

1 Department of Real Estate  
2 320 West 4<sup>th</sup> Street, Suite 350  
3 Los Angeles, California 90013

4 (213) 576-6913  
5  
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7

**FILED**  
NOV 20 2003  
DEPARTMENT OF REAL ESTATE

By 

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of ) No. H-29504 LA  
12 ) L-2002060669  
13 GLOBAL FINANCIAL MORTGAGE )  
14 CORP. and WANDA L. ) STIPULATION AND AGREEMENT  
15 TENNEY-ROBINSON, )  
16 Respondents. )

17  
18 It is hereby stipulated by and between GLOBAL FINANCIAL  
19 MORTGAGE CORP., and WANDA L. TENNEY-ROBINSON (sometimes referred  
20 to as Respondents), and the Complainant, acting by and through  
21 James R. Peel, Counsel for the Department of Real Estate, as  
22 follows for the purpose of settling and disposing of the First  
23 Amended Accusation filed on July 3, 2003, in this matter.

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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.

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. On June 7, 2002, and July 8, 2003, Respondents  
13 filed a Notice of Defense pursuant to Section 11506 of the  
14 Government Code for the purpose of requesting a hearing on the  
15 allegations in the Accusation. Respondents hereby freely and  
16 voluntarily withdraw said Notice of Defense. Respondents  
17 acknowledge that they understand that by withdrawing said Notice  
18 of Defense they will thereby waive their right to require the  
19 Commissioner to prove the allegations in the Accusation at a  
20 contested hearing held in accordance with the provisions of the  
21 APA and that they will waive other rights afforded to them in  
22 connection with the hearing, such as the right to present  
23 evidence in defense of the allegations in the Accusation and the  
24 right to cross-examine witnesses.

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1           4. Respondents, although not admitting the truth of  
2 the allegations and pursuant to the limitations set forth below,  
3 understand that the factual allegations set forth in the  
4 Accusation, without being admitted, will serve as the basis for  
5 the disciplinary action stipulated to herein. This Stipulation is  
6 hereby expressly limited to this proceeding and is made by  
7 Respondents and received by the Commissioner and the Department  
8 with the express understanding and agreement that it is for the  
9 purpose of settling these proceedings only. This Stipulation is  
10 intended by Respondents to be non-binding upon them in any  
11 actions against Respondents by third parties. This Stipulation is  
12 not intended as, and shall not be deemed, used or accepted as an  
13 acknowledgment or stipulation in any other judicial,  
14 administrative, or other proceeding to which this Department is  
15 not a party.

16           5. It is understood by the parties that the Real  
17 Estate Commissioner may adopt the Stipulation and Agreement as  
18 her decision in this matter thereby imposing the penalty and  
19 sanctions on Respondents' real estate licenses and license rights  
20 as set forth in the "Order". In the event that the Commissioner  
21 in her discretion does not adopt the Stipulation and Agreement,  
22 it shall be void and of no effect, and Respondents shall retain  
23 the right to a hearing and proceeding on the Accusation under all  
24 the provisions of the APA and shall not be bound by any  
25 stipulation or waiver made herein.  
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1           6. The Order or any subsequent Order of the Real  
2 Estate Commissioner made pursuant to this Stipulation and  
3 Agreement shall not constitute an estoppel, merger or bar to any  
4 further administrative or civil proceedings by the Department of  
5 Real Estate with respect to any matters which were not  
6 specifically alleged to be causes for accusation in this  
7 proceeding.

8                           DETERMINATION OF ISSUES

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

13                           I

14           The conduct, acts and omissions of Respondent GLOBAL  
15 FINANCIAL MORTGAGE CORP., alleged in the Accusation, are grounds  
16 for the suspension or revocation of all of the real estate  
17 licenses and license rights of Respondent for violation of  
18 Section 10130 under the provisions of Section 10177(d) of the  
19 California Business and Professions Code.

20                           II

21           The conduct, acts and omissions of Respondent WANDA L.  
22 TENNEY-ROBINSON, alleged in the Accusation, are grounds for the  
23 suspension or revocation of all of the real estate licenses and  
24 license rights of Respondent under the provisions of California  
25 Business and Professions Code Section 10177(g).

