


1 Department of Real Estate
2 P. O. Box 187007
3 Sacramento, CA 95818-7007

4 Telephone: (916) 227-0789

FILED

SEP - 8 2010

DEPARTMENT OF REAL ESTATE

By 

6 BEFORE THE DEPARTMENT OF REAL ESTATE
7 STATE OF CALIFORNIA

8 * * *

9 In the Matter of the Accusation of

10 RED SHIELD SERVICING, INC., and
11 RONALD ROY BIEBER,

12 Respondent.

No. H-3521 SAC

13
14 ORDER DENYING RECONSIDERATION

15 On July 30, 2010, an Order Denying Reinstatement of Licenses was rendered in
16 the above-entitled matter. The Order Denying Reinstatement of Licenses is to become
17 effective September 10, 2010.

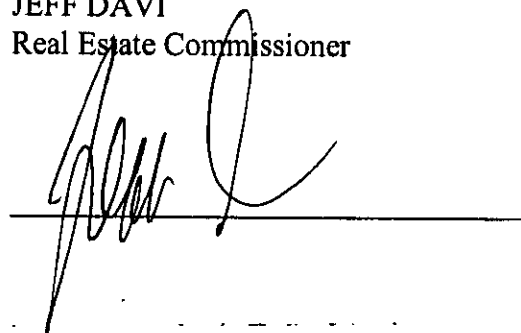
18 On August 24, 2010, Respondent petitioned for reconsideration of the Order
19 Denying Reinstatement of Licenses of July 30, 2010.

20 I have given due consideration to the petition of Respondent. I find no good
21 cause to reconsider the Order Denying Reinstatement of Licenses of July 30, 2010, and
22 reconsideration is hereby denied.

23 IT IS HEREBY ORDERED



24 JEFF DAVI
25 Real Estate Commissioner

26
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FILED

AUG 26 2010

DEPARTMENT OF REAL ESTATE

L. Zin

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of

No. H-3521 SAC

RED SHIELD SERVICING, INC., and
RONALD ROY BIEBER,

Respondents.

ORDER STAYING EFFECTIVE DATE

On July 30, 2010, an Order Denying Reinstatement of Licenses was rendered in the above-entitled matter to become effective September 1, 2010.

IT IS HEREBY ORDERED that the effective date of the Order Denying Reinstatement of Licenses of the Real Estate Commissioner of July 30, 2010, is stayed for a period of ten (10) days.

The Order Denying Reinstatement of Licenses of the Real Estate Commissioner of July 30, 2010, shall become effective at 12 o'clock noon on September 10, 2010.

DATED: 8/25/2010

JEFF DAVI
Real Estate Commissioner

Jeff Davi

FILED

AUG 11 2010

DEPARTMENT OF REAL ESTATE

[Signature]

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of

RED SHIELD SERVICING, INC. and
RONALD ROY BIEBER,

Respondents.

No. H-3521 SAC

ORDER DENYING REINSTATEMENT OF LICENSES

On October 23, 2000, a Decision was rendered in Case No. H-3521 SAC revoking the corporate real estate broker license of Respondent RED SHIELD SERVICING, INC. and the real estate broker license of Respondent RONALD ROY BIEBER effective December 4, 2000, but granting Respondent RED SHIELD SERVICING, INC. the right to the issuance of a restricted corporate real estate broker license and Respondent RONALD ROY BIEBER the right to the issuance of a restricted real estate broker license. A restricted corporate real estate broker license was issued to Respondent RED SHIELD SERVICING, INC. on December 4, 2000, and Respondent RED SHIELD SERVICING, INC. has operated as a restricted licensee since that time. A restricted real estate broker license was issued to Respondent RONALD ROY BIEBER on December 4, 2000, and Respondent RONALD ROY BIEBER has operated as a restricted licensee since that time.

1 On October 1, 2008, Respondent RONALD ROY BIEBER petitioned for
2 reinstatement of said real estate broker license, and the Attorney General of the State of
3 California has been given notice of the filing of said petition.

