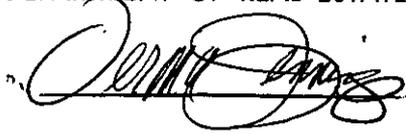


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DEPARTMENT OF REAL ESTATE



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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of ) NO. H-27826 LA  
)  
MONICA LAVETTE ISABELL-ROSS, )  
)  
Respondent. )

ORDER DENYING REINSTATEMENT OF LICENSE

On June 3, 1999, a Decision was rendered herein  
revoking Respondent's real estate broker license, but granting  
Respondent the right to the issuance of a restricted real estate  
salesperson license. A restricted real estate salesperson  
license was issued to Respondent or about September 16, 1999.

On or about January 27, 2004, Respondent petitioned  
for reinstatement of said license and the Attorney General of  
the State of California has been given notice of the filing of  
the petition.

///

1 I have considered Respondent's petition and  
2 the evidence and arguments in support thereof. Respondent  
3 has failed to demonstrate to my satisfaction that Respondent  
4 has undergone sufficient rehabilitation to warrant the  
5 reinstatement of Respondent's real estate broker license, in  
6 that:  
7

8 I

9 On February 7, 1994, an Order to Desist and Refrain  
10 was filed by the Department of Real Estate ("Department") in  
11 Case No. H-25692 LA. A Department of Real Estate  
12 ("Department") audit examination was completed in 1993. The  
13 examination determined that Respondent had violated Business  
14 and Professions Code ("Code") Section 10159.2, by failing to  
15 exercise the required supervision and control over the  
16 activities of Equity Express Funding Group, Ltd. ("Equity  
17 Express"), a licensed real estate corporation for which  
18 Respondent was the designated officer.  
19  
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21 The audit had found numerous violations of the Real  
22 Estate Law by Equity Express.

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II

In the Decision which revoked Respondent's real estate broker license, there were Determination of Issues made that there was cause to revoke Respondent's real estate license pursuant to Code Section 10177(h) for violation of Code Section 10159.2. A Department audit investigation was completed in 1998. The examination determined that Respondent had violated Code Section 10159.2, by failing to exercise the required supervision and control over the activities of Haven Group, a licensed real estate corporation for which Respondent was the designated officer.

The audit had found numerous violations of the Real Estate Law by Haven Group.

III

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

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IV

1  
2           The Department has developed criteria in Regulation  
3 2911 to assist in evaluating the rehabilitation of an applicant  
4 for reinstatement of a license. Among the criteria relevant in  
5 this proceeding are:  
6

7           2911(j) - (a) Respondent has not provided proof that  
8 a 2003 State tax lien in the amount of \$3,180, which was filed  
9 against her corporation has been paid or that she has made bona  
10 fide efforts to pay said lien, and (b) Respondent has not  
11 provided proof that a 2003 civil judgment filed against her has  
12 been paid, or that she has made bona fide efforts to pay  
13 judgment.  
14

15           2911(k) - Respondent has not shown that she has  
16 corrected business practices resulting in injury to others  
17 or with the potential to cause such injury. The Complaint  
18 filed in the civil case mentioned above, alleged that  
19 Respondent fraudulently obtained a business loan by  
20 misrepresentation.  
21

22           2911 (n) (1) - Respondent has not shown a change in  
23 attitude from that which existed at the time of the conduct in  
24 question as evidenced by the testimony of Respondent. As part  
25 of the petition application process, Respondent was interviewed  
26 by a Deputy Real Estate Commissioner ("Deputy"). Respondent  
27

1 failed to take responsibility for her activities which led to  
2 the 2003 civil judgment against her.

3  
4 Given the fact that Respondent has not established  
5 that she has complied with Regulations 2911(j), 2911(k) and  
6 2911(n)(1), I am not satisfied that Respondent is sufficiently  
7 rehabilitated to receive a real estate broker license.

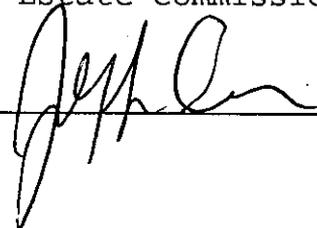
8 NOW, THEREFORE, IT IS ORDERED that Respondent's  
9 petition for reinstatement of Respondent's real estate broker  
10 license is denied.