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- 1 (2) Respondent WANDA L. TENNEY-ROBINSON pays a  
2 monetary penalty pursuant to Section 10175.2  
3 of the Business and Professions Code at the  
4 rate of \$200 for each day of the suspension  
5 for a total monetary penalty of \$10,000.
- 6 (3) Said payment shall be in the form of a  
7 cashier's check or certified check made  
8 payable to the Recovery Account of the Real  
9 Estate Fund. Said check must be received by  
10 the Department prior to the effective date of  
11 the Decision in this matter.
- 12 (4) No further cause for disciplinary action  
13 against the real estate licenses of  
14 Respondents occur within two (2) years from  
15 the effective date of the Decision in this  
16 matter.
- 17 (5) If Respondents fail to pay the monetary  
18 penalty in accordance with the terms and  
19 conditions of the Decision, the Commissioner  
20 may, without a hearing, order the immediate  
21 execution of all or any part of the stayed  
22 suspension in which event the Respondents  
23 shall not be entitled to any repayment nor  
24 credit, prorated or otherwise, for money paid  
25 to the Department under the terms of this  
26 Decision.  
27

1 (6) If Respondents pay the monetary penalty and if  
2 no further cause for disciplinary action  
3 against the real estate licenses of  
4 Respondents occur within two (2) years from  
5 the effective date of the Decision, the stay  
6 hereby granted shall become permanent.

7  
8 DATED:

Nov. 4, 2003

James R. Peel  
JAMES R. PEEL  
Counsel for Complainant


9  
10 \* \* \* \*

11 We have read the Stipulation and Agreement, have  
12 discussed it with our counsel, and its terms are understood by us  
13 and are agreeable and acceptable to us. We understand that we are  
14 waiving rights given to us by the California Administrative  
15 Procedure Act (including, but not limited to, Sections 11506,  
16 11508, 11509 and 11513 of the Government Code), and we willingly,  
17 intelligently and voluntarily waive those rights, including the  
18 right of requiring the Commissioner to prove the allegations in  
19 the Accusation at a hearing at which we would have the right to  
20 cross-examine witnesses against us and to present evidence in  
21 defense and mitigation of the charges.

22 Respondents can signify acceptance and approval of the  
23 terms and conditions of this Stipulation and Agreement by faxing  
24 a copy of its signature page, as actually signed by Respondents,  
25 to the Department at the following telephone/fax number (213)  
26 576-6917. Respondents agree, acknowledge and understand that by  
27

1 electronically sending to the Department a fax copy of their  
2 actual signatures as it appears on the Stipulation and Agreement  
3 that receipt of the faxed copy by the Department shall be as  
4 binding on Respondents as if the Department had received the  
5 original signed Stipulation and Agreement.

6  
7 DATED: 10/23/03

  
GLOBAL FINANCIAL MORTGAGE  
CORP., Respondent. *Garrick 301542*

8  
9 DATED: 10/23/03

  
WANDA L. TENNEY-ROBINSON,  
Respondent

10  
11  
12  
13 \* \* \* \*

14 The foregoing Stipulation and Agreement is hereby  
15 adopted as my Decision in this matter and shall become effective  
16 at 12 o'clock noon on December 9, 2003.

17 IT IS SO ORDERED November 18, 2003.

18 PAULA REDDISH ZINNEBANN  
19 Real Estate Commissioner

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SACD  
File

**FILED**  
SEP 12 2003  
DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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|                                    |   |                |
|------------------------------------|---|----------------|
| In the Matter of the Accusation of | ) | No. H-29504 LA |
| GLOBAL FINANCIAL MORTGAGE CORP.    | ) |                |
| and WANDA L. TENNEY-ROBINSON,      | ) | L-2002060669   |
|                                    | ) |                |
| Respondents.                       | ) |                |

NOTICE OF PREHEARING CONFERENCE AND  
MANDATORY SETTLEMENT CONFERENCE

TO: GLOBAL FINANCIAL MORTGAGE CORP. AND  
WANDA L. TENNEY-ROBINSON, RESPONDENTS.