4 On October 22, 2009, Respondent RED SHIELD SERVICING, INC. petitioned
5 for reinstatement of said corporate real estate broker license, and the Attorney General of the
6 State of California has been given notice of the filing of said petition.

7 I have considered the petitions of Respondents and the evidence submitted in
8 support thereof. Respondents have failed to demonstrate to my satisfaction that Respondents
9 have undergone sufficient rehabilitation to warrant the reinstatement of Respondents' real estate
10 licenses at this time.

11 The burden of proving rehabilitation rests with the petitioner (*Feinstein v. State*
12 *Bar* (1952) 39 Cal. 2d 541). A petitioner is required to show greater proof of honesty and
13 integrity than an applicant for first time licensure. The proof must be sufficient to overcome the
14 prior adverse judgment on the applicant's character (*Tardiff v. State Bar* (1980) 27 Cal. 3d 395).

15 The Department has developed criteria in Section 2911 of Title 10, California
16 Code of Regulations (Regulations) to assist in evaluating the rehabilitation of an applicant for
17 reinstatement of a license. Among the criteria relevant in this proceeding are:

18 Regulation 2911(k) Correction of business practices resulting in injury to others
19 or with the potential to cause such injury.

20 Respondent BIEBER failed to disclose several civil cases in which he was, or is, a
21 defendant, after disciplinary action was taken against his real estate license.

22 Given the violations found and the fact that Respondents have not established that
23 Respondents have satisfied Regulation 2911(k), I am not satisfied that Respondents are
24 sufficiently rehabilitated to receive a real estate broker license or corporate real estate broker
25 license.

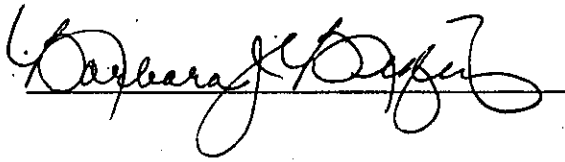
26 NOW, THEREFORE, IT IS ORDERED that Respondent RONALD ROY
27 BIEBER'S petition for reinstatement of his real estate broker license and Respondent RED

1 SHIELD SERVICING, INC.'S petition for reinstatement of it's corporate real estate broker
2 license are denied.

3 This Order shall become effective at 12 o'clock noon on **SEP - 1 2010**

4 IT IS SO ORDERED 7/30/2010

5 JEFF DAVI
6 Real Estate Commissioner

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9 BY: Barbara J. Bigby
10 Chief Deputy Commissioner

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

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

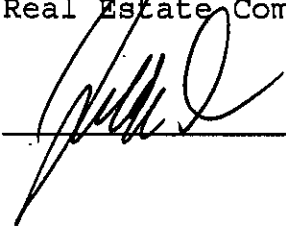
1. Submittal of a completed application and payment of the fee for a corporate real estate broker license..

This Order shall be effective immediately.

DATED: _____

2/14/07

JEFF DAVIS
Real Estate Commissioner



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FILED
FEB 23 2007

DEPARTMENT OF REAL ESTATE

By Juan [Signature]

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) No. H-3521 SAC
)
RONALD ROY BIEBER,)
)
Respondent.)
)

ORDER GRANTING REINSTATEMENT OF LICENSE

On October 23, 2000, in Case No. H-3521 SAC, a Decision was rendered revoking the real estate broker license of Respondent effective December 4, 2000, but granting Respondent the right to the issuance of a restricted real estate broker license. A restricted real estate broker license was issued to Respondent on December 4, 2000, and Respondent has operated as a restricted licensee since that time.

On October 31, 2005, 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.

///

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

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

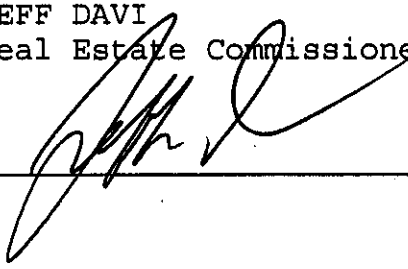
12 1. Submittal of a completed application and payment of
13 the fee for a real estate broker license.

