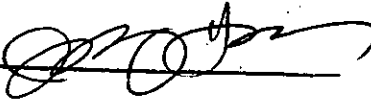


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FILED
JAN 18 2006

DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of	)	NO. H-29076 LA
)	
ANTONIO PINO,)	
)	
Respondent.)	
)	

ORDER DENYING REINSTATEMENT OF LICENSE

On January 29, 2002, a Decision was rendered herein revoking Respondent's real estate salesperson 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 on February 28, 2002.

On March 10, 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 salesperson license,
6 in that:
7

8 I

9 In the Decision which revoked Respondent's real
10 estate license it was determined that there was cause to revoke
11 Respondent's license pursuant to Business and Professions Code
12 Section 10177(j) for dishonest dealing.
13

14 The underlying facts were that in 1998 Respondent was
15 a notary public. On or about June 1, 1998, Respondent executed
16 a false sworn affirmation that Reynaldo Campos and Elden Sala,
17 both personally appeared before Respondent and he acknowledged
18 their signatures on a Deed of Trust. Thereafter, Respondent
19 and others conspired to record the fictitious Deed of Trust.
20

21 II

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

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

6 2911(1) - Respondent has not submitted evidence of
7 significant or conscientious involvement in community, church
8 or social programs.

9 2911(n)(2) - Respondent has not presented proof of a
10 change in attitude from that which existed at the time of the
11 conduct in question as evidenced by from others.

12
13 Given the fact that Respondent has not established
14 that she has complied with Regulations 2911(1) and 2911(n)(2),
15 I am not satisfied that Respondent is sufficiently
16 rehabilitated to receive a real estate salesperson license.

17 NOW, THEREFORE, IT IS ORDERED that Respondent's
18 petition for reinstatement of Respondent's salesperson license
19 is denied.

20
21 This Order shall become effective at 12 o'clock noon
22 on February 7, 2006.

23 DATED: 1.12.06

24 JEFF DAVI
25 Real Estate Commissioner

26
27 cc: Antonio Pino
637 E. Victoria Avenue
Montebello, CA 90640

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

4 Telephone: (213) 576-6982
5 -or- (213) 576-6914

FILED
FEB 8 2002
DEPARTMENT OF REAL ESTATE

By Laura B. Cum

6
7
8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 Respondent CHARLES E. NEIGHBARGER,) No. H-29076 LA
12 dba, "MCR Mortgage," and "Nationwide) L-2001080733
13 Residential," individually and as)
14 designated broker of Mortgage Capital)
15 Resource Corporation; WILLIAM) STIPULATION AND
16 HERNANDEZ; JOHN MANUEL CAMPOS;) AGREEMENT
and ANTONIO PINO,)
Respondents.)

17 It is hereby stipulated by and between ANTONIO PINO
18 (hereinafter "Respondent"), acting on his own behalf, and the
19 Complainant, acting by and through Martha J. Rosett, Counsel for
20 the Department of Real Estate, as follows for the purpose of
21 settling and disposing of the Accusation filed on June 1, 2001 in
22 this matter:

23 1. All issues which were to be contested and all
24 evidence which was to be presented by Complainant and Respondent
25 at a formal hearing on the Accusation, which hearing was to be
26 held in accordance with the provisions of the Administrative
27

1 Procedure Act (APA), shall instead and in place thereof be
2 submitted solely on the basis of the provisions of this
3 Stipulation and Agreement.

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

8 3. On June 6, 2001, Respondent filed a Notice of
9 Defense pursuant to Section 11506 of the Government Code for the
10 purpose of requesting a hearing on the allegations in the
11 Accusation. In order to effectuate this settlement, Respondent
12 hereby freely and voluntarily withdraws said Notice of Defense.
13 Respondent acknowledges that he understands that by withdrawing
14 said Notice of Defense, he will thereby waive his right to
15 require the Commissioner to prove the allegations in the
16 Accusation at a contested hearing held in accordance with the
17 provisions of the APA and that he will waive other rights
18 afforded to him in connection with the hearing such as the right
19 to present evidence in defense of the allegations in the
20 Accusation and the right to cross-examine witnesses.

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

27

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

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

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

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DETERMINATION OF ISSUES

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

1.

The facts set forth in the Accusation, including the falsely sworn affirmation that Reynaldo Campos personally appeared before Respondent PINO on June 1, 1998 to acknowledge his signature on a Deed of Trust, constitutes dishonest dealing and cause under Section 10177(j) of the Business and Professions Code for suspension or revocation of all licenses and license rights of Respondent under the Real Estate Law.

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

All licenses and licensed rights of Respondent ANTONIO PINO under the Real Estate Law are revoked; provided, however, a restricted real estate salesperson license shall be issued to Respondent pursuant to Section 10156.5 of the Business and Professions 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. The restricted license issued to Respondent shall be subject to all of the provisions of Section 10156.7 of the Business and Professions Code and to the following limitations, conditions and restrictions imposed under authority of Section 10156.6 of that Code:

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

6 2. The restricted license issued to Respondent may be
7 suspended prior to hearing by Order of the Real Estate
8 Commissioner on evidence satisfactory to the Commissioner that
9 Respondent has violated provisions of the California Real Estate
10 Law, the Subdivided Lands Law, Regulations of the Real Estate
11 Commissioner or conditions attaching to the restricted license.

