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FILED  
JUN 23 1997  
DEPARTMENT OF REAL ESTATE

*Laurie A. Ziss*

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of )  
ERIC ALLEN GOLDEN, ) No. H-2919 SAC  
Respondent. )

ORDER GRANTING REINSTATEMENT OF LICENSE

On January 18, 1994, 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 February 16, 1994, and Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent since that time.

On July 18, 1996, 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.

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 petition  
9 for reinstatement is granted and that a real estate salesperson  
10 license be issued to Respondent if Respondent satisfies the  
11 following conditions within six (6) months from the date of this  
12 Order:

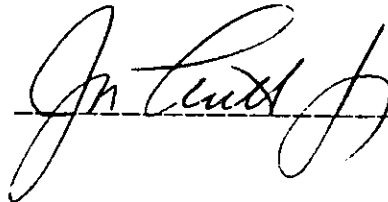
13 1. Submittal of a completed application and payment of  
14 the fee for a real estate salesperson license.

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: 6/10/97

22 JIM ANTT, JR.  
23 Real Estate Commissioner

24   
25  
26  
27



1 Department of Real Estate  
2 P. O. Box 187000  
3 Sacramento, CA 95818-7000  
4 Telephone: (916) 277-0789

FILED  
MAR - 8 1994  
DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

8 BEFORE THE  
9 DEPARTMENT OF REAL ESTATE  
10 STATE OF CALIFORNIA

11 \* \* \*

12 In the Matter of the Accusation of ) NO. H-2919 SAC  
13 )  
14 ERIC ALLEN GOLDEN, ) STIPULATION AND AGREEMENT  
15 EXECUTIVE WEST FUNDING CORP, ) IN SETTLEMENT AND ORDER  
and PATRICK MICHAEL DRIVER, ) AS TO PATRICK MICHAEL  
Respondents. ) DRIVER AND EXECUTIVE  
WEST FUNDING CORP. ONLY

16 It is hereby stipulated by and between EXECUTIVE WEST  
17 FUNDING CORP. and PATRICK MICHAEL DRIVER, (sometimes referred to  
18 as Respondents), and their attorney of record, Gene E. Pendergast  
19 of Schei, Pendergast & Collins, and the Complainant, acting by and  
20 through David B. Seals, Counsel for the Department of Real Estate,  
21 as follows, for the purpose of settling and disposing of the  
22 Accusation filed on June 27, 1993, as to EXECUTIVE WEST FUNDING  
23 CORP. and PATRICK MICHAEL DRIVER only:

24 1. All issues which were to be contested and all  
25 evidence which was to be presented by Complainant and Respondents  
26 at a formal hearing on the Accusation, which hearing was to be  
27 held in accordance with the provisions of the Administrative

1 Procedure Act (APA), shall instead and in place thereof be  
2 submitted solely on the basis of the provisions of this  
3 Stipulation.

4 2. Respondents have received, read and understand the  
5 Statement to Respondent, the Discovery Provisions of the APA and  
6 the Accusation filed by the Department of Real Estate in this  
7 proceeding.

8 3. On August 9, 1993, Respondents filed a Notice of  
9 Defense pursuant to Section 11505 of the Government Code for the  
10 purpose of requesting a hearing on the allegations in the  
11 Accusation. Respondents hereby freely and voluntarily withdraw  
12 said Notice of Defense. Respondents acknowledge that they  
13 understand that by withdrawing said Notice of Defense they waive  
14 their right to require the Commissioner to prove the allegations  
15 in the Accusation at a contested hearing held in accordance with  
16 the provisions of the APA and that they waive other rights  
17 afforded to them in connection with the hearing such as the right  
18 to present evidence in defense of the allegations in the  
19 Accusation and the right to cross-examine witnesses.

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

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

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

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

15 DETERMINATION OF ISSUES

16 I

17 The facts alleged above are grounds for the suspension  
18 or revocation of the licenses and license rights of both  
19 Respondents EXECUTIVE WEST FUNDING CORP. and PATRICK MICHAEL  
20 DRIVER under Section 10137 of the Code, and under Section 10177(h)  
21 of the Code as to Respondent PATRICK MICHAEL DRIVER only.