11  
12 This Order shall become effective at 12 o'clock noon  
13 on December 17, 2007.

14 DATED: \_\_\_\_\_

11-13-07

15 JEFF DAVI  
16 Real Estate Commissioner

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1 Department of Real Estate  
2 320 West Fourth Street, Suite 350  
3 Los Angeles, CA 90013

4 (213) 576-6982 or  
5 (213) 576-6911 (Direct)

**FILED**  
JUN 15 1999  
DEPARTMENT OF REAL ESTATE

By Jana B. Loma

8 DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \* \*

11 In the Matter of the Accusation of ) DRE NO. H-27826 LA  
12 HAVEN GROUP, a corporate real ) OAH NO. L-1998090384  
13 estate broker; and MONICA LAVETTE, )  
14 ISABELL-ROSS, individually and as ) STIPULATION AND AGREEMENT  
15 designated officer of, )  
16 Haven Group, )  
Respondents. )

17 It is hereby stipulated by and between HAVEN GROUP, a  
18 corporate real estate broker and MONICA LAVETTE ISABELL-ROSS,  
19 individually and as designated officer of Haven Group (sometimes  
20 collectively referred to as Respondents), and the Complainant,  
21 acting by and through Elliott Mac Lennan, Counsel for the  
22 Department of Real Estate, as follows for the purpose of settling  
23 and disposing of the Accusation filed on September 2, 1998, in  
24 this matter:

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26 /

1 1. All issues which were to be contested and all  
2 evidence which was to be presented by Complainant and Respondents  
3 at a formal hearing on the Accusation, which hearing was to be  
4 held in accordance with the provisions of the Administrative  
5 Procedure Act (APA), shall instead and in place thereof be  
6 submitted solely on the basis of the provisions of this  
7 Stipulation and Agreement (Stipulation).

8 2. Respondents have received, read and understand the  
9 Statement to Respondent, the Discovery Provisions of the APA and  
10 the Accusation filed by the Department of Real Estate in this  
11 proceeding.

12 3. Respondents filed a Notice of Defense pursuant to  
13 Section 11506 of the Government Code for the purpose of requesting  
14 a hearing on the allegations in the Accusation. Respondents  
15 hereby freely and voluntarily withdraw said Notice of Defense.  
16 Respondents acknowledge that they understand that by withdrawing  
17 said Notice of Defense they thereby waive their right to require  
18 the Commissioner to prove the allegations in the Accusation at a  
19 contested hearing held in accordance with the provisions of the  
20 APA and that they will waive other rights afforded to them in  
21 connection with the hearing such as the right to present evidence  
22 in their defense the right to cross-examine witnesses.

23 4. This Stipulation is based on the factual allegations  
24 contained in the Accusation. In the interest of expedience and  
25 economy, Respondents choose not to contest these allegations, but  
26 to remain silent and understand that, as a result thereof, these  
27 factual allegations, without being admitted or denied, will serve



1 as a prima facie basis for the disciplinary action stipulated to  
2 herein. The Real Estate Commissioner shall not be required to  
3 provide further evidence to prove said factual allegations.

4 5. This Stipulation is based on Respondents' decision  
5 not to contest the allegations set forth in the Accusation as a  
6 result of the agreement negotiated between the parties. This  
7 Stipulation is expressly limited to this proceeding and any  
8 further proceeding initiated by or brought before the Department  
9 of Real Estate based upon the facts and circumstances alleged in  
10 the Accusation for the sole purpose of reaching an agreed  
11 disposition of this proceeding without a hearing. The decision of  
12 Respondents not to contest the allegations is made solely for the  
13 purpose of effectuating this Stipulation. It is the intent and  
14 understanding of the parties that this Stipulation shall not be  
15 binding or admissible against Respondents in any actions against  
16 Respondents by third parties.

