

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

FILED
JUL 17 1997

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)	
12	ROBERT WILLIAM KAMP,)	NO. H-7452 SF
13	Respondent.)	<u>STIPULATION AND AGREEMENT</u>
14)	<u>IN SETTLEMENT AND ORDER</u>
15)	

16 It is hereby stipulated by and between ROBERT WILLIAM
17 KAMP (Respondent), and the Complainant, acting by and through
18 Deidre L. Johnson, Counsel for the Department of Real Estate, as
19 follows for the purpose of settling and disposing of the
20 Accusation filed on March 26, 1997, in this matter:

21 1. All issues which were to be contested and all
22 evidence which was to be presented by Complainant and Respondent
23 at a formal hearing on the Accusation, which hearing was to be
24 held in accordance with the provisions of the California
25 Administrative Procedures Act (APA), shall instead and in place
26 thereof be submitted solely on the basis of the provisions of this
27 Stipulation and Agreement in Settlement.

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

5 3. On March 31, 1997, Respondent filed his Notice of
6 Defense pursuant to Section 11505 of the Government Code for the
7 purpose of requesting a hearing on the allegations in the
8 Accusation. Respondent hereby freely and voluntarily withdraws
9 said Notice of Defense. Respondent acknowledges that he
10 understands that by withdrawing said Notice of Defense he will
11 thereby waive his right to require the Commissioner to prove the
12 allegations in the Accusation at a contested hearing held in
13 accordance with the provisions of the APA, and that he will waive
14 other rights afforded to him in connection with the hearing such
15 as the right to present evidence in defense of the allegations in
16 the Accusation and the right to cross-examine witnesses.

17 4. Respondent, pursuant to the limitations set forth
18 below, hereby admits that the factual allegations set forth in the
19 Accusation are true and correct and the Real Estate Commissioner
20 shall not be required to provide further evidence of such
21 allegations. A true copy of the Accusation is attached hereto as
22 Annex A and incorporated herein by reference.

23 5. No additional documentary, testimonial, or other
24 evidence, except that which is necessary to establish
25 Complainant's jurisdiction, shall be required to be presented by
26 Complainant at any hearing in this proceeding in order to prove
27 the Accusation as above stipulated.



1 Accusation without a hearing, it is stipulated and agreed that the
2 following determination of issues shall be made:

3 I

4 The acts and/or omissions of Respondent ROBERT WILLIAM
5 KAMP as set forth in the Accusation violate Sections 10145,
6 10232(e), 10232.2 (a), 10232.2(c), and 10232.5 of the California
7 Business and Professions Code (hereafter the Code), and Sections
8 2830, 2831, 2831.1, and 2831.2 of Title 10, California Code of
9 Regulations, and constitute grounds for disciplinary action
10 against the real estate license(s) and license rights of
11 Respondent under the provisions of Section 10177(d) of the Code.
12 Said acts and or omissions further constitute grounds for
13 disciplinary action under Section 10177(g) of the Code.

14 ORDER

15
16 The real estate broker license(s) and licensing rights
17 of Respondent ROBERT WILLIAM KAMP under the Real Estate Law are
18 revoked; provided, however, a restricted real estate broker
19 license shall be issued to Respondent pursuant to Section 10156.5
20 of the Business and Professions Code if Respondent makes
21 application therefor and pays to the Department of Real Estate the
22 appropriate fee for the restricted license within 90 days from the
23 effective date of this Decision. The restricted license issued to
24 Respondent shall be subject to all of the provisions of Section
25 10156.7 of the Business and Professions Code and to the following
26 limitations, conditions and restrictions imposed under authority
27 of Section 10156.6 of that Code:



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

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

(3) Respondent shall not be eligible to apply for the
issuance of an unrestricted real estate license nor
for the removal of any of the conditions,
limitations or restrictions of a restricted license
until one (1) year has elapsed from the effective
date of this Decision.

(4) Pursuant to Section 10148 of the Business and
Professions Code, Respondent shall pay the
Commissioner's reasonable cost for an audit. In
calculating the amount of the Commissioner's
reasonable cost, the Commissioner may use the
estimated average hourly salary for all Department
Audit Section personnel performing audits of real

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estate brokers, and shall include an allocation for travel time to and from the auditor's place of work. Respondent shall pay such cost within forty-five (45) days of receiving an invoice from the Commissioner detailing the activities performed during the audit and the amount of time spent performing those activities. The Commissioner may suspend the restricted license issued to Respondent pending a hearing held in accordance with Section 11500, et seq., of the Government Code, if payment is not timely made as provided for therein, or as provided for in a subsequent agreement between the Respondent and the Commissioner. The suspension shall remain in effect until payment is made in full or until Respondent enters into an agreement satisfactory to the Commissioner to provide for payment, or until a decision providing otherwise is adopted following a hearing held pursuant to this condition.

