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Bureau of Real Estate  
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FILED

JUL 21 2017

BUREAU OF REAL ESTATE

By: Angela Skinner

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BEFORE THE BUREAU OF REAL ESTATE  
STATE OF CALIFORNIA

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To:	)	NO. H-04920 SD
	)	
TAMMIE JEANNE WATTERS.	)	<u>ORDER TO DESIST</u>
	)	<u>AND REFRAIN</u>
	)	(B&P Code Section 10086)
	)	

The Commissioner ("Commissioner") of the California Bureau of Real Estate ("Bureau") caused an investigation to be made of the activities of TAMMIE JEANNE WATTERS ("WATTERS"). Based on that investigation the Commissioner has determined that WATTERS has engaged, is engaging in acts, or attempting to engage in the business of, acting in the capacity of, and/or advertising or assuming to act as a real estate broker in the State of California within the meaning of Business and Professions Code ("Code") section 10131, subdivision (d) (performing services for borrowers in connection with loans secured by liens on real property). In addition, based on that investigation, the Commissioner has determined that WATTERS has engaged in or is engaging in acts or is attempting to engage in or has engaged in or is engaging in acts or is attempting to engage in practices constituting violations of the Code. Based on the findings of that investigation, set forth below, the

1 Commissioner hereby issues the following Findings of Fact, Conclusions of Law, and Desist  
2 and Refrain Order under the authority of Section 10086 of the Code.

3 FINDINGS OF FACT

4 1. From February 8, 2000 through approximately April 22, 2007, WATTERS was  
5 licensed as a real estate salesperson by the Bureau.

6 2. On April 23, 2007, the Bureau originally issued a real estate broker license to  
7 WATTERS, License ID 01274780.

8 3. On April 21, 2009, the Bureau filed an Accusation against WATTERS in Bureau  
9 Case No. H-3939 SD, based on WATTERS' January 6, 2009 felony conviction for violation of  
10 one count of section 487(a) of the California Penal Code (grand theft) and two counts of section  
11 470(d) of the California Penal Code (forgery).

12 4. On April 24, 2009, WATTERS petitioned the Real Estate Commissioner to  
13 voluntarily surrender her real estate broker license pursuant to section 10100.2 of the California  
14 Business and Professions Code ("Code").

15 5. An Order accepting the voluntary surrender of WATTERS' real estate broker  
16 license became effective on June 16, 2009 in Bureau Case No. H-3939 SD.

17 6. Cypress Realty Group, Inc. ("CRGI") is a real estate corporation licensed by the  
18 Bureau since April 15, 2008, License ID 01844138.

19 7. CRGI is licensed to do business as Cypress Realty & Mortgage.

20 7. CRGI holds mortgage loan originator ("MLO") license endorsement number 330953.

21 8. During all times relevant herein, Peter Nelson Andrews ("Andrews") was the  
22 designated broker officer, License ID 00977049, for CRGI.

23 9. During all times relevant herein, William John Kelly ("Kelly") was licensed by the  
24 Bureau as a real estate salesperson, License ID 01909026, under the employment of CRGI.

1 10. During all times relevant herein, George Macgill Stewart ("Stewart") was licensed  
2 by the Bureau as a real estate salesperson, License ID 01220715, under the employment of  
3 CRGI.

4 11. In September of 2015, WATTERS performed services for borrower B.P.<sup>1</sup> in  
5 connection with obtaining a loan for the purchase of real property located at 6180 Agee #173,  
6 San Diego, California 92122 ("subject property").

7 12. B.P. communicated directly and exclusively with WATTERS concerning B.P.'s  
8 application for a mortgage loan through WATTERS' personal email and mobile phone number.

9 13. WATTERS did not inform B.P. that WATTERS did not hold a real estate license.

10 14. WATTERS engaged in activities requiring a real estate license and/or MLO license  
11 endorsement including, but not limited to, quoting rates, providing and advising B.P. on  
12 financing options, and preparing and/or providing at least two Good Faith Estimates ("GFE")  
13 which listed CRGI as the MLO originator; however, the GFE'S listed WATTERS' email  
14 address and personal phone number for the MLO originator.

15 15. B.P. subsequently used the services of a different MLO originator to obtain a  
16 purchase loan for the subject property.

17 16. A Bureau special investigator sent an inquiry to CRGI and Andrews and requested  
18 copies of all documents related to the loan transaction for B.P. and the subject property.

19 17. In response to the Bureau's inquiry and request for records, Andrews stated that  
20 WATTERS was never an employee or independent contractor for CRGI and that WATTERS  
21 never received any compensation from CRGI.

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24 <sup>1</sup> Initials are used in place of individuals' full names to protect their privacy. Documents containing individuals' full names will be provided during the discovery phase of this case to WATTERS and/or her attorney, after service of a timely and proper request for discovery on Complainant's counsel.

1 18. Andrews also stated that no loan was negotiated, originated, processed, or funded for  
2 the subject property or B.P. by CRGI or anyone affiliated with CRGI.

3 19. Andrews stated that he was not aware of any credit report, correspondence emails,  
4 memos, etc. regarding B.P. or the subject property.

5 20. Andrews further stated that WATTERS occasionally worked as an assistant to  
6 Stewart and Kelly, conducting administrative, clerical, and support duties; however, Andrews  
7 was not aware of, and had been informed, that WATTERS did not perform originator duties.

8 21. A Bureau special investigator questioned Kelly about WATTERS' activities  
9 concerning B.P. and the subject property.

10 22. Kelly stated that it was unusual for WATTERS' personal contact information to be  
11 listed on a GFE and that it was unusual for an assistant to provide financing options to a  
12 borrower, such as advising on equity and varying rates depending on private mortgage  
13 insurance.

14 CONCLUSIONS OF LAW

15 1. WATTERS' conduct, acts, and/or omissions described above in Findings of Fact  
16 Paragraphs 1 through 22, do not fall within the exemptions of licensure pursuant to Code  
17 sections 10133.1, 10133.2, or Regulation 2841 of the Regulations of the Real Estate  
18 Commissioner, Title 10, Chapter 6, California Code of Regulations.

19 2. Based on the information contained in Findings of Fact Paragraphs 1 through 22,  
20 above, TAMMIE JEANNE WATTERS violated Code Section 10130 by engaging in activities  
21 requiring a real estate license pursuant to Code section 10131, without first obtaining a broker or  
22 salesperson license from the Bureau.

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1 DESIST AND REFRAIN ORDER

2 Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW stated herein, IT  
3 IS HEREBY ORDERED THAT TAMMIE JEANNE WATTERS, while doing business in her  
4 name or any other fictitious business name, immediately desist and refrain from performing any  
5 acts within the State of California for which a real estate broker license or salesperson is  
6 required, unless she is so licensed.

7 DATED: 7/17/17

8 WAYNE S. BELL  
9 REAL ESTATE COMMISSIONER

10 By:   
11 DANIEL J. SANDRI  
12 Chief Deputy Commissioner

13 **Notice:** Business and Professions Code Section 10139 provides that “[A]ny person acting as a  
14 real estate broker or real estate salesperson without a license or who advertises using words  
15 indicating that he or she is a real estate broker without being so licensed shall be guilty of a  
16 public offense punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by  
17 imprisonment in the county jail for a term not to exceed six months, or by both fine and  
18 imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars  
19 (\$60,000).”

20 cc: Tammie Jeanne Watters  
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