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

19 This Order shall be effective immediately.

20 DATED: 2/14/02

21 JEFF DAVI
22 Real Estate Commissioner

23 
24
25
26
27

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

FILED
NOV 13 2000

DEPARTMENT OF REAL ESTATE

Lucinda J. Zain

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) DRE No. H-3521 SAC
12 RED SHIELD SERVICING, INC.) STIPULATION AND AGREEMENT
13 and RONALD ROY BIEBER,)
14 Respondents.)

15 It is hereby stipulated by and between Respondents RED
16 SHIELD SERVICING, INC. (herein "RED SHIELD"), and RONALD ROY
17 BIEBER (herein "BIEBER"), individually and by and through Robert
18 Craig Iseley, Esq., attorney of record herein for Respondents,
19 and the Complainant, acting by and through James L. Beaver,
20 Counsel for the Department of Real Estate (herein "the
21 Department"), as follows for the purpose of settling and
22 disposing of the Accusation filed on June 22, 2000 in this matter
23 (herein "the Accusation"):

24 ///

25 ///

26
27 DRE No. H-3521 SAC

RED SHIELD SERVICING, INC.
and RONALD ROY BIEBER

1 1. All issues which were to be contested and all
2 evidence which was to be presented by Complainant and Respondents
3 at a formal hearing on the Accusation, which hearing was to be
4 held in accordance with the provisions of the Administrative
5 Procedure Act (APA), shall instead and in place thereof be
6 submitted solely on the basis of the provisions of this
7 Stipulation and Agreement.

8 2. Respondents have received, read and understand the
9 Statement to Respondent, the Discovery Provisions of the APA and
10 the Accusation filed by the Department in this proceeding.

11 3. On June 29, 2000, Respondents 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. Respondents each hereby freely and voluntarily
15 withdraw said Notice of Defense. Respondents acknowledge that
16 Respondents understand that by withdrawing said Notice of Defense
17 Respondents will thereby waive Respondents' right to require the
18 Real Estate Commissioner (herein "the Commissioner") to prove the
19 allegations in the Accusation at a contested hearing held in
20 accordance with the provisions of the APA and that Respondents
21 will waive other rights afforded to Respondents in connection
22 with the hearing such as the right to present evidence in defense
23 of the allegations in the Accusation and the right to cross-
24 examine witnesses.

25 4. Respondents, pursuant to the limitations set forth
26 below, hereby admit that the factual allegations in the

27 DRE No. H-3521 SAC

RED SHIELD SERVICING, INC.
and RONALD ROY BIEBER

1 Accusation are true and correct and stipulate and agree that the
2 Commissioner shall not be required to provide further evidence of
3 such allegations.

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

14 6. This Stipulation and Agreement shall not
15 constitute an estoppel, merger or bar to any further
16 administrative or civil proceedings by the Department with
17 respect to any matters which were not specifically alleged to be
18 causes for accusation in this proceeding.

19 7. Respondents understand that by agreeing to this
20 Stipulation and Agreement, Respondents jointly and severally
21 agree to pay, pursuant to Section 10148 of the California
22 Business and Professions Code, the cost of the audit which
23 resulted in the determination that Respondent RED SHIELD
24 committed the trust fund violation(s) found in paragraph I,
25 below, of the Determination of Issues. The amount of said costs
26 is \$2,726.90.

27 DRE No. H-3521 SAC

RED SHIELD SERVICING, INC.
and RONALD ROY BIEBER

1 8. Respondents further understand that by agreeing to
2 this Stipulation and Agreement in Settlement, the findings set
3 forth below in the Determination Of Issues become final, and that
4 the Commissioner may charge said Respondents, jointly and
5 severally, for the costs of any audit conducted pursuant to
6 Section 10148 of the California Business and Professions Code to
7 determine if the violations have been corrected. The maximum
8 costs of said audit shall not exceed \$2,726.90.