12 3. Respondent shall not be eligible to apply for the
13 issuance of an unrestricted real estate license nor for the
14 removal of any of the conditions, limitations or restrictions of
15 a restricted license until two years have elapsed from the
16 effective date of this Decision.

17 4. Respondent shall submit with any application for
18 license under an employing broker, or any application for
19 transfer to a new employing broker, a statement signed by the
20 prospective employing real estate broker on a form approved by
21 the Department of Real Estate which shall certify:

22 (a) That the employing broker has read the
23 Decision of the Commissioner which granted
24 the right to a restricted license; and

25 (b) That the employing broker will exercise
26 close supervision over the performance by
27 the restricted licensee relating to activities

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for which a real estate license is required.

5. Respondent shall, within nine months from the effective date of this Decision, present evidence satisfactory to the Real Estate Commissioner that Respondent has, since June 3, 1997, taken and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate license. If Respondent fails to satisfy this condition, the Commissioner may order the suspension of the restricted license until the Respondent presents such evidence. The Commissioner shall afford Respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.

6. Respondent shall, within six months from the effective date of this Decision, take and pass the Professional Responsibility Examination administered by the Department including the payment of the appropriate examination fee. If Respondent fails to satisfy this condition, the Commissioner may order suspension of Respondent's license until Respondent passes the examination.

DATED: 12/10/01

Martha J. Rosett
MARTHA J. ROSETT
Counsel for Complainant

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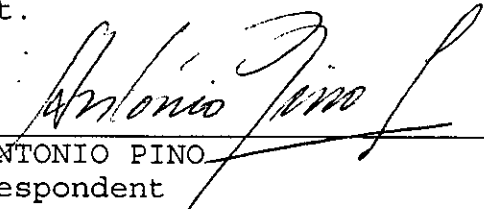
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1 * * *

2 I have read the Stipulation and Agreement, and its
3 terms are understood by me and are agreeable and acceptable to
4 me. I understand that I am waiving rights given to me by the
5 California Administrative Procedure Act (including but not
6 limited to Sections 11506, 11508, 11509 and 11513 of the
7 Government Code), and I willingly, intelligently and voluntarily
8 waive those rights, including the right of requiring the
9 Commissioner to prove the allegations in the Accusation at a
10 hearing at which I would have the right to cross-examine
11 witnesses against me and to present evidence in defense and
12 mitigation of the charges.

13 Respondent can signify acceptance and approval of the
14 terms and conditions of this Stipulation and Agreement by faxing
15 a copy of its signature page, as actually signed by Respondent,
16 to the Department at the following fax number: (213) 576-6917.
17 Respondent agrees, acknowledges and understands that by
18 electronically sending to the Department a fax copy of his actual
19 signature as it appears on the Stipulation and Agreement, that
20 receipt of the faxed copy by the Department shall be as binding
21 on Respondent as if the Department had received the original
22 signed Stipulation and Agreement.

23
24 DATED: 12/7/01


25 ANTONIO PINO
26 Respondent
27

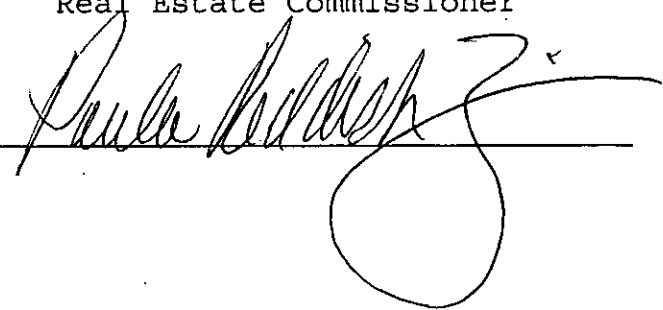
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2 The foregoing Stipulation and Agreement is hereby
3 adopted as my Decision in this matter and shall become effective
4 at 12 o'clock noon on February 28, 2002.

5 IT IS SO ORDERED

January 29, 2002.

6 PAULA REDDISH ZINNE MANN
7 Real Estate Commissioner

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FILED
FEB 8 2002
DEPARTMENT OF REAL ESTATE

Laura B. Crane

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of)	No. H-29076 LA
CHARLES EDWARD NEIGHBARGER, dba)	
"MCR Mortgage," and "Nationwide	)	L-2001080733
Residential," individually and as)	
designated broker of Mortgage Capital)	
Resource Corporation; WILLIAM L.)	
HERNANDEZ; <u>JOHN MANUEL CAMPOS</u> ; and)	
ANTONIO PINO,)	
)	
Respondents.)	

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On June 1, 2001, an Accusation was filed in this matter against Respondent JOHN MANUEL CAMPOS.

On December 11, 2001, Respondent petitioned the Commissioner to voluntarily surrender his real estate salesperson license pursuant to Section 10100.2 of the Business and Professions Code.

