

1 Department of Real Estate
2 P. O. Box 187000
3 Sacramento, CA 95818-7000
4
5 Telephone: (916) 227-0789
6
7

FILED
SEP 02 1999

DEPARTMENT OF REAL ESTATE

By Shelly C.

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) No. H-3438 SAC
12)
13 ROBERT CAMERON, BRENT JOHN) STIPULATION AND AGREEMENT
14 PETERSEN, KIMBERLEE JEAN MACE,) AS TO ROBERT CAMERON, ONLY
15 and UNIVERSAL LENDING)
16 CORPORATION,)
17 Respondents.)

18 It is hereby stipulated by and between ROBERT CAMERON,
19 (Respondent) and his attorney of record, Calvin F. Elam, Jr. and
20 the Complainant, acting by and through David B. Seals, Counsel for
21 the Department of Real Estate, as follows for the purpose of
22 settling and disposing of the Accusation filed on April 1, 1999,
23 in this matter:

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

1 the basis of the provisions of this Stipulation and Agreement in
2 Settlement.

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

7 3. On April 27, 1999, Respondent filed a Notice of
8 Defense pursuant to Section 11505 of the Government Code for the
9 purpose of requesting a hearing on the allegations in the
10 Accusation. Respondent hereby freely and voluntarily withdraws
11 said Notice of Defense. Respondent acknowledges that he
12 understands that by withdrawing said Notice of Defense he will
13 thereby waive 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 will waive
16 other rights afforded to him in connection with the hearing such
17 as the right to present evidence in defense of the allegations in
18 the Accusation and the right to cross-examine witnesses.

19 4. This Stipulation is based on the factual allegations
20 contained in the Accusation. In the interests of expedience and
21 economy, Respondent chooses not to contest these allegations, but
22 to remain silent and understands that, as a result thereof, these
23 factual allegations, without being admitted or denied, will serve
24 as a prima facie basis for the disciplinary action stipulated to
25 herein. The Real Estate Commissioner shall not be required to
26 provide further evidence to prove said factual allegations.

27 ///

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

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

18 DETERMINATION OF ISSUES

19 I

20 The facts alleged above are grounds for the suspension
21 or revocation of the licenses and license rights of Respondent
22 CAMERON under Section 10177(g) and/or Section 10177(h) of the
23 Code, Section 10159.2 of the Code in conjunction with Section
24 10177(j) of the Code, and Sections 2831, 2831.1, and 2831.2 of the
25 Regulations in conjunction with Section 10177(d) of the Code.

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27 ///

1 ORDER

2 I

3 A. The real estate broker license and all license rights of
4 Respondent ROBERT CAMERON under the Real Estate Law are
5 revoked.

6 B. A restricted real estate broker license shall be issued to
7 Respondent pursuant to Business and Professions Code Section
8 10156.5, if Respondent makes application therefor and pays to
9 the Department the appropriate fee for said license within
10 ninety (90) days from the effective date of this ORDER.

11 C. The restricted license issued to Respondent shall be subject
12 to all the provisions of Section 10156.7 of the Business and
13 Professions Code and to the following limitations, conditions
14 and restrictions imposed under authority of Section 10156.6
15 of said Code:

16 (1) The license shall not confer any property right in the
17 privileges to be exercised, and the Real Estate
18 Commissioner may by appropriate order suspend the right
19 to exercise any privileges granted under the restricted
20 license in the event of:

21 (a) The conviction of Respondent (including a plea of
22 nolo contendere) to a crime which bears a
23 significant relation to Respondent's fitness or
24 capacity as a real estate licensee; or,

25 (b) The receipt of evidence that Respondent has
26 violated provisions of the California Real Estate
27 Law, Subdivided Lands Law, Regulations of the Real

1 Estate Commissioner or conditions attaching to the
2 restricted license.

3 (2) Respondent shall not be eligible to apply for issuance
4 of an unrestricted real estate license nor the removal
5 of any of the conditions, limitations or restrictions
6 attaching to the restricted license until one (1) year
7 has elapsed from the date of issuance of a restricted
8 license to Respondent.