On September 5, 2003, Presiding Administrative Law  
Judge Janis S. Rovner, Office of Administrative Hearings, issued  
the following Order:

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Dated: September 12, 2003

James R. Peel  
JAMES R. PEEL  
Counsel for Complainant

- 2 -

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \* \*

**FILED**  
SEP 12 2003  
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of )

GLOBAL FINANCIAL MORTGAGE )  
CORP. and WANDA L. TENNEY- )  
ROBINSON, )

Respondents. )

Case No. H-29504 LA  
OAH No. L-2002060669

**NOTICE OF CONTINUED 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 **November 25 and 26, 2003**, 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: September 12, 2003.**

cc: Global Financial Mtg. Corp.  
Wanda L. Tenney-Robinson  
Sacto.  
OAH

**DEPARTMENT OF REAL ESTATE**

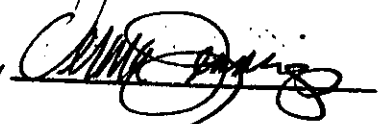
By:

*James R. Peel*  
**JAMES R. PEEL, Counsel**

1 JAMES R. PEEL, Counsel (SBN 47055)  
2 Department of Real Estate  
3 320 West Fourth Street, Suite 350  
4 Los Angeles, CA 90013-1105

5 Telephone: (213) 576-6982  
6 -or- (213) 576-6913 (Direct)

FILED  
JUL - 3 2003  
DEPARTMENT OF REAL ESTATE

By 

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

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|---|----------------------|
| 11 In the Matter of the Accusation of ) | No. H-29504 LA       |
| 12 GLOBAL FINANCIAL MORTGAGE )          | L-2002060669         |
| 13 CORP. and WANDA L. )                 |                      |
| 14 TENNEY-ROBINSON, )                   | <u>FIRST AMENDED</u> |
| 15 Respondents. )                       | <u>ACCUSATION</u>    |

16 The Accusation filed on May 21, 2002, against WANDA L.  
17 TENNEY-ROBINSON is hereby amended as follows:

18 I

19 The Complainant, Maria Suarez, acting in her official  
20 capacity as a Deputy Real Estate Commissioner of the State of  
21 California, makes this Amended Accusation against GLOBAL  
22 FINANCIAL MORTGAGE CORP. and WANDA L. TENNEY-ROBINSON.

23 II

24 GLOBAL FINANCIAL MORTGAGE CORP. (hereinafter  
25 "Respondent GFMC") and WANDA L. TENNEY-ROBINSON (hereinafter  
26 "Respondent TENNEY-ROBINSON") are presently licensed and/or have  
27 license rights under the Real Estate Law (Part 1 of Division 4

of the Business and Professions Code) (hereinafter Code).

III

At all times herein mentioned, Respondent TENNEY-ROBINSON was licensed by the Department of Real Estate of the State of California (hereinafter Department) as a real estate broker effective September 25, 1999; her license will expire on September 24, 2003.

Respondent TENNEY-ROBINSON was licensed as the designated officer of Respondent GFMC for the period of February 21, 2002, through May 27, 2003.

IV

At all times herein mentioned, Respondent GFMC was licensed by the Department as a real estate corporate broker for the period of February 21, 2002, through February 20, 2006. Respondent GFMC has been licensed through designated officer Marco Antonio Bosquet since May 28, 2003.

V

Respondent TENNEY-ROBINSON was hired by Respondent GFMC in or about November 2000 to be its broker of record. Respondent TENNEY-ROBINSON completed, signed and caused paperwork to be submitted to the Department to add her as the broker of record for Respondent GFMC. Respondent TENNEY-ROBINSON was employed and compensated by Respondent GFMC from November 2000 to May 27, 2003 so that Respondent GFMC could obtain a corporate real estate broker license by using her licensing status as a broker to become designated broker-officer for GFMC and to be compensated as a corporate real estate broker for arranging loans. As such,

Respondent GFMC through Respondent TENNEY-ROBINSON at all times herein mentioned acted pursuant to Business and Professions Code ("Code") Section 10131(d) by performing acts for which a corporate real estate broker license was required by GFMC and for which a designated broker officer license was required by TENNEY-ROBINSON.

## VI

Respondent GFMC employed Respondent TENNEY-ROBINSON to be its designated broker-officer and to ensure that Respondent GFMC properly obtained a corporate real estate broker license. Respondent GFMC did not in fact receive a corporate real estate broker license until February 21, 2002.