17 6. It is understood by the parties that the Real Estate  
18 Commissioner may adopt this Stipulation as his Decision in this  
19 matter thereby imposing the penalty and sanctions on Respondents'  
20 real estate licenses and license rights as set forth in the  
21 "Order" herein below. In the event that the Commissioner in his  
22 discretion does not adopt the Stipulation, it shall be void and of  
23 no effect and Respondents shall retain the right to a hearing and  
24 proceeding on the Accusation under the provisions of the APA and  
25 shall not be bound by any stipulation or waiver made herein.

26 7. The Order or any subsequent Order of the Real Estate  
27 Commissioner made pursuant to this Stipulation shall not



1 constitute an estoppel, merger or bar to any further  
2 administrative or civil proceedings by the Department of Real  
3 Estate with respect to any matters which were not specifically  
4 alleged to be causes for accusation in this proceeding?

5 DETERMINATION OF ISSUES

6 By reason of the foregoing stipulations, it is  
7 stipulated and agreed that the following determination of issues  
8 shall be made:

9 I

10 The conduct of HAVEN GROUP as described in Paragraph 4,  
11 is in violation of Section 10145 of the Business and Professions  
12 Code (Code) and Sections 2731, 2831.2, 2832.1 and 2834, of Title  
13 10, Chapter 6 of the California Code of Regulations and is a basis  
14 for the suspension or revocation of Respondent's license and  
15 license rights as a violation of the Real Estate Law pursuant to  
16 Section 10177(d) of the Code.

17 II

18 The conduct of MONICA LAVETTE ISABELL-ROSS, as described  
19 in Paragraph 4, constitutes a failure to keep Haven Group in  
20 compliance with the Real Estate Law during the time that she was  
21 the officer designated by a corporate broker licensee. This  
22 conduct is a basis for the suspension or revocation of  
23 Respondent's license pursuant to Sections 10159.2 and 10177(h) of  
24 the Code.  
25  
26 /  
27 /

ORDER

WHEREFORE THE FOLLOWING ORDER IS MADE PURSUANT  
TO THE WRITTEN STIPULATION OF THE PARTIES:

I

All licenses and licensed rights of HAVEN GROUP and  
MONICA LAVETTE ISABELL-ROSS under the Real Estate Law are revoked.

A. However, a restricted real estate broker license  
shall be issued to Respondent HAVEN GROUP pursuant to Section  
10156.5 of the Code if Respondent makes application therefor and  
pays to the Department of Real Estate the appropriate fee for the  
restricted license within 90 days from the effective date of this  
Decision.

B. However, a restricted real estate salesperson  
license shall be issued to Respondent pursuant to Section 10156.5  
of the Code if Respondent MONICA LAVETTE ISABELL-ROSS makes  
application therefor and pays to the Department of Real Estate the  
appropriate fee for the restricted license within 90 days from the  
effective date of this Decision.

1. The restricted license issued to a Respondent shall  
be subject to all of the provisions of Section 10156.7 of the Code  
and the following limitations, conditions and restrictions imposed  
under authority of Section 10156.6 of the Code

2. The restricted license issued to a Respondent may be  
suspended prior to hearing by Order of the Real Estate  
Commissioner in the event of a Respondent's conviction or plea of  
nolo contendere to a crime which is substantially related to a  
Respondent's fitness or capacity as a real estate licensee.



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

7 4. Respondents shall not be eligible to apply for the  
8 issuance of an unrestricted real estate license nor for the  
9 removal of any of the conditions, limitations or restrictions of a  
10 restricted license until two years has elapsed from the effective  
11 date of this Decision.

12 5. Prior to the issuance of any restricted license to a  
13 Respondent, Respondents, or either of them, shall first provide  
14 evidence satisfactory to the Commissioner prior to the effective  
15 of the Decision that the deficit set forth in Audit Report LA  
16 970417 June 24, 1998, in the amount of \$8,807.51 as of March 31,  
17 1998, has been cured including the identity of the source of funds  
18 used to cure it.

