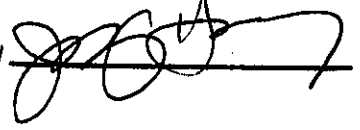


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DEC 21 2004

DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) NO. H-1038 SA
TERRA BRICKER,)
Respondent.)

AMENDED ORDER GRANTING REINSTATEMENT OF LICENSE

This Order amends the Order filed herein on
November 24, 2004.

On August 9, 1991, a Decision was rendered herein
revoking Respondent's real estate broker license, but granting
Respondent the right to the issuance of a restricted real estate
broker license. A restricted real estate broker license was
issued to Respondent on October 9, 1991. Respondent has
operated as a restricted licensee without cause for disciplinary
action against Respondent since that time.

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1 On February 5, 2004, Respondent petitioned for
2 reinstatement of said license and the Attorney General of the
3 State of California has been given notice of the filing of said
4 petition.

5 I have considered the petition of Respondent and
6 the evidence and arguments in support thereof. Respondent
7 has demonstrated to my satisfaction that Respondent meets
8 the requirements of law for the issuance to Respondent of
9 an unrestricted real estate broker license and that
10 it would not be against the public interest to issue said
11 license to Respondent TERRA BRICKER.

12 NOW, THEREFORE, IT IS ORDERED that Respondent's
13 petition for reinstatement is granted and that a real estate
14 broker license be issued to Respondent, if Respondent satisfies
15 the following condition within nine (9) months from the date of
16 this Order:

17 Submittal of a completed application and payment of
18 the fee for a real estate broker license.

19 This Order shall be effective immediately.

20 Dated: December 15 2004.

21
22 JEFF DAVI
23 Real Estate Commissioner

24 cc: Terra Bricker
25 44525 San Pascual
26 Palm Desert, CA 92260
27

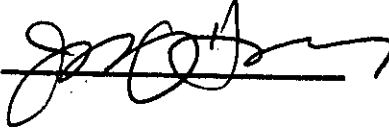
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FILED
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DEPARTMENT OF REAL ESTATE

By



BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) NO. H-1038 SA
)
TERRA BRICKER,)
)
Respondent.)

ORDER GRANTING REINSTATEMENT OF LICENSE

On August 9, 1991, a Decision was rendered herein
revoking Respondent's real estate broker license, but granting
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issued to Respondent on October 9, 1991. Respondent has
operated as a restricted licensee without cause for disciplinary
action against Respondent since that time.

On February 5, 2004, Respondent petitioned for
reinstatement of said license and the Attorney General of the
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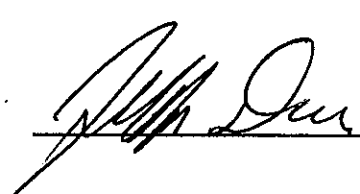
1 I have considered the petition of Respondent and
2 the evidence and arguments in support thereof. Respondent
3 has demonstrated to my satisfaction that Respondent meets
4 the requirements of law for the issuance to Respondent of
5 an unrestricted real estate broker license and that
6 it would not be against the public interest to issue said
7 license to Respondent TERRA BRICKER.
8

9 NOW, THEREFORE, IT IS ORDERED that Respondent's
10 petition for reinstatement is granted and that a real estate
11 salesperson license be issued to Respondent, if Respondent
12 satisfies the following condition within nine (9) months
13 from the date of this Order:
14

15 Submittal of a completed application and payment of
16 the fee for a real estate broker license.
17

18 This Order shall be effective immediately.

19 Dated: Monday 17 2004
20

21 JEFF DAVI
22 Real Estate Commissioner
23
24 

25 cc: Terra Bricker
26 44525 San Pascual
27 Palm Desert, CA 92260

1 submitted solely on the basis of the provisions of this
2 Stipulation..