Respondent TENNEY-ROBINSON negligently failed to do this. Respondent was negligent in not ensuring that the proper paperwork was submitted to the Department and that a corporate real estate broker license was issued to Respondent GFMC prior to it engaging in licensed activities.

Further, Respondent TENNEY-ROBINSON was negligent in allowing unlicensed loan agents to act on behalf of Respondent GFMC, as discussed below.

## VII

### UNLICENSED ACTIVITY

The following loans, secured by real property, were solicited, negotiated and arranged by and on behalf of Respondent GFMC in March, April and June 2001:

1 (a) On or about March 2, 2001, a loan on real property  
2 at 217 East 52<sup>nd</sup> Street, Long Beach, for borrowers Johnny G. and  
3 Cecilia A. Silva by unlicensed loan agent Stacey Kunkel.

4 (b) On or about March 29, 2001, a loan on real  
5 property at 12915 Haas Avenue, Gardena, for borrowers Harold and  
6 Mary Francis Robinson by unlicensed loan agent Deon J. Echols.

7 (c) On or about March 29, 2001, a loan on real  
8 property at 3704-3706 West 105<sup>th</sup> Street, Inglewood, for borrowers  
9 Harold and Mary Francis Robinson by unlicensed loan agent Deon J.  
10 Echols.

11 (d) On or about April 20, 2001, a loan on real  
12 property at 1029 Eclipse Way, West Covina, for borrowers Robert  
13 J. and Carole C. Limon by unlicensed loan agent Omer Raheem.

14 (e) On or about June 27, 2001, a loan on real property  
15 at 15312 Crossdale Avenue, Norwalk, for borrowers Alberto Torres  
16 and Teresa Torres Diaz by unlicensed loan agent Hugo Rico.

17 VIII

18 FAILURE TO SUPERVISE

19 Respondent TENNEY-ROBINSON as the contracted broker-  
20 officer for GFMC was responsible for ensuring that Respondent  
21 GFMC and its agents were properly licensed prior to engaging in  
22 licensed activities. Respondent TENNEY-ROBINSON failed to ensure  
23 that Respondent GFMC and its unlicensed agents were properly  
24 licensed. Respondent TENNEY-ROBINSON knew or should have known  
25 that the above agents were not licensed by the Department.

26 ///

IX

NEGLIGENCE

Respondent TENNEY-ROBINSON was negligent in assisting the unlicensed loan agents in negotiating the loans by permitting her broker I.D. number to be used for the payment of commissions by the escrow company.

Respondent TENNEY-ROBINSON was negligent in not ensuring that Respondent GFMC and its agents were properly licensed prior to engaging in licensed activities.

X

The conduct, acts and/or omissions of Respondent TENNEY-ROBINSON, as alleged above, subjects her real estate licenses and license rights to disciplinary action under Section 10177(g) and/or Section 10177(h) of the Code.

XI

The conduct, acts and/or omissions of Respondent GFMC, as alleged above, was in violation of Section 10130 of the Code and subjects its real estate license and license rights to suspension or revocation under Sections 10177(d) and 10177(f) 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 all licenses and license rights of Respondents GLOBAL FINANCIAL MORTGAGE CORP. and WANDA L. TENNEY-ROBINSON 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 3rd day of July, 2003.

  
MARIA SUAREZ  
Deputy Real Estate Commissioner

cc: Wanda L. Tenney-Robinson  
Global Financial Mtg. Corp.  
Maria Suarez  
Sacto  
OAH  
RLJ

FILED

JUL 03 2003

DEPARTMENT OF REAL ESTATE

By Jean Auroth

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

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|                                      |                |
|--------------------------------------|----------------|
| In the Matter of the Accusation of ) |                |
| WANDA L. TENNEY-ROBINSON, )          | No. H-29504 LA |
| Respondent. )                        | L-2002060669   |

ORDER REMANDING CASE TO ADMINISTRATIVE LAW JUDGE  
TO TAKE ADDITIONAL EVIDENCE AS SET FORTH HEREIN

TO: WANDA L. TENNEY-ROBINSON, Respondent:

The Proposed Decision dated January 10, 2003, of Administrative Law Judge David B. Rosenman was not adopted as the Decision of the Real Estate Commissioner. Notice of the Commissioner's rejection of the Proposed Decision was filed and served on the parties on February 21, 2003. Subsequent thereto, on July 3, 2003, the Commissioner filed a First Amended Accusation herein.