19 6. Respondent MONICA LAVETTE ISABELL-ROSS shall, within  
20 six months from the effective date of this Decision, present  
21 evidence satisfactory to the Real Estate Commissioner that  
22 Respondent has, since the most recent issuance of an original or  
23 renewal real estate license, taken and successfully completed the  
24 continuing education requirements of Article 2.5 of Chapter 3 of  
25 the Real Estate Law for renewal of a real estate license. If  
26 Respondent fails to satisfy this condition, the Commissioner may  
27 order the suspension of the restricted license until the



1 Respondent presents such evidence. The Commissioner shall afford  
2 Respondent the opportunity for a hearing pursuant to the  
3 Administrative Procedure Act to present such evidence.

4 7. Respondent MONICA LAVETTE ISABELL-ROSS shall within  
5 six months from the effective date of this Decision, take and pass  
6 the Professional Responsibility Examination administered by the  
7 Department including the payment of the appropriate examination  
8 fee. If Respondent fails to satisfy this condition, the  
9 Commissioner may order suspension of Respondent's license until  
10 Respondent passes the examination.

11 8. Respondent MONICA LAVETTE ISABELL-ROSS shall submit  
12 with any application for license under an employing broker, or any  
13 application for transfer to a new employing broker, a statement  
14 signed by the prospective broker which shall certify:

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

22 III

23 Pursuant to Section 10148 of the Code, Respondents, or  
24 either of them shall pay the Commissioner's reasonable cost for an  
25 audit to determine if HAVEN GROUP is in compliance with the Real  
26 Estate Law. In calculating the amount of the Commissioner's  
27 reasonable cost, the Commissioner may use the estimated average



1 hourly salary for all persons performing audits of real estate  
2 brokers, and shall include an allocation for travel time to and  
3 from the auditor's place of work. Respondents shall pay such  
4 cost, not to exceed \$3,100, within 60 days of receiving an invoice  
5 from the Commissioner detailing the activities performed during  
6 the audit and the amount of time spent performing those  
7 activities. The Commissioner may suspend the restricted license  
8 issued to either Respondent pending a hearing held in accordance  
9 with Section 11500, et seq., of the Government Code, if payment is  
10 not timely made as provided for herein, or as provided for in a  
11 subsequent agreement between the Respondents and the Commissioner.  
12 The suspension shall remain in effect until payment is made in  
13 full or until Respondents enter into an agreement satisfactory to  
14 the Commissioner to provide for payment, or until a decision  
15 providing otherwise is adopted following a hearing held pursuant  
16 to this condition.

17 DATED: 2-19-99

17 E. L.  
18 ELLIOTT MAC LENNAN  
19 Counsel for Complainant

19 \* \* \* \*

20 We have read the Stipulation and Agreement and its terms  
21 are understood by us and are agreeable and acceptable to us. We  
22 understand that we are waiving rights given to us by the  
23 California Administrative Procedure Act (including but not limited  
24 to Sections 11506, 11508, 11509 and 11513 of the Government Code),  
25 and we willingly, intelligently and voluntarily waive those  
26 rights, including the right of requiring the Commissioner to prove  
27



1 the allegations in the Accusation at a hearing at which we would  
2 have the right to cross-examine witnesses against us and to  
3 present evidence in defense and mitigation of the charges.

4 DATED: April 28, 1999

Monica Lavette Isbell-Ross  
HAVEN GROUP, a corporate real  
estate broker, Respondent,  
BY: MONICA LAVETTE ISABELL-ROSS

6 DATED: April 28, 1999

Monica Lavette Isbell-Ross  
MONICA LAVETTE ISABELL-ROSS,  
individually and as designated  
officer of Haven Group  
Respondent

8 DATED: 28 April 1999

James A. Marcinkus, Esq.  
JAMES A. MARCINKUS, ESQ.  
Counsel for Respondents

12 \* \* \* \*

13 The foregoing Stipulation and Agreement is hereby  
14 adopted as my Decision and Order and shall become effective at 12  
15 o' clock noon on JUL 6, 1999.

