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FILED
JUN 23 2005
DEPARTMENT OF REAL ESTATE
By *[Signature]*

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
JACK P. BOWERS,)	No. H-26650 LA
Respondent.)	

ORDER GRANTING REINSTATEMENT OF LICENSE

On February 6, 1997, a Decision was rendered herein revoking the real estate broker license of Respondent, 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 March 5, 1997.

On October 25, 2004, 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.

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

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

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

15 2. Submittal of proof satisfactory to the
16 Commissioner, that since his license was revoked, Respondent has
17 taken and completed the trust fund accounting and handling
18 course specified in paragraph (3), subdivision (a) of Section
19 10170.5 of the Business and Professions Code.

20 This Order shall be effective immediately.

21 DATED: 5-29, 2005

22 JEFF DAVI
23 Real Estate Commissioner

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26 cc: Jack P. Bowers
27 7216 N. Lotus Avenue, Apt. # 1
San Gabriel, CA 91775

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Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, CA 90012
(213) 897-3937

FILED
FEB 13 1997
DEPARTMENT OF REAL ESTATE

By Laura B. Oron

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of)	NO. H-26650 LA
ZENITH HOME LOAN)	<u>STIPULATION AND AGREEMENT</u>
and JACK P. BOWERS,)	<u>IN SETTLEMENT AND ORDER</u>
)	
Respondents.)	

It is hereby stipulated by and between JACK P. BOWERS (sometimes referred to as Respondent) and his attorney of record, Steve Gourley, representing the Respondent, and the Complainant, acting by and through James R. Peel, Counsel for the Department of Real Estate, as follows, for the purpose of settling and disposing of the Accusation filed on June 12, 1996, in this matter. This Stipulation and Agreement applies only to Respondent JACK P. BOWERS and no other respondent.

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondent at a formal hearing on the Accusation, which hearing was to be held in accordance with the provisions of the Administrative Procedure Act (APA), shall instead and in place thereof be

1 submitted solely on the basis of the provisions of this
2 Stipulation and Agreement in Settlement.

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

7 3. On June 20, 1996, Respondent filed a Notice of
8 Defense pursuant to Section 11505 of the Government Code for the
9 purpose of requesting a hearing on the allegations in the
10 Accusation. Respondent hereby freely and voluntarily withdraws
11 said Notice of Defense. Respondent acknowledges that he
12 understands that by withdrawing said Notice of Defense he will
13 thereby waive his right to require the Commissioner to prove the
14 allegations in the Accusation at a contested hearing held in
15 accordance with the provisions of the APA and that he will waive
16 other rights afforded to him in connection with the hearing,
17 such as the right to present evidence in defense of the
18 allegations in the Accusation and the right to cross-examine
19 witnesses.

20 4. Respondent, pursuant to the limitations set forth
21 below, although not admitting or denying the truth of the
22 allegations, will not contest the factual allegations contained
23 in the Accusation filed in this proceeding and the Real Estate
24 Commissioner shall not be required to provide further evidence
25 of such allegations.

26 5. It is understood by the parties that the Real
27 Estate Commissioner may adopt the Stipulation and Agreement in



1 Settlement as his decision in this matter thereby imposing the
2 penalty and sanctions on Respondent's real estate license and
3 license rights as set forth below in the "Order". In the event
4 that the Commissioner in his discretion does not adopt the
5 Stipulation and the Agreement in Settlement, it shall be void
6 and of no effect, and Respondent shall retain the right to a
7 hearing and proceeding on the Accusation under all the
8 provisions of the APA and shall not be bound by any stipulation
9 or waiver made herein.

10 6. The Order or any subsequent Order of the Real
11 Estate Commissioner made pursuant to this Stipulation and
12 Agreement in Settlement shall not constitute an estoppel, merger
13 or bar to any further administrative or civil proceedings by the
14 Department of Real Estate with respect to any matters which were
15 not specifically alleged to be causes for accusation in this
16 proceeding, but shall constitute a bar, estoppel and merger as
17 to any allegations actually contained in the accusations against
18 Respondent herein.