9 D. Respondent shall, within nine (9) months from the effective
10 date of this ORDER, present evidence satisfactory to the Real
11 Estate Commissioner that he has, since the most recent
12 issuance of an original or renewal real estate license, taken
13 and successfully completed the continuing education
14 requirements of Article 2.5 of Chapter 3 of the Real Estate
15 Law for renewal of a real estate license. If Respondent
16 fails to satisfy this condition, the Commissioner may order
17 the suspension of the restricted license until Respondent
18 presents such evidence. The Commissioner shall afford
19 Respondent the opportunity for a hearing pursuant to the
20 Administrative Procedure Act to present such evidence.

21 E. Respondent shall, within six (6) months from the effective
22 date of this Order, take and pass the Professional
23 Responsibility Examination administered by the Department
24 including the payment of the appropriate examination fee. If
25 Respondent fails to satisfy this condition, the Commissioner
26 may order suspension of Respondent's license until Respondent
27 passes the examination.

1 F. Any restricted real estate broker license issued to
2 Respondent may be suspended or revoked for a violation by
3 Respondent of any of the conditions attaching to the
4 restricted license.

5
6 8/12/99

DATED




DAVID B. SEALS, Counsel
DEPARTMENT OF REAL ESTATE

7
8 * * *

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

20
21
22 8-9-99

DATED


ROBERT CAMERON
Respondent

23
24 I have reviewed the Stipulation and Agreement in
25 Settlement as to form and content and have advised my clients
26 accordingly.

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9-7-99

Calvin F. Elam, Jr.

DATED

CALVIN F. ELAM, JR.
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
September 22, 1999.

IT IS SO ORDERED August 23, 1999.

JOHN R. LIBERATOR
Acting Real Estate Commissioner

John R. Liberator

1 Department of Real Estate
P. O. Box 187000
2 Sacramento, CA 95818-7000
3 Telephone: (916) 227-0789
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FILED
SEP 02 1999

DEPARTMENT OF REAL ESTATE

By Shelly Ely

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) No. H-3438 SAC
12)
13 ROBERT CAMERON, BRENT JOHN)
14 PETERSEN, KIMBERLEE JEAN MACE, and)
15 UNIVERSAL LENDING CORPORATION,)
16 Respondents.)
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16. It is hereby stipulated by and between BRENT JOHN
17 PETERSEN, KIMBERLEE JEAN MACE, and UNIVERSAL LENDING CORPORATION,
18 (Respondents) and their attorney of record, DOWNEY, BRAND,
19 SEYMOUR & ROHWER, LLP by Steven Benjamin and the Complainant,
20 acting by and through David B. Seals, Counsel for the Department
21 of Real Estate, as follows for the purpose of settling and
22 disposing of the Accusation filed on April 1, 1999, in this
23 matter:

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, only as to the Respondents
27 specifically designated above, which hearing was to be held in

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

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

9 3. On April 9, 1999, Respondents filed a Notice of
10 Defense pursuant to Section 11505 of the Government Code for the
11 purpose of requesting a hearing on the allegations in the
12 Accusation. Respondents hereby freely and voluntarily withdraw
13 said Notice of Defense. Respondents acknowledge that they
14 understand that by withdrawing said Notices of Defense they will
15 thereby waive their right to require the Commissioner to prove
16 the allegations in the Accusation at a contested hearing held in
17 accordance with the provisions of the APA and that they will
18 waive other rights afforded to them in connection with the
19 hearing such as the right to present evidence in defense of the
20 allegations in the Accusation and the right to cross-examine
21 witnesses.

22 4. This Stipulation is based on the factual allegations
23 contained in the Accusation. In the interests of expedience and
24 economy, Respondents choose not to contest these allegations, but
25 to remain silent and understand that, as a result thereof, these
26 factual allegations, without being admitted or denied, will serve
27 as a prima facie basis for the disciplinary action stipulated to

1 herein. The Real Estate Commissioner shall not be required to
2 provide further evidence to prove said factual allegations.

3 5. It is understood by the parties that the Real
4 Estate Commissioner may adopt the Stipulation and Agreement in
5 Settlement as his decision in this matter thereby imposing the
6 penalty and sanctions on Respondents' real estate licenses and
7 license rights as set forth in the below "Order". In the event
8 that the Commissioner in his discretion does not adopt the
9 Stipulation and Agreement in Settlement, it shall be void and of
10 no effect, and Respondents shall retain the right to a hearing
11 and proceeding on the Accusation under all the provisions of the
12 APA and shall not be bound by any admission or waiver made
13 herein.