(5) Respondent shall, within nine (9) months from the effective date of this decision, present evidence satisfactory to the Real Estate Commissioner that he has, since the most recent issuance of an original or renewal real estate license, taken and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate

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license. If Respondent fails to satisfy this condition, the Commissioner may order the suspension of the restricted license until the Respondent presents such evidence. The Commissioner shall afford Respondent the opportunity for hearing pursuant to the Administrative Procedure Act to present such evidence.

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

June 6, 1997
DATED

Deidre L. Johnson
DEIDRE L. JOHNSON
Counsel for Complainant

* * *

I have read the Stipulation in Settlement and Agreement, understand I have the right to discuss it with an attorney, 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, and I willingly, intelligently and voluntarily waive those rights, including the

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
6 JUNE 3, 1997
7 DATED

Robert William Kamp
8
9
10 ROBERT WILLIAM KAMP
11 Respondent

12 * * *

13 DECISION AND ORDER

14 The foregoing Stipulation and Agreement in Settlement is
15 hereby adopted as my Decision and Order and shall become effective
16 at 12 o'clock noon on August 6, 1997.

17 IT IS SO ORDERED 7/9, 1997.

18 JIM ANTT, JR.
19 Real Estate Commissioner

20 *Jim Antt, Jr.*
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FILED
MAY - 8 1997

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

By Kathleen Contreras

In the Matter of the Accusation of
ROBERT WILLIAM KAMP,

Case No. H-7452 SF
OAH No. N-1997050017

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, World Savings Tower,
1970 Broadway, Second Floor, Oakland, California 94612

on Thursday -- June 5, 1997, at the hour of 10:00 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.

DEPARTMENT OF REAL ESTATE

Dated: May 8, 1997

By Deidre L. Johnson
DEIDRE L. JOHNSON Counsel

TO: FLAG SECTION
FROM: SACTO. LEGAL

FILED
MAR 26 1997
DEPARTMENT OF REAL ESTATE

1 DEIDRE L. JOHNSON, Counsel
2 Department of Real Estate
3 P. O. Box 187000
4 Sacramento, CA 95818-7000

5 Telephone: (916) 227-0789

By Shelley Ely

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 ROBERT WILLIAM KAMP,) NO. H-7452 SF
13 Respondent.) ACCUSATION

14 The Complainant, Les R. Bettencourt, a Deputy Real
15 Estate Commissioner of the State of California, for cause of
16 Accusation against ROBERT WILLIAM KAMP, is informed and alleges as
17 follows:

18 I

19 ROBERT WILLIAM KAMP (hereafter Respondent) is presently
20 licensed and/or has license rights under the Real Estate Law, Part
21 1 of Division 4 of the California Business and Professions Code
22 (hereafter the Code).

23 II

24 The Complainant, Les R. Bettencourt, a Deputy Real
25 Estate Commissioner of the State of California, makes this
26 Accusation against Respondent in his official capacity and not
27 otherwise.

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III

At all times herein mentioned, Respondent was and is licensed by the California Department of Real Estate (hereafter the Department) as a real estate broker, individually and doing business as CAL-STATE EQUITIES.

IV

Within the three years last past, Respondent engaged in the business and acted in the capacity of a real estate broker in California within the meaning of Sections 10131(d) and/or 10131(e) of the Code, wherein borrowers and lenders were solicited for loans secured directly or collaterally by liens on real property, and wherein such loans were arranged, negotiated, consummated and serviced by Respondent on behalf of others, for or in expectation of compensation.

V

Beginning in or about October of 1996, the Department conducted an audit of Respondent's business. In acting as a real estate broker, Respondent accepted or received funds in trust from or on behalf of borrowers and/or lenders.

VI

The trust funds received by Respondent were deposited or caused to be deposited into two trust accounts maintained by him at Bank of America in San Leandro, California, as follows:

- (1) Account No. 04876-03577 in the name of "Cal-State Equities Trust Account," a loan servicing account labeled for convenience herein as Trust Account No. 1;

1 (2) Account No. 02512-08816 in the name of "Cal-State
2 Equities Trust Account," a loan funding and payoff account labeled
3 for convenience herein as Trust Account No. 2.

