

1
2 On March 31, 1999, Respondent filed a petition for
3 reinstatement of said real estate broker license. On June 15,
4 1999, an Order Denying Reinstatement of License was rendered,
5 effective July 8, 1999. Said Order denied Respondent's petition
6 for reinstatement, but granted Respondent the right to the
7 issuance of a restricted real estate broker license. A
8 restricted real estate broker license was issued to Respondent
9 or about December 21, 1999.

10 Respondent has operated as a restricted licensee
11 without cause for disciplinary action against Respondent.

12 On August 14, 2000, Respondent again petitioned
13 for reinstatement of said real estate broker license and the
14 Attorney General of the State of California has been given
15 notice of the filing of said petition.

16 I have considered the petition of Respondent and the
17 evidence and arguments in support thereof including Respondent's
18 record as a restricted licensee. Respondent has demonstrated to
19 my satisfaction that Respondent meets the requirements of law
20 for the issuance to Respondent of an unrestricted real estate
21 broker license and that it would not be against the public
22 interest to issue said license to Respondent PAMELA ANN WHITE.

23 NOW, THEREFORE, IT IS ORDERED that Respondent's
24 petition for reinstatement is granted and that a real estate
25 broker license be issued to Respondent if Respondent satisfies
26 the following conditions within nine (9) months from the date of
27 this Order:

FILED
JUN 18 1999
DEPARTMENT OF REAL ESTATE

By C-3

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) NO. H-27370 LA
PAMELA ANN WHITE)
Respondent.)

ORDER DENYING REINSTATEMENT OF LICENSE

On February 24, 1998, a Decision was rendered revoking the real estate broker license of PAMELA ANN WHITE (Respondent), effective March 24, 1998. In this Decision Respondent was given the right to apply for and receive a restricted real estate salesperson license which was issued to her March 24, 1998.

On March 31, 1999, 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.

I have considered the petition of Respondent and the evidence submitted in support thereof. Respondent has

1 failed to demonstrate to my satisfaction that she has
2 undergone sufficient rehabilitation to warrant the
3 reinstatement of her real estate broker license at this time.
4 This determination has been made in light of Respondent's
5 history of acts and conduct which are substantially related
6 to the qualifications, functions and duties of a real estate
7 licensee. That history includes:

8 I

9 In the Decision which revoked her real estate
10 broker's license there was a Determination of Issues made
11 that there was sufficient cause to revoke the license of
12 Respondent under Sections 10177(d) and 10177(g) of the
13 California Business and Professions Code. Said Determination
14 was based on Findings that Respondent had acted in violation
15 of Sections 2731, 2832.1 and 2834 of Title 10, Chapter 6,
16 California Code of Regulations (Regulations).

17 II

18 The Determination of Issues set forth in Paragraph
19 I was the result of an audit conducted by the Department in
20 1997 wherein it was discovered, among other violations of
21 Real Estate Law, that Respondent's vacation rentals trust
22 account had a shortage of \$52,911.51. At her office interview
23 with a Deputy Real Estate Commissioner on May 4, 1999,
24 Respondent admitted her lack of proficiency in accounting
25 procedures and accepted full responsibility for the trust
26 fund violations cited in her audit.
27

1 Due to the very serious nature of the misconduct
2 which led to the revocation of Respondent's real estate
3 broker license, not enough time has elapsed to make a final
4 determination that Respondent is sufficiently rehabilitated.
5 This is cause to deny her petition pursuant to Section
6 2911(a) of Chapter 6, Title 10, California Code of
7 Regulations.

8 NOW, THEREFORE, IT IS ORDERED that Respondent's
9 petition for reinstatement of her broker's license is denied.
10 However, Respondent has offered evidence that she is
11 partially rehabilitated and it appears that Respondent will
12 pose no danger to the public if issued a properly restricted
13 real estate broker license.