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

21 DETERMINATION OF ISSUES

22 I

23 The facts alleged above are grounds for the suspension
24 or revocation of the licenses and license rights of Respondents
25 as follows:

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27 ///

1 (a) As to Respondent UNIVERSAL LENDING CORPORATION
2 under Section 10177(d) in conjunction with Section 10137 of the
3 Code and Sections 2831, 2831.1, and 2831.2 of the Regulations.

4 (b) As to Respondents BRENT JOHN PETERSEN and
5 KIMBERLEE JEAN MACE only, under Sections 10130 and 10131(a) of
6 the Code in conjunction with Section 10177(d) of the Code.

7 ORDER

8 I

9 A. All licenses and licensing rights of Respondent UNIVERSAL
10 LENDING CORPORATION under the Real Estate Law are suspended
11 for a period of one (1) year from the effective date of this
12 Order; provided, however, that:

13 (1) The entire one (1) year of said suspension shall be
14 stayed for two (2) years; provided, however that
15 Respondent UNIVERSAL shall obey all laws, rules and
16 regulations governing the rights, duties and
17 responsibilities of a real estate licensee in the
18 State of California. If Respondent UNIVERSAL should
19 fail to obey all laws, rules and regulations governing
20 the rights, duties and responsibilities of a real
21 estate licensee in the State of California the
22 Commissioner may, in his discretion, vacate and set
23 aside the stay order and reimpose all or a portion of
24 the stayed suspension. Should no such determination
25 be made during the two year period and the provisions
26 of (2) and (3) below have been fulfilled, the stay
27 imposed herein shall become permanent.

1 (2) Respondent UNIVERSAL shall pay a fine of \$10,000.00

2 pursuant to Section 10139.5 of the Code:

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

8 (b) If Respondent UNIVERSAL fails to pay the fine in
9 accordance with the terms and conditions of the Order,
10 the Commissioner may, without a hearing, order the
11 immediate suspension of all real estate licenses of
12 Respondent UNIVERSAL until said fine is paid in full.

13 (3) Pursuant to Section 10148 of the Business and

14 Professions Code, Respondent UNIVERSAL shall pay the
15 Commissioner's reasonable cost for an audit to determine
16 if Respondent UNIVERSAL has corrected the trust fund
17 violation(s) found in paragraph I(a) of the
18 Determination of Issues. In calculating the amount of
19 the Commissioner's reasonable cost, the Commissioner may
20 use the estimated average hourly salary for all persons
21 performing audits of real estate brokers, and shall
22 include an allocation for travel costs, including
23 mileage, time to and from the auditor's place of work
24 and per diem. The reasonable cost, based on the prior
25 audit is \$2,561.68. Respondent UNIVERSAL shall pay such
26 cost within 45 days of receiving an invoice from the
27 Commissioner detailing the activities performed during

1 Commissioner detailing the activities performed during
2 the audit and the amount of time spent performing those
3 activities. The Commissioner may, in his discretion,
4 vacate and set aside the stay order, if payment is not
5 timely made as provided for herein, or as provided for
6 in a subsequent agreement between the Respondent
7 UNIVERSAL and the Commissioner. The vacation and the
8 set aside of the stay shall remain in effect until
9 payment is made in full, or until Respondent UNIVERSAL
10 enters into an agreement satisfactory to the
11 Commissioner to provide for payment. Should no order
12 vacating the stay be issued, either in accordance with
13 this condition or (1) and (2) above, the stay imposed
14 herein shall become permanent.

15 II

16 A. All licenses and licensing rights of Respondents BRENT JOHN
17 PETERSEN and KIMBERLEE JEAN MACE under the Real Estate Law
18 are revoked; provided, however, a restricted real estate
19 salesperson license shall be issued to each said Respondent
20 respondent pursuant to Section 10156.6 of the Business and
21 Professions Code, if said respondent makes application
22 therefor and pays to the Department of Real Estate the
23 appropriate fee for the restricted license within 90 days
24 from the effective date of this Order. The restricted
25 license issued to each said respondent shall be subject to
26 all of the provisions of Section 10156.7 of the Business and
27 Professions Code and to the following limitations, conditions

1 and restrictions imposed under authority of Section 10156.6
2 of the Code:

3 (1) The restricted license issued to each said respondent
4 may be suspended prior to hearing by Order of the Real
5 Estate Commissioner in the event of said respondent's
6 conviction or plea of nolo contendere to a crime which
7 is substantially related to said respondent's fitness
8 or capacity as a real estate licensee.

