

FILED
JAN 11 2003
DEPARTMENT OF REAL ESTATE

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) NO. H-2058 SA
) H-29546 LA
RONALD DAVIS BRANDENBURG,)
)
Respondent.)

ORDER DENYING REINSTATEMENT OF LICENSE

On May 31, 2002, an Order Accepting Voluntary
Surrender of Restricted Real Estate License was rendered in
Department of Real Estate ("Department") case no. H-29546 LA.
Said Order which was effective on July 2, 2002, accepted
Respondent RONALD DAVIS BRANDENBURG's ("Respondent") petition
for voluntary surrender of his real estate broker license.

On July 16, 2003, Respondent petitioned for
reinstatement of said license and the Attorney General of
the State of California has been given notice of the filing
of the petition.

1 I have considered Respondent's petition and the
2 evidence and arguments in support thereof. Respondent has
3 failed to demonstrate to my satisfaction that Respondent has
4 undergone sufficient rehabilitation to warrant the issuance
5 to Respondent of an unrestricted real estate broker license,
6 in that:
7

8 I

9 Respondent, in his Declaration of petition to
10 surrender his real estate license, stated that he had been
11 informed by the Department that he was the subject of an
12 investigation of possible violations of the Real Estate Law,
13 which could result in the filing of an Accusation to revoke
14 or suspend his restricted real estate broker license.
15 Respondent further stated that all affidavits and other relevant
16 statements, declarations and evidence obtained during the course
17 of the investigation may be considered by the Department to be
18 true and correct for the purpose of deciding whether or not to
19 grant reinstatement of his license.

20 Respondent has been the officer and owner of Parkway
21 Mortgage, Inc., and MHshopper.Com, Inc. Respondent failed to
22 disclose prior Department discipline when he applied for
23 corporation licenses in other states, including Washington,
24 Oregon, Idaho, Oklahoma and Georgia. When this was discovered,
25 legal action was initiated by other states which subjected
26 Respondent's license to discipline by the Department.
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II

On July 29, 1996, Decision was rendered in Department case no. H-2058 SA, revoking Respondent's real estate broker license, but granting Respondent the right to apply for and be issued a restricted real estate broker license. A restricted real estate broker license was issued to Respondent on October 9, 1996.

In said Decision, there were determination of issues made that there was cause to revoke Respondent's license pursuant to Business and Professions Code ("Code") Section 10177(d) for violation of Code Section 10159.2.

A Department audit of Silverado Bancorp, Inc.'s books and record revealed numerous violations of the Real Estate Law, during a period of time when Respondent was the designated officer of Silverado Bancorp, Inc., a licensed real estate corporation.

On May 21, 1999, Respondent petitioned for reinstatement of his real estate broker license. On December 20, 1999, an Order Denying Reinstatement of License was rendered. It was determined that there was cause to deny Respondent's petition pursuant to Section 2911(j), Title 10, Chapter 6, California Code of Regulations ("Regulations"), for failure to demonstrate that Respondent had corrected business practices which led to the revocation of his license.

1 III

2 The burden of proving rehabilitation rests with the
3 petitioner (Feinstein v. State Bar (1952) 39 Cal. 2d 541).

4 A petitioner is required to show greater proof of honesty and
5 integrity than an applicant for first time licensure. The
6 proof must be sufficient to overcome the prior adverse judgment
7 on the applicant's character (Tardiff v. State Bar (1980) 27
8 Cal. 3d 395).

9
10 The Department has developed criteria in Regulation
11 2911 to assist in evaluating the rehabilitation of an applicant
12 for reinstatement of a license. Among the criteria relevant in
13 this proceeding are:

14 Regulation 2911(i) - Completion of, or sustained
15 enrollment in, formal educational or vocational training courses
16 for economic self-improvement.

17 Given the fact that Respondent has not established
18 that he has met the criteria of Regulation 2911(i), I am not
19 satisfied that Respondent is sufficiently rehabilitated to
20 receive a plenary real estate broker license.

21 NOW, THEREFORE, IT IS ORDERED that Respondent's
22 petition for reinstatement of Respondent's real estate broker
23 license is denied.

24 I am satisfied, however, that it will not be against
25 the public interest to issue a restricted real estate broker
26 license to Respondent.
27

///

1 A restricted real estate broker license shall
2 be issued to Respondent pursuant to Code Section 10156.5
3 if Respondent within nine (9) months from the date hereof:

4 (a) Submits evidence satisfactory to the Real
5 Estate Commissioner that Respondent has, since his license
6 was revoked, taken and passed the Professional Responsibility
7 Examination administered by the Department including the
8 payment of the appropriate examination fee.

9
10 (b) Submits evidence satisfactory to the Real Estate
11 Commissioner that Respondent has, since his license was
12 revoked, taken and successfully completed the continuing
13 education requirements of Article 2.5 of Chapter 3 of the Real
14 Estate Law (Business and Professions Code Section 10170.5) for
15 renewal of a real estate license.

16
17 (c) Submits proof satisfactory to the Commissioner
18 that Respondent has, since his license was revoked, taken and
19 completed the trust fund accounting and handling course
20 specified in paragraph (3), subdivision (a) of Section 10170.5
21 of the Business and Professions Code.

22
23 (d) Makes application therefor and pays the
24 appropriate fee for said license.

25 ///

26 ///

27

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

6 1. The restricted license issued to Respondent
7 may be suspended prior to hearing by Order of the Real Estate
8 Commissioner in the event of Respondent's conviction or plea
9 of nolo contendere to a crime which is substantially related
10 to Respondent's fitness or capacity as a real estate licensee.
11

12 2. The restricted license issued to Respondent
13 may be suspended prior to hearing by Order of the Real Estate
14 Commissioner on evidence satisfactory to the Commissioner that
15 Respondent has violated provisions of the California Real
16 Estate Law, the Subdivided Lands Law, Regulations of the Real
17 Estate Commissioner or conditions attaching to the restricted
18 license.
19

20 3. Respondent shall not be eligible to apply
21 for the issuance of an unrestricted real estate license
22 nor for the removal of any of the conditions, limitations
23 or restrictions of a restricted license until two (2) years
24 from the date of issuance of any restricted license.
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This Order shall become effective at 12 o'clock noon

on January 31, 2005.

DATED: 1-6-05.

JEFF DAVI
Real Estate Commissioner



A handwritten signature in cursive script, appearing to read "Jeff Davi", is written over a horizontal line.

cc: Ronald D. Brandenburg
629 Taper Drive
Seal Beach, CA 90740

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of)
)
RONALD DAVIS BRANDENBURG,)
)
)
Respondent.)

