

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

FILED
MAR 03 2000

5 DEPARTMENT OF REAL ESTATE

6 By Jean Aumont

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

11 * * *

12 In the Matter of the Accusation of)
13 ROBERT WILLIAM KAMP,)
14 Respondent.)

NO. H-7746 SF
STIPULATION AND AGREEMENT

15
16 It is hereby stipulated by and between ROBERT WILLIAM
17 KAMP, and the Complainant, acting by and through Deidre L.
18 Johnson, Counsel for the Department of Real Estate, as follows
19 for the purpose of settling and disposing the Accusation as to
20 him filed on September 9, 1999, 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 Administrative
25 Procedures Act (APA), shall instead and in place thereof be
26 submitted solely on the basis of the provisions of this
27 Stipulation and Agreement.

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

4 3. On September 23, 1999, Respondent filed his Notice
5 of Defense pursuant to Section 11505 of the Government Code for
6 the purpose of requesting a hearing on the allegations in the
7 Accusation. Respondent hereby freely and voluntarily withdraws
8 said Notice of Defense. Respondent acknowledges that he
9 understands that by withdrawing said Notice of Defense he will
10 thereby waive his right to require the Commissioner to prove the
11 allegations in the Accusation at a contested hearing held in
12 accordance with the provisions of the APA, and that he will waive
13 other rights afforded to him in connection with the hearing such
14 as the right to present evidence in defense of the allegations in
15 the Accusation and the right to cross-examine witnesses.

16 4. Respondent, pursuant to the limitations set forth
17 below, hereby admits that the factual allegations in Paragraphs I
18 through IV of the Accusation filed in this proceeding are true
19 and correct and the Real Estate Commissioner shall not be
20 required to provide further evidence of such allegations.

21 5. Without admitting the truth of the allegations
22 contained in the remaining paragraphs of the Accusation,
23 Respondent stipulates that he will not interpose a defense
24 thereto. This Stipulation is based on the factual allegations
25 contained in the Accusation. In the interests of expedience and
26 economy, Respondent chooses not to contest these allegations, but
27 to remain silent and understands that, as a result thereof, these

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

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

13 (4) Respondent shall submit with any application for license
14 under an employing broker, or any application for
15 transfer to a new employing broker, a statement signed
16 by the prospective employing real estate broker on a
17 form approved by the Department of Real Estate which
18 shall certify:

19 (a) That the employing broker has read the Decision of
20 the 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 (5) Respondent shall, within nine (9) months from the
27 effective date of this decision, present evidence

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

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

21
22
23 January 27, 2000
24 DATED

23 Deidre L. Johnson
24 DEIDRE L. JOHNSON
25 Counsel for Complainant

26
27 * * *

FILED

OCT 20 1999

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

In the Matter of the Accusation of

ROBERT WILLIAM KAMP;

}

Case No. H-7746 SF

OAH No. N-1999100115

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, The Elihu Harris State

Building, 1515 Clay Street, Suite 206, Oakland, California 94612

on April 4, 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

Dated: October 20, 1999

By Deidre L. Johnson
DEIDRE L. JOHNSON KC Counsel

1 DEIDRE L. JOHNSON, Counsel
State Bar No. 66322
2 Department of Real Estate
P. O. Box 187000
3 Sacramento, CA 95818-7000
4 Telephone: (916) 227-0789

FILED

SEP 09 1999

DEPARTMENT OF REAL ESTATE

By Jean Curtis

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-7746 SF
13 Respondent.) ACCUSATION
14 _____)

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

19 PRELIMINARY ALLEGATIONS

20 I

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

25 II

26 The Complainant, Les R. Bettencourt, a Deputy Real
27 Estate Commissioner of the State of California, makes this

1 Accusation against Respondent in his official capacity and not
2 otherwise.

3 III

4 At most times herein mentioned, Respondent ROBERT
5 WILLIAM KAMP (hereafter Respondent) was licensed by the
6 Department of Real Estate (hereafter Department) as a restricted
7 real estate broker, individually and doing business as CAL-STATE
8 EQUITIES. On or about August 6, 1997, Respondent's real estate
9 broker license was revoked and a restricted real estate broker
10 license was issued by the Department.

11 IV

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

20
21 FIRST CAUSE OF ACTION
(AUDIT)

22 V

23 Beginning in or about June of 1998, the Department
24 conducted an audit of Respondent's books and records pertaining
25 to the above mortgage loan business for the period of
26 approximately June 9, 1997 through June 16, 1998. In acting as
27 a mortgage loan broker as alleged above, Respondent accepted or

1 received funds in trust on behalf of borrowers and/or lenders in
2 connection with the solicitation, negotiation, processing and
3 funding of loans on their behalf.

4 VI

5 The trust funds accepted or received by Respondent were
6 deposited or caused to be deposited from time to time into bank
7 accounts at Bank of America in San Leandro, California, named and
8 numbered as follows:

- 9 (1) Trust #1: Account No. 04872-11616, "Robert Kamp
10 dba Cal State Equities Trust Account."
11 (2) Trust #2: Account No. 04872-11616, "Robert Kamp
12 dba Cal State Equities Trust Account."
13 (3) Interest Acct. #1: Account No. 04870-06620,
14 "Luis E. Camacho, Robert Kamp."
15 (4) Interest Acct. #2: Account No. 04876-06622,
16 "Luis E. Camacho, Robert Kamp."
17 (5) Interest Acct. #3: Account No. 04870-06880,
18 "Reinaldo De Carvalho, Robert Kamp."
19 (6) Interest Acct. #4: Account No. 04879-06796,
20 "Jose M. Alcazar, Robert Kamp."