14 Therefore, a restricted real estate broker license
15 shall be issued to Respondent pursuant to Section 10156.5 of
16 the Code after Respondent first satisfies the following
17 conditions within six (6) months from the date of this Order:

- 18 1. Submittal of a completed application and
19 payment of the fee for a real estate broker license.
- 20 2. Submittal of evidence satisfactory to the Real
21 Estate Commissioner that Respondent has, since her license
22 was revoked, taken and successfully completed the continuing
23 education requirements of Article 2.5 of Chapter 3 of the
24 Real Estate Law for renewal of a real estate license
25 including three hour courses in trust fund accounting and
26 handling and fair housing.

The restricted license issued to Respondent shall

1 be subject to all of the provisions of Section 10156.7 of the
2 Code and to the following limitations, conditions and
3 restrictions imposed under authority of Section 10156.5 of
4 said Code:

5 1. The restricted license shall not confer any
6 property right in the privileges to be exercised thereunder
7 and the Real Estate Commissioner may by appropriate order
8 suspend prior to hearing the right of Respondent to exercise
9 any privileges granted under the restricted license in the
10 event of:

11 (a) The conviction of Respondent (including a plea
12 of nolo contendere) of a crime which bears a significant
13 relationship to Respondent's fitness or capacity as a real
14 estate licensee.

15 (b) The receipt of evidence satisfactory to the
16 Real Estate Commissioner that subsequent to the date of the
17 Order herein Respondent has violated provisions of the
18 California Real Estate Law, Regulations of the Real Estate
19 Commissioner, or conditions attaching to said restricted
20 license.

21
22 2. Respondent shall submit to the Real Estate
23 Commissioner a Trust Fund Position Statement as of the last day
24 of each calendar quarter (the accounting date) for so long as
25 said restricted license shall remain in effect. If Respondent
26 engages in no real estate transactions as a real estate broker
27 or acts as a broker-salesperson for another broker during the

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calendar quarter in question, her quarterly report shall so state.

The Position Statement shall consist of the following:

A. A schedule of trust fund accountability with the following information for each transaction in which Respondent is accountable as agent or trustee to the owner of funds:

- (1) Account number;
- (2) Type of transaction (purchase and sale, property management, loan collection);
- (3) Name of principal or beneficiary;
- (4) Description of real property; and
- (e) Trust fund liability.

B. A report of trust funds in the custody and control of Respondent as of the account date consisting of:

- (1) A copy of Respondent's trust account bank statement showing the balance of funds in the account as of the accounting date; and
- (2) A schedule of uncleared checks drawn on the account adjusting the account to its true balance as of the accounting date.

C. A statement explaining any discrepancy between the total liability shown under (A) above and the adjusted trust account balance shown under (B) above.

The Trust Fund Position Statement shall be submitted by Respondent to the Los Angeles District Office of the Department of Real Estate not later than thirty (30) days after each accounting date. If Respondent has no trust fund liability as of an accounting date, her report to the Department shall so

state.

1 Respondent shall certify the completeness and accuracy of
2 each Position Statement to the best of her knowledge and belief.

3 Respondent shall regularly report in writing to the Real
4 Estate Commissioner all of her dealings in real estate
5 undertaken as a broker, which reports shall set forth the
6 following information for each such transaction:

7 (a) The nature of the transaction and a brief description
8 of the property involved;

9 (b) The name and address of each party to the transaction;

10 (c) The date of execution of the agreement and date of the
11 closing of the transaction;

12 (d) The name and address of the escrow agent, if any;

13 (e) The purchase price of the property or the amount of
14 the loan or other consideration involved;

15 (f) An account of the receipt and disposition of funds
16 received by Respondent as agent in the transaction; and

17 (g) The amount of commission received.

18 Such reports shall be submitted quarterly to the Office of
19 the Real Estate Commissioner prior to the fifteenth day of each
20 January, April, July and October for so long as said restricted
21 license shall be in effect, and each report shall contain the
22 information hereinabove specified for the calendar quarter
23 immediately preceding the submission of each such report.