DECLARATION

My name is RONALD DAVIS BRANDENBURG. I am licensed as a restricted real estate broker. My license was restricted pursuant to Case No. H-2058 SA Stipulation and Agreement in Settlement and Order. Said Order became effective on October 9, 1996.

I am representing myself in this matter.

I have been informed by the Department of Real Estate that I am the subject of an investigation of possible violations of the Real Estate Law (Sections 10000 et seq., of the Business and Professions Code) and Regulations of the Real Estate Commissioner (Title 10, Chapter 6, of the California Code of

1 Regulations) which could result in the filing of an Accusation to
2 revoke or suspend my restricted real estate license and cause the
3 interim suspension of said license pending the outcome of any
4 disciplinary proceeding; and pursuant to Business and Professions
5 Code Section 10100.2, I wish to voluntarily surrender my
6 restricted real estate broker license issued by the Department.

7 I understand that by so voluntarily surrendering my
8 license, that it can only be reinstated in accordance with the
9 provisions of Section 11522 of the Government Code and this
10 Declaration.

11 I agree also that the filing of this Declaration shall
12 be deemed to be my petition to voluntary surrender my restricted
13 real estate broker license and shall also be deemed to be an
14 understanding and agreement by me that upon acceptance by the
15 Commissioner, as evidenced by an appropriate order, all
16 affidavits and all other relevant statements, declarations and
17 evidence obtained during the course of the investigation prior to
18 the Commissioner's acceptance may be considered by the Department
19 to be true and correct for the purpose of deciding whether or not
20 to grant reinstatement of my license pursuant to the provisions
21 of Government Code Section 11522. This understanding and
22 agreement is made without admitting or denying the truth or
23 contents of the aforementioned documents.

24 ///

25 ///

26 ///

27 ///

1 I declare under penalty of perjury under the laws of
2 the State of California that the above is true and correct and
3 that I freely and voluntarily surrender my license and all
4 license rights attached thereto.

5 05/15/02 Huntington Beach

6 Date and Place



RONALD DAVIS BRANDENBURG

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FILED
DEC 23 1999
DEPARTMENT OF REAL ESTATE

By *K. Maderholt*

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DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of) NO. H-2058 SA
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ORDER DENYING REINSTATEMENT OF LICENSE

On July 29, 1996, a Decision was rendered revoking
the real estate broker license of RONALD THOMAS BRANDENBURG
(Respondent), effective October 9, 1996. Respondent was given
the right to apply for and receive a restricted real estate
broker license which was issued to him on October 9, 1996.

On May 21, 1999, Respondent petitioned for
reinstatement of said real estate broker license and the
Attorney General of the State of California has been given
notice of the filing of said petition.

I have considered the petition of Respondent and
the evidence submitted in support thereof. Respondent has
failed to demonstrate to my satisfaction that he has

1 undergone sufficient rehabilitation to warrant the
2 reinstatement of his real estate broker license at this time.
3 This determination has been made in light of Respondent's
4 history of acts and conduct which are substantially related
5 to the qualifications, functions and duties of a real estate
6 licensee. That history includes:

7 I

8 In the Stipulation and Agreement in Settlement and
9 Order which revoked the real estate broker license of
10 Respondent there was a Determination of Issues made that
11 there was cause to revoke the license of Respondent pursuant
12 to Section 10177(d) of the California Business and
13 Professions Code (Code) for his violation of Section 10159.2
14 of the Code.

15 The above Determination was based on the fact that
16 Respondent, while acting as the designated broker of
17 SILVERADO BANCORP, INC. failed to properly supervise the
18 activities of this corporation requiring a real estate
19 license to maintain compliance with Real Estate Law during a
20 period from August 1, 1992, through January 29, 1993,
21 resulting in that corporation operating in violation of
22 Sections 2725, 2834, 2831, 2831.1, 2832.1 and 2833 of Chapter
23 6, Title 10, California Code of Regulations (Regulations)

24 II

25 Since his restricted license was issued Respondent
26 has acted as the designated broker of PARKWAY MORTGAGE, INC.
27 An audit of this corporation ending July 15, 1999, covering a
period of time from January 1, 1998, to May 28, 1999,



1 revealed that this corporation, while conducting activities
2 requiring a real estate license under the supervision of
3 Respondent, was in violation of Sections 2831.1, 2831.2,
4 2834, 2840, and 2950(h) of the Regulations and Section
5 17403.4 of the California Financial Code.

6 III

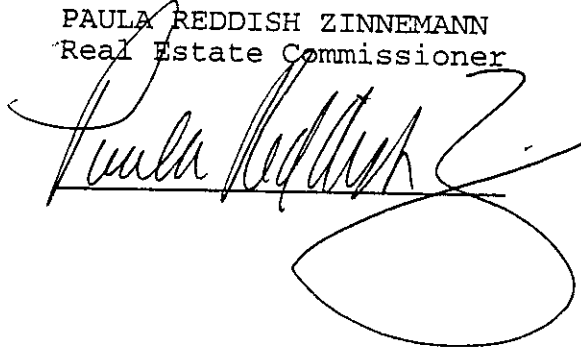
7 Respondent has failed to demonstrate that he has
8 corrected the business practices which led to the revocation
9 of his license. This is cause to deny his petition pursuant
10 to Section 2911(j) of the Regulations.

11 NOW, THEREFORE, IT IS ORDERED that Respondent's
12 petition for reinstatement of his real estate broker's
13 license is denied.

14 This Order shall become effective at 12
15 o'clock noon on Jan. 12, 2000

16
17 DATED: December 20, 1999

18
19
20 PAULA REDDISH ZINNEMANN
21 Real Estate Commissioner

22 

23
24 RONALD THOMAS BRANDENBURG
25 629 Taper Drive
26 Seal Beach, California 90740

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Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, California, 90012

(213) 897-3937

FILED
SEP 19 1996

DEPARTMENT OF REAL ESTATE

By

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)
)
SILVERADO BANCORP, INC., a California)
corporate broker; RONALD DAVIS)
BRANDENBURG, individually and as)
designated officer of Silverado)
Bancorp, Inc.; and WILLIAM CLAIR)
MC CALLEN, individually, as)
designated officer of Silverado)
Bancorp, Inc., as designated officer of)
Builders Financial Group, Inc. as)
designated officer of American Benefit)
Mortgage, Inc. and dba Nationwide)
Capital,)
)
Respondents.)