9 (2) The restricted license issued to each said respondent
10 may be suspended prior to hearing by Order of the Real
11 Estate Commissioner on evidence satisfactory to the
12 Commissioner that said respondent has violated
13 provisions of the California Real Estate Law, the
14 Subdivided Lands Law, Regulations of the Real Estate
15 Commissioner or conditions attaching to the restricted
16 license.

17 (3) Respondents BRENT JOHN PETERSEN and KIMBERLEE JEAN
18 MACE shall not be eligible to apply for the issuance
19 of an unrestricted real estate license nor for the
20 removal of any of the conditions, limitations or
21 restrictions of a restricted license until one year
22 has elapsed from the effective date of this Order.

23 (4) Each of said Respondents BRENT JOHN PETERSEN and
24 KIMBERLEE JEAN MACE shall, within nine (9) months from
25 the effective date of this Order, present evidence
26 satisfactory to the Real Estate Commissioner that said
27 respondent has, since the most recent issuance of an

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

12 (5) Each of said Respondents BRENT JOHN PETERSEN and
13 KIMBERLEE JEAN MACE shall submit with any application
14 for license under an employing broker, or any
15 application to transfer to a new employing broker, a
16 statement signed by the prospective employing real
17 estate broker on a form approved by the Department of
18 Real Estate which shall certify:

19 (a) That the employing broker has read the Order of the
20 Commissioner which granted the right to a
21 restricted license; and

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

26 (6) Each of said Respondents, BRENT JOHN PETERSEN and
27 KIMBERLEE JEAN MACE shall, within six (6) months from

1 the effective date of this Order, take and pass the
2 Professional Responsibility Examination administered
3 by the Department including the payment of the
4 appropriate examination fee. If either of said
5 Respondents fails to satisfy this condition, the
6 Commissioner may order suspension of that Respondent's
7 license until said Respondent passes the examination.
8

9
10 7/28/99

DATED

11 

DAVID B. SEALS, Counsel
DEPARTMENT OF REAL ESTATE

12 * * *

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

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7-13-99
DATED

Brent John Petersen
BRENT JOHN PETERSEN
Respondent

7-13-99
DATED

Kimberlee Jean Mace
KIMBERLEE JEAN MACE
Respondent

7/13/99
DATED

Universal Lending Corporation
UNIVERSAL LENDING CORPORATION
Respondent

I have reviewed the Stipulation and Agreement in Settlement as to form and content and have advised my clients accordingly.

July 12, 1999
DATED

Steven Benjamin
DOWNEY, BRAND SEYMOUR &
ROHWER, LLP by
Steven Benjamin
Attorneys for Respondents

* * *

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 September 22, 1999.

IT IS SO ORDERED August 23, 1999.

JOHN R. LIBERATOR
Acting Real Estate Commissioner
John R. Liberator

flag

FILED

JUL 03 2001

DEPARTMENT OF REAL ESTATE

By Jean Arnold

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
BRENT JOHN PETERSEN,)
Respondent.)

No. H-3438 SAC

ORDER GRANTING REINSTATEMENT OF LICENSE

On August 23, 1999, a Decision 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 September 22, 1999, and Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent.

On September 22, 2000, 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
9 petition for reinstatement is granted and that a real estate
10 salesperson license be issued to Respondent if Respondent
11 satisfies the following conditions within nine months from the
12 date of this Order:

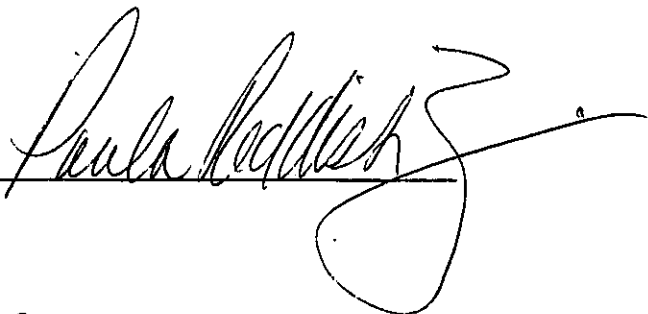
13 1. Submittal of a completed application and payment of
14 the fee for a real estate salesperson license.