IT IS HEREBY ORDERED that Respondent JOHN MANUEL CAMPOS' petition for voluntary surrender of his real estate

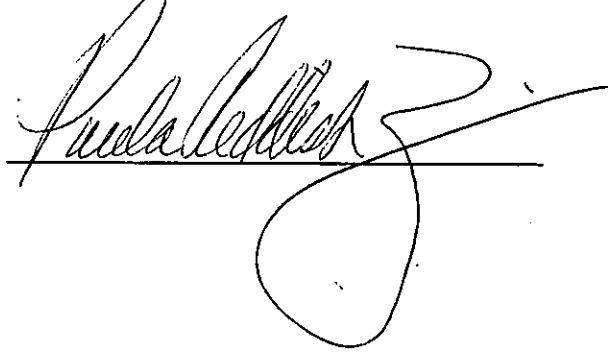
1 salesperson license is accepted as of the effective date of this
2 Order as set forth below, based upon the understanding and
3 agreement expressed in Respondent's Declaration dated
4 December 11, 2001 (attached as Exhibit "A" hereto). Respondent's
5 license certificate(s) and pocket card(s) and any branch office
6 license certificate(s) shall be sent to the below listed address
7 so that they reach the Department on or before the effective date
8 of this Order:

9 DEPARTMENT OF REAL ESTATE
10 Attn: Licensing Flag Section
11 P.O. Box 187000
12 Sacramento, CA 95818-7000

13 This Order shall become effective at 12 o'clock noon on
14 February 28, 2002.

15 DATED: January 29, 2002

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17 PAULA REDDISH ZINNE MANN
18 Real Estate Commissioner

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"Exhibit A"

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

Respondent CHARLES E. NEIGHBARGER,)	No. H-29076 LA
dba, "MCR Mortgage," and "Nationwide	)	L-2001080733
Residential," individually and as)	
designated broker of Mortgage Capital)	
Resource Corporation; WILLIAM	)	DECLARATION OF
HERNANDEZ; <u>JOHN MANUEL CAMPOS;</u>	)	JOHN MANUEL CAMPOS
and ANTONIO PINO,)	
)	
Respondents.)	

DECLARATION

My name is JOHN MANUEL CAMPOS and I am currently licensed as a real estate salesperson and/or have license rights with respect to said license. I am represented by Bert V. Anthony, Esq.

In lieu of proceeding in this matter in accordance with the provisions of the Administrative Procedure Act (Sections 11400 et seq., of the Government Code) I wish to voluntarily surrender my real estate license issued by the Department of

1 Real Estate ("Department"), pursuant to Business and Professions
2 Code Section 10100.2.

3 I understand that by so voluntarily surrendering my
4 license, it can only be reinstated in accordance with the
5 provisions of Section 11522 of the Government Code. I also
6 understand that by so voluntarily surrendering my license, I
7 agree to the following:

8 The filing of this Declaration shall be deemed as my
9 petition for voluntary surrender. It shall also be deemed to be
10 an understanding and agreement by me that I waive all rights I
11 have to require the Commissioner to prove the allegations
12 contained in the Accusation filed in this matter at a hearing
13 held in accordance with the provisions of the Administrative
14 Procedure Act (Sections 11400 et seq. of the Government Code),
15 and that I also waive other rights afforded to me in connection
16 with the hearing such as the right to discovery, the right to
17 present evidence in defense of the allegations in the Accusation
18 and the right to cross-examine witnesses. I further agree that
19 upon acceptance by the Commissioner, as evidenced by an
20 appropriate order, all affidavits and all relevant evidence
21 obtained by the Department in this matter prior to the
22 Commissioner's acceptance, and all allegations contained in the
23 Accusation filed in the Department Case No. H-29076 LA, may be
24 considered by the Department to be true and correct for the
25 purpose of deciding whether or not to grant reinstatement of my
26 license pursuant to Government Code Section 11522.

27

1 The foregoing admission is made for the purpose of resolving
2 this proceeding only.

3 Respondent can signify acceptance and approval of the terms
4 and conditions of this Declaration by faxing a copy of its
5 signature page, as actually signed by Respondent, to the
6 Department at the following telephone/fax number: (213) 576-
7 6917. Respondent agrees, acknowledges and understands that by
8 electronically sending to the Department a fax copy of his actual
9 signature as it appears on the Declaration, that receipt of the
10 faxed copy by the Department shall be as binding on Respondent as
11 if the Department had received the original signed Declaration.

12 I declare under penalty of perjury under the laws of
13 the State of California that the above is true and correct and
14 that I freely and voluntarily surrender my license and all
15 license rights attached thereto.

16
17 12-11-01 Los Angeles
Date and Place


JOHN MANUEL CAMPOS

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Handwritten signature/initials in the top left corner.

FILED
FEB 8 2002
DEPARTMENT OF REAL ESTATE

Signature of Laura B. [unclear]

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of)
CHARLES EDWARD NEIGHBARGER, dba)
"MCR Mortgage," and "Nationwide)
Residential," individually and as)
designated broker of Mortgage Capital)
Resource Corporation; WILLIAM L.)
HERNANDEZ; JOHN MANUEL CAMPOS; and)
ANTONIO PINO,)
Respondents.)

No. H-29076 LA
L-2001080733

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On June 1, 2001, an Accusation was filed in this matter against Respondent WILLIAM L. HERNANDEZ.