No. H-2058 SA

STIPULATION AND

AGREEMENT IN

SETTLEMENT AND ORDER

It is hereby stipulated by and between RONALD DAVIS
BRANDENBURG (referred to as Respondent) and the Complainant, acting
by and through Sean Crahan, Counsel for the Department of Real
Estate, as follows for the purpose of settling and disposing of the
Accusation filed on July 5, 1995, in this matter:

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

1 a formal hearing on the Accusation, which hearing was to be held in
2 accordance with the provisions of the Administrative Procedure Act
3 (APA), shall instead and in place thereof be submitted solely on
4 the basis of the provisions of this Stipulation And Agreement In
5 Settlement And Order (hereafter Stipulation).

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 in this
9 proceeding.

10 3. On August 10, 1995, Respondent filed a Notice of
11 Defense pursuant to Section 11505 of the Government Code for the
12 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 such as
20 the right to present evidence in defense of the allegations in the
21 Accusation and the right to cross-examine witnesses.

22 4. This Stipulation and Agreement in Settlement and
23 Order relates to the factual allegations contained in paragraphs
24 one (1) through three (3), five (5) through nine (9) and eleven
25 (11) in the Accusation filed in this proceeding. Respondent
26 chooses not to contest these factual allegations and to remain
27 silent and understands that, as a result thereof, these factual

1 allegations, without being admitted or denied, will serve as a
2 basis for the discipline stipulated to herein. This Stipulation
3 and Agreement in Settlement and Order and the findings based on
4 Respondent's decision not to contest the Accusation is hereby
5 expressly limited to this proceeding and made for the sole purpose
6 of reaching an agreed disposition of this proceeding, only.
7 Respondent's decision not to contest the factual allegations is
8 made solely for the purpose of effectuating this Stipulation and is
9 intended by Complainant and Respondent to be non-binding upon him
10 in any actions against Respondent by third parties and shall not be
11 deemed, used, or accepted as an acknowledgment or admission.
12 However, the results of this Stipulation may provide the basis for
13 establishing prior discipline, and the basis thereof, in any
14 subsequent proceeding by Complainant. The Real Estate Commissioner
15 shall not be required to provide further evidence to prove such
16 allegations.

17 5. It is understood by the parties that the Real Estate
18 Commissioner may adopt the Order in this Stipulation as his
19 decision and order in this matter thereby imposing the penalty and
20 sanctions on Respondent's real estate licenses and/or license
21 rights as set forth in the below Order. In the event that the
22 Commissioner in his discretion does not adopt the Stipulation, the
23 Stipulation And Agreement In Settlement shall be void and of no
24 effect, and Respondent shall retain the right to a hearing and
25 proceeding on the Accusation under all the provisions of the APA
26 and shall not be bound by any admission or waiver made herein.

27 6. The Order or any subsequent Order of the Real Estate

1 Commissioner made pursuant to this Stipulation shall not constitute
2 an estoppel, merger or bar to any further administrative or civil
3 proceedings by the Department of Real Estate with respect to any
4 matters which were not specifically alleged to be causes for
5 accusation in this proceeding.

6 DETERMINATION OF ISSUES

7 By reason of the foregoing stipulations and waivers, made
8 solely for the purpose of settlement of the pending Accusation
9 without a hearing, it is stipulated and agreed that the following
10 Determination of Issues shall be made:

11 The conduct or omissions of Respondent RONALD DAVIS
12 BRANDENBURG, as set forth in paragraphs one (1) through three (3),
13 five (5) through nine (9) and eleven (11) in the Accusation and
14 Amended Accusation constitute cause to suspend or revoke his real
15 estate broker license and/or license rights under the provisions of
16 Code Section 10177(d) for violation of Code Section 10159.2.

17 ORDER

18 WHEREFORE, THE FOLLOWING ORDER is hereby made:

19 All licenses and license rights of Respondent RONALD
20 DAVIS BRANDENBURG under Part 1 of Division 4 of the Business and
21 Professions Code are revoked. However, Respondent RONALD DAVIS
22 BRANDENBURG shall be entitled to apply for and be issued restricted
23 real estate broker licenses pursuant to Section 10156.5 of the Code
24 if Respondent makes application therefor and pays to the Department
25 of Real Estate the appropriate fee for said licenses within ninety
26 (90) days from the effective date of the Decision.

27 /

1 A. Prior to the issuance of any restricted license to
2 respondent RONALD DAVIS BRANDENBURG, respondent BRANDENBURG shall
3 present evidence satisfactory to the Department that he has paid
4 \$1,011.50 to J. Brian Gibbons.

5 B. The restricted licenses issued to Respondent
6 BRANDENBURG shall be subject to all of the provisions of Section
7 10156.7 of the Business and Professions Code and to the following
8 limitations, conditions and restrictions imposed under authority of
9 Section 10156.6 of said Code:

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

15 (2) The restricted license may be suspended prior
16 to hearing by Order of the Real Estate Commissioner on evidence
17 satisfactory to the Commissioner that Respondent BRANDENBURG has
18 violated provisions of the California Real Estate Law, the
19 Subdivided Lands Law, Regulations of the Real Estate Commissioner,
20 or the conditions attaching to these restricted licenses.

21 (3) Respondent BRANDENBURG shall not, during the
22 time he holds a restricted license, become an officer licensed to
23 or designated officer of a corporate broker, nor become the broker
24 for, or an employee of, a business of any form which performs acts
25 requiring a real estate license, unless he owns 51 or more percent
26 of such corporation or business, with the exception that respondent
27 BRANDENBURG may continue to act as the designated officer of

1 Parkway Mortgage, Inc.

2 (4) Respondent BRANDENBURG shall report in writing
3 to the Department of Real Estate as the Real Estate Commissioner
4 shall direct by his Order herein or by separate written order
5 issued while Respondent holds a restricted license, such
6 information concerning Respondent's activities for which a real
7 estate license is required as the Commissioner shall deem to be
8 appropriate to protect the public interest.

9 (5) Respondent BRANDENBURG shall not be eligible to
10 apply for the issuance of an unrestricted real estate license nor
11 the removal of any of the conditions, limitations or restrictions
12 of a restricted license until two (2) years has elapsed from the
13 date of issuance of the restricted license to Respondent.

14 (5) Respondent BRANDENBURG shall, within twelve
15 months from the effective date of this Decision, present evidence
16 satisfactory to the Real Estate Commissioner that Respondent has,
17 since the most recent issuance of an original or renewal real
18 estate license, taken and successfully completed the continuing
19 education requirements of Article 2.5 of Chapter 3 of the Real
20 Estate Law for renewal of a real estate license. If Respondent
21 fails to satisfy this condition, the Commissioner may order the
22 suspension of the restricted license until the Respondent presents
23 such evidence. The Commissioner shall afford Respondent the
24 opportunity for a hearing pursuant to the Administrative Procedure
25 Act to present such evidence.