16 IT IS SO ORDERED June 3, 1999.

17 JOHN R. LIBERATOR  
18 Acting Real Estate Commissioner

19 John R. Liberator  
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*Sacto  
OAH*

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \* \* \*

**FILE**  
OCT - 9 1998  
DEPARTMENT OF REAL ES

In the Matter of the Accusation of ) Case No. H-27826 LA  
 ) OAH No. L- 1998090384  
HAVEN GROUP, et al., )  
 )  
 )  
 Respondents. )

By Laura B. Orr

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, on NOVEMBER 4, 1998, at the hour of 1:30 p.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 upon you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of 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.

Dated: OCT - 9 1998

DEPARTMENT OF REAL ESTATE

By: Elliott MacLennan  
ELLIOTT MACLENNAN, Counsel

cc: Haven Group  
Monica Lavette Isabell-Ross  
James A. Marcinkus, Esq.  
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HAVEN GROUP (HAVEN GROUP) and MONICA LAVETTE ISABELL-ROSS (ISABELL-ROSS), individually and as designated officer of Haven Group, Inc., sometimes collectively referred to as Respondents, are presently licensed and/or have license rights under the Real Estate Law (Part 1 of Division 4 of the California Business and Professions Code).

2

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

3

At all times mentioned, HAVEN GROUP was licensed by the Department of Real Estate of the State of California (Department) as a corporate real estate broker by and through ISABELL-ROSS as designated officer. HAVEN GROUP was originally licensed by the Department on November 25, 1996.

4

At all times mentioned, ISABELL-ROSS was licensed by the Department as designated officer of HAVEN GROUP to qualify HAVEN GROUP and to act for HAVEN GROUP as a real estate broker and, as provided by Section 10159.2 of the Code, was responsible for the supervision and control of the activities conducted on behalf of HAVEN GROUP by its officers, managers and employees as necessary to secure full compliance with the provisions of the Real Estate Law including the supervision of the salespersons licensed to the corporation in the performance of acts for which a real estate

1 license is required. ISABELL-ROSS was originally licensed as a  
2 real estate broker on February 6, 1992. She became HAVEN GROUP's  
3 designated officer on November 15, 1996.

4 5

5 Whenever reference is made in an allegation in the  
6 Accusation to an act or omission of HAVEN GROUP such allegation  
7 shall be deemed to mean that the officers, directors, managers,  
8 employees, agents and real estate licensees employed by or  
9 associated with HAVEN GROUP committed such act or omission while  
10 engaged in the furtherance of its business or operation and while  
11 acting within the course and scope of its corporate authority,  
12 agency and employment.

13 6

14 At all times mentioned, in the City of Marina Del Rey,  
15 County of Los Angeles, HAVEN GROUP acted as real estate broker  
16 within this meaning of Section 10131(d) of the Code, including the  
17 operation of a mortgage and loan brokerage with the public wherein  
18 lenders and borrowers were solicited for loans secured directly or  
19 collaterally by liens on real property, wherein such loans were  
20 arranged, negotiated, processed, and consummated on behalf of  
21 others for compensation or in expectation of compensation and for  
22 fees often collected in advance. In addition, HAVEN GROUP,  
23 employing the fictitious business names of Beachside Escrow and  
24 Tri-Wes Escrow, conducted broker controlled escrows under the  
25 exemption set forth in Section 17006(a)(4) of the California  
26 Financial Code.

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(Audit No. LA 970417)

On June 24, 1998, the Department completed a field audit examination of the books and records of HAVEN GROUP pertaining to its mortgage, loan and escrow activities described in Paragraph 6. The audit examination covered a period of time beginning on January 1, 1997 to March 31, 1998. The audit examination revealed violations of the Code and the Regulations as set forth in the following paragraphs.