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

20 This Order shall be effective immediately.

21 DATED: June 6, 2001

23 PAULA REDDISH ZINNEMANN
24 Real Estate Commissioner

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27

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
MAY 19 1999

DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of

ROBERT CAMERON, BRENT JOHN
PETERSEN, KIMBERLEE JEAN MACE, and
UNIVERSAL LENDING CORPORATION,

}

Case No. 3438 SAC

By Shelly Chy

OAH No. N-1999040206

Respondent

FIRST CONTINUED
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, 560 J Street, Suite 340/360,
Sacramento, California 95814

on FRIDAY--JUNE 11, 1999, at the hour of 10:00 AM,
or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

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 and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: May 19, 1999

By David B. Seals
DAVID B. SEALS Counsel

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
APR 22 1999

DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of

ROBERT CAMERON, BRENT JOHN
PETERSEN, KIMBERLEE JEAN
MACE, and UNIVERSAL LENDING
CORPORATION,

Respondent

Case No. H-3438 SAC *Shelly Ely*

OAH No. N-1999040206

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, 560 J Street, Suite 340/360

Sacramento, California 95814

on THURSDAY--MAY 20, 1999, at the hour of 9:00 AM,
or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

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 and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: April 22, 1999

By *David B. Seals*
DAVID B. SEALS Counsel

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

FILED

APR 01 1999

5 Telephone: (916) 227-0789

DEPARTMENT OF REAL ESTATE

6 By Jean R. ...

7
8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

* * *

10 In the Matter of the Accusation of)
11 ROBERT CAMERON, BRENT JOHN) NO. H- 3438 SAC
12 PETERSEN, KIMBERLEE JEAN) ACCUSATION
13 MACE, and UNIVERSAL LENDING)
14 CORPORATION,)
15 Respondents.)

16 The Complainant, Charles W. Koenig, a Deputy Real Estate
17 Commissioner of the State of California, for cause of Accusation
18 against ROBERT CAMERON (hereinafter "CAMERON"), MICHAEL FRANCIS
19 MIX (hereinafter "MIX"), BRENT JOHN PETERSEN (hereinafter
20 "PETERSEN"), KIMBERLEE JEAN MACE (hereinafter "MACE"), and
21 UNIVERSAL LENDING CORPORATION (hereinafter "UNIVERSAL"), is
22 informed and alleges as follows:

23 FIRST CAUSE OF ACCUSATION

24 I

25 Respondents are licensed and/or have license rights
26 under the Real Estate Law, Part 1 of Division 4 of the California
27 Business and Professions Code (hereinafter "Code") as follows:

(a) UNIVERSAL LENDING CORPORATION as a corporate real

1 estate broker and at all times relevant herein Respondent CAMERON
2 was its designated officer.

3 (b) ROBERT CAMERON as a real estate broker and at all
4 times relevant herein was the designated officer of Respondent
5 UNIVERSAL.

6 (c) BRENT JOHN PETERSEN as a real estate salesperson.
7 However, PETERSEN was not licensed by the Department until April
8 24, 1998.

9 (d) KIMBERLEE JEAN MACE as a real estate salesperson.
10 However, MACE was not licensed by the Department until November
11 18, 1998.

12 II

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

16 III

17 At all times mentioned herein, as the designated officer
18 of Respondent UNIVERSAL, Respondent CAMERON was responsible for
19 the supervision and control of the activities conducted on behalf
20 of Respondent UNIVERSAL by its officers and employees as necessary
21 to secure full compliance with the provisions of the Real Estate
22 Law.

23 IV

24 Whenever reference is made in an allegation in this
25 Accusation to an act or omission of Respondent UNIVERSAL, such
26 allegation shall be deemed to mean that the officers, directors,
27 employees, agents and real estate licensees employed by or

1 associated with Respondent UNIVERSAL committed such act or
2 omissions while engaged in furtherance of the business or
3 operation of Respondent UNIVERSAL and while acting within the
4 course and scope of their corporate authority and employment.

5 V

6 That at all times herein mentioned, Respondent UNIVERSAL and
7 Respondent CAMERON, and both of them, engaged in the business of,
8 acted in the capacity of, advertised, or assumed to act as real
9 estate brokers in the State of California within the meaning of
10 Section 10131 of the Code for or in expectation of compensation.

11 VI

12 That at all times mentioned herein, Respondent UNIVERSAL
13 and Respondent CAMERON accepted or received funds in trust
14 (hereafter trust funds) from and on behalf of their principals
15 placing them in trust accounts and at times thereafter made
16 disbursements of such funds.