26 (6) Respondent BRANDENBURG shall, within six months
27 from the effective date of this Decision, take and pass the

1 Professional Responsibility Examination administered by the
2 Department including the payment of the appropriate examination
3 fee. If Respondent fails to satisfy this condition, the
4 Commissioner may order suspension of Respondent's license until
5 Respondent passes the examination.

6
7 * * * * *

8
9 I have read the Stipulation And Agreement In Settlement
10 And Order, and its terms are understood by me and are agreeable and
11 acceptable to me. I understand that I am waiving rights given to
12 me by the California Administrative Procedure Act (including but
13 not limited to Sections 11506, 11508, 11509 and 11513 of the
14 Government Code), and I willingly, intelligently and voluntarily
15 waive those rights, including the right of requiring the
16 Commissioner to prove the allegations in the Accusation at a
17 hearing at which I would have the right to cross-examine witnesses
18 against me and to present evidence in defense and mitigation of the
19 charges.

20
21 DATED: 5/14/96


RONALD DAVIS BRANDENBURG, Respondent.

22
23
24 DATED: 5-20-96


SEAN CRAHAN, Counsel for
Complainant.

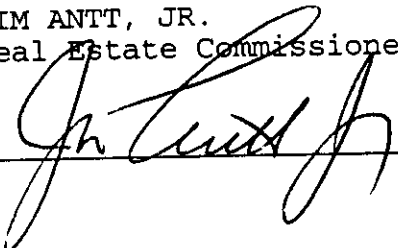
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* * * * *

The foregoing Stipulation And Agreement In Settlement is hereby adopted as my Decision and Order as to Respondent RONALD DAVIS BRANDENBURG and shall become effective at 12 o'clock noon on October 9, _____, 1996.

IT IS SO ORDERED 7/29, 1996.

JIM ANTT, JR.
Real Estate Commissioner



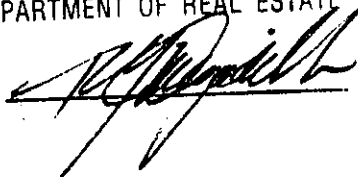
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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

F U L L U
MAY 9 1996
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of)
)
SILVERADO BANCORP, INC.,)
WILLIAM CLAIR MC CALLEN,)
)
Respondent(s).)

By 

NOTICE OF HEARING ON ACCUSATION
Case No. H-2058 SA

L- 9603239

To the above-named Respondent(s):

You are hereby notified that a hearing will be held before the Department of Real Estate at the Office of Administrative Hearings, 314 West First Street, Los Angeles, California 90012 on December 10 & 11, 1996 at 9:00 a.m. or as soon thereafter as the matter can be heard, upon the Accusation served upon you.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission 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 Administrative Law Judge 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 Administrative Law Judge directs otherwise.

Dated: May 8, 1996

DEPARTMENT OF REAL ESTATE

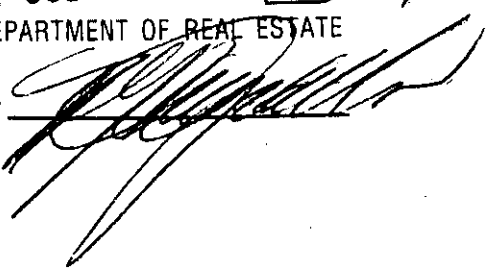
By: 
SEAN CRAHAN
DRE, Attorney

cc: William Clair McCallen
SV, OAH & SACTO
Ronald Appel, Esq.
Ronald Davis Brandenburg

Sacto

1 Department of Real Estate
107 South Broadway, Room 8107
2 Los Angeles, California, 90012
3 (213) 897-3937

FILED
JUL 19 1996
DEPARTMENT OF REAL ESTATE

By 

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

11	In the Matter of the Accusation of)	No. H-2058 SA
12	SILVERADO BANCORP, INC., a California)	
13	corporate broker; RONALD DAVIS)	<u>STIPULATION AND</u>
14	BRANDENBURG, individually and as)	<u>AGREEMENT IN</u>
15	designated officer of Silverado)	<u>SETTLEMENT AND ORDER</u>
16	Bancorp, Inc.; and WILLIAM CLAIR)	
17	MC CALLEN, individually, as)	
18	designated officer of Silverado)	
19	Bancorp, Inc., as designated officer of)	
20	Builders Financial Group, Inc. as)	
21	designated officer of American Benefit)	
22	Mortgage, Inc. and dba Nationwide)	
23	Capital,)	
24)	
25	Respondents.)	

21 It is hereby stipulated by and between WILLIAM CLAIR MC
22 CALLEN (referred to as Respondent), acting by and through Ronald
23 Appel, Esq. and the Complainant, acting by and through Sean Crahan,
24 Counsel for the Department of Real Estate, as follows for the
25 purpose of settling and disposing of the Accusation filed on July
26 5, 1995, in this matter:

27 1. All issues which were to be contested and all

1 evidence which was to be presented by Complainant and Respondent at
2 a formal hearing on the Accusation, which hearing was to be held in
3 accordance with the provisions of the Administrative Procedure Act
4 (APA), shall instead and in place thereof be submitted solely on
5 the basis of the provisions of this Stipulation And Agreement In
6 Settlement And Order (hereafter Stipulation).

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

11 3. On January 5, 1996, Respondent filed a Notice of
12 Defense pursuant to Section 11505 of the Government Code for the
13 purpose of requesting a hearing on the allegations in the
14 Accusation. Respondent hereby freely and voluntarily withdraws
15 said Notice of Defense. Respondent acknowledges that he
16 understands that by withdrawing said Notice of Defense, he will
17 thereby waive his right to require the Commissioner to prove the
18 allegations in the Accusation at a contested hearing held in
19 accordance with the provisions of the APA and that he will waive
20 other rights afforded to him in connection with the hearing such as
21 the right to present evidence in defense of the allegations in the
22 Accusation and the right to cross-examine witnesses.