IT IS HEREBY ORDERED, in accordance with Section 11517(c) of the Government Code, that this case be referred back to David B. Rosenman, Administrative Law Judge of the Office of

1 Administrative Hearings if reasonably available, otherwise to  
2 another administrative law judge to take additional evidence on  
3 the Amended Accusation filed on July 3, 2003. Respondent shall  
4 be given such time as needed to prepare a defense to the First  
5 Amended Accusation.

6 DATED: July 3, 2003.

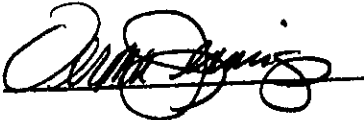
7  
8 PAULA REDDISH ZINNEBANN  
Real Estate Commissioner  
9 By Robin T. Wilson, CLERK (COUNCIL)

10 Robin S. Wilson  
11

12 cc: Wanda L. Tenney-Robinson  
13 Maria Suarez  
14 Sacto.  
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FILED  
FEB 21 2003  
DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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|                                    |   |                |
|------------------------------------|---|----------------|
| In the Matter of the Accusation of | ) | No. H-29504 LA |
| WANDA L. TENNEY-ROBINSON,          | ) |                |
|                                    | ) | L-2002060669   |
| Respondent.                        | ) |                |

NOTICE

TO: WANDA L. TENNEY-ROBINSON, Respondent.

YOU ARE HEREBY NOTIFIED that the Proposed Decision herein dated January 10, 2003, of the Administrative Law Judge is not adopted as the Decision of the Real Estate Commissioner. A copy of the Proposed Decision dated January 10, 2003, is attached for your information.

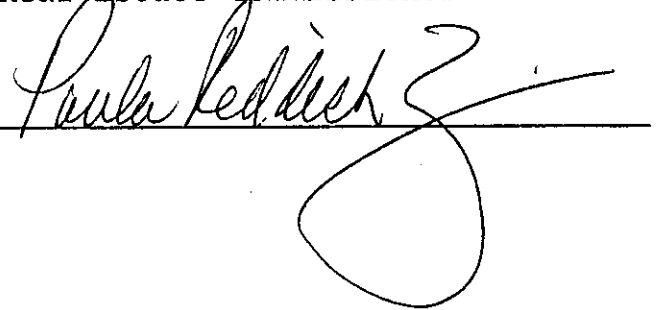
In accordance with Section 11517(c) of the Government Code of the State of California, the disposition of this case will be determined by me after consideration of the record herein including the transcript of the proceedings held on January 8, 2003, and any written argument hereafter submitted on behalf of Respondent and Complainant.

1           Written argument of Respondent to be considered by me  
2 must be submitted within 15 days after receipt of the transcript  
3 of the proceedings of January 8, 2003, at the Los Angeles office  
4 of the Department of Real Estate unless an extension of the time  
5 is granted for good cause shown.

6           Written argument of Complainant to be considered by me  
7 must be submitted within 15 days after receipt of the argument of  
8 Respondent at the Los Angeles office of the Department of Real  
9 Estate unless an extension of the time is granted for good cause  
10 shown.

11           DATED: February 11, 2003

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13           PAULA REDDISH ZINNEMANN  
14           Real Estate Commissioner

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BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

WANDA L. TENNEY-ROBINSON,

Respondent.

DRE Case No. H-29504 LA

OAH No. L2002060669

**PROPOSED DECISION**

This matter came on regularly for hearing before David B. Rosenman, Administrative Law Judge, Office of Administrative Hearings, State of California, at Los Angeles, California on January 8, 2003. Complainant Maria Suarez and the Department of Real Estate ("DRE") were represented by James Peel, Staff Counsel. Respondent Wanda L. Tenney-Robinson was present and represented herself.

Documentary and oral evidence was received and the matter was submitted.

**FACTUAL FINDINGS**

The Administrative Law Judge finds the following facts:

1. The Accusation was made by Maria Suarez, a Deputy Real Estate Commissioner, in her official capacity.

2. Respondent was originally issued a license as a real estate salesperson by DRE on January 4, 1991. The salesperson license terminated as of the issuance of her broker's license on September 25, 1999. The present license expires September 23, 2003, unless renewed.