24
25 Respondent shall not be eligible to apply for the
26 issuance of an unrestricted real estate license nor the
27 removal of any of the conditions, limitations or restrictions

1 attaching to the restricted license until at least one year
2 has elapsed from the effective date of this Order.

3 This Order shall become effective at 12
4 o'clock noon on July 8, 1999.

5 DATED; June 15, 1999

6
7 JOHN R. LIBERATOR
8 Acting Commissioner

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10 John R. Liberator
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15 PAMELA ANN WHITE
16 4139 Hilaria Way Apt. 4
17 Newport Beach, California 92663
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Department of Real Estate
State Bar No. 66674
107 South Broadway, Room 8107
Los Angeles, California 90012

Telephone: (213) 897-3937

FILED
MAR - 2 1998
DEPARTMENT OF REAL ESTATE

By *Friederhoff*

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of) NO. H-27370 LA
)
PAMELA ANN WHITE,) STIPULATION AND AGREEMENT
)
)
)
Respondent.)
_____)

It is hereby stipulated by and between PAMELA ANN WHITE (sometimes referred to as Respondent), and the Complainant, acting by and through Elliott Mac Lennan, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on September 17, 1997, in this matter:

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 submitted solely on the basis of the provisions of this Stipulation and Agreement (Stipulation).

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

5 3. Respondent timely filed a Notice of Defense,
6 pursuant to Section 11506 of the Government Code for the purpose
7 of requesting a hearing on the allegations in the Accusation.
8 Respondent hereby freely and voluntarily withdraws said Notice of
9 Defense. Respondent acknowledges that she understands that by
10 withdrawing said Notice of Defense she thereby waives her right to
11 require the Commissioner to prove the allegations in the
12 Accusation at a contested hearing held in accordance with the
13 provisions of the APA and that she will waive other rights
14 afforded to her in connection with the hearing such as the right
15 to present evidence in her defense and the right to cross-examine
16 witnesses.

17 4. This Stipulation is based on the factual allegations
18 contained in the Accusation. In the interest of expedience and
19 economy, Respondent chooses not to contest these allegations, but
20 to remain silent and understands that, as a result thereof, these
21 factual allegations, without being admitted or denied, will serve
22 as a prima facie basis for the disciplinary action stipulated to
23 herein. The Real Estate Commissioner shall not be required to
24 provide further evidence to prove said factual allegations.

25 5. This Stipulation is based on Respondent's decision
26 not to contest the allegations set forth in the Accusation as a
27 result of the agreement negotiated between the parties. This



1 Stipulation is expressly limited to this proceeding and any
2 further proceeding initiated by or brought before the Department
3 of Real Estate based upon the facts and circumstances alleged in
4 the Accusation, for the sole purpose of reaching an agreed
5 disposition of this proceeding. The decision of Respondent not to
6 contest the allegations, is made solely for the purpose of
7 effectuating this Stipulation. It is the intent and understanding
8 of the parties that this Stipulation shall not be binding or
9 admissible against Respondent in any actions against Respondent by
10 third parties.

11 6. It is understood by the parties that the Real Estate
12 Commissioner may adopt the Stipulation as his decision in this
13 matter thereby imposing the penalty and sanctions on Respondent's
14 real estate license and license rights as set forth in the "Order"
15 herein below. In the event that the Commissioner in his
16 discretion does not adopt the Stipulation it shall be void and of
17 no effect and Respondent shall retain the right to a hearing and
18 proceeding on the Accusation under the provisions of the APA and
19 shall not be bound by any admission or waiver made herein.

20 7. The Order or any subsequent Order of the Real Estate
21 Commissioner made pursuant to this Stipulation shall not
22 constitute an estoppel, merger or bar to any further
23 administrative or civil proceedings by the Department of Real
24 Estate with respect to any matters which were not specifically
25 alleged to be causes for accusation in this proceeding.