22 ORDER

23 I

24 All licenses and licensing rights of Respondent  
25 EXECUTIVE WEST FUNDING CORP. under the Real Estate Law are  
26 suspended for a period of thirty (30) days from the effective date  
27 of this Order; provided, however, that:

1. Fifteen (15) days of said suspension shall be stayed for  
two (2) years upon the following terms and conditions:
- (a) Respondent shall obey all laws, rules and regulations  
governing the rights, duties and responsibilities  
of a real estate licensee in the State of California;  
and,
- (b) That no final subsequent determination be made, after  
hearing or upon stipulation, that cause for disciplinary  
action occurred within two (2) years from the effective  
date of this Order. Should such a determination be made,  
the Commissioner may, in his discretion, vacate and set  
aside the stay order and reimpose all or a portion of the  
stayed suspension. Should no such determination be made,  
the stay imposed herein shall become permanent.
2. The remaining fifteen (15) days of said 30-day suspension  
shall be stayed as to Respondent EXECUTIVE WEST FUNDING CORP.  
upon the condition that Respondent EXECUTIVE WEST FUNDING  
CORP. petitions pursuant to Section 10175.2 of the Business  
and Professions Code and pays a monetary penalty pursuant to  
Section 10175.2 of the Business and Professions Code at a rate  
of \$250.00 for each day of the suspension for a total monetary  
penalty of \$3,750.00:
- (a) Said payment shall be in the form of a cashier's check or  
certified check made payable to the Recovery Account of  
the Real Estate Fund. Said check must be delivered to  
the Department prior to the effective date of the Order  
in this matter.

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(b) No further cause for disciplinary action against the Real Estate licenses of Respondent EXECUTIVE WEST FUNDING CORP. occurs within two (2) years from the effective date of the Order in this matter.

(c) If Respondent EXECUTIVE WEST FUNDING CORP. fails to pay the monetary penalty in accordance with the terms and conditions of the Order, the Commissioner may, without a hearing, order the immediate execution of all or any part of the stayed suspension, in which event, Respondent EXECUTIVE WEST FUNDING CORP. shall not be entitled to any repayment nor credit, prorated or otherwise, for the money paid to the Department under the terms of this Order.

(d) If Respondent EXECUTIVE WEST FUNDING CORP. pays the monetary penalty and if no further cause for disciplinary action against the real estate licenses of Respondent EXECUTIVE WEST FUNDING CORP. occurs within two (2) years from the effective date of this Order, the stay hereby granted shall become permanent.

II

All licenses and licensing rights of Respondent PATRICK MICHAEL DRIVER under the Real Estate Law are suspended for a period of ninety (90) days from the effective date of this Order; provided, however, that:

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///

1 1. Sixty (60) days of said suspension shall be stayed for two (2)  
2 years upon the following terms and conditions:

3 (a) Respondent shall obey all laws, rules and regulations  
4 governing the rights, duties and responsibilities  
5 of a real estate licensee in the State of California;  
6 and,

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

15 2. The remaining thirty (30) days of said 90-day suspension shall  
16 be stayed as to Respondent PATRICK MICHAEL DRIVER upon the  
17 condition that Respondent PATRICK MICHAEL DRIVER petitions  
18 pursuant to Section 10175.2 of the Business and Professions  
19 Code and pays a monetary penalty pursuant to Section 10175.2  
20 of the Business and Professions Code at a rate of \$250.00 for  
21 each day of the suspension for a total monetary penalty of  
22 \$7,500.00:

23 (a) Said payment shall be in the form of a cashier's check or  
24 certified check made payable to the Recovery Account of  
25 the Real Estate Fund. Said check must be delivered to  
26 the Department prior to the effective date of the Order  
27 in this matter.



1 (b) No further cause for disciplinary action against the Real  
2 Estate licenses of Respondent PATRICK MICHAEL DRIVER  
3 occurs within two (2) years from the effective date of  
4 the Order in this matter.

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

14 (d) If Respondent PATRICK MICHAEL DRIVER pays the monetary  
15 penalty and if no further cause for disciplinary action  
16 against the real estate licenses of Respondent PATRICK  
17 MICHAEL DRIVER occurs within two (2) years from the  
18 effective date of the Order, the stay hereby granted  
19 shall become permanent.

