

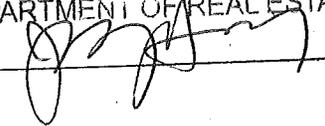
7/25/12

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

4 Telephone: (213) 576-6982

**FILED**

JUL 27 2012

DEPARTMENT OF REAL ESTATE  
BY: 

9 BEFORE THE DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 \* \* \*

12		
13	In the Matter of the Accusation of )	NO. H-37687 LA
14	<u>STEVEN CARL WALDROFF</u> , and )	L-2011120671
15	JAIME DAN BARKER, )	
16	)	<u>STIPULATION AND AGREEMENT</u>
17	) Respondents. )	
18	)	

19 It is hereby stipulated by and between STEVEN CARL  
20 WALDROFF (sometimes referred to as "Respondent"), and the  
21 Complainant, acting by and through Cheryl Keily, Counsel for  
22 the Department of Real Estate, as follows for the purpose of  
23 settling and disposing of the Accusation ("Accusation") filed  
24 on November 17, 2011, in this matter.

25  
26 1. All issues which were to be contested and all  
27 evidence which was to be presented by Complainant and Respondent  
at a formal hearing on the Accusation, which hearing was to be

1 held in accordance with the provisions of the Administrative  
2 Procedure Act (APA), shall instead and in place thereof be  
3 submitted solely on the basis of the provisions of this  
4 Stipulation and Agreement.  
5

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

10           3. On December 13, 2011, Respondent filed a Notice of  
11 Defense, pursuant to Section 11506 of the Government Code for  
12 the purpose of requesting a hearing on the allegations in the  
13 Accusation. Respondent hereby freely and voluntarily withdraws  
14 said Notice of Defense. Respondent acknowledges that he  
15 understands that by withdrawing said Notice of Defense he will  
16 thereby waive his right to require the Commissioner to prove the  
17 allegations in the Accusation at a contested hearing held in  
18 accordance with the provisions of the APA and that he will waive  
19 other rights afforded to him in connection with the hearing,  
20 such as the right to present evidence in defense of the  
21 allegations in the Accusation and the right to cross-examine  
22 witnesses.  
23

24           4. It is understood by the parties that the Real  
25 Estate Commissioner may adopt the Stipulation and Agreement as  
26 his decision in this matter, thereby imposing the penalty and  
27

1 sanctions on Respondent's real estate licenses and license  
2 rights as set forth in the below "Order". In the event that  
3 the Commissioner in his discretion does not adopt the  
4 Stipulation and Agreement, it shall be void and of no effect,  
5 and Respondent shall retain the right to a hearing and  
6 proceeding on the Accusation under all the provisions of the  
7 APA and shall not be bound by any admission or waiver made  
8 herein.  
9

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

21           6. This Stipulation and Respondent's decision not to  
22 contest the Accusation are made for the purpose of reaching an  
23 agreed disposition of this proceeding, and are expressly  
24 limited to this proceeding and any other proceeding or case in  
25 which the Department of Real Estate, or another licensing  
26 agency of this state, another state or the federal government  
27 is involved and otherwise shall not be admissible in any other



1 for a period of sixty (60) days from the effective date of this  
2 Decision; provided, however, that the entire period of said  
3 suspension shall be stayed for two (2) years upon the following  
4 terms and conditions:

5  
6 1. Respondent shall obey all laws, rules and  
7 regulations governing the rights, duties and responsibilities of  
8 a real estate licensee in the State of California; and

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

17  
18 II. Within six months of the effective date of the  
19 Decision, Respondent shall make restitution to those persons  
20 who allegedly suffered monetary loss as a result of the  
21 allegations set forth in the Accusation filed in this case as  
22 follows:

23  
24 1. Respondent shall provide proof of restitution  
25 satisfactory to the Real Estate Commissioner of restitution to  
26 Linda Denise Clements in the amount of \$2,995.

27 2. All proof of payment of restitution shall be  
submitted to Department Counsel Cheryl Keily, Attention: Legal

1 Section, Department of Real Estate, 320 W. Fourth St., Suite  
2 350, Los Angeles, California 90013-1105, on or before the time  
3 set for performance.

4 3. If Respondent fails to satisfy these conditions,  
5 the Real Estate Commissioner may order suspension of  
6 Respondent's license until Respondent provides proof of  
7 restitution satisfactory to the Commissioner.