19 7. This Stipulation is entered into by each party
20 with the express understanding and agreement that it is to be
21 used for the purposes of settling these proceedings only and
22 that this Stipulation shall not be deemed, used, or accepted as
23 an acknowledgment or stipulation in any other civil or
24 administrative proceeding to which this Department is not a
25 part. Said stipulation is expressly limited to these
26 proceedings and to any further proceeding initiated by or
27 brought before the Department of Real Estate, and shall have no



1 collateral estoppel or res judicata effect in any proceeding
2 other than a proceeding brought by the Department of Real
3 Estate.

4 8. That this Stipulation contains the full and
5 complete agreement of the parties hereto with regard to the
6 disposition of these administrative proceedings, only, and that
7 this stipulation supersedes in their entirety all negotiations,
8 discussions, agreements, and/or proposals which may have been
9 issued or made by the respective parties and/or by attorneys for
10 the respective parties prior to the date of execution of this
11 Stipulation.

12 DETERMINATION OF ISSUES

13 By reason of the foregoing stipulations and waivers
14 and solely for the purpose of settlement of the pending
15 Accusation without a hearing, it is stipulated and agreed that
16 the following determination of issues shall be made:

17 I

18 The conduct of Respondent, JACK P. BOWERS, as alleged
19 in the Accusation, is grounds for the suspension or revocation
20 of all of the real estate licenses and license rights of
21 Respondent under the provisions of Regulations 2831.1 and
22 2832.1, and Sections 10145(a), 10232.5, 10177(d), and 10177(h)
23 of the Business and Professions Code.

24 ORDER

25 All licenses and license rights of Respondent JACK P.
26 BOWERS under the Real Estate Law are hereby revoked, provided,
27 however, that a restricted real estate broker license shall be



1 issued to Respondent, pursuant to Section 10156.5 of the Code if
2 Respondent makes application therefor, and pays to the
3 Department of Real Estate the appropriate fee for said license
4 within (90) days from the effective date of the Order herein.

5 The restricted license issued to Respondent shall be subject to
6 all of the provisions of Section 10156.7 of the Business and
7 Professions Code and to the following limitations, conditions
8 and restrictions imposed under authority of Section 10156.6 of
9 said Code.

10 1. The restricted license upon issuance to respondent
11 shall be suspended for 30 days, provided said suspension shall
12 be stayed on condition that Respondent pays a monetary penalty
13 pursuant to Section 10175.2 of the Business and Professions Code
14 in the amount of \$1,500. Said payment shall be in the form of a
15 cashier's check or certified check made payable to the Recovery
16 Account of the Real Estate Fund.

17 2. The restricted license may be suspended, prior to
18 the final determination after formal hearing by Order of the
19 Real Estate Commissioner in the event of Respondent's conviction
20 or plea of nolo contendere to a crime which bears a significant
21 relationship to Respondent's fitness or capacity as a real
22 estate licensee.

23 3. The restricted license may be suspended, pending
24 final determination made after formal hearing, by Order of the
25 Real Estate Commissioner based upon evidence satisfactory to the
26 Commissioner that Respondent has violated provisions of the
27 California Real Estate Law, the Subdivided Lands Law,



1 Regulations of the Real Estate Commissioner or conditions
2 attaching to the restricted license.

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

8 5. Respondent shall, within 12 months from the
9 effective date of the Order, present evidence satisfactory to
10 the Real Estate Commissioner that Respondent has, since the most
11 recent issuance of an original or renewal real estate license,
12 taken and successfully completed the continuing education
13 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
14 for renewal of a real estate license. If Respondent fails to
15 satisfy this condition, the Commissioner may order the
16 suspension of the restricted license until the Respondent
17 presents such evidence. The Commissioner shall afford
18 Respondent the opportunity for a hearing pursuant to the
19 Administrative Procedure Act to present such evidence.

20 6. Respondent shall, within six months from the
21 effective date of the restricted license, take and pass the
22 Professional Responsibility Examination administered by the
23 Department including the payment of the appropriate examination
24 fee. If Respondent fails to satisfy this condition, the
25 Commissioner may order suspension of the restricted license
26 until Respondent passes the examination.