23 4. This Stipulation and Agreement in Settlement and
24 Order relates to the factual allegations contained in paragraphs
25 one (1), two (2), four (4), six (6), ten (10) and eleven (11) in
26 the Accusation filed in this proceeding. Respondent chooses not to
27 contest these factual allegations and to remain silent and

1 understands that, as a result thereof, these factual allegations,
2 without being admitted or denied, will serve as a basis for the
3 discipline stipulated to herein. This Stipulation and Agreement in
4 Settlement and Order and the findings based on Respondent's
5 decision not to contest the Accusation is hereby expressly limited
6 to this proceeding and made for the sole purpose of reaching an
7 agreed disposition of this proceeding, only. Respondent's decision
8 not to contest the factual allegations is made solely for the
9 purpose of effectuating this Stipulation and is intended by
10 Complainant and Respondent to be non-binding upon him in any
11 actions against Respondent by third parties and shall not be
12 deemed, used, or accepted as an acknowledgment or admission.
13 However, the results of this Stipulation may provide the basis for
14 establishing prior discipline, and the basis thereof, in any
15 subsequent proceeding by Complainant. The Real Estate Commissioner
16 shall not be required to provide further evidence to prove such
17 allegations.

18 5. It is understood by the parties that the Real Estate
19 Commissioner may adopt the Order in this Stipulation as his
20 decision and order in this matter thereby imposing the penalty and
21 sanctions on Respondent's real estate licenses and/or license
22 rights as set forth in the below Order. In the event that the
23 Commissioner in his discretion does not adopt the Stipulation, the
24 Stipulation And Agreement In Settlement shall be void and of no
25 effect, and Respondent shall retain the right to a hearing and
26 proceeding on the Accusation under all the provisions of the APA
27 and shall not be bound by any admission or waiver made herein.

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

7 DETERMINATION OF ISSUES

8 By reason of the foregoing stipulations and waivers, made
9 solely for the purpose of settlement of the pending Accusation
10 without a hearing, it is stipulated and agreed that the following
11 Determination of Issues shall be made:

12 The conduct or omissions of Respondent WILLIAM CLAIR MC
13 CALLEN, as set forth in paragraphs one (1), two (2), four (4), six
14 (6), ten (10) and eleven (11) in the Accusation and Amended
15 Accusation constitute cause to suspend or revoke his real estate
16 broker license and/or license rights under the provisions of Code
17 Section 10177(d) for violation of Code Section 10159.2.

18 ORDER

19 WHEREFORE, THE FOLLOWING ORDER is hereby made:

20 All licenses and license rights of Respondent WILLIAM
21 CLAIR MC CALLEN under Part 1 of Division 4 of the Business and
22 Professions Code are suspended for a period of thirty (30) days
23 from the effective date of this Order. However, said thirty (30)
24 day suspension shall be stayed for one year upon the following
25 terms and conditions:

26 1. Respondent WILLIAM CLAIR MC CALLEN pays a monetary
27 penalty pursuant to Section 10175.2 of the Business and Professions



1 Code of \$500;

2 (a) Said payment shall be in the form of a
3 cashier's check or certified check made payable to the Recovery
4 Account of the Real Estate Fund. Said check must be delivered to
5 the Department prior to the effective date of the Order in this
6 matter;

7 (b) If Respondent fails to pay the monetary penalty
8 in accordance with the terms of this paragraph or this Order, the
9 Commissioner may, without a hearing, order the immediate execution
10 of all or any part of the thirty (30) days stayed suspension, in
11 which event the Respondent shall not be entitled to any repayment
12 nor credit, prorated or otherwise, for money paid to the Department
13 under the terms of this Order.

14 2. Respondent WILLIAM CLAIR MC CALLEN shall obey all
15 laws, rules and regulations governing the rights, duties and
16 responsibilities of a real estate licensee in the State of
17 California and that no final subsequent determination be made,
18 after hearing or upon stipulation, that cause for disciplinary
19 action occurred within one (1) year from the effective date of this
20 Order;

21 3. If respondent (1), pays the monetary penalty as
22 provided for herein above and (2), if no further cause for
23 disciplinary action against the real estate license of Respondent
24 has occurred within one (1) year, as finally determined after
25 hearing or stipulation, the stay of the thirty (30) day suspension
26 shall become permanent.

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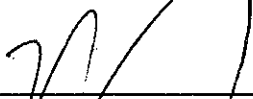
I have read the Stipulation And Agreement In Settlement

And Order, 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: 5-6-96


WILLIAM CLAIR MC CALLEN, Respondent.

DATED: 5/7/96


RONALD APPEL, ESQ. Counsel for
William Clair Mc Callen, Respondent,
approved as to form.

DATED: 5-10-96


SEAN CRAHAN, Counsel for
Complainant.

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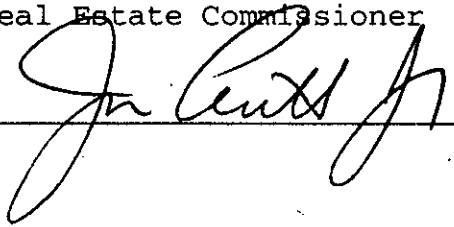
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* * * * *

The foregoing Stipulation And Agreement In Settlement is
hereby adopted as my Decision and Order as to Respondent WILLIAM
CLAIR MC CALLEN and shall become effective at 12 o'clock noon on
August 8, _____, 1996.

IT IS SO ORDERED 5/30, 1996.

JIM ANTT, JR.
Real Estate Commissioner



SACTO

FILED
MAY 8 1996
DEPARTMENT OF REAL ESTATE

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

By 

* * * *

In the Matter of the Accusation of)	No. H-2058 SA
)	
SILVERADO BANCORP, INC., a California)	
corporate broker; RONALD DAVIS)	
BRANDENBURG, individually and as)	
designated officer of Silverado)	
Bancorp, Inc.; and WILLIAM CLAIR)	
MC CALLEN, individually, as)	
designated officer of Silverado)	
Bancorp, Inc., as designated officer of)	
Builders Financial Group, Inc. as)	
designated officer of American Benefit)	
Mortgage, Inc. and dba Nationwide)	
Capital,)	
)	
)	
Respondents.)	

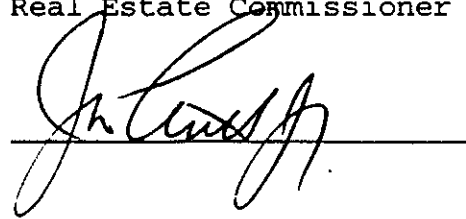
DECISION

The Proposed Decision dated March 27, 1996, of Randolph Brendia, Regional Manager, Department of Real Estate, is hereby adopted as the Decision of the Real Estate Commissioner in the above-entitled matter as to Respondent SILVERADO BANCORP, INC. only.

This Decision shall become effective at 12 o'clock noon on May 28, 1996.

IT IS SO ORDERED 4/10, 1996.