On December 11, 2001, Respondent petitioned the Commissioner to voluntarily surrender his real estate salesperson license pursuant to Section 10100.2 of the Business and Professions Code.

IT IS HEREBY ORDERED that Respondent WILLIAM L. HERNANDEZ's petition for voluntary surrender of his real estate

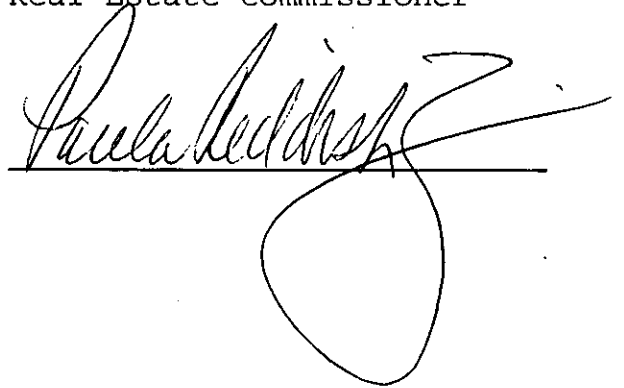
1 salesperson license is accepted as of the effective date of this
2 Order as set forth below, based upon the understanding and
3 agreement expressed in Respondent's Declaration dated
4 December 11, 2001 (attached as Exhibit "A" hereto). Respondent's
5 license certificate(s) and pocket card(s) and any branch office
6 license certificate(s) shall be sent to the below listed address
7 so that they reach the Department on or before the effective date
8 of this Order:

9 DEPARTMENT OF REAL ESTATE
10 Attn: Licensing Flag Section
11 P.O. Box 187000
12 Sacramento, CA 95818-7000

13 This Order shall become effective at 12 o'clock noon on
14 February 28, 2002.

15 DATED: January 29, 2002

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17 PAULA REDDISH ZINNEMANN
18 Real Estate Commissioner

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"Exhibit A"

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the matter of the Accusation of)	DRE No. H-29076 LA
	)	OAH No. L-2001080733
CHARLES EDWARD NEIGHBARGER, dba)	
"MCR Mortgage," and "Nationwide	)	<u>DECLARATION OF</u>
Residential," individually and as	)	<u>WILLIAM L. HERNANDEZ</u>
designated broker of Mortgage Capital)	
Resource Corporation;)	
<u>WILLIAM L. HERNANDEZ; JOHN MANUEL</u>)	
<u>CAMPOS; and ANTONIO PINO,</u>)	
)	
Respondents.)	

DECLARATION

My name is WILLIAM L. HERNANDEZ and I am currently licensed as a real estate salesperson and/or have license rights with respect to said license. I am appearing in pro per in this matter.

In lieu of proceeding in this matter in accordance with the provisions of the Administrative Procedure Act (Sections 11400 et seq., of the Government Code) I wish to voluntarily surrender my real estate license issued by the Department of

1 Real Estate ("Department"), pursuant to Business and Professions
2 Code Section 10100.2.

3 I understand that by so voluntarily surrendering my
4 license, it can only be reinstated in accordance with the
5 provisions of Section 11522 of the Government Code. I also
6 understand that by so voluntarily surrendering my license, I
7 agree to the following:

8 The filing of this Declaration shall be deemed as my
9 petition for voluntary surrender. It shall also be deemed to be
10 an understanding and agreement by me that I waive all rights I
11 have to require the Commissioner to prove the allegations
12 contained in the Accusation filed in this matter at a hearing
13 held in accordance with the provisions of the Administrative
14 Procedure Act (Sections 11400 et seq. of the Government Code),
15 and that I also waive other rights afforded to me in connection
16 with the hearing such as the right to discovery, the right to
17 present evidence in defense of the allegations in the Accusation
18 and the right to cross-examine witnesses. I further agree that
19 upon acceptance by the Commissioner, as evidenced by an
20 appropriate order, all affidavits and all relevant evidence
21 obtained by the Department in this matter prior to the
22 Commissioner's acceptance, and all allegations contained in the
23 Accusation filed in the Department Case No. H-29076 LA, may be
24 considered by the Department to be true and correct for the
25 purpose of deciding whether or not to grant reinstatement of my
26 license pursuant to Government Code Section 11522.

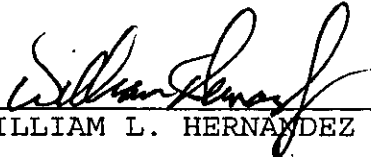
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1 The foregoing admission is made for the purpose of
2 resolving this proceeding only.

3 Respondent can signify acceptance and approval of the
4 terms and conditions of this Declaration by faxing a copy of its
5 signature page, as actually signed by Respondent, to the
6 Department at the following telephone/fax number (213) 576-6917.
7 Respondent agrees, acknowledges and understands that by
8 electronically sending to the Department a fax copy of his actual
9 signature as it appears on the Declaration, that receipt of the
10 faxed copy by the Department shall be as binding on Respondent as
11 if the Department had received the original signed Declaration.

12 I declare under penalty of perjury under the laws of
13 the State of California that the above is true and correct and
14 that I freely and voluntarily surrender my license and all
15 license rights attached thereto.