3. In the present Accusation, Complainant and the DRE seek discipline against Respondent's license based upon certain activities related to soliciting borrowers and lenders and negotiating loans on real property. It is alleged that these activities violate sections of the Business and Professions Code<sup>1</sup> and the California Code of Regulations. Although Complainant and the DRE proved that many of the alleged acts occurred, it was not established that Respondent was responsible for those acts or violated any laws.

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<sup>1</sup> All statutory references are to the Business and Professions Code.

4. Respondent was hired by Global Financial Mortgage Corp. (GFMC) in December 2000. GFMC arranged for the five loans alleged in the Accusation in March, April and June, 2001. The DRE did not submit evidence of whether GFMC held any licenses during those times. Respondent testified that she filled out some paperwork for GFMC to send to the DRE, however it was not clear exactly what paperwork was involved.

Although Respondent was later listed as a licensed officer for GFMC, this first occurred as of February 21, 2002, long after the events at issue in the Accusation.

5. The following loans, secured by real property, were solicited and negotiated on behalf of GFMC:

a. GFMC employee Stacey Kunkel arranged a loan for borrowers Johnny and Cecilia Silva on March 2, 2001 on the property at 217 E. 52nd Street, Long Beach.

b. GFMC employee Deon J. Echols arranged a loan for borrowers Harold and Mary Robinson on March 29, 2001 on the property at 12915 Haas Ave., Gardena.

c. GFMC employee Deon J. Echols arranged a loan for borrowers Harold and Mary Robinson on March 29, 2001 on the property at 3704-3706 W. 105th St., Inglewood.

d. GFMC employee Omer Raheem arranged a loan for borrowers Robert and Carole Limon on April 20, 2001 on the property at 1029 Eclipse Way, West Covina.

e. GFMC employee Hugo Rico arranged a loan for borrowers Alberto and Teresa Torres on June 27, 2001 on the property at 15312 Crossdale Ave., Norwalk.

6. Respondent was employed by GFMC during this time so that GFMC could use her licensing status as a broker and be compensated for arranging the loans. None of the employees listed in Finding 5 had a license from the DRE at the times indicated.

7. None of the borrowers ever met or had any dealings with Respondent. Respondent did not supervise the GFMC employees who acted as loan agents, nor did she review any loan documents or transactions of GFMC employees.

8. Respondent testified she was to be paid \$300 for each loan transaction that closed while she was employed by GFMC, and that she received payment directly from the escrow company. There was no evidence that Respondent received payment for the specific loans in Finding 5.

9. Respondent did not process any loans herself through GFMC. She would go to the office once or twice a week for a few hours and spend her time speaking to a company manager. She had no written employment agreement with GFMC, and could testify to no specific duties or responsibilities other than being their "broker of record."

10. Under the circumstances herein, Respondent did not employ or compensate the GFMC employees who arranged the loans in Finding 5.

11. All of the loans in Finding 5 were arranged through the GFMC location at 527 E. Rowland St., Suite 214, West Covina. Respondent had a branch license issued at that location from January 22, 2001 to December 20, 2001.

12. The loan documents for the loans in Finding 5 mention the following companies as receiving compensation for arranging the loan:<sup>2</sup> Global Financial Mortgage; Global Financial Mtg Corp; Global Financial Mtg; or Magnolia Financial Servs.

13. As of December 6, 1999, Respondent's license had added to it a designation that she was "doing business as" Magnolia Financial Services.

### CONCLUSIONS OF LAW AND DISCUSSION

Pursuant to the foregoing factual findings, the Administrative Law Judge makes the following legal conclusions:

1. In these proceedings, the burden of proof on the DRE is to establish the grounds for discipline by clear and convincing evidence to a reasonable certainty. This is a higher standard than a preponderance of the evidence. *See, Small v. Smith* (1971) 16 Cal.App.3d 350; *Realty Projects, Inc. v. Smith* (1973) 32 Cal.App.3d 204.

2. Grounds do not exist to suspend or revoke Respondent's broker's license pursuant to Code sections 10131(d), 10137, 10176(i), 10177(d), or 10177(g), for employing or compensating unlicensed individuals to solicit and negotiate loans on real property, as set forth in Findings 3, 4, 5, 6, 7, 8, 9 and 10. Respondent never employed or compensated the loan agents.