8  
9 DATED: June 29, 2012

Cheryl D. Keily  
10 CHERYL D. KEILY, Counsel  
11 DEPARTMENT OF REAL ESTATE

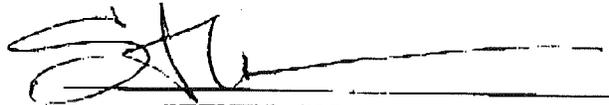
12 \* \* \*

13 I have read the Stipulation and Agreement, and its  
14 terms are understood by me and are agreeable and acceptable to  
15 me. I understand that I am waiving rights given to me by the  
16 California Administrative Procedure Act (including but not  
17 limited to Sections 11506, 11508, 11509 and 11513 of the  
18 Government Code), and I willingly, intelligently and  
19 voluntarily waive those rights, including the right of  
20 requiring the Commissioner to prove the allegations in the  
21 Accusation at a hearing at which I would have the right to  
22 cross-examine witnesses against me and to present evidence in  
23 defense and mitigation of the charges.

24  
25 Respondent can signify acceptance and approval of the  
26 terms and conditions of this Stipulation and Agreement by  
27 faxing a copy of its signature page, as actually signed by

1 Respondent, to the Department at the following telephone/fax  
 2 number (213) 576-6917. Respondent agrees, acknowledges, and  
 3 understands that by electronically sending to the Department a  
 4 fax copy of his actual signature as it appears on the  
 5 Stipulation and Agreement, that receipt of the faxed copy by  
 6 the Department shall be as binding on Respondent as if the  
 7 Department had received the original signed Stipulation and  
 8 Agreement.  
 9

10 DATED: 6/27/2012



11 STEVEN CARL WALDROFF  
 12 Respondent

13 \* \* \*

14 The foregoing Stipulation and Agreement is hereby  
 15 adopted as my Decision in this matter and shall become  
 16 effective at 12 o'clock noon on \_\_\_\_\_, 2012.  
 17

18 IT IS SO ORDERED \_\_\_\_\_, 2012.

19 REAL ESTATE COMMISSIONER  
 20  
 21 \_\_\_\_\_  
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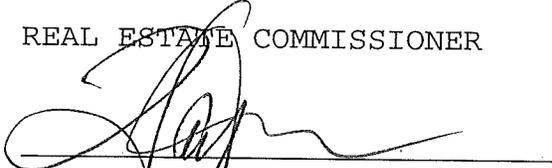
1 Respondent, to the Department at the following telephone/fax  
2 number (213) 576-6917. Respondent agrees, acknowledges, and  
3 understands that by electronically sending to the Department a  
4 fax copy of his actual signature as it appears on the  
5 Stipulation and Agreement, that receipt of the faxed copy by  
6 the Department shall be as binding on Respondent as if the  
7 Department had received the original signed Stipulation and  
8 Agreement.  
9

10 DATED: \_\_\_\_\_  
11 \_\_\_\_\_ STEVEN CARL WALDROFF  
12 Respondent

13 \* \* \*

14 The foregoing Stipulation and Agreement is hereby  
15 adopted as my Decision in this matter and shall become  
16 effective at 12 o'clock noon on AUG 16 2012, 2012.  
17 \_\_\_\_\_

18 IT IS SO ORDERED July 18, 2012.

19  
20 REAL ESTATE COMMISSIONER  
21   
22 By WAYNE S. BELL  
23 Chief Counsel

72-86

**FILED**

JUL 25 2012

DEPARTMENT OF REAL ESTATE

BY: 

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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of	)	No. H-37687 LA
	)	
STEVEN CARL WALDROFF, and	)	OAH No. 2011120671
<u>JAIME DAN BARKER,</u>	)	
	)	
Respondent(s).	)	

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On November 17, 2011, an Accusation was filed in this matter against Respondent JAIME DAN BARKER.

On June 5, 2012, Respondent petitioned the Commissioner to voluntarily surrender his real estate salesperson license pursuant to Section 10100.2 of the Business and Professions Code.