17 VII

18 An investigative audit was made by the Department of the
19 records and bank records of Respondent UNIVERSAL for the period
20 from December 1, 1997 to August 31, 1998, as said records related
21 to their activities as a real estate broker.

22 VIII

23 Respondent UNIVERSAL maintained one trust account into
24 which trust funds were placed at River City Bank, 8923 Elk Grove
25 Blvd., Elk Grove, CA 95624, Account No. 1111032629.

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IX

Respondent UNIVERSAL failed to maintain trust account records in compliance with Section 2831 of the Regulations by failing to maintain a control record of all trust funds received and disbursed on an itemized, rather than summary, basis .

X

Respondent UNIVERSAL failed to maintain separate records in compliance with Section 2831.1 of the Regulations.

XI

Respondent UNIVERSAL failed to reconcile the balance of all separate beneficiary records with the record of all trust funds received on a monthly basis in compliance with Section 2831.2 of the Regulations.

XII

The acts and/or omissions of Respondents described above are grounds for the revocation or suspension of Respondents' licenses under the following sections of the Business and Professions Code and the Regulations:

- (a) As to Respondents UNIVERSAL LENDING CORPORATION and ROBERT CAMERON, and each of them under Section 10177(d) in conjunction with Sections 2831, 2831.1, and 2831.2 of the Regulations.

SECOND CAUSE OF ACCUSATION

XIII

There is hereby incorporated in this Second, separate and distinct, Cause of Accusation all of the allegations contained

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1 in Paragraphs I through VI of the First Cause of Accusation with
2 the same force and effect as if herein fully set forth.

3 XIV

4 During the period from on or about February 27, 1998, to
5 September 24, 1998, Respondent MACE performed activities for which
6 a real estate license is required, which included but were not
7 limited to, soliciting borrowers or lenders for or negotiating
8 loans or collecting payments or performing services for borrowers
9 or lenders or note owners in connection with loans secured
10 directly or collaterally by liens on real property or on a
11 business opportunity. The borrowers for whom said services were
12 performed included Mary Becker, Alvin Novo, Jon Greenly, and Larry
13 Hershberger. Respondents UNIVERSAL and CAMERON compensated
14 Respondent MACE for the above described activities.

15 XV

16 During the period from on or about February 5, 1998, to
17 April 2, 1998, Respondent PETERSEN performed activities for which
18 a real estate license is required, which included but were not
19 limited to, soliciting borrowers or lenders for or negotiating
20 loans or collecting payments or performing services for borrowers
21 or lenders or note owners in connection with loans secured
22 directly or collaterally by liens on real property or on a
23 business opportunity. The borrower for whom said services were
24 performed included James Tunstall. Respondents UNIVERSAL and
25 CAMERON compensated Respondent PETERSEN for the above described
26 activities.

27 ///

1 XVI

2 Respondent CAMERON failed to exercise reasonable
3 supervision and control over the acts of Respondents PETERSEN,
4 MACE, and UNIVERSAL in such a manner as to allow the acts
5 described in Paragraphs XIV and XVI to occur.

6 XVII

7 The acts and/or omissions of Respondents described above
8 in Paragraphs XIII through XV are grounds for the revocation or
9 suspension of Respondents' licenses under the following sections
10 of the Business and Professions Code and the Regulations:

11 (a) As to Respondents PETERSEN and MACE only, under
12 Sections 10130 and 10131(a) of the Code in conjunction
13 with Section 10177(d) of the Code.

14 (b) As to Respondents UNIVERSAL and CAMERON under
15 Section 10137.

16 (c) As to Respondent CAMERON under Section 10177(g)
17 and/or Section 10177(h) of the Code and Section 10159.2
18 of the Code in conjunction with Section 10177(j) of the
19 Code.

20 WHEREFORE, Complainant prays that a hearing be
21 conducted on the allegations of this Accusation and, that upon
22 proof thereof, a decision be rendered imposing disciplinary
23 action against all licenses and license rights of Respondents
24 under the Real Estate Law (Part 1 of Division 4 of the Business
25 and Professions Code), and for such other and further relief as
26 may be proper under other applicable provisions of law, including
27 the imposition of a fine of up to \$10,000.00 pursuant to the

1 provisions of Section 10139.5 of the Business and Professions
2 Code.

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4 CHARLES W. KOENIG
Deputy Real Estate Commissioner

5 Dated at Sacramento, California,
6 this 26th day of March, 1999.

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