16 12-11-01 Los Angeles
17 Date and Place


WILLIAM L. HERNANDEZ

SACED
Ray

FILED
NOV 21 2001

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- 29076 LA
CHARLES EDWARD NEIGHBARGER,	)	L- 200150173
)	
)	
Respondent.)	

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On June 1, 2001, an Accusation was filed in this matter against Respondent CHARLES EDWARD NEIGHBARGER.

On November 5, 2001, Respondent petitioned the Commissioner to voluntarily surrender his real estate broker license pursuant to Section 10100.2 of the Business and Professions Code.

IT IS HEREBY ORDERED that Respondent CHARLES EDWARD NEIGHBARGER's petition for voluntary surrender of his real estate broker license is accepted as of the effective date of this Order as set forth below, based upon the understanding and agreement expressed in Respondent's Declaration

1 dated November 5, 2001 (attached as Exhibit "A" hereto).

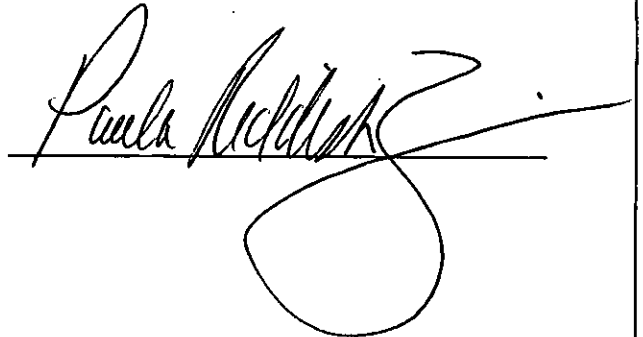
2 Respondent's license certificate(s) and pocket card(s) and any
3 branch office license certificate(s) shall be sent to the below
4 listed address so that they reach the Department on or before the
5 effective date of this Order:

6 DEPARTMENT OF REAL ESTATE
7 Attn: Licensing Flag Section
8 P.O. Box 187000
9 Sacramento, CA 95818-7000

10 This Order shall become effective at 12 o'clock noon on
11 December 11, 2001.

12 DATED: November 16, 2001

13 PAULA REDDISH ZINNEMANN
14 Real Estate Commissioner

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1 Wacy Armstrong, Jr. Bar No. 91745
Attorney at Law
2 Armstrong Law Building
824 East Highland Avenue
3 San Bernardino, California 92404-4006
(909) 886-0707
4

5 Attorney for Respondent
6
7

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

10

11 In the Matter of the Accusation of

Case No.: H-29076 LA
L-200150173

12

13 CHARLES EDWARD NEIGHBARER, et al.,

14

Respondent

15

DECLARATION

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17

18

My name is CHARLES EDWARD NEIGHBARGER and I am currently licensed as a real estate broker and/or have license rights with respect to said license. I am represented by Wacy Armstrong, Jr., Attorney at Law.

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23

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

24

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I understand that by so voluntarily surrendering my license, it can only be reinstated in accordance with the provisions of Section 11522 of the Government Code. I also understand that by so voluntarily surrendering my license, I agree to the following:

\\\\\\

1 The filing of this Declaration shall be deemed as my petition for voluntary
2 surrender. It shall also be deemed to be an understanding and agreement by me that
3 I waive all rights I have to require the Commissioner to prove the allegations
4 contained in the Accusation filed in this matter at a hearing held in accordance with
5 the provisions of the Administrative Procedure Act (Sections 11400 et seq. of the
6 Government Code), and that I also waive other rights afforded to me in connection
7 with the hearing such as the right to discovery, the right to present evidence in
8 defense of the allegations in the Accusation and the right to cross-examine witnesses.
9 I further agree that upon acceptance by the Commissioner, as evidenced by an
10 appropriate order, all affidavits and all relevant evidence obtained by the Department
11 in this matter prior to the Commissioner's acceptance, and all allegations contained
12 in the Accusation filed in the Department Case No. H-29076 LA, may be considered
13 by the Department to be true and correct for the purpose of deciding whether or not
14 to grant reinstatement of my license pursuant to Government Code Section 11522.

15 Respondent can signify acceptance and approval of the terms and conditions
16 of this Declaration by faxing a copy of his signature page, as actually signed by
17 Respondent, to the Department at the following telephone/fax number:
18 (213) 576-6917. Respondent agrees, acknowledges and understands that by
19 electronically sending to the Department a fax copy of his actual signature as it
20 appears on the Declaration, that receipt of the faxed copy by the Department shall
21 be as binding on Respondent as if the Department had received the original signed
22 Declaration.

23 I declare under penalty of perjury under the laws of the State of California that
24 the above is true and correct and that I freely and voluntarily surrender my license
25 and all license rights attached thereto.

26
27 November 5, 2001
28 San Bernardino, California


CHARLES EDWARD NEIGHBARGER

Sacto.
Flay


BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
OCT 23 2001

DEPARTMENT OF REAL ESTATE

* * * * *

In the Matter of the Accusation of)
)
CHARLES EDWARD NEIGHBARGER,)
et al.,)
)
Respondents.)