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

7 3. On November 29, 1990, Respondent filed a Notice of
8 Defense pursuant to Section 11505 of the Government Code for the
9 purpose of requesting a hearing on the allegations in the
10 Accusation. Respondent hereby freely and voluntarily withdraws
11 said Notice of Defense. Respondent acknowledges that she
12 understands that by withdrawing said Notice of Defense, she will
13 thereby waive her right to require the Commissioner to prove the
14 allegations in the Accusation at a contested hearing held in
15 accordance with the provisions of the APA and that she will waive
16 other rights afforded to her in connection with the hearing such
17 as the right to present evidence in defense of the allegations in
18 the Accusation and the right to cross-examine witnesses.

19 4. Respondent, pursuant to the limitations set forth
20 below, hereby admits that the factual allegations in Paragraphs I
21 through XII of the Accusation filed in this proceeding are true
22 and correct and the Real Estate Commissioner shall not be required
23 to provide further evidence of such allegations.

24 5. It is understood by the parties that the Real
25 Estate Commissioner may adopt the Stipulation In Settlement and
26 Order as his decision in this matter thereby imposing the penalty
27 and sanctions on Respondent's real estate licenses and license

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

8
9 6. The Order or any subsequent Order of the Real
10 Estate Commissioner made pursuant to this Stipulation shall not
11 constitute an estoppel, merger or bar to any further
12 administrative or civil proceedings by the Department of Real
13 Estate with respect to any matters which were not specifically
14 alleged to be causes for accusation in this proceeding.

15 DETERMINATION OF ISSUES

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

20 The conduct or omissions of Respondent TERRA BRICKER as
21 set forth in paragraph VII through XI of the Accusation constitute
22 cause to suspend or revoke her real estate licenses and license
23 rights under the provisions of Business and Professions Code
24 Section 10177(d).

25 /

26 /

27 /

/

1
2 ORDER

3 WHEREFORE, THE FOLLOWING ORDER is hereby made:

4 A. The licenses and license rights of TERRA BRICKER
5 under Part 1 of Division 4 of the Business and Professions Code
6 are revoked.

7 B. However, Respondent shall be entitled to apply for
8 and be issued a restricted real estate broker license pursuant to
9 Section 10156.5 of the Code if Respondent makes application
10 therefor and pays to the Department of Real Estate the appropriate
11 fee for said license within one hundred twenty (120) days from the
12 effective date of the Decision.

13 C. The restricted real estate broker license issued
14 pursuant to this Order shall be suspended for thirty (30) days
15 from the effective date of the restricted license.

16 D. However, if respondent petitions, the thirty (30)-
17 day suspension of Respondent's restricted broker license shall be
18 permanently stayed upon condition that Respondent pay to the
19 Department's Recovery Account \$2,500 prior to the effective date
20 of this Decision, pursuant to the provisions of Section 10175.2.

21 (1) Payment of the aforementioned monetary penalty
22 shall be in the form of a cashiers checks or certified check, made
23 payable to the Recovery Account of the Real Estate Fund. Payment
24 must be made prior to the effective date of this Decision.

25 (2) The Commissioner, in exercising his discretion
26 under Code Section 10175.2, agrees by adopting this Order that it
27 would not be against the public interest to permit such
petitioning Respondent to pay the aforesaid monetary penalty.

1 E. The restricted license issued to Respondent shall be
2 subject to all of the provisions of Section 10156.7 of the
3 Business and Professions Code and to the following limitations,
4 conditions and restrictions imposed under authority of Section
5 10156.6 of said Code:

6 (1) Said restricted license may be suspended prior
7 to hearing by order of the Real Estate Commissioner in the event
8 of Respondent's conviction or plea of nolo contendere to a crime
9 which bears a significant relation to Respondent's qualifications,
10 duties or functions as a real estate licensee.

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

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

1 Respondent the opportunity for a hearing pursuant to the APA to
2 present such evidence.

3 (4) Respondent shall, within six (6) months from
4 the effective date of the restricted license, take and pass the
5 professional Responsibility Examination administered by the
6 Department, including the payment of the appropriate fee. If
7 Respondent fails to satisfy this condition, the Commissioner may
8 order suspension of the restricted license until Respondent passes
9 the examination.