21 VII

22 In connection with the collection and disbursement of
23 the trust funds, Respondent:

24 (1) Failed to maintain Interest Accounts #1, #2, #3,
25 and #4 as trust accounts in the name of the broker as trustee,
26 as required by Section 10145 of the Code and Section 2832 of
27 Title 10, California Code of Regulations (hereafter the
Regulations);

(2) Failed to maintain a control account of all
receipts and disbursements of trust funds containing all

1 information required by Section 2831 of the Regulations for Trust
2 #1 and Trust #2;

3 (3) Failed to maintain a separate record for each
4 beneficiary or transaction containing all information required by
5 Section 2831.1 of the Regulations as to investor Jim Peel, and as
6 to unidentified trust funds;

7 (4) Failed to reconcile the balance of all separate
8 beneficiary or transaction records with the record of all
9 trust funds received and disbursed at least once a month for
10 Trust #1, Trust #2, and Interest Accounts #1 through #4 above,
11 and failed to maintain any record of any such reconciliations
12 for each account as required by Section 2831.2 of the
13 Regulations; and,

14 (5) Failed to retain complete control, as the broker
15 and trustee of trust funds, of Interest Accounts #1 through #4
16 by permitting withdrawal authorization from each such account
17 on the signature of the respective owner of the funds in each
18 account.

19 VIII

20 For the calendar year of 1998, Respondent intended to
21 or reasonably expected to engage in the collection of payments
22 in an aggregate amount of \$250,000.00 or more on behalf of
23 owners of secured promissory notes, in that, as of approximately
24 February 25, 1998, Respondent had already made collections of
25 payments in the sum of about \$342,372.52; and within 30 days
26 thereafter, Respondent failed to notify the Department in writing
27 of that fact as required by Section 10232(e) of the Code.

IX

The acts and/or omissions alleged in Paragraphs VII and VIII above are grounds for the suspension or revocation of the licenses and licenses rights of Respondent under the following provisions:

- (1) As to Paragraph VII(1), under Section 10145 of the Code and Section 2832 of the Regulations in conjunction with Section 10177(d) of the Code;
- (2) As to Paragraph VII(2), under Section 2831 of the Regulations in conjunction with Section 10177(d) of the Code;
- (3) As to Paragraph VII(3), under Section 2831.1 of the Regulations in conjunction with Section 10177(d) of the Code;
- (4) As to Paragraph VII(4), under Section 2831.2 of the Regulations in conjunction with Section 10177(d) of the Code;
- (5) As to Paragraph XII(6), under Section 10145 of the Code and Section 2832 of the Regulations in conjunction with Section 10177(d) of the Code; and,
- (6) As to Paragraph XIII, under Section 10232 of the Code in conjunction with Section 10177(d) of the Code.

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SECOND CAUSE OF ACTION
(ACACIA AVENUE LOAN)

X

In or about December of 1996, Respondent negotiated and arranged a loan on behalf of borrower Dina S. Lima in the sum of \$175,000 to be evidenced by a promissory note and secured by a second deed of trust to real property at 6130 Acacia Avenue, Oakland, California. Respondent solicited, sold and/or assigned interests in the loan to multiple investors (hereafter Original Lenders). Lima thereafter transferred the property to Luis Camacho.

XI

Beginning in or about January of 1998, Respondent negotiated and arranged a new loan on behalf of borrowers Dina Lima and Luis Camacho in the sum of \$175,000, to be in the form of a modification of the above note and second deed of trust to the property, that increased the total second loan to \$350,000. Respondent solicited and sold interests in the new or increased loan to multiple investors, including new sums from some Original Lenders and others (hereafter New Lenders).

XII

In connection with the above 1998 loan, Respondent failed to prepare and deliver to New Lenders, or cause to be delivered, a written lender mortgage disclosure statement as required by Section 10232.4 of the Code, prior to each investor becoming obligated to make the loan, and/or prior to Respondent's receipt of the loan funds, and/or failed to retain copies of such statements with the records of the company.

1 XIII

2 Respondent failed to disclose the 1998 loan transaction
3 alleged above to some of the Original Lenders, including but not
4 limited to Dr. Thomas Thompson, and failed to obtain their
5 consent to the increase in the loan amount secured by the deed
6 of trust in which they had an interest.

7 XIV

8 In connection with the above 1998 loan, Respondent
9 failed to record or cause to be recorded any form of deed of
10 trust to secure the sum of \$350,000, naming as the beneficiary
11 the Original and New Investors or their nominee(s), other than
12 Respondents or Respondents' nominees, or to deliver a deed of
13 trust to the investors and beneficiaries, with a written
14 recommendation that it be recorded.

15 XV


16 The acts and/or omissions of Respondent as alleged
17 above violate Sections 10232.4 and 10234 of the Code, and
18 constitute grounds for disciplinary action under the
19 provisions of Sections 10176(a), 10177(d) and/or 10177(g)
20 of the Code.

21 PRIOR DISCIPLINARY ACTION

22 Effective August 6, 1997, in Case No. H-7452 SF, the
23 Real Estate Commissioner revoked the real estate broker license
24 of Respondent and granted him the right to a restricted broker
25 license for violation of Sections 10145, 10232(e), 10232.2(a),
26 10232.2(c), and 10232.5 of the California Business and
27 Professions Code, and Sections 2830, 2831, 2831.1, and 2831.2

1 of the Regulations, and grounds for disciplinary action pursuant
2 to Section 10177(d) of the Code.

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

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12
13
14 
15 LES R. BETTENCOURT
16 Deputy Real Estate Commissioner
17

18 Dated at Oakland, California,
19 this 26th day of August, 1999.
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26
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