By 

Case No. H-29076 LA
OAH No. L-2001080733

NOTICE OF HEARING ON ACCUSATION

To the above-named Respondents:

You are hereby notified that a hearing will be held before the Department of Real Estate at Office of Administrative Hearings, 320 West Fourth Street, Suite 630, Los Angeles, California, on **December 11, 12, and 13, 2001**, 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.

Dated: October 23, 2001.

DEPARTMENT OF REAL ESTATE

cc: Charles E. Neighbarger
William L. Hernandez
John M. Campos
Antonio Pino
Wacy Armstrong, Jr., Esq.
Bert V. Anthony, Esq.
Dynamic Brokers/High Ten Partners
Sacto./OAH

By: 
MARTHA J. ROSETT, Counsel

SACD.
Flag

FILED
OCT 22 2001
DEPARTMENT OF REAL ESTATE

By 

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-29076 LA
CHARLES EDWARD NEIGHBARGER,	)	L-2001080733
et al.,)	
Respondents.)	

NOTICE OF PREHEARING CONFERENCE

TO: RESPONDENT CHARLES EDWARD NEIGHBARGER and WACY ARMSTRONG, JR., ATTORNEY OF RECORD; RESPONDENT WILLIAM L. HERNANDEZ; RESPONDENT JOHN MANUEL CAMPOS and BERT V. ANTHONY, ATTORNEY OF RECORD; and RESPONDENT ANTONIO PINO.

YOU ARE HEREBY NOTIFIED that a prehearing conference shall be held on **November 30, 2001, at 9:00 a.m.**, before an administrative law judge at the Office of Administrative Hearings, 320 West Fourth Street, 6th Floor, Suite 630, Los Angeles, California.

Dated: 10/22/01


MARTHA J. ROSETT
Counsel for Complainant

SAND. Fla

1 MARTHA J. ROSETT, Counsel (SBN 142072)
2 Department of Real Estate
3 320 West Fourth St., #350
4 Los Angeles, CA 90013
5 (213) 576-6982
6 (213) 576-6914

FILED
JUN - 1 2001
DEPARTMENT OF REAL ESTATE
By *[Signature]*

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * * *

11
12 In the Matter of the Accusation of) No. H-29076 LA
13 CHARLES EDWARD NEIGHBARGER, dba, "MCR)
14 Mortgage," and "Nationwide Residential,") A C C U S A T I O N
15 individually and as designated broker of)
16 Mortgage Capital Resource Corporation;)
17 WILLIAM L. HERNANDEZ; JOHN MANUEL CAMPOS)
18 and ANTONIO PINO,)
19 Respondents,)

18 The Complainant, Maria Suarez, a Deputy Real Estate
19 Commissioner, for cause of Accusation against CHARLES EDWARD
20 NEIGHBARGER, individually and as designated broker of Mortgage
21 Capital Resource Corporation; WILLIAM L. HERNANDEZ; JOHN MANUEL
22 CAMPOS, and ANTONIO PINO is informed and alleges as follows:

23 1.

24
25 The Complainant, Maria Suarez, a Deputy Real Estate
26 Commissioner of the State of California, makes this Accusation in
27 her official capacity.

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2.

Respondent CHARLES EDWARD NEIGHBARGER, dba, "MCR Mortgage," and "Nationwide Residential Capital" (hereinafter "NEIGHBARGER") is presently licensed and at all times relevant herein was licensed under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code (hereinafter "Code") as a real estate broker. At all times relevant herein, Respondent NEIGHBARGER was the broker/officer of Mortgage Capital Resource Corporation designated pursuant to Code Section 10159.2 to be responsible for the supervision and control of the activities conducted on behalf of Mortgage Capital Resource Corporation by its officers and employees as necessary to secure full compliance with the Real Estate Law.

3.

Mortgage Capital Resource Corporation (hereinafter "MCRC") at all times relevant herein was licensed under the Real Estate Law as a real estate corporation acting by and through Respondent CHARLES NEIGHBARGER as its designated broker-officer.

On or about February 7, 2001, the Department brought an Accusation against MCRC alleging numerous violations discovered during an audit, including a failure to produce records requested (H-28953 LA). A default order was entered on March 29, 2001. On May 14, 2001, the Commissioner signed a decision revoking MCRC's corporate real estate broker license effective June 13, 2001.

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4.

Respondent WILLIAM HERNANDEZ (hereinafter "HERNANDEZ") is presently licensed and/or has license rights under the Real Estate Law as a real estate salesperson. Between on or about May 19, 1998 and July 11, 1999, and at all relevant times herein, Respondent HERNANDEZ was employed by MCRC as a loan agent.

5.

Between on or about May 7, 1997 and March 15, 2001, Edna T. Dubon (hereinafter "Dubon") was licensed under the Real Estate Law as a real estate salesperson. Between July 14, 1997 and July 28, 1998, Respondent Dubon was employed as a loan officer for MCRC. Between July 28, 1998 and May 28, 1999, Respondent had no employing broker of record with the Department of Real Estate. Effective March 15, 2001, Dubon's real estate license was revoked pursuant to Code Sections 10177(b) and 490 due to a conviction for grand theft. (See DRE Case No. H-28359 LA.)

