyndon James Kurt paid an advance fee of $500 to Respondent doing business under the

unauthorized fictitious business name "Sherwood Financial." 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 16655 Grand Avenue, Bellflower, California 90706.

6.

Respondent collected the advance fee described in Paragraph 5, above, pursuant to the provisions of an agreement which constitutes an advance fee agreement within the meaning of Code Sections 10026 and 10085.

7.

Respondent failed to submit the agreement referred to in Paragraphs 5 and 6, 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").

8.

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

SECOND CAUSE OF ACCUSATION
(Audit Violations)

9.

Complainant hereby incorporates by reference the allegations set forth in Paragraphs 1 through 8, above.

10.

On or about April 21, 2010, the Department completed an audit examination of the books and records of Respondent pertaining to the real estate activities described in Paragraphs 5 and 6, above, covering a period from May 24, 2008, to March 31, 2010.

11.

At all times mentioned herein, and in connection with the activities described in Paragraphs 5 and 6, above, Respondent accepted or received funds, including advance fees to be held in trust from or on behalf of actual or prospective parties to transactions handled by Respondent, and thereafter made deposits and/or disbursements of such funds.

12.

The audit examination revealed violations of the Code and the Regulations, as set forth in the following paragraphs, and more fully discussed in Audit Report No. LA 090199 along with the exhibits and work papers attached to the audit report:

(a) Respondent failed to establish and maintain a trust account at a bank or other recognized financial institution in the name of the broker for deposit of advance fees collected by Respondent, in violation of Code Section 10146.

(b) Failed to maintain a complete, accurate and continuous control record in the form of a columnar record in chronological order of all trust funds received, deposited and disbursed in violation of Code Section 10145 and Section 2831 of

the Regulations.

(c) Failed to perform a monthly reconciliation of the balance of all separate beneficiary or transaction records maintained pursuant to Section 2831.1 of the Regulations with the record of all trust funds received and disbursed in connection with loan modification in violation of Code Section 10145 and Section 2831.2 of the Regulations.

(d) Failed to deposit the advance fees described in Paragraph 5 and 6, above, into a real estate broker trust account in violation of Code Section 10146.

DISCIPLINE STATUTES AND REGULATIONS

13.

The conduct of Respondent described in Paragraph 12, above, violated the Code and the Regulations as set forth below:

PARAGRAPH	PROVISIONS VIOLATED
11(a)	Code Section 10146
11(b)	Code Section 10145 and Section 2831 of the Regulations
11(c)	Code Section 10145 and Section 2831.2 of the Regulations
11(d)	Code Section 10146

14.

The foregoing violations, as set forth hereinabove, constitute cause for the suspension or revocation of the real estate licenses and license rights of Respondent under the

provisions of Code Sections 10177(d) for violation of the Real Estate Law and/or 10177(g) for negligence or incompetence.

THIRD CAUSE OF ACCUSATION
(Use of Unauthorized Fictitious Business Name)

15.

Complainant hereby incorporates by reference the allegations set forth in Paragraphs 1 through 14, above.

16.

Use of a fictitious business name for activities requiring the issuance of a real estate license requires the filing of an application for the use of such name with the Department of Real Estate in accordance with the provisions of Code Section 10159.5.

17.

Respondent acted without Department authorization in using the fictitious business name "Sherwood Financial" to engage in activities requiring the issuance of a real estate license.

18.

The conduct, acts and/or omissions of Respondent, as set forth in Paragraph 17, above, violate Code Section 10159.5 and Section 2731 of the Regulations, and are cause for the suspension or revocation of the licenses and license rights of Respondent pursuant to Code Sections 10177(d) and/or 10177(g).

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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 PAMELA LEE CUMMINGS 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: PAMELA LEE CUMMINGS
Robin Trujillo
Sacto.