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DATED: Jan. 21, 1997

James R. Peel
JAMES R. PEEL
Counsel for Complainant

* * * *

I have read the Stipulation and Agreement in Settlement, 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 (including but not limited to Sections 11506, 11508, 11509 and 11513 of the Government Code), and I willingly, intelligently and voluntarily waive those rights, including the right of requiring the Commissioner to prove the allegations in the Accusation at a hearing at which I would have the right to cross-examine witnesses against me and to present evidence in defense and mitigation of the charges.

DATED: 1-13-97

Jack P. Bowers
JACK P. BOWERS
Respondent

DATED: 1-15-97

Steve Gourley
STEVE GOURLEY
Counsel for Respondent

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The foregoing Stipulation and Agreement in Settlement
is hereby adopted as my Order and shall become effective at
12 o' clock noon on March 5, 1997.

IT IS SO ORDERED 2-6, 1997.

JIM ANTT, JR.
Real Estate Commissioner



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Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, CA 90012
(213) 897-3937

FILED
FEB 13 1997
DEPARTMENT OF REAL ESTATE

By Tania B. Crow

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of)	NO. H-26650 LA
)	
ZENITH HOME LOAN)	<u>STIPULATION AND AGREEMENT</u>
and JACK P. BOWERS,)	<u>IN SETTLEMENT AND ORDER</u>
)	
)	
Respondents.)	

It is hereby stipulated by and between ZENITH HOME LOAN (sometimes referred to as Respondent) and its attorney, of record, Robert S. Manns, representing the Respondent, and the Complainant, acting by and through James R. Peel, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on June 12, 1996, in this matter. This Stipulation and Agreement applies only to Respondent ZENITH HOME LOAN and no other respondent.

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondent at a formal hearing on the Accusation, which hearing was to be held in accordance with the provisions of the Administrative Procedure Act (APA), shall instead and in place thereof be

1 submitted solely on the basis of the provisions of this
2 Stipulation and Agreement in Settlement.

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

8 3. On July 1, 1996, Respondent filed a Notice of
9 Defense pursuant to Section 11505 of the Government Code for the
10 purpose of requesting a hearing on the allegations in the
11 Accusation. Respondent hereby freely and voluntarily withdraws
12 said Notice of Defense. Respondent acknowledges that it
13 understands that by withdrawing said Notice of Defense it will
14 thereby waive its right to require the Commissioner to prove the
15 allegations in the Accusation at a contested hearing held in
16 accordance with the provisions of the APA and that it will waive
17 other rights afforded to it in connection with the hearing, such
18 as the right to present evidence in defense of the allegations
19 in the Accusation and the right to cross-examine witnesses.

20 4. Respondent, pursuant to the limitations set forth
21 below, although not admitting or denying the truth of the
22 allegations, will not contest the factual allegations contained
23 in the Accusation filed in this proceeding and the Real Estate
24 Commissioner shall not be required to provide further evidence
25 of such allegations.

26 5. It is understood by the parties that the Real
27 Estate Commissioner may adopt the Stipulation and Agreement in
Settlement as his decision in this matter thereby imposing the



1 penalty and sanctions on Respondent's real estate license and
2 license rights as set forth below in the "Order". In the event
3 that the Commissioner in his discretion does not adopt the
4 Stipulation and the Agreement in Settlement, it shall be void
5 and of no effect, and Respondent shall retain the right to a
6 hearing and proceeding on the Accusation under the provisions of
7 the APA and shall not be bound by any stipulation or waiver made
8 herein.

9
10 6. The Order or any subsequent Order of the Real
11 Estate Commissioner made pursuant to this Stipulation and
12 Agreement in Settlement shall not constitute an estoppel, merger
13 or bar to any further administrative or civil proceedings by the
14 Department of Real Estate with respect to any matters which were
15 not specifically alleged to be causes for accusation in this
16 proceeding.

17 7. This Stipulation is entered into by each party
18 with the express understanding and agreement that it is to be
19 used for the purposes of settling these proceedings only and
20 that this Stipulation shall not be deemed, used, or accepted as
21 an acknowledgment or stipulation in any other civil or
22 administrative proceeding to which this Department is not a
23 party.