IT IS HEREBY ORDERED that Respondent JAIME DAN BARKER's petition for voluntary surrender of his real estate salesperson license is accepted as of the effective date of this Order as set forth below, based upon the understanding and agreement expressed in Respondent's Declaration dated June 5, 2012 (attached as Exhibit "A" hereto). Respondent's license certificate and pocket

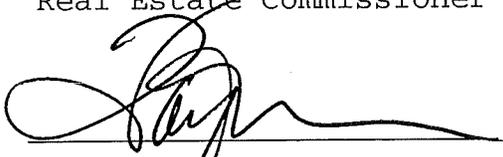
1 card shall be sent to the below listed address so that they reach  
2 the Department on or before the effective date of this Order:

3 DEPARTMENT OF REAL ESTATE  
4 Attn: Licensing Flag Section  
5 P. O. Box 187000  
6 Sacramento, CA 95818-7000

7 This Order shall become effective at 12 o'clock noon  
8 on AUG 14 2012, 2012.

9 DATED: July 13, 2012

10 Real Estate Commissioner

11 

12 By WAYNE S. BELL  
13 Chief Counsel

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DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \* \* \*

In the Matter of the Accusation	)	No. H-37687 LA
	)	
STEVEN CARL WALDROFF, and	)	
<u>JAIME DAN BARKER,</u>	)	
	)	
	)	
Respondents.	)	
_____	)	

DECLARATION

My name is Jaime Dan Barker, and I am currently licensed as a real estate salesperson and/or have license rights with respect to said license. 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(s) issued by the Department of Real Estate ("Department"), pursuant to Business and Professions Code Section 10100.2.

1 I understand that by so voluntarily surrendering my  
2 license(s), I may be relicensed as a broker or as a salesperson  
3 only by petitioning for reinstatement pursuant to Section 11522  
4 of the Government Code. I also understand that by so voluntarily  
5 surrendering my license(s), I agree to the following:

6 1. The filing of this Declaration shall be deemed as  
7 my petition for voluntary surrender.

8 2. It shall also be deemed to be an understanding and  
9 agreement by me that I waive all rights I have to require the  
10 Commissioner to prove the allegations contained in the Accusation  
11 filed in this matter at a hearing held in accordance with the  
12 provisions of the Administrative Procedure Act (Government Code  
13 Sections 11400 et seq.), and that I also waive other rights  
14 afforded to me in connection with the hearing such as the right  
15 to discovery, the right to present evidence in defense of the  
16 allegations in the Accusation and the right to cross-examine  
17 witnesses.

18 3. I further agree that upon acceptance by the  
19 Commissioner, as evidenced by an appropriate order, all  
20 affidavits and all relevant evidence obtained by the Department  
21 in this matter prior to the Commissioner's acceptance, and all  
22 allegations contained in the Accusation filed in the Department  
23 Case No. H-37687 LA, may be considered by the Department to be  
24 true and correct for the purpose of deciding whether to grant  
25 relicensure or reinstatement pursuant to Government Code Section  
26 11522.

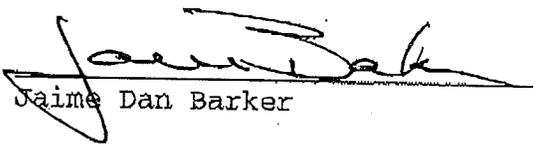
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4. I freely and voluntarily surrender all my licenses and license rights under the Real Estate Law.

5. A copy of the Commissioner's Criteria of Rehabilitation is attached hereto. If and when a petition application is made for reinstatement of a surrendered license, the Real Estate Commissioner will consider as one of the criteria of rehabilitation, whether or not restitution has been made to any person who has suffered monetary losses through "substantially related" acts or omissions of Respondent(s), whether or not such persons are named in the Accusation filed in this case.

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 on June 5, 2012, at Wildomar, California.

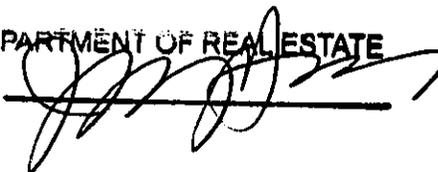
  
Jaime Dan Barker

1 CHERYL D. KEILY, SBN# 94008  
2 Department of Real Estate  
3 320 West Fourth Street, Ste. 350  
4 Los Angeles, California 90013

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

**FILED**

NOV 17 2011

DEPARTMENT OF REAL ESTATE  
BY: 

9 DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 \* \* \* \* \*

12 In the Matter of the Accusation

No. H- 37687 LA

13 STEVEN CARL WALDROFF, and )  
14 JAIME DAN BARKER, )  
15 )  
16 Respondents. )  
\_\_\_\_\_ )

ACCUSATION

17  
18 The Complainant, Robin Trujillo, a Deputy Real Estate  
19 Commissioner of the State of California, for cause of Accusation  
20 against STEVEN CARL WALDROFF ("WALDROFF") and JAIME DAN BARKER  
21 ("BARKER") alleges as follows:

22 1.

