

Doc to file

FILED
JUL 14 2008
DEPARTMENT OF REAL ESTATE

K. M. L. L.

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) NO. H-27181 LA
AVA V. CORDAR,)
Respondent.)

ORDER DENYING REINSTATEMENT OF LICENSE

On November 12, 1997, a Decision was rendered herein revoking Respondent's real estate salesperson license, but granting Respondent the right to apply for and be issued a restricted real estate salesperson license. A restricted real estate salesperson license was issued to Respondent on December 22, 1997.

A condition of said restricted license was that Respondent was required to take and pass the Professional Responsibility Examination. Respondent failed to do so and an order suspending Respondent's restricted license was filed on October 6, 1998. Respondent failed to reinstate from the suspension prior to Respondent's license expiration date of

1 December 21, 2001.

2 On or about May 10, 2007, Respondent petitioned
3 for reinstatement of said license and the Attorney General
4 of the State of California has been given notice of the
5 filing of the petition.

6 I have considered Respondent's petition and
7 the evidence and arguments in support thereof. Respondent has
8 failed to demonstrate to my satisfaction that Respondent has
9 undergone sufficient rehabilitation to warrant the reinstatement
10 of Respondent's real estate salesperson license, in that:

11 I

12 In the Decision which revoked the real estate license
13 of Respondent there was a Determination of Issues made that
14 there was cause to revoke Respondent's real estate license
15 pursuant to Business and Professions Code ("Code") Section 10137
16 and Code Section 10177(d), for violation of Code Section 10130.

17 II

18 The burden of proving rehabilitation rests with the
19 petitioner (Feinstein v. State Bar (1952) 39 Cal. 2d 541).
20 A petitioner is required to show greater proof of honesty and
21 integrity than an applicant for first time licensure. The proof
22 must be sufficient to overcome the prior adverse judgment on the
23 applicant's character (Tardiff v. State Bar (1980) 27 Cal. 3d
24 395).

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1 The Department has developed criteria in Title 10,
2 Chapter 6, California Code of Regulations ("Regulation") 2911,
3 to assist in evaluating the rehabilitation of an applicant for
4 reinstatement of a license. Among the criteria relevant in
5 this proceeding are:

6 2911 (h) - Respondent has not provided proof of
7 stability of family life and the fulfillment of familial
8 responsibilities.

9 2911 (i) - Respondent has not provided proof of
10 completion of, or sustained enrollment in, formal educational
11 or vocational training courses for economic self-improvement.

12 2911 (j) - Respondent has not provided proof that tax
13 liens filed against Respondent have been paid or that Respondent
14 has made bona fide efforts to pay the tax liens.

15 2911(l) - Respondent has not provided proof of
16 significant or conscientious involvement in community, church
17 or social programs.

18 2911(n)(1) - Respondent has not provided proof of a
19 change in attitude from that which existed at the time of the
20 conduct in question..

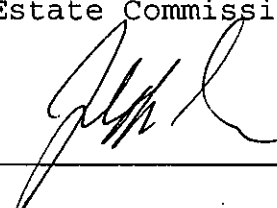
21 Given the fact that Respondent has not established
22 that Respondent has complied with Regulations 2911(h), 2911(i),
23 2911(j), 2911(l) and 2911(n)(1), I am not satisfied that
24 Respondent is sufficiently rehabilitated to receive a real
25 estate salesperson license.
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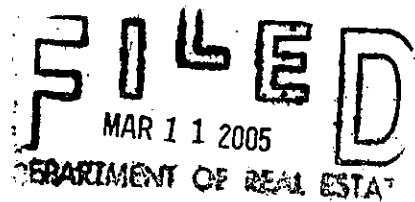
1 NOW, THEREFORE, IT IS ORDERED that Respondent's
2 petition for reinstatement of Respondent's real estate
3 salesperson license is denied.

4 This Order shall become effective at 12 o'clock noon
5 AUG - 4 2008
6 on

7 DATED: 7-8-08

8 JEFF DAVI
9 Real Estate Commissioner

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
BLAIR PAUL MINNIS,) No. H-27181 LA
Respondent.)

ORDER EXTENDING TIME

On October 30, 1997, a Decision was rendered herein
revoking the real estate broker license of Respondent.

On April 29, 2003, Respondent petitioned for
reinstatement of said real estate broker license.

Effective March 10, 2004, Respondent's petition for
reinstatement was granted. An Order was issued that a real
estate broker license will be issued to Respondent if Respondent
satisfies the following conditions within twelve months from the
effective date of the Order:

///

///

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

3 2. Submittal of evidence of having, since the most
4 recent issuance of an original or renewal real estate license,
5 taken and successfully completed the continuing education
6 requirements of Article 2.5 of Chapter 3 of the Real Estate
7 Law for renewal of a real estate license.