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

3 C. Respondent shall obey all laws of the United States,
4 the State of California and its political subdivisions, and shall
5 further obey and comply with all rules and regulations of the Real
6 Estate Commissioner.

7 D. Respondent shall within twelve months from the
8 effective date of the Order present evidence satisfactory to the
9 Real Estate Commissioner that Respondent has, 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 Law
13 for renewal of a real estate license.

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

21 F. Respondent shall not be eligible for the issuance of
22 an unrestricted real estate license nor the removal of any of the
23 conditions, limitations or restrictions of the restricted license
24 until at least one year has elapsed from the effective date of the
25 Order.

26 G. As a further condition of any restricted license
27 being issued to Respondent, Respondent shall first provide



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evidence satisfactory to the Commissioner that the deficit in the amount of \$52,911.51 in Respondent's long-term rental account as of April 30, 1997, has been cured including identifying the source of funds used to cure the deficit. In addition, Respondent shall also be required to provide evidence that her short-term rental account is in balance.

H. Respondent shall submit with any application for license under an employing broker, or any application for transfer to a new employing broker, a statement signed by the prospective broker which shall certify:

- (1) That the employing broker has read the Order of the Commissioner which granted the right to a restricted license; and
- (2) That the employing broker will exercise close supervision over the performance by the restricted licensee of the activities for which a real estate license is required.

DATED: 2-5-98

ELIOTT MAC LENNAN
 ELLIOTT MAC LENNAN
 Counsel for Complainant
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EXECUTION OF THE STIPULATION AND AGREEMENT

I have read the Stipulation and Agreement 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). 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: 2/8/98

Pamela A White
PAMELA ANN WHITE,
Respondent

* * * *

The foregoing Stipulation and Agreement is hereby adopted as my Order and shall become effective at 12 o' clock noon on March 24, 1998.

IT IS SO ORDERED 2/24, 1998.

JIM ANTT JR.
Real Estate Commissioner

[Signature]

Handwritten initials/signature

FILED
DEC 16 1997
DEPARTMENT OF REAL ESTATE

**BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA**

By K. Friederholt

In the Matter of the Accusation of

PAMELA ANN WHITE,

}
}

Case No. H-27370 LA

OAH No. L-1997110235

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 _____
Office of Administrative Hearings, 107 South Broadway, Second Floor
Los Angeles, CA 90012

on February 11, 1998, at the hour of 9:00 a.m.,
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

DEC 16 1997

Dated: _____

By [Signature]
Counsel

cc: Pamela A. White
Sacto
OAH
DB

1 Business and Professions Code).

2 II

3 All references to the "Code" are to the California
4 Business and Professions Code and all references to "Regulations"
5 are to Title 10, Chapter 6, California Code of Regulations.

6 III

7 At all times mentioned, WHITE was licensed or had
8 license rights issued by the Department of Real Estate
9 (Department) as a real estate broker. WHITE was initially
10 licensed by the Department on April 8, 1983, as a real estate
11 salesperson. On September 28, 1989, WHITE was licensed a real
12 estate broker.

13 IV

14 At all times mentioned, in the City of Newport Beach,
15 Orange County, California, respondent WHITE acted as a real estate
16 broker, in the State of California, within the meaning of Section
17 10131(b) of the Code, including the operation and conduct of a
18 property management business with the public wherein, for or in
19 expectation of compensation, for another or others, respondent
20 leased or rented or offered to lease or rent, or placed for rent,
21 or solicited listings of places for rent, or solicited for
22 prospective tenants, or collected rents from real property, or
23 improvements thereon.

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V

On June 24, 1997, the Department completed a field audit examination of the books and records of WHITE dba Burr White Realty and dba Burr White Realty, Inc., pertaining to the activities described in Paragraph IV, above, for the period beginning on May 1, 1996, and ending on April 30, 1997, which revealed violations of the Code and the Regulations as set forth in the following paragraphs.