23 The Complainant, Robin Trujillo, a Deputy Real Estate  
24 Commissioner of the State of California, makes this Accusation in  
25 her official capacity.

26 ///

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

3.

Since on or about June 22, 2009, BARKER has been licensed and/or has license rights under the Real Estate Law as a real estate salesperson. Prior to June 22, 2009, BARKER was not licensed by the Department in any capacity.

4.

At no time herein mentioned herein has Cal-Pro Equities, Inc., doing business as Keep Your Home Today, been licensed by the Department in any capacity.

5.

At all times relevant herein Respondent BARKER was the chief executive officer of Cal-Pro Equities, Inc., doing business as Keep Your Home Today ("Keep Your Home").

FIRST CAUSE OF ACCUSATION

(Advance Fee Violation against Respondent WALDROFF)

6.

At all times mentioned herein, respondents engaged in the business of a real estate broker in the State of California within the meaning of Code Sections 10131(d) and 10131.2 including brokering mortgage loans and performing loan modification activities and claiming, demanding, charging, receiving, collecting or contracting for the collection of an

1 advance fee, within the meaning of Code Section 10026, including,  
2 but not limited to, the following loan modification activities  
3 with respect to a loan which was secured by a lien on real  
4 property:

5 a. On or about November 27, 2008, Linda C. paid  
6 respondents an advance fee of \$2995. The advance fee was made  
7 payable to Keep Your Home and collected by WALDROFF pursuant to  
8 the provisions of an agreement pertaining to loan solicitation,  
9 negotiation, and modification services to be provided by  
10 respondents with respect to a loan secured by the real property  
11 at 28387 Crosby Street, Murrieta, California 92563.

12 7.

13 Respondents collected the advance fees described in  
14 Paragraph 6, above, pursuant to the provisions of a written  
15 agreement which constitutes an advance fee agreement within the  
16 meaning of Code Section 10085.  
17

18 8.

19 Respondent WALDROFF failed to submit the written  
20 agreement referred to in Paragraph 6, above, to the Commissioner  
21 ten days before using it in violation of Code Section 10085 and  
22 Section 2970, Title 10, Chapter 6, Code of Regulations  
23 ("Regulations").

24 9.

25 The conduct, acts and/or omissions of WALDROFF, as set  
26 forth above, are cause for the suspension or revocation of the  
27

1 licenses and license rights of said respondent pursuant to Code  
2 Sections 10085, 10177(d) and/or 10177(g).

3  
4 SECOND CAUSE OF ACCUSATION

5 (Unlicensed Activity by Respondent BARKER)

6 10.

7 Complainant hereby incorporates by reference the  
8 allegations set forth in Paragraphs 1 through 9, above.

9 11.

10 On the occasion set forth in Paragraph 6(a), above,  
11 Respondent BARKER engaged in the business of negotiating, or  
12 offering to negotiate, loan modifications in connection with  
13 loans secured directly or collaterally by liens on real property  
14 for compensation or in expectation of compensation.

15 12.

16 Based on the information contained in Paragraphs 3, 4,  
17 5 and 6, above, BARKER performed and/or participated in loan  
18 solicitation, negotiation, and modification activities which  
19 require a real estate broker license under the provisions of  
20 Code Sections 10131(d) during a period of time when Respondent  
21 was not licensed by the Department as a real estate broker nor  
22 employed as a real estate salesperson by a broker on whose  
23 behalf the activities were performed.  
24

25 13.

26 The conduct, acts and/or omissions of Respondent BARKER  
27 violate Code Section 10130, and is cause for the suspension or

1 revocation of the licenses and license rights of Respondent  
2 BARKER pursuant to Code Sections 10177(d) and/or 10177(g) and/or  
3 10177(j).

4 WHEREFORE, Complainant prays that a hearing be  
5 conducted on the allegations of this Accusation and that upon  
6 proof thereof, a decision be rendered imposing disciplinary  
7 action against all the licenses and license rights of Respondent  
8 STEVEN CARL WALDROFF and Respondent JAIME DAN BARKER under the  
9 Real Estate Law, and for such other and further relief as may be  
10 proper under other applicable provisions of law.

11 Dated at Los Angeles, California

12 this 16 day of November, 2011.

13  
14 

15 Robin Trujillo  
16 Deputy Real Estate Commissioner

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25 cc: STEVEN CARL WALDROFF  
26 JAIME DAN BARKER  
27 Robin Trujillo  
Sacramento