9 DETERMINATION OF ISSUES

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

14 I

15 The acts and omissions of Respondent RED SHIELD as
16 described in the Accusation are grounds for the suspension or
17 revocation of the licenses and license rights of such Respondent
18 under the following provisions of the California Business and
19 Professions Code (herein "the Code") and/or Chapter 6, Title 10,
20 California Code of Regulations (herein "the Regulations"):

21 (a) as to Paragraph IX(a) of the Accusation under
22 Section 2832(a) of the Regulations in conjunction with Section
23 10177(d) of the Code;

24 (b) as to Paragraph IX(b) of the Accusation under
25 Section 2832.1 of the Regulations and Section 10145 of the Code in
26 conjunction with Section 10177(d) of the Code;

27 DRE No. H-3521 SAC

RED SHIELD SERVICING, INC.
and RONALD ROY BIEBER

1 (c) as to Paragraph XII(a) of the Accusation under
2 Sections 10229(n) and 10232.2(a) of the Code in conjunction with
3 Section 10177(d) of the Code; and

4 (d) as to Paragraph XII(b) of the Accusation under
5 Section 10229(j)(3) of the Code in conjunction with Section
6 10177(d) of the Code.

7 II

8 The acts and omissions of Respondent BIEBER as
9 described in the Accusation are grounds for the suspension or
10 revocation of the licenses and license rights of such Respondent
11 under the provisions of Section 10177(g) and Section 10177(h) of
12 the Code and Section 10159.2 of the Code in conjunction with
13 Section 10177(d) of the Code.

14 ORDER

15 I

16 All licenses and licensing rights of Respondent RED SHIELD
17 SERVICING, INC. under the Real Estate Law are revoked; provided,
18 however, a restricted corporate real estate broker license shall be
19 issued to such Respondent pursuant to Section 10156.5 of the Code
20 if, within 90 days from the effective date of the Decision entered
21 pursuant to this Order, such Respondent:

22 (a) pays (jointly and severally with Respondent BIEBER)
23 the sum of \$2,726.90 to the Department as and for the cost of the
24 audit which resulted in the determination that Respondent committed
25 the trust fund violation(s) found in paragraph I of the
26 Determination of Issues; and

27 DRE No. H-3521 SAC

RED SHIELD SERVICING, INC.
and RONALD ROY BIEBER

1 **(b) makes application for the restricted license and pays**
2 **to the Department the appropriate fee therefor.**

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

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

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

18 **3. Respondent shall not be eligible to apply for the**
19 issuance of an unrestricted real estate license nor for the
20 removal of any of the conditions, limitations or restrictions of
21 a restricted license **until two (2) years** has elapsed from the
22 effective date of this Decision.

23 **4. Pursuant to Section 10148 of the Code, Respondent**
24 shall pay (jointly and severally with Respondent BIEBER) the
25 Commissioner's reasonable cost, not to exceed \$2,726.90, for an
26 audit to determine if Respondent has corrected the trust fund

27 DRE No. H-3521 SAC

RED SHIELD SERVICING, INC.
and RONALD ROY BIEBER

1 violation(s) found in Paragraph I of the Determination of Issues.
2 In calculating the amount of the Commissioner's reasonable cost,
3 the Commissioner may use the estimated average hourly salary for
4 all persons performing audits of real estate brokers, and shall
5 include an allocation for travel time to and from the auditor's
6 place of work. Respondent shall pay such cost within 45 days of
7 receiving an invoice from the Commissioner detailing the
8 activities performed during the audit and the amount of time
9 spent performing those activities. The Commissioner may suspend
10 the restricted license issued to respondent pending a hearing
11 held in accordance with Section 11500, et seq., of the Government
12 Code, if payment is not timely made as provided for herein, or as
13 provided for in a subsequent agreement between the Respondent and
14 the Commissioner. The suspension shall remain in effect until
15 payment is made in full or until Respondent enters into an
16 agreement satisfactory to the Commissioner to provide for
17 payment, or until a decision providing otherwise is adopted
18 following a hearing held pursuant to this condition.