VI

At all times mentioned, in connection with the aforesaid real estate activities described in Paragraph IV, WHITE accepted or received funds in trust (trust funds) from or on behalf of purchasers and sellers and actual or prospective lessors and lessees, and thereafter made disposition of such funds. WHITE maintained the following trust accounts as the depository of said funds:

Burr White Realty Trust Account (T/A # 1)
Account Number 00187647909
First Interstate Bank of California
Mariners Office
Newport Beach, California

Pamela A. White (Account # 2)
Burr White Realty, Inc. Vacation Rentals
(per bank statement)
Account Number 0610027814
Union Bank of California
Westcliff Office
Newport Beach, California

Pamela A. White (Account # 3)
Burr White Realty, Inc. Vacation Rentals
(per bank signature card)
Account Number unknown
Union Bank of California
Westcliff Office
Newport Beach, California



VII

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2 With respect to the trust funds referred to in Paragraph
3 VI, it is alleged that WHITE:

4 (a) permitted, allowed, or caused a deficit to
5 accumulate in Account #3, which on April 30, 1997, was in the
6 amount of \$52,911.51, in violation of Section 10145 of the Code
7 and Section 2832.1 of the Regulations;

8 (b) failed to maintain a control record for the daily
9 balance of the receipt and disposition of all trust funds
10 received, as required by Section 2831 of the Regulations;

11 (c) failed to maintain a separate record for each
12 beneficiary or transaction, thereby failing to account for all
13 trust funds received, deposited, and disbursed by into Account #
14 3, as required by Section 2831.1 of the Regulations;

15 (d) failed to perform a monthly reconciliation of the
16 balance of all separate beneficiary or transaction records
17 maintained pursuant to Section 2831.1 of the Regulations with the
18 record of all trust funds received and disbursed as required by
19 Section 2831 of the Regulations, and in the manner required by
20 Section 2831.2 of the Regulations; and

21 (e) permitted an unlicensed person who was not bonded,
22 Allen Galletti, to be an authorized signatory on Account # 3, in
23 violation of Section 2834 of the Regulations.

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VIII

The conduct of respondent WHITE, described in Paragraph VII above, violated the Code and the Regulations as set forth below:

<u>PARAGRAPH</u>	<u>PROVISIONS VIOLATED</u>
VII(a)	Section 10145 of the Code and Section 2832.1 of the Regulations
VII(b)	Section 10145 of the Code and Section 2831 of the Regulations
VII(c)	Section 10145 of the Code and Section 2831.1 of the Regulations
VII(d)	Section 10145 of the Code and Section 2831.2 of the Regulations
VII(e)	Section 10145 of the Code and Section 2834 of the Regulations

Each of the foregoing violations separately constitutes cause for the suspension or revocation of the real estate license and license rights of respondent WHITE under the provisions of Section 10177(d) of the Code.

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IX

The audit examination further revealed that respondent WHITE used the fictitious names of "Burr White Realty" and "Burr White Realty, Inc." to conduct property management activities requiring a real estate license without holding a license bearing said fictitious business names. The conduct of respondent WHITE, in failing to obtain licenses for use of the aforesaid names, is in violation of Regulation 2731 and is cause to suspend or revoke respondent's real estate license and license rights under Section 10177(d) of the Code.

X

The overall conduct of respondent WHITE, in violating Sections 10145 of the Code and Sections 2731, 2831, 2831.1, 2831.2, 2832.1, and 2834 of the Regulations, as described in Paragraphs IV through IX above, constitutes negligence or incompetence. This conduct and violation are cause for the suspension or revocation of the real estate license and license rights of respondent WHITE under the provisions of Section 10177(g) of the Code.

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WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against the license and license rights of respondent PAMELA ANN WHITE 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 applicable provisions of law.

Dated at Los Angeles, California
this 17th day of September, 1997.

THOMAS MC CRADY

Deputy Real Estate Commissioner

cc Pamela Ann White
Sacto
DB

