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FILED

FEB -4 2011

DEPARTMENT OF REAL ESTATE

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of)	No. H-11013 SF
WALLACE ROBERT PARKER,)	
Respondent.)	

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On October 13, 2010, an Accusation was filed in this matter against Respondent WALLACE ROBERT PARKER.

On December 3, 2010, Respondent WALLACE ROBERT PARKER petitioned the Commissioner to voluntarily surrender his real estate broker license pursuant to Section 10100.2 of the Business and Professions Code.

IT IS HEREBY ORDERED that Respondent WALLACE ROBERT PARKER's petition for voluntary surrender of his real estate broker license is accepted as of the effective date of this Order as set forth below, based upon the understanding and agreement expressed in the Declaration executed by Respondent WALLACE ROBERT PARKER on December 3, 2010 (attached as Exhibit "A" hereto).

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1 Respondent WALLACE ROBERT PARKER's license certificate and pocket
2 card shall be sent to the below-listed address so that they reach the Department on or before the
3 effective date of this Order:

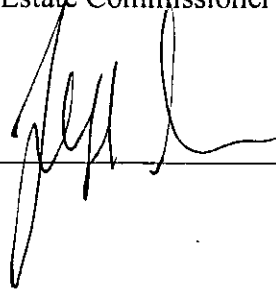
4 DEPARTMENT OF REAL ESTATE
5 Attention: Licensing Flag Section
6 P. O. Box 187000
7 Sacramento, CA 95818-7000

8 This Order shall become effective at 12 o'clock noon on
FEB 25 2011

9 DATED: _____

10 1/27/11

11 JEFF DAVI
12 Real Estate Commissioner

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

WALLACE ROBERT PARKER,

Respondent.

No. H- 11013 SF

DECLARATION

My name is WALLACE ROBERT PARKER and I am currently licensed as a real estate broker and/or have license rights with respect to said license. I am representing myself in this matter.

In lieu of proceeding in this matter in accordance with the provisions of the Administrative Procedure Act (Sections 11400 et seq., of the Government Code) I wish to voluntarily surrender my real estate license(s) issued by the Department of Real Estate ("Department"), pursuant to Business and Professions Code Section 10100.2.



1 I understand that by so voluntarily surrendering my license(s), that I may be
2 relicensed as a broker or as a salesperson only by petitioning for reinstatement pursuant to
3 Section 11522 of the Government Code. I also understand that by so voluntarily surrendering my
4 license(s), I agree to the following:

5 The filing of this Declaration shall be deemed as my petition for voluntary
6 surrender. It shall also be deemed to be an understanding and agreement by me that I waive all
7 rights I have to require the Commissioner to prove the allegations contained in the Accusation
8 filed in this matter at a hearing held in accordance with the provisions of the Administrative
9 Procedure Act (Government Code Sections 11400 et seq.), and that I also waive other rights
10 afforded to me in connection with the hearing such as the right to discovery, the right to present
11 evidence in defense of the allegations in the Accusation and the right to cross-examine witnesses.
12 I further agree that upon acceptance by the Commissioner, as evidenced by an appropriate order,
13 all affidavits and all relevant evidence obtained by the Department in this matter prior to the
14 Commissioner's acceptance, and all allegations contained in the Accusation filed in the
15 Department Case No. H-11013 SF, may be considered by the Department to be true and correct
16 for the purpose of deciding whether to grant relicensure or reinstatement pursuant to
17 Government Code Section 11522.

18 I declare under penalty of perjury under the laws of the State of California that the
19 above is true and correct and that I freely and voluntarily surrender all my license(s) and license
20 rights under the Real Estate Law.

21 12-3-10
22 Date and Place

Wallace Robert Parker
WALLACE ROBERT PARKER

23 Santa Rosa,
24 California
25
26
27

1 TRULY SUGHRUE, Counsel
2 State Bar No. 223266
3 Department of Real Estate
4 P. O. Box 187007
Sacramento, CA 95818-7007

5 Telephone: (916) 227-0789
6 (916) 227-0781 (Direct)

FILED

OCT 13 2010

DEPARTMENT OF REAL ESTATE

[Signature]

7 BEFORE THE DEPARTMENT OF REAL ESTATE
8 STATE OF CALIFORNIA

9 * * *

10
11 In the Matter of the Accusation of:)
12 WALLACE ROBERT PARKER,) No. H-11013 SF
13 Respondent.) ACCUSATION
14)

15 The Complainant, E. J. Haberer II, a Deputy Real Estate Commissioner of the
16 State of California, for cause of Accusation against WALLACE ROBERT PARKER,
17 (hereinafter "Respondent"), is informed and alleges as follows:

18 PRELIMINARY ALLEGATIONS

19 1

20 The Complainant, E. J. Haberer II, a Deputy Real Estate Commissioner of the
21 State of California, makes this Accusation in his official capacity.

22 2

23 Respondent is presently licensed and/or has license rights under the Real Estate
24 Law, Part 1 of Division 4 of the Business and Professions Code (hereinafter "the Code").

25 3

26 At all times mentioned, Respondent was and is licensed by the Department as a
27 real estate broker.

From on or about July 1, 2009 through May 9, 2010 Respondent employed Stephen Alan Welch (hereinafter "Welch") under Respondent's broker license. At all times mentioned Welch was and is licensed by the Department as a restricted real estate salesperson.