8 3. Submittal of evidence satisfactory to the Real
9 Estate Commissioner that Respondent has, since his license was
10 revoked, taken and passed the written examination required to
11 obtain a real estate broker license.

12 4. Submittal of evidence satisfactory to the Real
13 Estate Commissioner that Respondent has, since his license was
14 revoked, taken and passed the Professional Responsibility
15 Examination administered by the Department including the payment
16 of the appropriate examination fee.

17 5. Submittal of proof satisfactory to the
18 Commissioner that Respondent has, since his license was revoked,
19 taken and completed the trust fund accounting and handling
20 course specified in paragraph (3), subdivision (a) of Section
21 10170.5 of the Business and Professions Code.
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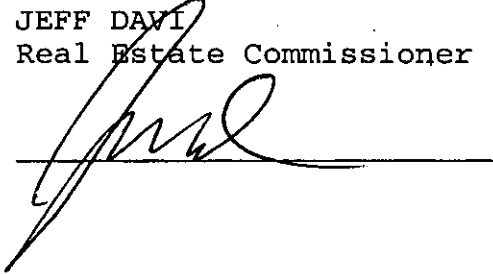
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1 Good cause having been shown, the time during which
2 Respondent must take and pass the real estate broker license
3 examination, submit a completed application and payment of the
4 fee for a real estate broker license and submit evidence of
5 completion of the Professional Responsibility Exam, is hereby
6 extended to September 9, 2005.

7 This Order shall be effective immediately.

8 DATED: 3-9-05, 2005

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10 JEFF DAVIS
11 Real Estate Commissioner
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FILED
MAR 19 2004
DEPARTMENT OF REAL ESTATE

v. C2

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) NO. H-27181 LA
BLAIR PAUL MINNIS,)
Respondent.)

ORDER GRANTING REINSTATEMENT OF LICENSE

On October 30, 1997, a Decision was rendered
herein revoking Respondent's real estate broker license.

On April 29, 2003, Respondent petitioned for
reinstatement of his real estate broker license and the
Attorney General of the State of California has been given
notice of the filing of said petition.

I have considered the petition of Respondent and
the evidence and arguments in support thereof. Respondent
has demonstrated to my satisfaction that Respondent meets
the requirements of law for the issuance to Respondent of
an unrestricted real estate broker license and that it would
not be against the public interest to issue said license to

1 Respondent BLAIR PAUL MINNIS.

2 NOW, THEREFORE, IT IS ORDERED that Respondent's
3 petition for reinstatement is granted and that a real estate
4 broker license be issued to Respondent if Respondent satisfies
5 the following conditions within twelve (12) months from the date
6 of this Order:

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

9 2. Submittal of evidence of having, since the most
10 recent issuance of an original or renewal real estate license,
11 taken and successfully completed the continuing education
12 requirements of Article 2.5 of Chapter 3 of the Real Estate
13 Law for renewal of a real estate license.

14 3. Submittal of evidence satisfactory to the Real
15 Estate Commissioner that Respondent has, since his license was
16 revoked, taken and passed the written examination required to
17 obtain a real estate broker license.

18 4. Submittal of evidence satisfactory to the Real
19 Estate Commissioner that Respondent has, since his license was
20 revoked, taken and passed the Professional Responsibility
21 Examination administered by the Department including the
22 payment of the appropriate examination fee.

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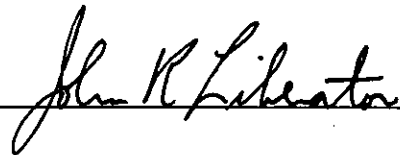
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1 5. Submittal of proof satisfactory to the
2 Commissioner that Respondent has, since his license was
3 revoked, taken and completed the trust fund accounting and
4 handling course specified in paragraph (3), subdivision (a) of
5 Section 10170.5 of the Business and Professions Code.
6

7 This Order shall become effective immediately.

8 DATED: March 10, 2004.

9 JOHN R. LIBERATOR
10 Acting Real Estate Commissioner

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25 cc: Blair Paul Minnis
26 2402 N. Hathaway
27 Santa Ana, CA 92705

By LMY

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
)
) NO. H-27181 LA
)
AVA V. CORDAR,)
)
Respondent.)
)

ORDER SUSPENDING RESTRICTED REAL ESTATE LICENSE

TO: AVA V. CORDAR:

On December 22, 1997, a restricted real estate salesperson license was issued by the Department of Real Estate to respondent on the terms, conditions and restrictions set forth in the Real Estate Commissioner's Order of November 12, 1997, in case No. H-27181 LA. This Order, which was effective December 22, 1997, granted the right to the issuance of a restricted real estate salesperson license subject to the provisions of Section 10156.7 of the Business and Professions Code and to enumerated additional terms, conditions and restrictions imposed under authority of Section 10156.6 of said Code. Among those

1 terms, conditions and restrictions, you were required to take and
2 pass the Professional Responsibility Examination within six
3 months from the effective date of the Decision. You were also
4 required, within six months from the effective date of the
5 Decision, to present evidence satisfactory to the Real Estate
6 Commissioner that you have, since the most recent issuance of an
7 original or renewal real estate license, taken and successfully
8 completed the continuing education requirements of Article 2.5 of
9 Chapter 3 of Real Estate Law for renewal of a real estate
10 license. The Commissioner has determined that you have failed to
11 satisfy these conditions, and as such, you are in violation of
12 Section 10177(k) of the Business and Professions Code. (You have
13 no right to renew your restricted license if these conditions
14 aren't satisfied by the date of its expiration. Section 10156.7
15 of the Business and Professions Code.)

16 NOW, THEREFORE, IT IS ORDERED under authority of
17 Section 10156.7 of the Business and Professions Code of the State
18 of California that the restricted real estate salesperson license
19 heretofore issued to respondent and the exercise of any
20 privileges thereunder is hereby suspended pending final
21 determination made after hearing (see "Hearing Rights" set forth
22 below).

23 IT IS FURTHER ORDERED that all license certificates and
24 identification cards issued by Department which are in the
25 possession of respondent be immediately surrendered by personal
26 delivery or by mailing in the enclosed, self-addressed envelope
27 to:



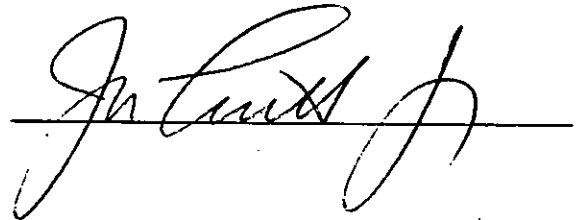
1 Department of Real Estate
2 Attn: Flag Section
3 P. O. Box 187000
4 Sacramento, CA 95818-7000

5 HEARING RIGHTS: Pursuant to the provisions of Section
6 10156.7 of the Business and Professions Code, you have the right
7 to a hearing to contest the Commissioner's determination that you
8 are in violation of Section 10177(k). If you desire a hearing,
9 you must submit a written request. The request may be in any
10 form, as long as it is in writing and indicates that you want a
11 hearing. Unless a written request for a hearing, signed by or on
12 behalf of you, is delivered or mailed to the Department at 107 S.
13 Broadway, Los Angeles, California, within 20 days after the date
14 that this Order was mailed to or served on you, the Department
15 will not be obligated or required to provide you with a hearing.

16 This Order shall be effective immediately.

17 DATED: 10/11/98

18 JIM ANTT, JR.
19 Real Estate Commissioner

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1 Department of Real Estate
107 South Broadway, Room 8107
2 Los Angeles, California 90012
3 (213) 897-3937

FILED
DEC - 2 1997
DEPARTMENT OF REAL ESTATE

By Sharon A. Crahan

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * * *

11 In the Matter of the Accusation of) No. H-27181 LA
12 BLAIR PAUL MINNIS,)
13 individually and dba) STIPULATION AND AGREEMENT
14 Stonecrest Mortgage Co,)
15 AVA V. CORDAR and)
16 JESS D. CAMACHO,)
17 Respondents.)

17 It is hereby stipulated by and between AVA V. CORDAR
18 (sometimes referred to as Respondent), acting in pro per, and the
19 Complainant, acting by and through Sean Crahan, Counsel for the
20 Department of Real Estate, as follows for the purpose of settling
21 and disposing of the Accusation filed on May 9, 1997, in this
22 matter:

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

1 the basis of the provisions of this Stipulation And Agreement
2 (hereafter Stipulation).

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 May 19, 1997, Respondent filed a Notice of
8 Defense pursuant to Section 11506 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 she
12 understands that by withdrawing said Notice of Defense, she will
13 thereby waive her 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 she will waive
16 other rights afforded to her in connection with the hearing such as
17 the right to present evidence in defense of the allegations in the
18 Accusation and the right to cross-examine witnesses.

19 4. Respondent, pursuant to the limitations set forth
20 below, hereby admits that the factual allegations in paragraphs one
21 (1) through eight (8) of the Accusation filed in this proceeding
22 are true and correct and the Real Estate Commissioner shall not be
23 required to provide further evidence to prove those allegations.