24 DETERMINATION OF ISSUES

25 By reason of the foregoing stipulations and waivers
26 and solely for the purpose of settlement of the pending
27 Accusation without a hearing, it is stipulated and agreed that
the following determination of issues shall be made:



I

1
2 The conduct of Respondent, ZENITH HOME LOAN, as
3 alleged in the Accusation, is grounds for the suspension or
4 revocation of all of the real estate licenses and license rights
5 of Respondent under the provisions of Regulations 2831.1 and
6 2832.1, and Sections 10145(a), 10232.5, and 10177(d) of the
7 Business and Professions Code.

8 ORDER

9 All licenses and license rights of Respondent ZENITH
10 HOME LOAN under Part 1 of Division 4 of the Business and
11 Professions Code are revoked; provided, however, a restricted
12 corporate real estate broker license shall be issued to
13 Respondent, pursuant to Section 10156.5 of the Code if
14 Respondent makes application therefor, and pays to the
15 Department of Real Estate the appropriate fee for said license
16 within (90) days from the effective date of the Decision.

17 The restricted license issued to Respondent shall be
18 subject to all of the provisions of Section 10156.7 of the
19 Business and Professions Code and to the following limitations,
20 conditions, and restrictions imposed under authority of Section
21 10156.6 of said Code.

22 1. The restricted license upon issuance to respondent
23 shall be suspended for 90 days, provided said suspension shall
24 be stayed on condition that Respondent pays a monetary penalty
25 pursuant to Section 10175.2 of the Business and Professions Code
26 in the amount of \$5,000. Said payment shall be in the form of a
27

1 cashier's check or certified check made payable to the Recovery
2 Account of the Real Estate Fund.

3 2. No restricted license shall actually be issued to
4 respondent until respondent pays to the Department of Real
5 Estate any balance due for the previous chargeable audit
6 No. LA 950172.

7 3. No restricted license shall actually be issued to
8 respondent until respondent complies with Sections 10232.2 and
9 10232.25 of the Business and Professions Code to the extent such
10 provisions are applicable to respondent.

11 4. The restricted license may be suspended, pending
12 final determination made after formal hearing, by Order of the
13 Real Estate Commissioner in the event of Respondent's conviction
14 or plea of nolo contendere to a crime which bears a significant
15 relationship to Respondent's fitness or capacity as a real
16 estate licensee.

17 5. The restricted license may be suspended, pending
18 final determination made after formal hearing, by Order of the
19 Real Estate Commissioner on evidence satisfactory to the
20 Commissioner that Respondent has during the time it holds a
21 restricted license, violated provisions of the California Real
22 Estate Law, the Subdivided Lands Law, Regulations of the Real
23 Estate Commissioner, or the conditions attaching to this
24 restricted license.

25 6. Respondent shall not be eligible to apply for the
26 issuance of an unrestricted real estate license nor the removal
27 of any of the conditions, limitations or restrictions of a



1 restricted license until one (1) year has elapsed from the date
2 of issuance of the restricted license to Respondent.

3 7. Respondent shall report in writing to the
4 Department of Real Estate as the Real Estate Commissioner shall
5 direct by his Order herein or by separate written order issued
6 while Respondent holds a restricted license, such information
7 concerning Respondent's activities for which a real estate
8 license is required as the Commissioner shall deem to be
9 appropriate to protect the public interest.

10 8. Within two years from the effective date of this
11 Order, the Commissioner may audit the books and records of
12 respondent to determine compliance with the Real Estate Law and
13 Regulations of the Real Estate Commissioner, pursuant to Code
14 Section 10148.

15 (a) The Real Estate Commissioner may charge
16 respondent the reasonable cost of this audit. In calculating
17 the amount of the reasonable costs, the Commissioner may use the
18 estimated average hourly salary for all persons performing
19 audits of real estate brokers, and shall include an allocation
20 for travel costs, including mileage, time to and from the
21 auditor's place of work, and per diem. The Commissioner's
22 reasonable costs shall in no event exceed \$10,000.

23 (b) Respondent shall pay, within 45 days from
24 receipt of the invoice, the Commissioner's reasonable costs for
25 the chargeable follow-up audit.

26 (c) If Respondent fails to pay, within 45 days
27 from receipt of the invoice, for the Commissioner's reasonable

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costs for an audit, the Commissioner may order the indefinite suspension of Respondent's real estate license and license rights. 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 such payment. The Commissioner may impose further reasonable disciplinary terms and conditions upon Respondent's real estate license and license rights as part of any such agreement.