19 II

20 All licenses and licensing rights of Respondent RONALD ROY
21 BIEBER under the Real Estate Law are revoked; provided, however, a
22 restricted real estate broker license shall be issued to said
23 Respondent pursuant to Section 10156.5 of the Code if, within 90
24 days from the effective date of the Decision entered pursuant to
25 this Order, such Respondent:

26 (a) pays (jointly and severally with Respondent RED

27 DRE No. H-3521 SAC

RED SHIELD SERVICING, INC.
and RONALD ROY BIEBER

1 SHIELD) the sum of \$2,726.90 to the Department as and for the cost
2 of the audit which resulted in the determination that Respondent RED
3 SHIELD committed the trust fund violation(s) found in paragraph I of
4 the Determination of Issues; and

5 (b) makes application for the restricted license and pays
6 to the Department the appropriate fee therefor.

7 The restricted license issued to Respondent shall be
8 subject to all of the provisions of Section 10156.7 of the Code and
9 to the following limitations, conditions and restrictions imposed
10 under authority of Section 10156.6 of the Code:

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

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

22 3. Respondent shall not be eligible to apply for the
23 issuance of an unrestricted real estate license nor for the
24 removal of any of the conditions, limitations or restrictions of
25 a restricted license until two (2) years has elapsed from the
26 effective date of this Decision.

27 DRE No. H-3521 SAC

RED SHIELD SERVICING, INC.
and RONALD ROY BIEBER

1 4. Pursuant to Section 10148 of the Code, Respondent
2 shall pay (jointly and severally with Respondent RED SHIELD) the
3 Commissioner's reasonable cost, not to exceed \$2,726.90, for an
4 audit to determine if Respondent RED SHIELD has corrected the
5 trust fund violation(s) found in Paragraph I of the Determination
6 of Issues. In calculating the amount of the Commissioner's
7 reasonable cost, the Commissioner may use the estimated average
8 hourly salary for all persons performing audits of real estate
9 brokers, and shall include an allocation for travel time to and
10 from the auditor's place of work. Respondent shall pay such cost
11 within 45 days of receiving an invoice from the Commissioner
12 detailing the activities performed during the audit and the
13 amount of time spent performing those activities. The
14 Commissioner may suspend the restricted license issued to
15 respondent pending a hearing held in accordance with Section
16 11500, et seq., of the Government Code, if payment is not timely
17 made as provided for herein, or as provided for in a subsequent
18 agreement between the Respondent and the Commissioner. The
19 suspension shall remain in effect until payment is made in full
20 or until Respondent enters into an agreement satisfactory to the
21 Commissioner to provide for payment, or until a decision
22 providing otherwise is adopted following a hearing held pursuant
23 to this condition.

24 5. Respondent shall, within nine months from the
25 effective date of the Decision, present evidence satisfactory to
26 the Commissioner that Respondent has, since the most recent

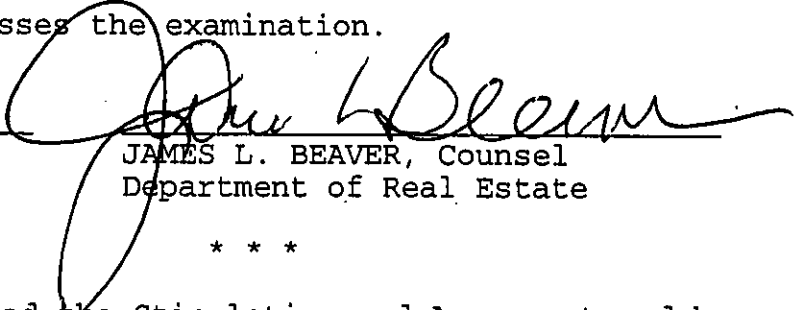
27 DRE No. H-3521 SAC

RED SHIELD SERVICING, INC.
and RONALD ROY BIEBER

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

10 6. Respondent shall, within six (6) months from the
11 issuance of the restricted license, take and pass the
12 Professional Responsibility Examination administered by the
13 Department, including the payment of the appropriate examination
14 fee. If Respondent fails to satisfy this condition, the
15 Commissioner may order the suspension of the restricted license
16 until Respondent passes the examination.