24 5. It is understood by the parties that the Real Estate
25 Commissioner may adopt the Stipulation And Agreement as his
26 Decision in this matter, thereby imposing the penalty and sanctions
27 on Respondent's real estate licenses and/or license rights as set



1 forth in the below Order. In the event that the Commissioner in
2 his discretion does not adopt the Stipulation And Agreement, it
3 shall be void and of no effect, and Respondent shall retain the
4 right to a hearing and proceeding on the Accusation under all the
5 provisions of the APA and shall not be bound by any admission or
6 waiver made herein.

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

13 7. Stonecrest Mortgage Corporation violated Business
14 and Professions Code (hereafter Code) Section 10145 or a regulation
15 of the Real Estate Commissioner interpreting Code Section 10145, or
16 both. Respondent is aware that by agreeing to this Stipulation And
17 Agreement In Settlement, if the findings set forth below in the
18 Determination of Issues become final, the Commissioner may charge
19 Respondent CORDAR for an audit of Stonecrest Mortgage Company for
20 the costs of an audit conducted pursuant to Section 10148 of the
21 Code to determine if Stonecrest Mortgage Company is in compliance
22 with the Real Estate Law. The maximum costs of said audit will not
23 exceed \$3,000.

24 DETERMINATION OF ISSUES

25 By reason of the foregoing stipulations, admissions and
26 waivers and solely for the purpose of settlement of the pending
27 Accusation without a hearing, it is stipulated and agreed that the



1) following Determination of Issues shall be made:

2 The conduct or omissions of Respondent as set forth in
3 paragraphs one (1) through eight (8) of the Accusation constitute
4 cause to suspend or revoke her real estate salesperson license
5 and/or license rights under the provisions of Code Sections 10137
6 and 10177(d) for violations of Code Section 10130.

7 ORDER

8 WHEREFORE, THE FOLLOWING ORDER is hereby made:

9 The real estate salesperson licenses and license rights
10 of Respondent AVA V. CORDAR under Part 1 of Division 4 of the
11 Business and Professions Code are revoked. However, Respondent AVA
12 V. CORDAR shall be entitled to apply for and be issued restricted
13 real estate salespersopn license pursuant to Section 10156.5 of the
14 Code if Respondent makes application therefor and pays to the
15 Department of Real Estate the appropriate fee for said licenses
16 within ninety (90) days from the effective date of the Order. The
17 restricted licenses issued to Respondent AVA V. CORDAR shall be
18 subject to all of the provisions of Section 10156.7 of the Business
19 and Professions Code and to the following limitations, conditions
20 and restrictions imposed under authority of Section 10156.6 of said
21 Code:

(1) The restricted license may be suspended prior
to hearing by order of the Real Estate Commissioner in the event of
Respondent AVA V. CORDAR's conviction or plea of nolo contendere to
a crime which bears a significant relation to Respondent's
qualifications, duties or functions as a real estate licensee.

27 (2) The restricted license may be suspended prior

1 to hearing by Order of the Real Estate Commissioner on evidence
2 satisfactory to the Commissioner that Respondent AVA V. CORDAR has
3 violated provisions of the California Real Estate Law, the
4 Subdivided Lands Law, Regulations of the Real Estate Commissioner,
5 or the conditions attaching to these restricted licenses.

6 (3) Respondent AVA V. CORDAR shall submit with any
7 application for license under an employing broker, or any
8 application for transfer to a new employing broker, a statement
9 signed by the prospective employing real estate broker on a form
10 approved by the Department of Real Estate which shall certify:

11 (a) That the employing broker has read the
12 Accusation filed herein and the Decision of the
13 Commissioner which granted the right to a
14 restricted license; and

15 (b) That the employing broker will exercise
16 close supervision over the performance by the
17 restricted licensee relating to activities for
18 which a real estate license is required.

19 (4) Respondent AVA V. CORDAR shall not be eligible
20 to apply for the issuance of an unrestricted real estate license
21 nor the removal of any of the conditions, limitations or
22 restrictions of a restricted license until two (2) years have
23 elapsed from the date of issuance of the restricted license to
24 Respondent.