DATED: Jan. 21, 1997 James R. Peel
JAMES R. PEEL
Counsel for Complainant

* * * *

I have read the Stipulation and Agreement in Settlement, 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 (including but not limited to Sections 11506, 11508, 11509 and 11513 of the Government Code), and I willingly, intelligently and voluntarily waive those rights, including the right of requiring the Commissioner to prove the allegations in the Accusation at a hearing at which I would have the right to cross-examine witnesses against me and to present evidence in defense and mitigation of the charges.

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DATED: 1/10/97

[Signature] vs
ZENITH HOME LOAN
Respondent

DATED: 1/13/97

[Signature]
ROBERT S. MANNS
Counsel for Respondent

* * * *

The foregoing Stipulation and Agreement in Settlement
is hereby adopted as my Order and shall become effective at
12 o' clock noon on March 5, 1997.

IT IS SO ORDERED 2-6, 1997.

JIM ANTT, JR.
Real Estate Commissioner

[Signature]

lbo

1 license rights under the Real Estate Law (Part 1 of Division 4 of
2 the Business and Professions Code, hereinafter referred to as the
3 "Code").

4 III

5 At all times herein mentioned, ZENITH HOME LOAN was
6 licensed by the Department of Real Estate as a corporate real
7 estate broker, and respondent JACK P. BOWERS was licensed as the
8 designated broker officer of said corporation, -and ordered,
9 authorized or participated in the illegal conduct of respondent
10 ZENITH HOME LOAN, as alleged in this Accusation.

11 IV

12 At all times herein mentioned ZENITH HOME LOAN on behalf
13 of others in expectation of compensation, engaged in the business,
14 acted in the capacity of, advertised or assumed to act as a real
15 estate broker in the State of California within the meaning of
16 Section 10131(d) and (e) of the Code, including soliciting
17 borrowers and lenders and negotiating loans on real property, as
18 well as collecting payments from borrowers on behalf of the
19 lenders.

20 V

21 During 1994 through 1995, in connection with the
22 aforesaid real estate brokerage activities, ZENITH HOME LOAN,
23 accepted or received funds from borrowers and lenders and
24 thereafter made disbursements of such funds.

25 VI

26 In connection with respondents' activities as a real
27 estate broker as described above, respondents acted in violation

1 of the Real Estate Law, Business and Professions Code (hereinafter
2 Code), and California Code of Regulations (hereinafter
3 Regulations), Title 10, Chapter 6, as follows:

4 1. ZENITH HOME LOAN violated Section 10145(a) of the
5 Code and Regulation 2832.1 by maintaining as of October 31, 1995,
6 a shortage in trust account No. 1027816 in the amount of \$4,171.33
7 and in trust account No. 1038788 in the amount of \$61,211.55.

8 2. ZENITH HOME LOAN violated Section 10232.5 of the
9 Code by failing to file with the Department of Real Estate its
10 Annual Trust Account Report for the year ending December 31, 1994.

11 3. ZENITH HOME LOAN violated Regulation 2831.1 in that
12 the monthly reconciliations of the collection trust accounts did
13 not include the reconciliation of the balance of all borrowers
14 separate records to the record of all trust funds received and
15 disbursed. The reconciliations included only the reconciliation
16 of the bank statement to the book balances.

17 VII

18 The conduct of respondent ZENITH HOME LOAN, as alleged
19 above, subjects its real estate license and license rights to
20 suspension or revocation pursuant to Section 10177(d) and 10177(g)
21 of the Code.

22 VIII

23 The conduct of respondent JACK P. BOWERS, as alleged
24 above, as the responsible individual, by allowing and permitting
25 ZENITH HOME LOAN to engage in the conduct specified in Paragraph
26 VI above, subjects his real estate licenses and license rights to
27

1 suspension or revocation pursuant to Sections 10177(d) and
2 10177(h) of the Code.

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

11 Dated at Los Angeles, California
12 this 12 th day of June, 1996.

13 THOMAS MC CRADY
14 Deputy Real Estate Commissioner

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25 cc: Zenith Home Loan
26 Jack P. Bowers
Sacto.
SE
27 lbo