17 10-2-00
18 DATED


18 JAMES L. BEAVER, Counsel
19 Department of Real Estate

19 * * *

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

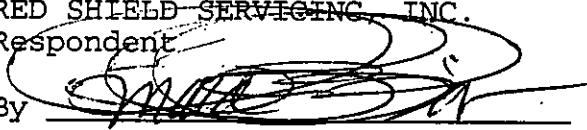
27 DRE No. H-3521 SAC

RED SHIELD SERVICING, INC.
and RONALD ROY BIEBER

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

5 9-29-00
DATED

RED SHIELD SERVICING, INC.
Respondent

6 By 
7 RONALD ROY BIEBER
Designated Officer - Broker

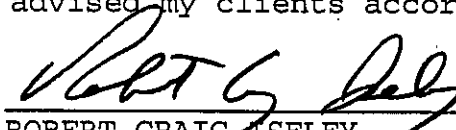
8 9-29-00
DATED

9 
RONALD ROY BIEBER
Respondent

10 * * *

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

13 9-29-00
DATED

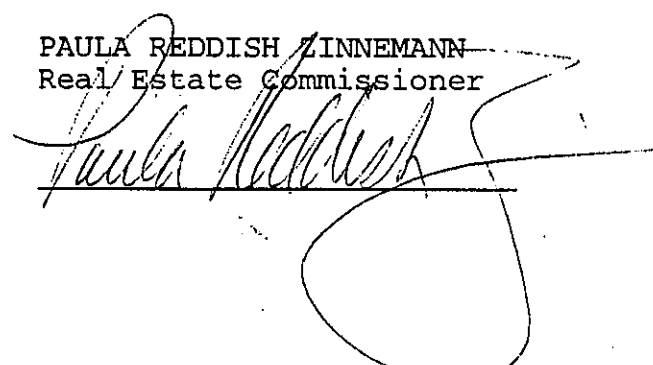
14 
ROBERT CRAIG ISELEY
Attorney for Respondents

15 * * *

16 The foregoing Stipulation and Agreement is hereby
17 adopted by as my Decision in this matter and shall become
18 effective at 12 o'clock noon on December 4, 2000.

19 IT IS SO ORDERED October 23, 2000.

20
21
22 PAULA REDDISH ZINNEMANN
Real Estate Commissioner

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26

27 DRE No. H-3521 SAC

RED SHIELD SERVICING, INC.
and RONALD ROY BIEBER

FILED

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

AUG - 1 2000

DEPARTMENT OF REAL ESTATE

Laurie A. Zani

In the Matter of the Accusation of

RED SHIELD SERVICING, INC.,
AND RONALD ROY BIEBER,

}

Case No. H-3521 SAC

OAH No. N-2000070490

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, 560 J Street, Suite 340/360,
Sacramento, CA 95814

on Thursday, October 5, 2000, 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

J. E. Beaver
By JAMES E. BEAVER Counsel

Dated: August 1, 2000

1 JAMES L. BEAVER, Counsel (SBN 60543)
2 Department of Real Estate
3 P. O. Box 187000
4 Sacramento, CA 95818-7000

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FILED

JUN 22 2000

DEPARTMENT OF REAL ESTATE

By *Laurie G. Z...*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) No. H- 3521 SAC
12 RED SHIELD SERVICING, INC.,) ACCUSATION
13 AND RONALD ROY BIEBER,)
14 Respondents.)

15 The Complainant, Charles W. Koenig, a Deputy Real
16 Estate Commissioner of the State of California, for cause of
17 Accusation against RED SHIELD SERVICING, INC. (hereinafter "RED
18 SHIELD") and RONALD ROY BIEBER (hereinafter "BIEBER"), is
19 informed and alleges as follows:

20 I

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

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1 II

2 At all times herein mentioned, Respondents RED SHIELD
3 and BIEBER (hereinafter "Respondents") were and now are licensed
4 and/or have license rights under the Real Estate Law (Part 1 of
5 Division 4 of the Business and Professions Code) (hereinafter
6 "the Code").