At all times mentioned, in connection with the activities described in Paragraph 6, above, HAVEN GROUP accepted or received funds in trust (trust funds) from or on behalf of actual or prospective borrowers and lenders. Thereafter it made disposition of such funds. HAVEN GROUP maintained the following trust accounts during the audit period:

	<u>Bank/Address</u>	<u>Account Name</u>	<u>Account No.</u>
T/A #1	Santa Monica Bank 4700 Lincoln Blvd. Marina Del Rey, CA	Haven Group Inc. dba Tri-Wes Escrow Client Trust	006059996
T/A #2	Union Bank 21515 Hawthorne Torrance, CA	Haven Group Tri-Wes Escrow Client Trust	0500030984
T/A #3	Santa Monica Bank 4700 Lincoln Blvd. Marina Del Rey, CA	Panther Group Inc. dba Beachside Escrow Client Trust	06059899
T/A \$4	Century Bank 4519 Admiralty Way Marina Del Rey, CA	Escrow Trust Account by Beachside Escrow	803052530

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T/A #5	Santa Monica Bank 4700 Lincoln Blvd. Marina Del Rey, CA	Panther Group Inc. dba Beachside Mortgage Credit Report & Appraisal	06061761
T/A #6	Century Bank 4519 Admiralty Way Marina Del Rey, CA	Escrow Trust Account by Beachside Mortgage Escrow Agent (Credit & Appraisal)	803052514
T/A #7	Union Bank 21515 Hawthorne Torrance, CA	Haven Group Tri-Wes Realty. Client Trust Account	0500031271

With respect to the trust funds referred to in Paragraph 8, HAVEN GROUP:

(a) Permitted, allowed or caused the disbursement of trust funds from T/A #1 where the disbursement of said funds reduced the total of aggregate funds in T/A #1, to an amount which, on March 31, 1998, was \$7,679.73 less than the existing aggregate trust fund liability of HAVEN GROUP to every principal who was an owner of said funds, without first obtaining the prior written consent of the owners of said funds, as required by Section 10145 of the Code and Section 2832.1 of the Regulations;

(b) Permitted, allowed or caused the disbursement of trust funds from T/A #2 where the disbursement of said funds reduced the total of aggregate funds in T/A #2, to an amount which, on March 31, 1998, was \$290.00 less than the existing aggregate trust fund liability of HAVEN GROUP to every principal who was an owner of said funds, without first obtaining the prior written consent of the owners of said funds, as required by Section 10145 of the Code

1 and Section 2832.1 of the Regulations;

2 (c) Permitted, allowed or caused the disbursement of trust  
3 funds from T/A #5 where the disbursement of said funds reduced the  
4 total of aggregate funds in T/A #5, to an amount which, on March  
5 31, 1998, was \$837.78 less than the existing aggregate trust fund  
6 liability of HAVEN GROUP to every principal who was an owner of  
7 said funds, without first obtaining the prior written consent of  
8 the owners of said funds, as required by Section 10145 of the Code  
9 and Section 2832.1 of the Regulations;

10 (d) Failed to perform a monthly reconciliation of the  
11 balance of all separate beneficiary or transaction records  
12 maintained with the record of all trust funds received and  
13 disbursed by T/A #6, as required by Section 2831.2 of the  
14 Regulations;

15 (e) Failed to deposit into a trust fund accounts  
16 T/A #3, T/A #4, T/A #5 and T/A #6 in the name of the broker as  
17 trustee, as required by Section 2832 of the Regulations; and

18 (f) Permitted an unlicensed person who was not bonded,  
19 Roderick Coulter, to be an authorized signatory on T/A #1 and  
20 T/A #3, in violation of Section 2834 of the Regulations.

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The conduct of HAVEN GROUP, described in Paragraph 9, above, violated the Code and the Regulations now set forth:

<u>PARAGRAPH</u>	<u>PROVISIONS VIOLATED</u>
9(a)	Section 10145 of the Code, and Section 2832.1 of the Regulations
9(b)	Section 10145 of the Code, and Section 2832.1 of the Regulations
9(c)	Section 10145 of the Code, and Section 2832.1 of the Regulations
9(d)	Section 10145 of the Code, and Section 2831.2 of the Regulations
9(e)	Section 10145 of the Code, and Section 2832 of the Regulations
9(f)	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 HAVEN GROUP under Section 10177(d) of the Code.

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The audit examination also revealed that HAVEN GROUP used the fictitious names of "Beachside Escrow" and "Tri-Wes Escrow" to conduct licensed activities on behalf of HAVEN GROUP without holding licenses bearing said fictitious business names. The conduct of HAVEN GROUP, in failing to obtain licenses for use of the aforesaid names, is in violation of Section 2731 of the Regulations and is cause to suspend or revoke HAVEN GROUP's real estate license and license rights under Section 10177(d) of the Code.