6.

Respondent JOHN MANUEL CAMPOS (hereinafter "JOHN CAMPOS") is presently licensed and/or has license rights under the Real Estate Law. At all times mentioned herein, Respondent CAMPOS was and is presently licensed by the Department as a real estate salesperson. At all times relevant herein Respondent JOHN CAMPOS was also licensed by the State of California as a notary public, under license number 1043719.

1 7.

2 Respondent ANTONIO PINO (hereafter "PINO") is presently
3 licensed and/or has license rights under the Real Estate Law. At
4 all times mentioned herein, Respondent PINO was and is presently
5 licensed by the Department as a real estate salesperson. At all
6 times relevant herein, Respondent PINO was also licensed by the
7 Secretary of State of the State of California as a notary public,
8 under license number 1182961.

9 8.

10 Whenever reference is made in an allegation in this
11 Accusation to an act or omission of MCRC and/or Respondent
12 NEIGHBARGER, such allegations shall be deemed to mean that the
13 officers, directors, employees, agents and real estate licensees
14 employed by or associated with MCRC and/or NEIGHBARGER committed
15 such act or omission while engaged in the furtherance of the
16 business or operations of MCRC and/or NEIGHBARGER and while
17 acting within the course and scope of their corporate authority
18 and employment.

19
20 I. First Cause of Accusation: Dishonest Acts Pertaining to
21 1112 252nd St., Harbor City, California

22 9.

23 There is hereby incorporated in the First, separate and
24 distinct case of Accusation, all of the allegations contained in
25 Paragraphs 1 through 8 above with the same force and effect as if
26 herein fully set forth.

27 //

1 MCRC Loan Agent and Salesperson WILLIAM L. HERNANDEZ

2
3 10.

4 On or about July 16, 1998, Respondent HERNANDEZ, acting
5 as agent for MCRC, signed a loan application pertaining to 1112
6 252nd Street, Harbor City ("252nd Street Property") purporting to
7 be prepared on behalf of borrowers Maria Gattermann and Ladislao
8 Parojinog. At the bottom of said application, HERNANDEZ, as
9 agent for MCRC, marked a box indicating that he met in person
10 with the borrowers. In truth and fact, Respondent HERNANDEZ
11 never met the prospective borrowers. Rather, financial
12 information used in the loan application was obtained from a
13 third party.

14 11.

15 Respondent HERNANDEZ submitted the above referenced
16 loan application to MCRC with accompanying false documentation
17 for loan processing. A loan in the amount of \$276,250 secured by
18 a deed of trust on subject 252nd Street Property was funded by
19 MCRC.

20 12.

21 In August or September of 1998, said loan issued by
22 MCRC was sold to OCWEN Financial Services. In support of the
23 loan, MCRC submitted false and fraudulent loan documents to
24 OCWEN. Said false documentation included:

25 a. A Uniform Residential Loan Application naming
26 Maria Gattermann and Ladislao Parojinog as borrowers,
27 which contained false income and employment
information, false and/or unauthorized signatures of
the borrowers, and loan agent HERNANDEZ' signature

1 falsely indicating that he had met the borrowers in
2 person.

3 b. Loan documents containing the forged signature of
4 Maria Gattermann, falsely and fraudulently purporting
5 to have been signed and/or acknowledged in the presence
6 of and notarized by Respondent JOHN CAMPOS.

7 Notary Public and Real Estate Licensee JOHN CAMPOS:

8 13.

9 On or about September 1, 1998, a Short Form Deed of
10 Trust and Assignment of Rents dated July 31, 1998, pertaining to
11 property located at 1112 252nd Street, Harbor City, California was
12 recorded at the Los Angeles County Recorder's Office as document
13 number 981564451. Said document was recorded at the request of
14 Equity 2000 and purported to bear the signatures of Maria L.
15 Gattermann and Ladislao G. Parajinog. It was notarized by
16 Respondent JOHN CAMPOS (Comm. #1043719), who falsely represented
17 that Gattermann and Parajinog both personally appeared before him
18 on August 17, 1998 and acknowledged that they signed the Deed of
19 Trust.

20 (a) In fact, Maria Gattermann did not sign the
21 document.

22 (b) Maria Gattermann's signature on the Deed of Trust
23 was forged.

24 (c) In fact, Maria Gattermann did not appear before
25 Respondent JOHN CAMPOS on August 17, 1998 or at any other time to
26 acknowledge her signature.

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14.

Respondents CAMPOS, HERNANDEZ, NEIGHBARGER as designated officer of MCRC, and other individuals herein not named, conspired with each other to record the fictitious Deed of Trust.

15.

Respondent CAMPOS knew of the Deed of Trust and that it was fictitious, and/or that Maria Gattermann did not ever appear before him to acknowledge her signature.

16.

From time to time between July 16, 1998 through the present, MCRC submitted applications for loans to institutional lenders for a loan to be secured by a second trust deed on the Property. Institutional lenders to whom MCRC submitted false loan applications include:

<u>Date</u>	<u>Lender</u>	<u>Loan Amount</u>
7/17/98	ContiMortgage Corp.	approx. \$286, 550.00
9/1/98	OCWEN Financial	\$260,000

17.