25 (5) Respondent shall, within six (6) months from
26 the effective date of this Order, present evidence satisfactory to
27 the Real Estate Commissioner that Respondent has, since the most



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

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

17 (7) Pursuant to Code Section 10148, Respondent AVA
18 V. CORDAR shall pay the Commissioner's reasonable cost for an audit
19 of Stonecrest Mortgage Company to determine if Stonecrest Mortgage
20 Company is in compliance with the Real Estate Law. In calculating
21 the amount of the Commissioner's reasonable cost, the Commissioner
22 may use the estimated average hourly salary for all persons
23 performing audits of real estate brokers, and shall include an
24 allocation for travel time to and from the auditor's place of work.
25 The cost of said chargeable audit shall not exceed \$3,000.
26 Respondent shall pay such cost within 45 days of receiving an
27 invoice from the Commissioner detailing the activities performed



1 during the audit and the amount of time spent performing those
2 activities. The Commissioner may suspend the restricted license
3 issued to Respondent pending a hearing held in accordance with
4 Section 11500, et. seq., of the Government Code, if payment is not
5 timely made as provided for herein, or as provided for in a
6 subsequent agreement between the Respondent and the Commissioner.
7 The suspension shall remain in effect until payment is made in full
8 or until Respondent enters into an agreement satisfactory to the
9 Commissioner to provide for payment, or until a Order providing
10 otherwise is adopted following a hearing held pursuant to this
11 condition. The suspension will remain in effect until payment is
12 made in full, or until Respondent enters into an agreement
13 satisfactory to the Commissioner to provide for payment, or until a
14 Order providing otherwise is adopted following a hearing pursuant
15 to this condition.

16 I have read the Stipulation And Agreement In Settlement
17 And Order, and its terms are understood by me and are agreeable and
18 acceptable to me. I understand that I am waiving rights given to
19 me by the California Administrative Procedure Act (including but
20 not limited to Sections 11506, 11508, 11509 and 11513 of the
21 Government Code), and I willingly, intelligently and voluntarily
22 waive those rights, including the right of requiring the
23 Commissioner to prove the allegations in the Accusation at a
24 hearing at which I would have the right to cross-examine witnesses
25 against me and to present evidence in defense and mitigation of the
26 charges.

27

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2 DATED: 9/22/97

AVA V. CORDAR
Respondent.

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5 DATED: 9-24-97

Sean Crahan
SEAN CRAHAN, Counsel for
Complainant.

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11 The foregoing Stipulation And Agreement is hereby adopted
12 as my Decision as to Respondent AVA V. CORDAR and shall become
13 effective at 12 o'clock noon on December 22, 1997.

14
15 IT IS SO ORDERED 11-12 1997.

16
17 JIM ANTT, JR.
Real Estate Commissioner

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19 J. Antt Jr.
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FILED
NOV - 5 1997
DEPARTMENT OF REAL ESTATE

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

By Laura B. Orone

* * * * *

In the Matter of the Accusation of)

No. H-27181 LA

L-1997050399

BLAIR PAUL MINNIS, et al.,)

Respondent(s).)

DECISION

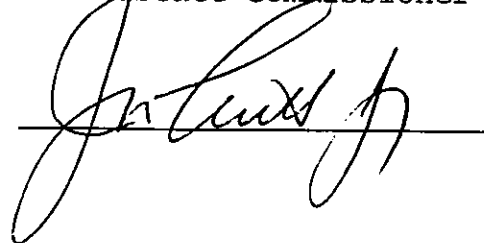
The Proposed Decision dated October 16, 1997,
of the Administrative Law Judge of the Office of
Administrative Hearings, is hereby adopted as the Decision
of the Real Estate Commissioner in the above-entitled matter.

This Decision shall become effective at 12 o'clock
noon on November 25, 1997.

IT IS SO ORDERED

10/30/97

JIM ANTT, JR.
Real Estate Commissioner



STATE OF CALIFORNIA

PROPOSED DECISION

1. Complainant, Thomas McCrady, is a Deputy Real Estate Commissioner of the State of California, and filed the Accusation

herein while acting solely in his official capacity.

2. At all times pertinent to the matters alleged in the Accusation, respondent MINNIS was licensed as a real estate broker pursuant to the California Real Estate Law both individually and doing business as Stonecrest Mortgage Company (SMC) from January 27, 1995 to date.

3. SMC employed AVA V. CORDAR and JESS D. CAMACHO. These people held licenses as real estate salespersons, but not as brokers. CORDAR was a managing partner in SMC and directed its operations.

4. SMC engaged in the business and acted as a real estate broker, in that it, through its employees CORDAR and CAMACHO solicited for and negotiated loans secured by liens on real property as the agent of others for compensation.

5. Respondent MINNIS did not supervise the activities of CORDAR and CAMACHO. He did not initial or review loan documents or escrow instructions prepared by them or used by them, nor did he review or initial escrow instructions. He attempted to delegate this duty of his to CORDAR. And he took various actions after the fact in an attempt to rectify the Department auditor's exceptions.