JIM ANTT, JR.
Real Estate Commissioner



DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of) No. H-2058 SA
)
SILVERADO BANCORP, INC., a California)
corporate broker; RONALD DAVIS)
BRANDENBURG, individually and as)
designated officer of Silverado)
Bancorp, Inc.; and WILLIAM CLAIR)
MC CALLEN, individually, as)
designated officer of Silverado)
Bancorp, Inc., as designated officer of)
Builders Financial Group, Inc. as)
designated officer of American Benefit)
Mortgage, Inc. and dba Nationwide)
Capital,)
)
Respondents.)
_____)

PROPOSED DECISION

This matter was presided over by Randolph Brenda, Regional Manager, Department of Real Estate, as the designee of the Real Estate Commissioner, in Los Angeles, California, on March 27, 1996.

Sean Crahan, Counsel, represented the Complainant.

No personal appearance was made by or on behalf of respondent SILVERADO BANCORP, INC. Respondents RONALD DAVIS BRANDENBURG and WILLIAM CLAIR MC CALLEN were severed from these proceedings. On proof of compliance with Government Code Section 11505, the matter proceeded as a default against respondent SILVERADO BANCORP, INC. pursuant to Government Code Section 11520.

The following decision is proposed, certified and recommended for adoption:

FINDINGS OF FACT

I

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner, brings this Accusation in his official capacity.

II

SILVERADO BANCORP, INC. (hereafter respondent SBI) 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 (hereafter cited as the Code). From August 7, 1992, to the present and at all times herein mentioned, respondent SBI was and is licensed by the Department of Real Estate of the State of California (hereafter the Department) as a corporate real estate broker.

III

Ronald Davis Brandenburg (hereafter Brandenburg) is presently licensed and/or has license rights under the Real Estate Law.

(a) From August 7, 1992 through February 24, 1993, Brandenburg was licensed by the Department as a real estate broker, individually and as designated officer of respondent SBI.

(b) Pursuant to Code Section 10159.2, Brandenburg was responsible for the supervision of the officers, agents and employees of respondent SBI for which a real estate license was required, during his time as designated officer.

IV

William Clair Mc Callen (hereafter Mc Callen) is presently licensed and/or has license rights under the Real Estate Law.

(a) From February 24, 1993 to the present, Mc Callen was licensed by the Department as a real estate broker, individually and as designated officer of respondent SBI.

(b) Pursuant to Code Section 10159.2, Mc Callen was responsible for the supervision of the officers, agents and employees of respondent SBI for which a real estate license was required, during his time as designated officer.

V

Robert Otto Potter, Paul Flipowicz, Laura Reynoso, Corey Potter and Dennis Shea were at no time herein mentioned licensed by the Department as real estate brokers or salespersons. Robert Otto Potter was licensed as a real estate salesperson until his license was revoked effective April 2, 1987 in case H-22641 LA.

VI

(a) At times herein mentioned, respondent SBI was engaged in the mortgage loan brokerage business as defined by Code Section 10131(d) in that respondent SBI, for or in expectation of compensation, solicited and negotiated with borrowers for loans from third-party lenders secured by real property (secured loans).

(b) In connection with its loan brokerage business, respondent SBI conducted escrows through its escrow division.

VII

In the course of its mortgage loan business as defined in paragraph 5 above, within three years prior to the filing of this accusation, respondent SBI employed and/or compensated Paul Filipowicz, Laura Reynoso, and Dennis Shea to solicit and negotiate with borrowers in the following secured loan transactions:

Loan No.	Borrower:	SBI Loan Officer	Date Applied:
02432	George Corry	Paul Filipowicz	7-27-92
06235	Daniel Roser	Paul Filipowicz	8-9-92
112967	John Frith	Paul Filipowicz	7-31-92
119576	Stanley Scott	Paul Filipowicz	9-1-92
92-771-CP	Artha Deal	Paul Filipowicz	8-24-92
147096	Charles Dougherty	Dennis Shea	
92-122 LR	Laurie Hess	Laura Reynoso	9-17-92
122286	Jed R. Hulsey	Paul Filipowicz	10-15-92

VIII

On or about September 9, 1992, J. Brian Gibbons entrusted \$1,011.50 to SBI to be delivered to a lender for the purpose of establishing a set loan interest rate, in connection with his application to SBI for a loan secured by real property. Respondent SBI deposited Gibbons' funds into its general account and not into its trust account. Respondent SBI commingled Gibbons' funds with its own money.

IX

From time to time between January 12, 1993 and March 8, 1993, an auditor from the Department examined the books and records of respondent SBI covering a period of time from August 1, 1992 through January 29, 1993 (hereafter the "audit period"). That audit revealed that respondents SBI and Brandenburg, during the audit period, violated the following Code Sections and Regulations from Title 10, Chapter 6, California Code of Regulations (hereafter Regulations):

(a) Respondents Brandenburg failed to review, initial and date documents prepared by employees of respondent SBI which would have a bearing on the rights of parties to the loans, including but not limited to loan applications, good-faith estimates or escrow instructions and closing statements, in willful violation of Regulation 2725.

(b) Respondent SBI maintained an escrow trust account

from which Respondents SBI and BRANDENBURG allowed Annette Ryan and Robert Potter, both unlicensed and unbonded, to withdraw trust funds in willful violation of Regulation 2834.

(c) Respondent SBI had taken over the business of PFG Mortgage, Inc. (hereafter PFG) which used its own trust account. During the time including August through September 1992, various title companies had funded loans in error into both the PFG and SBI trust accounts. This created adjustments for each of the trust accounts which were not accounted for by the time the audit took place.

(i) These unaccounted for adjustments caused receipts and disbursement journals, and separate records, to be inaccurate from time to time between August, 1992 through January 29, 1993. in willful violation of Regulations 2831 and 2831.1.

(ii) These unaccounted for adjustments caused overages and shortages in the SBI trust account from time to time in violation of Regulations 2832.1 and 2833.

X

Sometime in 1992, respondents SBI created an advertisement, the hearing of which commenced "Form W-911-12 California State Property Owners IMPORTANT FINANCIAL INFORMATION..." Respondent SBI caused this advertisement to be circulated from time to time through August, 1993. Said advertisement solicited borrowers to apply for loans with the statement of prospective principal amount, monthly payment, monthly savings and savings calculated for the life of the loan, for both fixed rate and adjustable rate loans. Said advertisement willfully failed to state the simple or annual percentage rates, number of payments or balance due at maturity as is required by Regulation 2848(5) and a statement whether such terms are available for first or junior loans, as required by Regulation 2848(6).

DETERMINATION OF ISSUES

The conduct or omissions of respondent SBI as set forth above subject its real estate license and license rights to suspension or revocation under the following Code Sections:

(a) Code Sections 10137 and 10138 for employing or compensating unlicensed persons, as set forth in paragraph VII above.