20  
21 2/8/94

22 DATED

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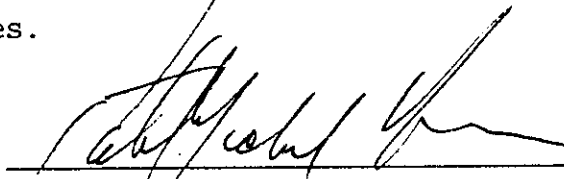
22 DAVID B. SEALS, Counsel  
23 DEPARTMENT OF REAL ESTATE

24 \* \* \*

24 I have read the Stipulation and Agreement, have  
25 discussed it with my counsel, and its terms are understood by me  
26 and are agreeable and acceptable to me. I understand that I am  
27 waiving rights given to me by the California Administrative

1 Procedure Act (including but not limited to Sections 11506, 11508,  
2 11509, and 11513 of the Government Code), and I willingly,  
3 intelligently, and voluntarily waive those rights, including the  
4 right of requiring the Commissioner to prove the allegations in  
5 the Accusation at a hearing at which I would have the right to  
6 cross-examine witnesses against me and to present evidence in  
7 defense and mitigation of the charges.


8  
9 2/2/94  
DATED

  
PATRICK MICHAEL DRIVER  
Respondent

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I have reviewed the Stipulation and Agreement as to form and content and have advised my client accordingly.

2/2/94  
DATED

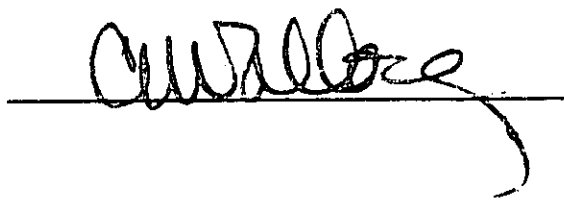
  
GENE E. PENDERGAST  
Attorney for Respondents

\* \* \*

The foregoing Stipulation and Agreement in Settlement is hereby adopted by the Real Estate Commissioner as his Decision and Order and shall become effective at 12 o'clock noon on March 28, 1994.

IT IS SO ORDERED 2/23, 1994.

CLARK WALLACE  
Real Estate Commissioner



1 DEPARTMENT OF REAL ESTATE  
2 P. O. Box 187000  
3 Sacramento, CA 95818-7000  
4 Telephone: (916) 227-0789

FILED  
JAN 27 1994  
DEPARTMENT OF REAL ESTATE

By *Kathleen Contreras*

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11	In the Matter of the Accusation of )	
12	ERIC ALLEN GOLDEN )	NO. H-2919 SAC
13	EXECUTIVE WEST FUNDING CORP., )	<u>STIPULATION AND AGREEMENT</u>
14	and PATRICK MICHAEL DRIVER )	<u>IN SETTLEMENT AND ORDER</u>
15	Respondents. )	<u>AS TO ERIC ALLEN GOLDEN</u>
		<u>ONLY</u>

16 It is hereby stipulated by and between ERIC ALLEN GOLDEN  
17 (sometimes referred to as Respondent GOLDEN), his attorney of  
18 record Keith E. Pershall of Downey, Brand, Seymour & Rohwer,  
19 Attorneys at Law and the Complainant, acting by and through  
20 David B. Seals, Counsel for the Department of Real Estate, as  
21 follows, for the purpose of settling and disposing of the  
22 Accusation filed on June 27, 1993, as to ERIC ALLEN GOLDEN only.

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

1 instead and in place thereof be submitted solely on the basis of  
2 the provisions of this Stipulation.

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

7           3. On July 30, 1993, Respondent GOLDEN filed a Notice  
8 of Defense pursuant to Section 11505 of the Government Code for  
9 the purpose of requesting a hearing on the allegations in the  
10 Accusation. Respondent GOLDEN hereby freely and voluntarily  
11 withdraws said Notice of Defense. Respondent GOLDEN acknowledges  
12 that he understands that by withdrawing said Notice of Defense he  
13 waives his 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 he waives other  
16 rights afforded to him in connection with the hearing such as the  
17 right to present evidence in defense of the allegations in the  
18 Accusation and the right to cross-examine witnesses.

