

FILED
MAY 10 2000

DEPARTMENT OF REAL ESTATE

By Shelly Ely

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
DAVID ALLEN JUNIPER,)
Respondent.)

No. H-1600 SA

ORDER GRANTING REINSTATEMENT OF LICENSE

On January 22, 1997, an Order was rendered herein revoking the real estate salesperson license of Respondent, but granting Respondent the right to the issuance of a restricted real estate salesperson license. A restricted real estate salesperson license was issued to Respondent on June 12, 1997, and Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent.

On October 15, 1999, Respondent petitioned for reinstatement of said real estate salesperson license, and the Attorney General of the State of California has been given notice of the filing of said petition.

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1 I have considered the petition of Respondent and the
2 evidence and arguments in support thereof including Respondent's
3 record as a restricted licensee. Respondent has demonstrated to
4 my satisfaction that Respondent meets the requirements of law for
5 the issuance to Respondent of an unrestricted real estate
6 salesperson license and that it would not be against the public
7 interest to issue said license to Respondent..

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

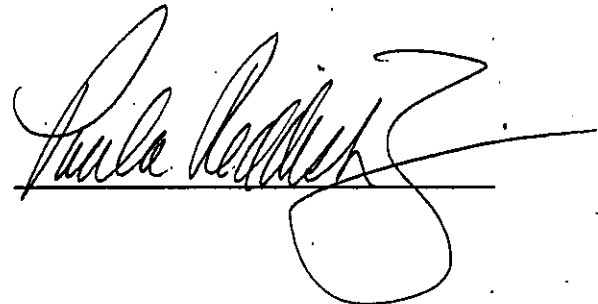
13 1. Submittal of a completed application and payment of
14 the fee for a real estate salesperson license.

15 2. Submittal of evidence of having, since the most
16 recent issuance of an original or renewal real estate license,
17 taken and successfully completed the continuing education
18 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
19 for renewal of a real estate license.

20 This Order shall be effective immediately.

21 DATED: April 11, 2000.
22

23 PAULA REDDISH ZINNEMANN
24 Real Estate Commissioner

25 
26
27

1 V. Ahda Sands, Counsel
2 Department of Real Estate
3 107 South Broadway, Room 8107
4 Los Angeles, CA 90012
5 (213) 897-3937

JUN 24 1993

DEPARTMENT OF REAL ESTATE
BY Laura B. Olson

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * *

11 In the Matter of the Accusation of) No. H- 1600 SA
12 DAVID ALLEN JUNIPER,) ACCUSATION
13)
14 Respondent.)

15 The complainant, Thomas Mc Crady, a Deputy Real Estate
16 Commissioner of the State of California, for cause of accusation
17 against DAVID ALLEN JUNIPER, alleges in his official capacity,
18 as follows:

19 1

20 DAVID ALLEN JUNIPER, an individual, (hereinafter
21 JUNIPER) is presently licensed or has license rights under the
22 Real Estate Law, Part 1 of Division 4 of the California Business
23 and Professions Code (hereinafter referred to as the "Code").

24 2

25 At all times herein mentioned, Respondent, engaged in
26 the business of, acted in the capacity of, advertised or assumed
27 to act as a real estate salesperson in the State of California
28 within the meaning of Section 10131(d) of the Code, including

1 employment in the operation and conduct of mortgage loan
2 brokerage business with the public wherein, on behalf of others
3 and for compensation or in expectation of compensation.
4 Respondent solicited borrowers for loans secured directly or
5 collaterally by a lien on real property, arranged, negotiated,
6 processed, and consummated loans. Respondent solicited loans
7 secured by real property during the period of May 1991 to April
8 1992 involving the following borrowers Kim Ubelhardt, Mr.
9 Marti, Mr. Stiers, Lisa Girolami; Henry De Armond; Seth Foster;
10 Richard Nelson; Dennis Nelson; Gordon Flynn; Peter Beal; Kristi
11 King; Marilyn Cole; Theodore Ernst; Marry K. Ernst and Arthur
12 Espinosa.

13 3

14 Respondent's conditional salesperson license was
15 suspended from October 30, 1990 to May 8, 1992. In connection
16 with the activities described above Respondent, provided
17 services for which a real estate license is required during a
18 period when Respondent's license was suspended. Respondent's
19 unlicensed conduct, as set forth in paragraph 2, is in violation
20 of section 10130 of the Code and is cause to revoke or suspend
21 his license pursuant to Section 10177 of the Code.

22 4

23 In connection with the activities described above
24 Respondent made substantial misrepresentations, false promises
25 of a character likely to influence persuade or induce; continued
26 a flagrant course of misrepresentation and otherwise engaged in
27 conduct which constitutes fraud or dishonest dealing in that on
28 numerous occasions Respondent promised borrowers unrealistically

1 low interest rates, falsely promised borrowers zero point loans;
2 promised borrowers that their loans would fund within a month;
3 and otherwise mislead borrowers regarding the funding of their
4 loans secured by real property. Respondent made these
5 statements when he knew or should have known these statements to
6 be false at the time he made them. Said conduct is cause to
7 revoke or suspend Respondent's license pursuant to Sections
8 10176(a) and 10176(i) of the Code.