(b) Code Section 10176(e) for commingling trust funds with respondent SBI's own money, as set forth in paragraph VIII above.

(c) Code Section 10177(d) for willful violations of the following Code Sections and Regulations:

(i) Regulation 2831 and 2831.1 for failing to maintain accurate columnar and separate records as set forth in paragraph IX(c) above.

(ii) Regulation 2834 for allowing withdrawals of trust funds by unlicensed and unbonded persons, as set forth in paragraph IX(b) above.

(iii) Regulation 2848 for the deceptive advertising, as set forth in paragraph 10 above.

(d) Code Section 10177(g) for failure to properly adjust the trust accounts and trust account records, as set forth in paragraph IX(c) above.

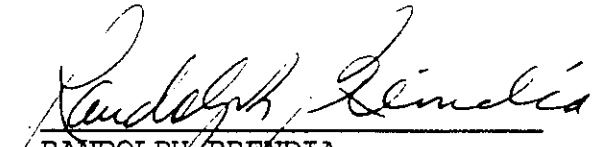
II

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

ORDER

All licenses and license rights of respondents SILVERADO BANCORP, INC. under the provisions of Part 1 of Division 4 of the Business and Professions Code are hereby revoked.

DATED: March 27, 1996.



RANDOLPH BRENDIA
Regional Manager
Department of Real Estate

1 SEAN CRAHAN, Counsel
2 Department of Real Estate
3 107 South Broadway, Room 8107
4 Los Angeles, California 90012
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11 (213) 897-3937

FILED
JUL 5 - 1995
DEPARTMENT OF REAL ESTATE
By *[Signature]*

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * * *

11 In the Matter of the Accusation of) No. H-2058 SA
12)
13 SILVERADO BANCORP, INC., a California)
14 corporate broker; RONALD DAVIS) ACCUSATION
15 BRANDENBURG, individually and as)
16 designated officer of Silverado)
17 Bancorp, Inc.; and WILLIAM CLAIR)
18 MC CALLEN, individually, as)
19 designated officer of Silverado)
20 Bancorp, Inc., as designated officer of)
21 Builders Financial Group, Inc. as)
22 designated officer of American Benefit)
23 Mortgage, Inc. and dba Nationwide)
24 Capital,)
25 Respondents.)
26)
27)

20 The Complainant, Thomas McCrady, a Deputy Real Estate
21 Commissioner of the State of California, for cause of accusation
22 against SILVERADO BANCORP, INC., a California corporate broker;
23 RONALD DAVIS BRANDENBURG, individually, and as designated officer
24 of Silverado Bancorp, Inc.; and WILLIAM CLAIR MC CALLEN,
25 individually, and as designated officer of Silverado Bancorp, Inc.,
26 as designated officer of Builders Financial Group, Inc., as
27 designated officer of American Benefit Mortgage, Inc. and dba

1 Nationwide Capital, alleges as follows:

2 1.

3 The Complainant, Thomas McCrady, a deputy real estate
4 commissioner, brings this Accusation in his official capacity.

5 2.

6 SILVERADO BANCORP, INC. (hereafter respondent SBI) is
7 presently licensed and/or has license rights under the Real Estate
8 Law, Part 1 of Division 4 of the California Business and
9 Professions Code (hereafter cited as the Code). From August 7,
10 1992, to the present and at all times herein mentioned, respondent
11 SBI was and is licensed by the Department of Real Estate of the
12 State of California (hereafter the Department) as a corporate real
13 estate broker.

14 3.

15 RONALD DAVIS BRANDENBURG (hereafter respondent
16 BRANDENBURG) is presently licensed and/or has license rights under
17 the Real Estate Law.

18 (a) From August 7, 1992 through February 24, 1993,
19 respondent BRANDENBURG was licensed by the Department as a real
20 estate broker, individually and as designated officer of respondent
21 SBI.

22 (b) Pursuant to Code Section 10159.2, respondent
23 BRANDENBURG was responsible for the supervision of the officers,
24 agents and employees of respondent SBI for which a real estate
25 license was required, during his time as designated officer.

26 4.

27 WILLIAM CLAIR MC CALLEN (hereafter respondent MC CALLEN)

1 is presently licensed and/or has license rights under the Real
2 Estate Law.

3 (a) From February 24, 1993 to the present, respondent MC
4 CALLEN was licensed by the Department as a real estate broker,
5 individually and as designated officer of respondent SBI.

6 (b) Pursuant to Code Section 10159.2, respondent MC
7 CALLEN was responsible for the supervision of the officers, agents
8 and employees of respondent SBI for which a real estate license was
9 required, during his time as designated officer.

10 5.

11 Robert Otto Potter, Paul Flipowicz, Laura Reynoso, Corey
12 Potter and Dennis Shea were at no time herein mentioned licensed by
13 the Department as real estate brokers or salespersons. Robert Otto
14 Potter was licensed as a real estate salesperson until his license
15 was revoked effective April 2, 1987 in case H-22641 LA.

16 6.

17 (a) At times herein mentioned, respondent SBI was
18 engaged in the mortgage loan brokerage business as defined by Code
19 Section 10131(d) in that respondent SBI, for or in expectation of
20 compensation, solicited and negotiated with borrowers for loans
21 from third-party lenders secured by real property (secured loans).

22 (b) In connection with its loan brokerage business,
23 respondent SBI conducted escrows through its escrow division.

24 7.

25 In the course of its mortgage loan business as defined in
26 paragraph 6 above, within three years prior to the filing of this
27 accusation, respondent SBI employed and/or compensated Paul

1 Flipowicz, Laura Reynoso, and Dennis Shea to solicit and negotiate
 2 with borrowers in the following secured loan transactions:

3	Loan No.	Borrower:	SBI Loan Officer
4	02432	George Corry	Paul Filipowicz
5	06235	Daniel Roser	Paul Filipowicz
6	112967	John Firth	Paul Filipowicz
7	119576	Stanley Scott	Paul Filipowicz
8	92-771-CP	Artha Deal	Paul Filipowicz
9	147096	Charles J. Dougherty, Jr.	Dennis Shea
10	119880	Sheryl Tobin	Laura Reynoso
11	92-122 LR	Laurie Hess	Laura Reynoso
12	122286	Jed Randolph Hulsey	Paul Filipowicz

13 8.

14 On or about September 9, 1992, J. Brian Gibbons entrusted
 15 \$1,011.50 to SBI to be delivered to a lender for the purpose of
 16 establishing a set loan interest rate, in connection with his
 17 application to SBI for a loan secured by real property. Respondent
 18 SBI deposited Gibbons' funds into its general account and not into
 19 its trust account. Respondent SBI commingled Gibbons' funds with
 20 its own money.