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

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

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

8 6. The Order or any subsequent Order of the Real Estate  
9 Commissioner made pursuant to this Stipulation and Agreement in  
10 Settlement shall not constitute an estoppel, merger or bar to any  
11 further administrative or civil proceedings by the Department of  
12 Real Estate with respect to any matters which were not  
13 specifically alleged to be causes for accusation in this  
14 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 facts alleged above are grounds for the suspension or revocation  
20 of the licenses and license rights of Respondent ERIC ALLEN GOLDEN  
21 under Section 10177(f) of the Code.

22 ORDER

23 All licenses and licensing rights of Respondent ERIC  
24 ALLEN GOLDEN under the Real Estate Law are revoked; provided,  
25 however, a restricted real estate salesperson license shall be  
26 issued to Respondent pursuant to Section 10156.6 of the Business  
27 and Professions Code, if Respondent GOLDEN makes application

1 therefor and pays to the Department of Real Estate the appropriate  
2 fee for the restricted license within 90 days from the effective  
3 date of this Order. The restricted license issued to Respondent  
4 GOLDEN shall be subject to all of the provisions of Section  
5 10156.7 of the Business and Professions Code and to the following  
6 limitations, conditions, and restrictions imposed under authority  
7 of Section 10156.6 of the Code:

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

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

21       C. Respondent GOLDEN shall not be eligible to apply for  
22 the issuance of an unrestricted real estate license nor for the  
23 removal of any of the conditions, limitations, or restrictions of  
24 a restricted license until one year has elapsed from the effective  
25 date of this Order.

26       D. Respondent ERIC ALLEN GOLDEN shall, within nine (9),  
27 months from the effective date of this Order, present evidence

1 satisfactory to the Real Estate Commissioner that Respondent ERIC  
2 ALLEN GOLDEN has, since the most recent issuance of an original or  
3 renewal real estate license, taken and successfully completed the  
4 continuing education requirements of Article 2.5 of Chapter 3 of  
5 the Real Estate Law for renewal of a real estate license. If  
6 Respondent ERIC ALLEN GOLDEN fails to satisfy this condition, the  
7 Commissioner may order the suspension of the restricted license  
8 until Respondent ERIC ALLEN GOLDEN presents such evidence. The  
9 Commissioner shall afford Respondent ERIC ALLEN GOLDEN the  
10 opportunity for a hearing pursuant to the Administrative Procedure  
11 Act to present such evidence.

12 E. Respondent ERIC ALLEN GOLDEN shall, within six (6)  
13 months from the effective date of this Order, take and pass the  
14 Professional Responsibility Examination administered by the  
15 Department including the payment of the appropriate examination  
16 fee. If Respondent ERIC ALLEN GOLDEN fails to satisfy this  
17 condition, the Commissioner may order the suspension of  
18 Respondent's license until Respondent ERIC ALLEN GOLDEN passes the  
19 examination.

20 F. Respondent ERIC ALLEN GOLDEN shall submit with any  
21 application for license under an employing broker, or any  
22 application to transfer to a new employing broker, a statement  
23 signed by the prospective employing real estate broker on a form  
24 approved by the Department of Real Estate which shall certify:

25 (1) That the employing broker has read the Order of  
26 the Commissioner which granted the right to a  
27 restricted license; and,

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(2) That the employing broker will exercise close supervision over the performance by the restricted licensee relating to activities for which a real estate license is required.

DATED: 12/21/93

DEPARTMENT OF REAL ESTATE



DAVID B. SEALS, Counsel

\* \* \*

I have read the Stipulation and Agreement, have discussed it with my counsel, 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: 12/17/93



ERIC ALLEN GOLDEN  
Respondent



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\* \* \*

I have reviewed the Stipulation and Agreement as to form and content and have advised my client accordingly.