4 VII

5 In connection with the receipt and disbursement of trust
6 funds as above alleged, Respondent:

7 (a) Failed to maintain a written control record of all
8 trust funds received and disbursed for each bank account
9 containing all information required by Section 2831 of Title 10,
10 California Code of Regulations (hereafter the Regulations);

11 (b) Failed to deposit trust funds into a trust fund
12 account(s) in the name of Respondent as trustee at a bank or other
13 financial institution, in conformance with Section 2830 of the
14 Regulations;

15 (c) Failed to maintain a separate record for each
16 beneficiary or transaction as to each bank account containing all
17 information required by Section 2831.1 of the Regulations;

18 (d) Failed to reconcile the balance of separate
19 beneficiary or transaction records with the control records of
20 trust funds received and disbursed at least once a month for each
21 bank account, and failed to maintain a record of such
22 reconciliations as required by Section 2831.2 of the Regulations.

23 VIII

24 As of February 12, 1996, Respondent collected payments
25 on behalf of borrowers and lenders in an aggregate amount of about
26 \$573,230.73, and for the twelve month period from October 1, 1995
27 to September 30, 1996, Respondent collected a total of about



1 \$2,095,395.03. Within the twelve month period immediately
2 preceding at least September 30, 1996, Respondent reasonably
3 intended to and did collect payments of \$500,000 or more, and
4 failed or omitted to so notify the Department of Real Estate in
5 writing within thirty days of February 12, 1996.

6 IX

7 Beginning at least on and after February 12, 1996,
8 Respondent was required to file certain quarterly and annual
9 reports with the Department as follows:

10 (a) Report of a review of trust fund financial
11 statements as required under Section 10232.2(a) of the Code, due
12 no later than 90 days after the end of the fiscal year, including
13 a review by a licensed California independent public accountant.

14 (b) Report of business activities as required under
15 Section 10232.2(c), due no later than 90 days after the end of the
16 fiscal year.

17 (c) Quarterly reports of trust fund status as required
18 under Section 10232.5, due within 30 days after the end of each of
19 the first three fiscal quarters of each fiscal year.

20 X

21 Beginning in and after February of 1996, and continuing
22 to the present, Respondent has failed or omitted to submit any of
23 the reports described above to the Department.

24 XI

25 The acts and/or omissions alleged above are grounds for
26 the suspension or revocation of the license and license rights of
27 Respondent under the following provisions:



1 (1) As to Paragraph VII(a), under Section 2831 of
2 the Regulations in conjunction with Section 10177(d) of the Code.

3 (2) As to Paragraph VII(b) and VI, under Section 10145
4 of the Code and Section 2830 of the Regulations in conjunction
5 with Section 10177(d) of the Code;

6 (3) As to Paragraph VII(c), under Section 2831.1 of
7 the Regulations in conjunction with Section 10177(d) of the Code;

8 (4) As to Paragraph VII(d), under Section 2831.2 of
9 the Regulations in conjunction with Section 10177(d) of the Code;

10 (5) As to Paragraph VIII, under Section 10232(e) of
11 the Code in conjunction with Section 10177(d) of the Code;

12 (6) As to Paragraph IX(a) and X, under Section
13 10232.2(a) of the Code in conjunction with Section 10177(d) of
14 the Code;

15 (7) As to Paragraph IX(b) and X, under Section
16 10232.2(c) of the Code in conjunction with Section 10177(d) of
17 the Code;

18 (8) As to Paragraph IX(c) and X, under Section 10232.5
19 of the Code in conjunction with Section 10177(d) of the Code.

20 XII

21 By reason of the facts alleged above, Respondent KAMP
22 has committed acts and/or omissions that constitute negligence
23 and/or incompetence, and which constitute grounds for disciplinary
24 action under the provisions of Section 10177(g) of the Code.

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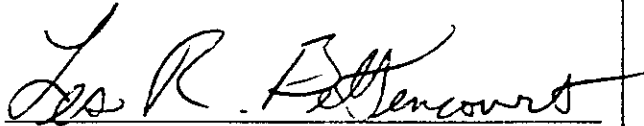
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WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof a decision be rendered imposing disciplinary action against all licenses and license rights of Respondent under the Real Estate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


LES R. BETTENCOURT
Deputy Real Estate Commissioner

Dated at San Francisco, California,
this 24th day of March, 1997.