10 (5) Respondent shall report in writing to the
11 Department of Real Estate as the Real Estate Commissioner shall
12 direct by his Decision herein or by separate written order issued
13 while Respondent holds a restricted license, such information
14 concerning Respondent's activities for which a real estate license
15 is required as the Commissioner shall deem to be appropriate to
16 protect the public interest.

17 (6) Respondent shall not be eligible to apply for
18 the issuance of an unrestricted real estate license nor the
19 removal of any of the conditions, limitations or restrictions of a
20 restricted license until one (1) year has elapsed from the date of
21 issuance of the restricted license to Respondent.

22 I have read the Stipulation In Settlement and its terms
23 are understood by me and are agreeable and acceptable to me. I
24 understand that I am waiving rights given to me by the California
25 Administrative Procedure Act (including but not limited to
26 Sections 11506, 11508, 11509 and 11513 of the Government Code),
27 and I willingly, intelligently and voluntarily waive those rights,

1 including the right of requiring the Commissioner to prove the
2 allegations in the Accusation at a hearing at which I would have
3 the right to cross-examine witnesses against me and to present
4 evidence in defense and mitigation of the charges.
5

6 DATED: 5-31-91

Terra Bricker
TERRA BRICKER, Respondent

8 DATED; 5-31-91

Christopher M. Blaisdel
CHRISTOPHER M. BLAISDEL, Counsel.
for Respondent

11 DATED: 6/3/91

George W. Wright
GEORGE W. WRIGHT Counsel

13 The foregoing Stipulation in Settlement and Order is
14 hereby adopted by the Real Estate Commissioner as his Decision
15 and Order in the above entitled matter as to Respondent TERRA
16 BRICKER, and shall become effective at 12 o'clock noon on
17 September 10, 1991
18

19 DATED: August 9, 1991

Clark Wallace
CLARK WALLACE
Real Estate Commissioner

by: John R. Liberton
Chief Deputy Commissioner

Pauls 7/08

**BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA**

MAR 26 1991

DEPARTMENT OF REAL ESTATE
BY *K. Stulenholz*

In the Matter of the Accusation of

TERRA BRICKER,

}

Case No. H-1038 SA

OAH No. L-52181

Respondent(s)

NOTICE OF HEARING ON ACCUSATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at _____
Office of Administrative Hearings, 314 West First Street, Los Angeles

on the 21st day of May, 19 91, at the hour of 9:00 a.m., or as soon thereafter
as the matter can be heard, upon the charges made in the Accusation served upon you.

You may be present at the hearing, and you may be represented by counsel, but you are neither required to be present at the hearing nor to be represented by counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you upon any express admissions, or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter. The interpreter must be approved by the hearing officer conducting the hearing as someone who is proficient in both English and the language in which the witness will testify. You are required to pay the costs of the interpreter unless the hearing officer directs otherwise.

DEPARTMENT OF REAL ESTATE

Dated: March 26, 1991

By *George W. Wright*
Counsel

cc: Terra Bricker
Christopher M. Blaisdell, Esq.
Sacto. OAH AG

1 GEORGE W. WRIGHT, Counsel
2 Department of Real Estate
3 107 South Broadway, Room 8107
4 Los Angeles, California 90012
5 (213) 620-4790
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8

FILED

OCT 17 1990

DEPARTMENT OF REAL ESTATE
BY K. M. Mader

9 DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * * *

12 In the Matter of the Accusation of) No. H-1038 SA
13 TERRA BRICKER, doing business)
14 as Apollo Management,) A C C U S A T I O N
Respondent.)

15 The Complainant, Thomas McCrady, a Deputy Real Estate
16 Commissioner of the State of California, for cause of accusation
17 against TERRA BRICKER, dba Apollo Management, alleges as follows:

18 I

19 The Complainant, Thomas McCrady, a Deputy Real Estate
20 Commissioner of the State of California, makes this Accusation
21 in his official capacity.

22 II

23 TERRA BRICKER (hereinafter referred to as "Respondent")
24 is presently licensed and/or has license rights under the Real
25 Estate Law (Part 1 of Division 4 of the Business and Professions
26 Code, hereinafter "Code").