DATED: Dec. 17, 1993 Downey, Brand Seymour & Rohwer

Keith E. Pershall  
KEITH E. PERSHALL  
Attorney for Respondent

\* \* \*

The foregoing Stipulation and Agreement for Settlement is hereby adopted by the Real Estate Commissioner as his Decision and Order and shall become effective at 12 o'clock noon on February 16, 1994.

IT IS SO ORDERED 1/18, 1994.

CLARK WALLACE  
Real Estate Commissioner

Clark Wallace

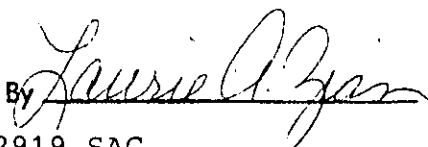
BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

FILED  
AUG 31 1993  
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of

ERIC ALLEN GOLDEN,  
EXECUTIVE WEST FUNDING CORP.,  
PATRICK MICHAEL DRIVER,

By



Case No. H-2919 SAC

OAH No. N-08095

Respondent

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 The

Office of Administrative Hearings, 501 J Street, Suite 220,

Second Floor Hearing Rooms, Sacramento, California 95814

on Monday -- January 3, 1994, at the hour of 9:00 AM,  
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: August 30, 1993

DEPARTMENT OF REAL ESTATE  
By   
DAVID B. SEALS Counsel

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DAVID B. SEALS, Counsel  
Department of Real Estate  
P. O. Box 187000  
Sacramento, CA 95818-7000

Telephone: (916) 227-0789

**FILED**  
JUL 27 1993  
DEPARTMENT OF REAL ESTATE

By *Kathleen Contreras*

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of )  
ERIC ALLEN GOLDEN, )  
EXECUTIVE WEST FUNDING CORP, )  
and PATRICK MICHAEL DRIVER, )  
Respondents. )

NO. H- 2919 SAC

ACCUSATION

The Complainant, Charles W. Koenig, a Deputy Real Estate Commissioner of the State of California for cause of Accusation against ERIC ALLEN GOLDEN, EXECUTIVE WEST FUNDING CORP., and PATRICK MICHAEL DRIVER (hereinafter "Respondents") is informed and alleges as follows:

I.

The Complainant, Charles W. Koenig, a Deputy Real Estate Commissioner of the State of California, makes this Accusation in his official capacity.

II.

Respondent GOLDEN is licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the California

1 Business and Professions Code (hereinafter "Code") as a real  
2 estate salesperson. However, Respondent GOLDEN was not licensed  
3 by the Department until March 2, 1993.

4 III.

5 Respondent EXECUTIVE WEST FUNDING CORP. is licensed  
6 and/or has license rights under the Real Estate Law, Part 1 of  
7 Division 4 of the California Business and Professions Code  
8 (hereinafter "Code") as a real estate corporation. From  
9 November 13, 1990 to March 13, 1993, Respondent EXECUTIVE WEST  
10 FUNDING CORP. was licensed by the Department as a real estate  
11 corporation under the name RIVER VALLEY MORTGAGE.

12 Respondent PATRICK MICHAEL DRIVER was the designated  
13 officer at all times herein mentioned.

14 IV.

15 Respondent DRIVER is licensed and/or has license  
16 rights under the Real Estate Law, Part 1 of Division 4 of the  
17 California Business and Professions Code (hereinafter "Code") as a  
18 real estate broker, and was so licensed at all times mentioned  
19 herein.

20 V.

21 At all times mentioned herein, as the designated officer  
22 of RIVER VALLEY MORTGAGE, DRIVER was responsible for the  
23 supervision and control of the activities conducted on behalf of  
24 RIVER VALLEY MORTGAGE by its officers and employees as  
25 necessary to secure full compliance with the provisions of the  
26 Real Estate Law.

27 ///

1 VI.

2 Whenever reference is made in an allegation in this  
3 Accusation to an act or omission of RIVER VALLEY MORTGAGE,  
4 such allegation shall be deemed to mean that the officers,  
5 directors, employees, agents and real estate licensees employed  
6 by or associated with RIVER VALLEY MORTGAGE committed such  
7 acts or omissions while engaged in furtherance of the business  
8 or operation of RIVER VALLEY MORTGAGE and while acting  
9 within the course and scope of their corporate authority and  
10 employment.