The conduct or omissions of Respondent HERNANDEZ, as set forth above, subject his real estate license and license rights to suspension or revocation under the provisions of Code Sections 10176(a) (making a substantial misrepresentation) and 10176(i) (dishonest dealing).

18.

The conduct or omissions of Respondent CAMPOS, as set forth above, subject his real estate license and license rights

1 to suspension or revocation under the provisions of Code Section
2 10177(j) for dishonest dealing in connection with:

3 (a) Signing a false notarial jurat, as set forth in
4 paragraph 13.

5 (b) Recordation of the fictitious Reconveyance, as set
6 forth in paragraphs 13, 14 and 15 above.

7 19.

8 The conduct or omissions of Respondent NEIGHBARGER as
9 set forth above, subject his real estate license and license
10 rights to suspension or revocation under the provisions of Code
11 Sections 10177(h) and (j), and Code Sections 10176(i).

12
13 II. Second Cause of Accusation: Dishonest Acts Pertaining to
14 222 South Avenue 63rd, Los Angeles

15
16 20.

17 There is hereby incorporated in the Second, separate
18 and distinct case of Accusation, all of the allegations contained
19 in Paragraphs 1 through 19 above with the same force and effect
20 as if herein fully set forth.

21 MCRC agent Edna T. Dubon

22 21.

23 In early 1998, Edna T. Dubon, acting as agent for MCRC,
24 completed a loan application pertaining to 222 South Avenue 63rd,
25 Los Angeles (hereinafter "South Avenue 63rd Street Property")
26 purporting to be prepared on behalf of borrowers Elden Salas and
27 Reynaldo Campos. At the bottom of said application, Dubon, as

1 agent for MCRC, marked a box indicating that she met in person
2 with the borrowers. In truth and fact, Dubon did not meet with
3 the prospective borrowers. Rather, the financial information
4 used in the loan application was obtained from a third party.

5 Notary Public and Real Estate Licensee ANTONIO PINO

6 22.

7 On or about June 15, 1998, a Short Form Deed of Trust
8 and Assignment of Rents, dated May 28, 1998, pertaining to
9 subject South Avenue 63rd property was recorded at the Los Angeles
10 County Recorder's Office as document number 981005771. Said
11 document purported to bear the signatures of Reynaldo Campos and
12 Elden Sala, and was notarized by Respondent ANTONIO PINO (Comm.
13 #1182961), who falsely represented that Reynaldo Campos and Elden
14 Sala both personally appeared before him on June 1, 1998 and
15 acknowledged that they signed the Deed of Trust.

16 (a) In fact, Reynaldo Campos did not sign the document.

17 (b) Reynaldo Campos' signature on the Deed of Trust
18 was forged.

19 (c) In fact, Reynaldo Campos did not appear before
20 Respondent PINO and acknowledge his signature on June 1, 1998.

21 23.

22 Respondents PINO and NEIGHBARGER conspired with each
23 other, with MCRC sales agent Dubon, and with others not herein
24 named to record the fictitious Deed of Trust.

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24.

Respondent PINO knew of the Deed of Trust and that it was fictitious and/or that Reynaldo Campos did not appear before him on June 1, 1998 to acknowledge his signature.

25.

(a) From time to time between June 1, 1998 through February of 1999, MCRC submitted applications for loans to institutional lenders for a loan to be secured by a second trust deed on the Property.

(b) Institutional lenders to whom Respondents submitted false loan applications include:

<u>Date of Application</u>	<u>Lending Institution</u>	<u>Loan Amount</u>
6/98	Homecomings Financial	\$246,500

26.

The conduct or omissions of respondent PINO, as set forth above, subject his real estate license and license rights to suspension or revocation under the provisions of Code Section 10177(j) for dishonest dealing in connection with:

(a) Signing a false notarial jurat, as set forth in paragraph 22, above.

(b) Recordation of the fictitious Reconveyance, as set forth in paragraphs 22, 23 and 24, above.

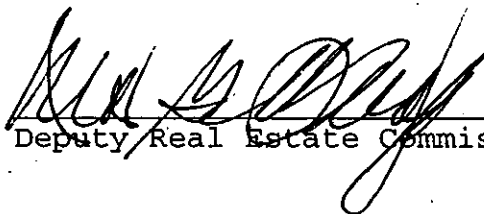
27.

The conduct or omissions of Respondent NEIGHBARGER as set forth above, subject his real estate license and license rights to suspension or revocation under the provisions of Code Sections 10177(h) and (j), and Code Sections 10176(i).

The facts alleged above are grounds for the suspension or revocation of Respondent NEIGHBARGER's license under Sections 10177(h) and 10177(g) of the Code.

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against all licenses and/or license rights of Respondents NEIGHBARGER, HERNANDEZ, CAMPOS and PINO under the Real Estate Law and for such other and further relief as may be proper under applicable provisions of law.

Dated at Los Angeles, California
this 1st day of June, 2001.


Deputy Real Estate Commissioner

cc: Neighbarger
Hernandez
Campos
Pino
Sacto.
Maria Suarez
JN
Dynamic Brokers Inc.
High Ten Partners Inc.