The audit examination moreover revealed that HAVEN GROUP failed to provide a statement in writing containing all the information required by Section 10241 of the Code to various borrowers including but not limited to Hudson, Daniels and Brande before these borrowers became obligated to perform under the terms of their loans. This omission is a violation of Section 10240 of the Code and Section 2840 of the Regulations. This omission constitutes cause for the suspension or revocation of the real estate license and license rights of Respondent HAVEN GROUP under Section 10177(d) of the Code.

The audit examination also revealed that HAVEN GROUP failed to provide a statement in writing containing all the information required by Section 10241 of the Code. The borrower disclosure statement referenced herein failed to include loan discounts in the amount of \$3,000 as a broker fee, and lender

1 rebates in the amount \$425.00 as a processing fee paid to HAVEN  
2 GROUP directly by lender-Sierra Capital Acceptance. This omission  
3 is a violation of Section 10240 of the Code and Section 2840 of  
4 the Regulations.

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6 HAVEN GROUP's omission to disclose to William Bean the  
7 loan discounts in the amount of \$3,000 as a broker fee and lender  
8 rebates in the amount \$425.00 as a processing fee it secretly  
9 received directly from lender Sierra Capital Acceptance  
10 constitutes cause for the suspension or revocation of the real  
11 estate license and license rights of HAVEN GROUP's under Sections  
12 10176(g) and 10177(d) of the Code.

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14 The audit also revealed that HAVEN GROUP failed to  
15 advise all parties including, but not limited to Hasley, Vasquez  
16 and Baylor to the escrow operation of Beachside Escrow of its  
17 ownership of said escrow company, in violation of Regulation  
18 2950(h). Said conduct is cause to suspend or revoke HAVEN GROUP's  
19 licenses and license rights under Section 10177(d) of the Code.

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21 The overall conduct of HAVEN GROUP constitutes  
22 negligence and/or incompetence. This conduct and violations  
23 described above are cause to suspend or revoke the real estate  
24 license and license rights of HAVEN GROUP pursuant to Section  
25 10177(g) of the Code.

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2 The overall conduct of ISABELL-ROSS, constitutes a  
3 failure on her part, as officer designated by a corporate broker  
4 licensee, responsible for the supervision and control over the  
5 activities conducted on behalf of HAVEN GROUP by its officers,  
6 managers and employees as necessary to secure full compliance with  
7 the provisions of the Real Estate Law. This conduct is cause for  
8 the suspension or revocation of the real estate license and  
9 license rights of ISABELL-ROSS under to Sections 10159.2 and  
10 10177(h) of the Code.

## 11 PRIOR DISCIPLINE

13 On FEBRUARY 7, 1994, in Case No. H-25692 LA, an ORDER TO  
14 DESIST AND REFRAIN was filed against ISABELL-ROSS under Section  
15 10086 of the Code (Engaging in Prohibited Activity, Order to  
16 Desist and Refrain) for violations of Sections 10145 of the  
17 California Business and Professions Code and 2726, 2830, 2831,  
18 2831.1, 2831.2, 2832.1 and 2834, of Title 10, Chapter 6,  
19 California Code of Regulations.

20 WHEREFORE, Complainant prays that a hearing be conducted  
21 on the allegations made by the Accusation and, that upon proof  
22 thereof, a decision be rendered imposing disciplinary action  
23 against the license and license rights of HAVEN GROUP, a corporate  
24 real estate broker and MONICA LAVETTE ISABELL-ROSS, individually  
25 and as designated officer of Haven Group, under the Real Estate  
26 Law (Part 1 of Division 4 of the Business and Professions Code)



1 and for such other and further relief as may be proper under other  
2 applicable provisions of law.

3 Dated at Los Angeles, California

4 this 2nd day of September, 1998,

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6 Deputy Real Estate Commissioner

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cc: Haven Group.  
c/o Monica Lavette Isabell-Ross  
Sacto  
CL