9 WHEREFORE, complainant prays that a hearing be
10 conducted on the allegations of this Accusation and, that upon
11 proof thereof, a decision be rendered imposing disciplinary
12 action against all licenses and license rights of Respondent
13 DAVID ALLEN JUNIPER, under the Real Estate Law (Part I of
14 Division 4 of the Business and Professions Code) and for such
15 other and further relief as may be proper under applicable
16 provisions of law.

17 Dated at Santa Ana, California
18 this 24th day of June, 1993.

19
20
21 THOMAS Mc CRADY
22 Deputy Real Estate Commissioner
23
24

25 cc: David Allen Juniper
26 Sacto
27 tm
28

1 Department of Real Estate
107 South Broadway, Room 8107
2 Los Angeles, CA 90012

FILED
JAN 27 1997
DEPARTMENT OF REAL ESTATE

By Sandra B. Cline

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * * *

11 In the Matter of the Accusation of)

NO. H-1600 SA

12 DAVID ALLEN JUNIPER,)

13)
14 Respondent.)

15 STIPULATION AND AGREEMENT IN SETTLEMENT AND ORDER

16 It is hereby stipulated by and between DAVID ALLEN
17 JUNIPER (hereinafter referred to as Respondent) and the
18 Complainant, acting by and through V. Ahda Sands, Counsel for
19 the Department of Real Estate, as follows, for the purpose of
20 settling and disposing of the Accusation filed on June 24,
21 1993, in this matter:

22 1. All issues which were to be contested and all
23 evidence which was to be presented by Complainant and
24 Respondent at a formal hearing on the Accusation, which hearing
25 was to be held in accordance with the provisions of the
26 Administrative Procedure Act (APA), shall instead and in place
27

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

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

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

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

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



1 sanctions on Respondent's real estate license 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 the Agreement, the Agreement shall be void and
5 of no effect, and Respondent shall retain the right to a
6 hearing and proceeding on the Accusation under all the
7 provisions of the APA and shall not be bound by any admission
8 or waiver made herein.

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
17 and waivers and solely for the purpose of settlement of the
18 pending Accusation without a hearing, it is stipulated and
19 agreed that the following determination of issues shall be
20 made:

21 I

22 The conduct of Respondent, as described in the
23 Accusation is grounds for the suspension or revocation of the
24 real estate license and license rights of Respondent under the
25 provisions of Section 10130, 10176(a) and 10176 (i) of the
26 Business and Professions Code.

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1. The restricted license issued to Respondent may be
suspended prior to hearing by Order of the Real Estate Commissioner in the event of Respondent's conviction or plea of nolo contendere to a crime which is substantially related to Respondent's fitness or capacity as a real estate licensee.
2. The restricted license issued to Respondent may be
suspended prior to hearing by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted license.

- 1 3. Respondent shall not be eligible to apply for the
2 issuance of an unrestricted real estate license
3 nor for the removal of any of the conditions,
4 limitations or restrictions attaching to the
5 restricted license until one year has elapsed from
6 the effective date of the Decision.
- 7 4. Respondent shall submit with any application for
8 license under an employing broker, or any application
9 for transfer to a new employing broker, a statement
10 signed by the prospective employing real estate
11 broker on a form approved by the Department of Real
12 Estate which shall certify:
- 13 a. That broker has read the Decision of the
14 Commissioner which granted the right to a
15 restricted license; and
- 16 b. That the employing broker will exercise close
17 supervision over the performance by the
18 restricted licensee relating to activities for
19 which a real estate license is required.
- 20 5. Respondent shall, within nine months from the
21 effective date of this Decision, present evidence
22 satisfactory to the Real Estate Commissioner that
23 Respondent has, since the most recent issuance of an
24 original or renewal real estate license, taken and
25 successfully completed the continuing education
26 requirements of Article 2.5 of Chapter 3 of the Real
27 Estate Law for renewal of a real estate license. If



Respondent fails to satisfy this condition, the Commissioner may order the suspension of the restricted license until the Respondent presents such evidence. The Commissioner shall afford Respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.

DATED:

Dec. 12, 1996

V. Ahda Sands

V. AHDA SANDS
Counsel for Complainant



* * *

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.

DATED:

12/19/96.


DAVID ALLEN JUNIPER,
Respondent

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The foregoing Stipulation and Agreement in Settlement and
Order is hereby adopted by the Real Estate Commissioner as
Decision and Order and shall become effective at 12 o'clock
noon on February 18, 1997.

IT IS SO ORDERED 1-22-97.

JIM ANTT, JR.
Real Estate Commissioner