6. In sum, it appears that MINNIS thought he could "place" or "loan" his broker's license with SMC for a fixed compensation. In fact, he assumed all the obligations and potential liabilities of the operator of a running mortgage loan business, while allowing it to be run utterly unsupervised. He is fortunate that losses were not experienced. He is conscious of this, and expressed substantial remorse at the hearing.

7. The remaining factual allegations contained in Paragraph 7(b) through and including 7(g) of the Accusation are found to be true and correct by reason of respondent Minnis's admissions.

8. Respondent MINNIS presented little or no evidence concerning his past and present licensed activities, or his need for a license. As noted, he did admit that he "blew it," and expressed remorse. And he did attempt to bring SMC into compliance with the auditor's exceptions.

9. On the other hand, respondent appears extremely naive, excessively trusting, and unsophisticated. Although his experience in the business was limited to a year's employment with another mortgage loan broker, he was a finance major in college.

One would think he would at least know enough to employ a properly qualified individual with the relevant state licensing authority to run the business on his behalf and in his absence. Yet he did not do this. In effect, he abandoned the business and spent a year in Hollister, California.

Determination of Issues

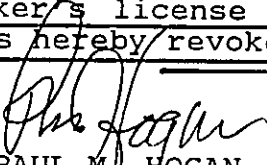
The real estate broker's license heretofore issued to respondent BLAIR PAUL MINNIS is subject to discipline pursuant to Section 10177(d) of the Business and Professions Code by reason of his willful violation of each and all of the Commissioner's Regulations as set forth in Paragraph 9 of the Accusation.

The extent of discipline to be imposed is based upon the risk of loss respondent's abandonment of his obligations imposed upon the public, and because of the extreme incompetence demonstrated by him in his involvement, or lack thereof, with SMC.

Order

The real estate broker's license heretofore issued to respondent BLAIR PAUL MINNIS is hereby revoked.

October 16, 1997


PAUL M. HOGAN
Administrative Law Judge
Office of Administrative Hearings

1 Department of Real Estate
2 107 South Broadway, Room 8107
3 Los Angeles, California 90012

4 (213) 897-3937

FILED
DEC - 2 1997
DEPARTMENT OF REAL ESTATE

By Paula B. Cline

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * * *

11 In the Matter of the Accusation of)

No. H-27181 LA

12 BLAIR PAUL MINNIS,)
13 individually and dba)
14 Stonecrest Mortgage Co,)
15 AVA V. CORDAR and)
16 JESS D. CAMACHO,)

17 Respondents.)

18 DISMISSAL

19 The Accusation herein filed on May 9, 1997 against
20 Respondent JESS D. CAMACHO, only, is DISMISSED.

21 It is so ordered this 18TH day of NOVEMBER, 1997.

23 JIM ANTT, JR.
24 Real Estate Commissioner

25 *J. Antt Jr.*
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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
JUN 27 1997
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of) Case No. H-27181 LA
BLAIR PAUL MINNIS, et al,) OAH No. L-1997050399
Respondents.)

By Sandra B. Dume

NOTICE OF HEARING ON ACCUSATION

To the above-named Respondent(s):

You are hereby notified that a hearing will be held before the Department of Real Estate at Office of Administrative Hearings, 107 South Broadway, 2nd Floor, Los Angeles, California SEPTEMBER 24 & 25, 1997, at the hour of 9:00 a.m. 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.

Dated: JUN 27 1997

DEPARTMENT OF REAL ESTATE

By: Sean Crahan

SEAN CRAHAN, Counsel

cc: Blair Paul Minnis
Ava V. Cordar
Jess D. Camacho
Sacto.
OAH

SACTD

FILED
MAY 09 1997

DEPARTMENT OF REAL ESTATE

By *[Signature]*

1 Sean Crahan, Counsel
2 Department of Real Estate
3 107 South Broadway, Room 8107
4 Los Angeles, CA 90012
5 California Bar #49351
6 (213) 897-3937

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of)	No. H-27181 LA
BLAIR PAUL MINNIS,)	<u>A C C U S A T I O N</u>
individually and dba)	
Stonecrest Mortgage Co,)	
AVA V. CORDAR and)	
JESS D. CAMACHO,)	
Respondents.)	

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, for cause of accusation against BLAIR PAUL MINNIS, individually and doing business as Stonecrest Mortgage Co, AVA V. CORDAR and JESS D. CAMACHO, alleges as follows:

1.

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, makes this Accusation in his official capacity.

2.

At all times mentioned herein, BLAIR PAUL MINNIS is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the California Business and Professions Code, hereinafter referred to as the "Code"). At all times mentioned herein, Respondent MINNIS was and still is licensed by the Department as a real estate **broker** both individually and doing business as Stonecrest Mortgage Co. (hereafter SMC) from January 27, 1995 to the present.