7 III

8 At all times herein mentioned, Respondent RED SHIELD
9 was and now is licensed by the Department of Real Estate of the
10 State of California (hereinafter "the Department") as a corporate
11 real estate broker by and through Respondent BIEBER as designated
12 officer-broker of Respondent RED SHIELD to qualify said
13 corporation and to act for said corporation as a real estate
14 broker.

15 IV

16 At all times herein mentioned, Respondent BIEBER was
17 and now is licensed by the Department as a real estate broker,
18 individually and as designated officer-broker of Respondent RED
19 SHIELD. As said designated officer-broker, Respondent BIEBER was
20 at all times mentioned herein responsible pursuant to Section
21 10159.2 of the Code for the supervision of the activities of the
22 officers, agents, real estate licensees and employees of
23 Respondent RED SHIELD for which a license is required.

24 V

25 Whenever reference is made in an allegation in this
26 Accusation to an act or omission of Respondent RED SHIELD, such
27 allegation shall be deemed to mean that the officers, directors,

1 employees, agents and real estate licensees employed by or
2 associated with Respondent RED SHIELD committed such act or
3 omission while engaged in the furtherance of the business or
4 operations of such corporate Respondent and while acting within
5 the course and scope of their corporate authority and employment.

6 VI

7 At all times herein mentioned, Respondents engaged in
8 the business of, acted in the capacity of, advertised, or assumed
9 to act as real estate brokers within the State of California
10 within the meaning of Section 10131(d) of the Code, including the
11 operation and conduct of a mortgage loan brokerage with the
12 public wherein, on behalf of others, for compensation or in
13 expectation of compensation, Respondents serviced and collected
14 payments on loans secured directly or collaterally by liens on
15 real property, and performed services for the holders thereof.

16 VII

17 In so acting as real estate brokers, as described in
18 Paragraph VI, above, Respondents accepted or received funds in
19 trust (hereinafter "trust funds") from or on behalf of lenders,
20 investors, borrowers and others in connection with the mortgage
21 loan brokerage activities described in Paragraph VI, above, and
22 thereafter from time to time made disbursements of said trust
23 funds.

24 VIII

25 The aforesaid trust funds accepted or received by
26 Respondents were deposited or caused to be deposited by
27 Respondents into one or more bank accounts (hereinafter "trust

1 fund accounts") maintained by Respondents for the handling of
2 trust funds, including but not necessarily limited to the
3 following accounts maintained by Respondents at the Elk Grove,
4 California, branch of Stockmans Bank:

5 (a) The "Red Shield Servicing, Inc. Client Trust
6 Account", Account Number 100034750 (hereinafter "Trust #1");

7 (b) The "Red Shield Servicing, Inc. Trust Account",
8 Account Number 100034776 (hereinafter "Trust #2"); and

9 (c) The "Red Shield Servicing, Inc. Foreclosure
10 Account", Account Number 100034768 (hereinafter "Account #3").

11 IX

12 Within the three-year period immediately preceding the
13 filing of this Accusation, in connection with the collection and
14 disbursement of said trust funds, Respondent RED SHIELD:

15 (a) Failed to place trust funds entrusted to
16 Respondent RED SHIELD into the hands of a principal on whose
17 behalf the funds were received, into a neutral escrow depository,
18 or into a trust fund account in the name of Respondent RED SHIELD
19 as trustee at a bank or other financial institution, in
20 conformance with the requirements of Section 10145 of the Code
21 and Section 2832(a) of Chapter 6, Title 10, California Code of
22 Regulations (hereinafter "the Regulations"), in that Respondent
23 RED SHIELD placed such funds in Account #3, an account that was
24 not in the name of Respondent RED SHIELD as trustee; and

25 (b) Caused, suffered or permitted the balance of funds
26 in Trust #1 to be reduced to an amount which, as of November 30,
27 1999 was approximately \$13,257.62 less than the aggregate

1 liability of Respondent RED SHIELD to all owners of such funds,
2 without the prior written consent of the owners of such funds.