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III

At all times herein mentioned, Respondent was licensed by the Department of Real Estate of the State of California (hereinafter "Department") as a real estate broker.

IV

At all times herein mentioned, Respondent conducted business as a real estate broker within the meaning of Section 10131(b) of the Code by the operation of a real property management business. In the operation of said real property management business, services were rendered in connection with certain real properties owned by third parties. Said services included but were not necessarily limited to, leasing or renting and collecting rents from tenants residing on said real properties and making payments from the rental funds collected in connection with the expenses of said properties, as well as collecting funds and providing services for homeowners associations, all for or in expectation of compensation.

V

All further references to Respondent shall be deemed to refer to, in addition to Respondent TERRA BRICKER, the employees, agents and real estate licensees employed by or associated with Respondent, who at all times mentioned herein were engaged in the furtherance of the business or operations of Respondent and who were acting within the course and scope of their authority and employment.

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VI

On or about April 27, 1990, the Department conducted an audit on Respondent concerning the trust fund handling and record keeping by respondent in operating the above-described real property management business. The time period covered for said audit was from March 1, 1989, up to and including February 23, 1990, and unless otherwise specified, the relevant period of time referenced herein shall be the same.

VII

At all times herein mentioned, in the conduct of the above-described real property management business, Respondent received trust funds in the form of rents, security deposits, and homeowner association fees. Respondent caused to be deposited and caused to be disbursed said trust funds into and from an account at the Palm Springs branch of Columbia Savings and Loan Association entitled "Apollo Management Company Trust Account", (hereinafter "Trust Account"). Respondent violated Section 2830 of Title 10, Chapter 6, California Code of Regulations (hereinafter "Regulations") by failing to maintain said account in her name as trustee thereof.

VIII

At all times herein mentioned, Respondent maintained control records for the receipt and disbursement of trust funds in the Trust Account. Respondent failed to maintain an adequate columnar record of dates when the trust funds were received and a daily balance in the manner required by Section 2831 of the Regulations.

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IX

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3 At all times herein mentioned, Respondent failed to
4 maintain adequate and complete separate records for each beneficiary
5 or transaction in the Trust Account in the manner required by
6 Section 2831.1 of the Regulations.

6

X

7

8 At all times herein mentioned, Respondent failed to
9 reconcile the balance of all separate beneficiary or transaction
10 records maintained pursuant to Section 2831.1 of the Regulations
11 with the record of all trust funds received and disbursed maintained
12 pursuant to Section 2831 of the Regulations at least once a month
13 in the manner required by Section 2831.2 of the Regulations.

13

XI

14

15 At all times herein mentioned, Respondent disbursed or
16 allowed the disbursement of trust funds from the Trust Account
17 without the prior written consent of every principal who was then
18 an owner of funds in said account, wherein the disbursements
19 reduced the balance of funds in said account as of February 23,
20 1990, to an amount which was \$11,605.50 less than the existing
21 aggregate trust fund liability of Respondent to all owners of the
22 funds in the Trust Account. Said conduct of Respondent violated
23 Section 10145 of the Code and Section 2832.1 of the Regulations.

23

XII

24

25 The above-described conduct of Respondent which
26 constitutes violations of the Code and Regulations, is cause to
27 suspend or revoke the real estate license and/or license rights
of Respondent under the provisions of Section 10177(d) of the Code.

27

1 WHEREFORE, complainant prays that a hearing be conducted
2 on the allegations of this Accusation and that upon proof thereof,
3 a decision be rendered imposing disciplinary action against all
4 licenses and license rights of Respondent TERRA BRICKER under the
5 Real Estate Law (Part 1 of Division 4 of the Business and
6 Professions Code) and for such other and further relief as may be
7 proper under other applicable provisions of law.
8 Dated at Santa Ana, California
9 this 17th day of October, 1990.

10
11 THOMAS MC CRADY
12 Deputy Real Estate Commissioner
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25 cc: Terra Bricker
26 Sacto.
27 AG