3.

At all times mentioned herein, AVA V. CORDAR (hereafter Respondent CORDAR or CORDAR) is presently licensed and/or has license rights under the Real Estate Law.

(a) At all times mentioned herein, Respondent CORDAR was and still is licensed by the Department as a real estate salesperson.

(b) Respondent CORDAR became licensed to Respondent MINNIS from October 30, 1995 to August 3, 1996. Respondent CORDAR was not licensed to any real estate broker from March 19, 1990 through October 29, 1995.

(c) At no time herein mentioned was Respondent CORDAR licensed as a real estate broker.

4.

At all times mentioned herein, JESS D. CAMACHO (hereafter Respondent CAMACHO or CAMACHO) is presently licensed and/or has license rights under the Real Estate Law. At all times mentioned herein, Respondent CAMACHO was and still is licensed by the

1 Department as a real estate salesperson.

2 (a) At all times herein mentioned, Respondent CAMACHO
3 was employed by SMC to perform acts requiring a real estate
4 license.

5 (b) At no time herein mentioned was Respondent CAMACHO
6 licensed to a broker doing business as SMC. Respondent CAMACHO was
7 licensed to SKJ Prime Inc. from December 30, 1993 through
8 February 5, 1995.

9 (c) At no time herein mentioned was Respondent CAMACHO
10 licensed as a real estate broker.

11 5.

12 (a) Stonecrest Mortgage Co. (SMC) was a fictitious
13 business name licensed to real estate broker Bennny Almazan prior
14 to August 2, 1994. From August 3, 1994 to January 26, 1995, the
15 fictitious business name SMC was not licensed to a real estate
16 broker. From January 27, 1995 to the present, SMC was and is the
17 fictitious business name licensed to Respondent MINNIS.

18 (b) At all times herein mentioned, Respondent CORDAR was
19 a managing partner in SMC and directed its operations.

20 (c) At all times mentioned herein, for or in expectation
21 of compensation, SMC engaged in the business of, acted in the
22 capacity of, advertised or assumed to act as a real estate broker
23 in the State of California, within the meaning of Section 10131(d)
24 of the California Business and Professions Code (Code), wherein it
25 solicited for and negotiated loans secured by liens on real
26 property (hereafter secured loans) as the agent of others for or in
27 expectation of a compensation. In connection with those



1 activities, SMC conducted escrows.

2 (d) SMC employed or compensated Respondents CORDAR and
3 CAMACHO to solicit and negotiate with prospective borrowers.

4 6.

5 SMC employed or compensated Respondents CORDAR and
6 CAMACHO to solicit and negotiate with prospective borrowers in the
7 following secured loan transactions:

8 Borrower:	Date of Application:	Loan Officer:
9 Harriett M. Felicione	11-24-94	CORDAR
10 Carrie L. Griffin	11-20-94	CORDAR
11 Lydia and Henry Cardoza	8-30-94	CAMACHO and CORDAR

12 In soliciting and negotiating with borrowers, Respondents CORDAR
13 and CAMACHO were performing acts requiring a real estate license.
14 Neither were licensed as a real estate broker. Respondent CAMACHO
15 accepted employment from a person other than his broker.

16 7.

17 On or about June 2 through 7, 1995, a representative of
18 the Department completed her audit of the books and records of SMC,
19 with respect to activities requiring a real estate license for the
20 period from January 27, 1995 through May 31, 1995. That audit
21 determined that Respondent MINNIS, doing business as SMC, was
22 operating in violation of several Code Sections and Regulations
23 from Chapter 6, Title 10, California Code of Regulations
24 (Regulations) as set forth below:

25 (a) Respondent MINNIS, doing business as Stonecrest
26 Mortgage Co, failed to review, initial and date documents prepared
27 by employees of Stonecrest which would have a material bearing on

1 the rights of borrowers or lenders including but not limited to
2 escrow instructions and closing statements in willful violation of
3 Regulation 2725.

4 (b) Respondent Minnis failed to maintain written
5 broker/salesperson relationship agreements with Respondents CORDAR
6 and CAMACHO, in willful violation of Regulation 2726.

7 (c) Respondent Minnis failed to inform the Department of
8 the employment of Respondents CORDAR and CAMACHO, in willful
9 violation of Regulation 2752.