3 X

4 At all times mentioned herein Respondent RED SHIELD was
5 a real estate broker meeting the threshold criteria of
6 subdivision (a) of Section 10232 with a fiscal year ending on the
7 30th day of November each year.

8 XI

9 At all times mentioned herein from and after January 1,
10 1998, Respondent RED SHIELD was a real estate broker which was a
11 servicing agent meeting the criteria of paragraph (3) of
12 subdivision (j) of Section 10229 of the Code with respect to
13 notes or interests sold pursuant to Section 10229 of the Code
14 secured directly by either an interest in the same real property
15 or undivided interests in notes secured directly by real property
16 equivalent to a series transaction.

17 XII

18 In connection with the mortgage loan servicing and
19 trust fund handling activities described above, Respondent RED
20 SHIELD failed until March 8, 2000 to file or cause to be filed
21 with the Department:

22 (a) The annual reports required by Sections 10229(n)
23 and 10232.2(a) of the Code of a review of RED SHIELD's trust fund
24 financial statements by a public accountant for the fiscal year
25 ending November 30, 1998 that first became finally due to the
26 Department on May 31, 1999; and

27 ///

1 (b) The quarterly reports required by paragraph (3) of
2 subdivision (j) of Section 10229 of the Code of the inspection of
3 RED SHIELD's trust accounts by a public accountant for the fiscal
4 quarters ending February 28, 1999, May 31, 1999, and August 31,
5 1999, which reports each became finally due to the Department
6 within 30 days after the close of the fiscal period for which the
7 report was to be made.

8 XIII

9 Respondent BIEBER failed to exercise reasonable
10 supervision over the acts of Respondent RED SHIELD in such a
11 manner as to allow the acts and omissions on the part of
12 Respondent RED SHIELD described above, to occur.

13 XIV

14 The facts alleged above are grounds for the suspension
15 or revocation of the licenses and license rights of Respondent
16 RED SHIELD under the following provisions of the Code and/or the
17 Regulations:

18 (a) As to Paragraph IX(a) under Section 2832(a) of the
19 Regulations in conjunction with Section 10177(d) of the Code; and

20 (b) As to Paragraph IX(b) under Section 2832.1 of the
21 Regulations and Section 10145 of the Code in conjunction with
22 Section 10177(d) of the Code;

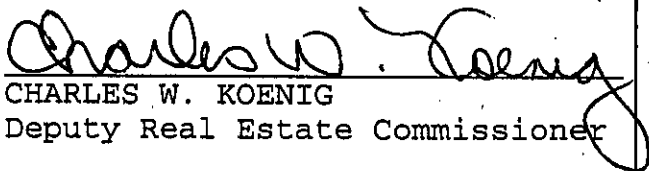
23 (c) As to Paragraph XII(a) under Sections 10229(n) and
24 10232.2(a) of the Code in conjunction with Section 10177(d) of
25 the Code; and

26 (d) As to Paragraph XII(b) under Section 10229(j)(3)
27 of the Code in conjunction with Section 10177(d) of the Code.

1 XVI

2 The facts alleged in Paragraph XIII, above, are grounds
3 for the suspension or revocation of the licenses and license
4 rights of Respondent BIEBER under Section 10177(g) and/or Section
5 10177(h) of the Code and Section 10159.2 of the Code in
6 conjunction with Section 10177(d) of the Code.

7 WHEREFORE, Complainant prays that a hearing be
8 conducted on the allegations of this Accusation and that upon
9 proof thereof a decision be rendered imposing disciplinary
10 action against all licenses and license rights of Respondents
11 under the Real Estate Law (Part 1 of Division 4 of the Business
12 and Professions Code) and for such other and further relief as
13 may be proper under other applicable provisions of law.

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15 
16 CHARLES W. KOENIG
Deputy Real Estate Commissioner

17 Dated at Sacramento, California,
18 this 2nd day of June, 2000.