11 VII.

12 That at all times herein mentioned, Respondents RIVER  
13 VALLEY MORTGAGE and PATRICK MICHAEL DRIVER, and each of them,  
14 engaged in the business of, acted in the capacity of, advertised,  
15 or assumed to act as real estate brokers in the State of  
16 California within the meaning of Section 10131 of the Code for or  
17 in expectation of compensation.

18 VIII.

19 On or about August 25, 1992, Respondent GOLDEN took  
20 a loan application on Darlene and Mark Mosqueda as part of the  
21 process of assisting them in obtaining a residential home loan.  
22 During the period from August 25, 1992 until the loan was funded  
23 on or about November 5, 1992, Respondent GOLDEN performed acts  
24 for which a real estate license is required and for which he was  
25 compensated, including but not limited to the taking of the  
26 August 25 application, in assisting the Mosquedas.

27 ///

IX.

1  
2 On or about September 25, 1992, Respondent **GOLDEN** took  
3 a loan application on Arnulfo and Elvia Castaneda as part of the  
4 process of assisting them in obtaining a residential home loan.  
5 During the period from September 25, 1992 until the loan was  
6 funded on or about December 28, 1992, Respondent **GOLDEN** performed  
7 acts for which a real estate license is required and for which he  
8 was compensated, including but not limited to the taking of the  
9 September 25 application, in assisting the Castanedas.

X.

10  
11 On or about October 9, 1992, Respondent **GOLDEN** took a  
12 loan application on Nonato and Elaine LaCuesta as part of the  
13 process of assisting them in obtaining a residential home loan.  
14 During the period from October 9, 1992 until the loan was funded  
15 on or about October 26, 1992, Respondent **GOLDEN** performed acts for  
16 which a real estate license is required and for which he was  
17 compensated, including but not limited to the taking of the  
18 October 9 application, in assisting the LaCuestas.

XI.

19  
20 By reason of the acts and/or omissions as alleged in  
21 Paragraphs II through V, and VII through X above, Respondents  
22 **EXECUTIVE WEST FUNDING CORP.** and **PATRICK MICHAEL DRIVER**  
23 violated Section 10137 of the Code and said acts and/or omissions  
24 constitute grounds for disciplinary action thereunder.

XII.

25  
26 By reason of the acts and/or omissions as alleged in  
27 Paragraphs II, and VIII through X above, Respondent **ERIC ALLEN**

1 GOLDEN violated Section 10130 of the Code and said acts and/or  
2 omissions constitute grounds for disciplinary action under Section  
3 10177(f) of the Code.

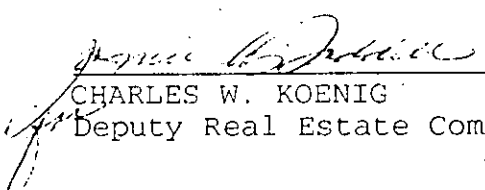
4 XIII.

5 By reason of the acts and/or omissions as alleged in  
6 Paragraphs II through V, and VII through X above, Respondent  
7 **PATRICK MICHAEL DRIVER** violated Section 10177(h) of the Code  
8 and said acts and/or omissions constitute grounds for disciplinary  
9 action thereunder.

10 PRIOR DISCIPLINARY ACTION

11 On December 12, 1991, effective January 7, 1992 in Case  
12 No. H-2694 SAC, the Real Estate Commissioner suspended the real  
13 estate broker license of Respondent **PATRICK MICHAEL DRIVER** for  
14 30 days on specified terms and conditions for violation of Section  
15 10137 of the Code.

16 WHEREFORE, Complainant prays that a hearing be conducted  
17 on the allegations of this Accusation and that upon proof thereof  
18 a decision be rendered imposing disciplinary action against all  
19 licenses and license rights of Respondents, under the Real Estate  
20 Law (Part 1 of Division 4 of the Business and Professions Code),  
21 and for such other and further relief as may be proper under the  
22 provisions of law.

23  
24   
25 \_\_\_\_\_  
25 CHARLES W. KOENIG  
25 Deputy Real Estate Commissioner

26 Dated at Sacramento, California,

27 this 21 day of July, 1993.