21 9.

22 From time to time between January 12, 1993 and March 8,
 23 1993, an auditor from the Department examined the books and records
 24 of respondent SBI covering a period of time from August 1, 1992
 25 thorough January 29, 1993 (hereafter the "audit period"). That
 26 audit revealed that respondents SBI and BRANDENBURG, during the
 27 audit period, violated the following Code Sections and Regulations

1 from Title 10, Chapter 6, California Code of Regulations (hereafter
2 Regulations):

3 (a) Respondent BRANDENBURG failed to review, initial and
4 date documents prepared by employees of respondent SBI which would
5 have a bearing on the rights of parties to the loans, including but
6 not limited to loan applications, good-faith estimates or escrow
7 instructions and closing statements, in willful violation of
8 Regulation 2725.

9 (b) Respondent SBI maintained an escrow trust account
10 from which Respondents SBI and BRANDENBURG allowed Annette Ryan and
11 Robert Potter, both unlicensed and unbonded, to withdraw trust
12 funds in willful violation of Regulation 2834.

13 (c) Respondent SBI had taken over the business of PFG
14 Mortgage, Inc. (hereafter PFG) which used its own trust account.
15 During the time including August through September 1992, various
16 title companies had funded loans in error into both the PFG and SBI
17 trust accounts. This created adjustments for each of the trust
18 accounts which were not accounted for by the time the audit took
19 place.

20 (i) These unaccounted for adjustments caused
21 receipts and disbursement journals, and separate records, to be
22 inaccurate from time to time between August, 1992 through January
23 29, 1993. in willful violation of Regulations 2831 and 2831.1.

24 (ii) These unaccounted for adjustments caused
25 overages and shortages in the SBI trust account from time to time
26 in violation of Regulations 2832.1 and 2833.

27

1
2 Sometime in 1992, respondents SBI created an
3 advertisement, the hearing of which commenced "Form W-911-12
4 California State Property Owners IMPORTANT FINANCIAL
5 INFORMATION..." Respondent SBI caused this advertisement to be
6 circulated from time to time through August, 1993. Said
7 advertisement solicited borrowers to apply for loans with the
8 statement of prospective principal amount, monthly payment, monthly
9 savings and savings calculated for the life of the loan, for both
10 fixed rate and adjustable rate loans. Said advertisement
11 willfully failed to state the simple or annual percentage rates,
12 number of payments or balance due at maturity as is required by
13 Regulation 2848(5) and a statement whether such terms are available
14 for first or junior loans, as required by Regulation 2848(6).

11.

15
16 Respondents BRANDENBURG and MC CALLEN knew or should have
17 known that the above violations occurred or were occurring.
18 Respondents BRANDENBURG and MC CALLEN failed to exercise reasonable
19 supervision over the activities of officers and employees of
20 respondent SBI for which a real estate license was required so as
21 to prevent the violations.

12.

22
23 The conduct or omissions of respondent SBI as set forth
24 above subject its real estate license and license rights to
25 suspension or revocation under the following Code Sections:

26 (a) Code Sections 10137 and 10138 for employing or
27 compensating unlicensed persons, as set forth in paragraph 7 above.

1 (b) Code Section 10176(e) for commingling trust funds
2 with respondent SBI's own money, as set forth in paragraph 8 above.

3 (c) Code Section 10177(d) for willful violations of the
4 following Code Sections and Regulations:

5 (i) Regulation 2831 and 2831.1 for failing to
6 maintain accurate columnar and separate records as set forth in
7 paragraph 9(c) above.

8 (ii) Regulation 2834 for allowing withdrawals of
9 trust funds by unlicensed and unbonded persons, as set forth in
10 paragraph 9(b) above.

11 (iii) Regulation 2848 for the deceptive
12 advertising, as set forth in paragraph 10 above.

13 (d) Code Section 10177(g) for failure to properly adjust
14 the trust accounts and trust account records, as set forth in
15 paragraph 9(c) above.

16 13.

17 The conduct or omissions of respondent BRANDENBURG as set
18 forth above subject his real estate licenses and license rights to
19 suspension or revocation under the following Code Sections:

20 (a) Code Sections 10137 and 10138 for employing or
21 compensating unlicensed persons, as set forth in paragraph 7 above.

22 (b) Code Section 10177(d) for willful violations of the
23 following Code Sections and Regulations:

24 (i) Regulation 2725 for failing to review,
25 initial and date documents prepared by employees of respondent SBI,
26 as set forth in paragraph 9(a) above.

27 (ii) Regulation 2831 and 2831.1 for failing to

1 maintain accurate columnar and separate records as set forth in
2 paragraph 9(c) above.

3 (iii) Regulation 2834 for allowing withdrawals of
4 trust funds by unlicensed and unbonded persons, as set forth in
5 paragraph 9(b) above.

6 (c) Code Section 10177(g) for failure to properly adjust
7 the trust accounts and trust account records, as set forth in
8 paragraph 9(c) above.

9 (d) Code Section 10177(d) for willful violation of Code
10 Sections 10159.2 for failure to supervise the employees of
11 respondent SBI as set forth in paragraph 11 above.

12 14.

13 The conduct or omissions of respondent MC CALLEN, as set
14 forth in paragraph 11, above, subject his real estate licenses and
15 license rights to suspension or revocation under Code Section
16 10177(d) for willful violation of Code Sections 10159.2 for failure
17 to supervise the employees of respondent SBI.

18 WHEREFORE, Complainant prays that a hearing be conducted
19 on the allegations of this Accusation and, that upon proof thereof,
20 a decision be rendered imposing disciplinary action against all
21 licenses and license rights of Respondents SILVERADO BANCORP, INC.,
22 a California corporate broker; RONALD DAVIS BRANDENBURG,
23 individually, and as designated officer of Silverado Bancorp, Inc.;
24 and WILLIAM CLAIR MC CALLEN, individually, and as designated
25 officer of Silverado Bancorp, Inc., as designated officer of
26 Builders Financial Group, Inc., as designated officer of American
27 Benefit Mortgage, Inc. and dba Nationwide Capital,, under the Real

1 Estate Law (Part 1 of Division 4 of the Business and Professions
2 Code) and for such other and further relief as may be proper under
3 other applicable provisions of law.

4 Dated at Los Angeles, California
5 this 5th day of July, 1995.

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THOMAS MC CRADY

Thomas McCrady,
Deputy Real Estate Commissioner

cc: Silverado Bancorp, Inc..
Ronald Davis Brandenburg
William Clair McCallen
Sacto
BSV

SC/sc