At all times mentioned, Respondent engaged in the business of, acted in the capacity of, advertised or assumed to act as a real estate broker in the State of California within the meaning of Sections 10131(d) and 10131(e) of the Code, including the operation and conduct of a mortgage loan brokerage business with the public wherein Respondent solicited lenders and borrowers for loans secured directly or collaterally by liens on real property or a business opportunity, and wherein such loans were arranged, negotiated, processed, and consummated by Respondent on behalf of others and wherein promissory notes or interests therein were sold or purchased on behalf of another or others for compensation or in expectation of a compensation.

Beginning on or before July 1, 2009 through September 30, 2009, Respondent and/or Welch maintained the following trust fund accounts:

<u>TITLE AND ACCOUNT NUMBERS</u>	<u>BANK</u>
Coastal Mountain Finance and Investments Account No. 37003131	North Valley Bank 255 South Main Street Willits, CA 95490
Stephen A. Welch Real Estate Trust Account Account No. 37600334	North Valley Bank 255 South Main Street Willits, CA 95490

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TITLE AND ACCOUNT NUMBERS

BANK

Stephen A. Welch DBA Coastal Mountain Mortgage

North Valley Bank

Account No. 620706738

255 South Main Street

Willits, CA 95490

7

In connection with the receipt and disbursement of trust funds, Respondent:

(a) Failed to deposit trust funds into one or more trust funds accounts in the name of Respondent as trustee at a bank or other financial institution, in conformance with Section 10145 of the Code and Section 2832 of Title 10 of the California Code of Regulations (hereinafter "the Regulations").

(b) Failed to maintain a written control record of all trust funds received and disbursed, containing all information required by Section 2831 of the Regulations.

(c) Failed to maintain separate beneficiary or transaction records containing all information required by Section 2831.1 of the Regulations.

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

8

In connection with the mortgage loan brokerage business described in Paragraph 5, Respondent, failed to provide, in accordance with Section 10232.5(a)(2) of the Code, the lender purchaser disclosure statement containing an estimated fair market value of the securing property as determined by an appraisal, or obtain a waiver of the requirement of an independent appraisal in writing in including, but not limited to, the following transactions:

BORROWER

PROPERTY

Robert M. Dragness

17201 Northspur Road, Willits

John Richard Evans

26102 N. 19 Road, Pillsbury

1 9

2 In the course of the activities described in Paragraph 5, Respondent, employed
3 real estate salespersons, including but not limited to Welch to engage in activities requiring a
4 real estate salesperson license without first entering into the broker-salesperson relationship
5 agreement with such salespersons as required by Section 2726 of the Regulations.

6 10

7 Respondent operated his real estate business, under the fictitious business names
8 of "Coastal Mountain Mortgage" and "Costal Mountain Finance & Investments", without
9 Respondent obtaining a license bearing said fictitious business name as required by Section
10 2731 of the Regulations.

11 11

12 Respondent failed to obtain a branch license from the Department for the branch
13 office located at 152 South Main Street, Willits, California as required by Section 10163 of the
14 Code.

15 12

16 Respondent failed to notify the Department within the next business day that
17 Respondent had closed its main office located at 8099 La Plaza Suite H, Cotati, California, as
18 required by Section 2715 of the Regulations.

19 13

20 At all times mentioned, Respondent failed to exercise reasonable supervision
21 over the activities of his salespersons, and permitted, ratified and/or caused the conduct
22 described above. Respondent failed to reasonably or adequately review, oversee, inspect and
23 manage the salespersons under his employ, and/or to establish reasonable policies, rules,
24 procedures and systems for such review, oversight, inspection and management.

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1
2 The facts alleged above are grounds for the suspension or revocation of
3 Respondent licenses and license rights under the following sections of the Code and
4 Regulations:

5 (1) As to Paragraphs 7(a), under Section 10177(d) of the Code in conjunction
6 with Section 10145 of the Code and Section 2832 of the Regulations;

7 (2) As to Paragraph 7(b), under Section 10177(d) of the Code in conjunction
8 with Section 2831 of the Regulations;

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

11 (4) As to Paragraph 7(d), under Section 10177(d) of the Code in conjunction
12 with Section 2831.2 of the Regulations;

13 (5) As to Paragraph 8, under Section 10177(d) of the Code in conjunction
14 with Section 10232.5(a)(2) of the Code;

15 (6) As to Paragraphs 9, under Section 10177(d) of the Code in conjunction
16 with Section 2726 of the Regulations;

17 (7) As to Paragraphs 10, under Section 10177(d) of the Code in conjunction
18 with Section 10159.5 of the Code and Section 2731 of the Regulations;

19 (8) As to Paragraph 11, under Section 10177(d) of the Code in conjunction
20 with Section 10163 of the Code; and

21 (9) As to Paragraphs 12, under Section 10177(d) of the Code in conjunction
22 with Section 2715 of the Regulations.

23 In addition, the Department is entitled to reimbursement of the costs of its audit
24 pursuant to Section 10148 of the Code.

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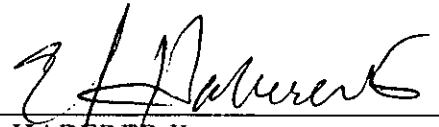
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The facts described in Paragraph 13 constitute cause for the suspension or revocation of the licenses and license rights of Respondent under Section 10177(g) and/or Section 10177(h) of the Code.

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 Respondents 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.


E. J. HABERER II
Deputy Real Estate Commissioner

Dated at Oakland, California,
this 29th day of September, 2010