10 (d) In conducting activities requiring a real estate
11 license Respondent MINNIS, doing business as Stonecrest Mortgage
12 Co, received funds from lenders to be disbursed through escrow to
13 borrowers (trust funds). The trust funds were deposited in an
14 account at 1st Nationwide Bank in an account known as the
15 Stonecrest Mortgage Co Trust Account - Account No. 129-407122-8
16 (hereafter Trust Account). The Trust Account was not established
17 in the name of Respondent MINNIS as trustee in violation of
18 Regulation 2830 and Code Section 10145 of the Code.

19 (e) Respondent MINNIS, doing business as Stonecrest
20 Mortgage Co, failed to maintain separate records for each escrow
21 transaction escrowed by Stonecrest Mortgage Co in violation of
22 Regulations 2831.1.

23 (f) Respondent MINNIS, doing business as Stonecrest
24 Mortgage Co, failed to monthly reconcile control records with
25 separate records, as is required by Regulation 2831.2.

26 (g) When negotiating loans, Respondent MINNIS, doing
27 business as Stonecrest Mortgage Co, failed to deliver to borrowers

1 a statement in writing, containing all the information required by
2 Code Section 10241 and Regulation 2840 in willful violation of Code
3 Section 10240 and Regulation 2840.

4 8.

5 Respondent MINNIS knew or should have known that the
6 above violations occurred or were occurring. Respondent MINNIS
7 failed to exercise reasonable supervision over the activities of
8 employees of Stonecrest Mortgage Co for which a real estate license
9 was required so as to prevent the violations.

10 9.

11 The conduct or omissions of Respondent MINNIS as set
12 forth above subject his real estate licenses and license rights to
13 suspension or revocation under the following Code Sections:

14 (a) 10177(d) for willful violations of the following
15 Code Sections and Regulations:

16 (i) Regulation 2725 for failure to review, initial
17 and date documents, as set forth in paragraph 7(a) above.

18 (ii) Regulation 2726 for failure to inform the
19 Department of the employment of Respondents CORDAR and CAMACHO, as
20 set forth in paragraph 7(b), above.

21 (iii) Regulation 2752 for failure to inform the
22 Department of the employment of Respondents CORDAR and CAMACHO, as
23 set forth in paragraph 7(c), above.

24 (iv) Code Section 10145 and Regulation 2830 for
25 failure to deposit trust funds in a trust account, as set forth in
26 paragraph 7(d), above.

27



1 (v) Regulation 2831.1 for failure to maintain
2 adequate separate records, as set forth in paragraph 7(e), above.

3 (vi) Regulation 2831.2, for failure to monthly
4 reconcile control records with separate records, as set forth in
5 paragraph 9 above.

6 (iv) Code Section 10240 and Regulation 2840 for
7 failure to provide to borrowers Mortgage Loan Disclosure Statements
8 (Borrower), as set forth in paragraph 7(g), above.

9 (b) Code Section 10177(h) for failure to exercise
10 reasonable supervision over the activities of employees of
11 Stonecrest Mortgage Co, as set forth in paragraph 8, above.

12 10.

13 The conduct or omissions of Respondent CORDAR as set
14 forth above subject her real estate licenses and license rights to
15 suspension or revocation under Code Sections:

16 (a) Code Section 10177(d) for willful violation of Code
17 Section 10130 in acting as a broker while being licensed as a
18 salesperson while performing acts requiring a real estate license,
19 as set forth in paragraph 6, above.

20 (a) Code Section 10137 for accepting employment from any
21 person other through a broker, as set forth in paragraph 6, above.

22 11.

23 The conduct or omissions of Respondent CAMACHO as set
24 forth above subject his real estate licenses and license rights to
25 suspension or revocation under Code Sections:

26 (a) Code Section 10177(d) for willful violation of Code
27 Section 10130 in acting as a broker while being licensed as a



1 salesperson while performing acts requiring a real estate license,
2 as set forth in paragraph 6, above.

3 (b) Code Section 10137 for accepting employment from a
4 person other than the broker to whom he was licensed, as set forth
5 in paragraph 6, above.

6 WHEREFORE, Complainant prays that a hearing be conducted
7 on the allegations of this Accusation and that upon proof thereof,
8 a decision be rendered imposing disciplinary action against all
9 licenses and/or license rights of BLAIR PAUL MINNIS, individually
10 and doing business as Stonecrest Mortgage Co, AVA V. CORDAR and
11 JESS D. CAMACHO, under the Real Estate Law and for such other and
12 further relief as may be proper under applicable provisions of law.

13 Dated at Los Angeles, California

14 this 9th day of May, 1997.

15 THOMAS MC CRADY

16 Thomas McCrady
17 Deputy Real Estate Commissioner

18
19
20
21
22 cc: Blair Paul Minnis
23 Ava V. Cordar
24 Jess D. Camacho
25 MB
26 Sacto

27 SC/sc