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<sup>2</sup> Sometimes, the loan closing statement refers to "Global" or "Global Financial," and a more complete name is found in the loan application.



3. Grounds do not exist to suspend or revoke Respondent's broker's license pursuant to Code section 10177(g) and Title 10, California Code of Regulations section 2731, for improper use of a fictitious business name, as set forth in Findings 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13. Respondent played no part in arranging these loans or supervising the loan agents who did, and there was no proof she was paid anything relating to these loans.

4. In closing argument, Complainant and the DRE argued that Respondent violated Code section 10177(g) by being negligent in not finding out if any of the loan agents were licensed, or if their salespersons' licenses were under her broker's license. It is true that Respondent stated that she assumed all of the agents were properly licensed and she did nothing to verify this. However, there is no allegation in the Accusation of negligence for this behavior. The concepts of due process and fair notice require a party to be notified of the charges against her. Government Code section 11503 sets forth the clear obligation of an agency to set forth, in "ordinary and concise language," the acts or omissions with which a respondent is charged and the statutes allegedly violated. There is no support in the Accusation for the argument made at the hearing.

5. It may be true that Respondent did not discharge her duties as a broker to, among other things: hold the licenses of the salespersons under her, as required under Code section 10160; check for a written contract with the loan agents, as is required under Title 10, California Code of Regulations section 2726; compensate the salespersons under her, as required under Code section 10137; be an officer of the corporation for which she is acting as a broker, as required under Code section 10211, and act only for the corporation, under Code section 10159; and properly supervise salespeople for whom her license is being used, under Code section 10159.2. However, Respondent was charged with none of these acts in the Accusation, and no Findings of Fact or Conclusions of Law can support an order imposing discipline against her license in this proceeding.

6. For the reasons stated above, Respondent has not been proven to be responsible for the acts alleged in the Accusation such that any order can issue imposing discipline against her license.

#### ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

The Accusation against Respondent Wanda L. Tenney-Robinson is dismissed.

DATED: January 10, 2003.

*David Roseman*  
DAVID B. ROSENMAN  
Administrative Law Judge  
Office of Administrative Hearings

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\*\*\*\*\*

FILED  
JUL 22 2002  
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation

) Case No. H-29504 LA  
) OAH No. L- 2002060669

WANDA L. TENNEY-ROBINSON,

Respondent(s).

James R. Peel

**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 the Office of Administrative Hearings, 320 West Fourth Street, 6th Floor, Suite 630, Los Angeles, California, on JANUARY 8, 2003, 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 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: July 22, 2002

DEPARTMENT OF REAL ESTATE

By:

James R. Peel  
JAMES R. PEEL, Counsel

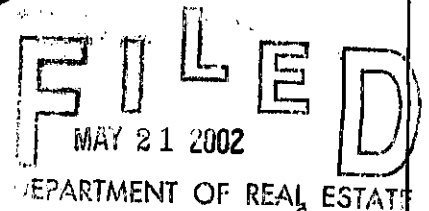
cc: Wanda L. Tenney-Robinson  
Sacto.  
OAH

RE 501 (Rev. 8/97)

JRP:lbo

1 JAMES R. PEEL, Counsel (SBN 47055)  
2 Department of Real Estate  
3 320 West Fourth Street, Suite 350  
4 Los Angeles, CA 90013-1105

5 Telephone: (213) 576-6982  
6 -or- (213) 576-6913 (Direct)  
7



*Paula B. Cruz*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )

No. H-29504 LA

12 WANDA L. TENNEY-ROBINSON )

A C C U S A T I O N

13 )  
14 Respondent. )  
15

16 The Complainant, Maria Suarez, a Deputy Real Estate  
17 Commissioner of the State of California, for cause of Accusation  
18 against WANDA L. TENNEY-ROBINSON, alleges as follows:

19 I

20 The Complainant, Maria Suarez, acting in her official  
21 capacity as a Deputy Real Estate Commissioner of the State of  
22 California, makes this Accusation against WANDA L.  
23 TENNEY-ROBINSON doing business as Global Financial Mortgage,  
24 Global Financial Services, Global Financial Mortgage Corp., and  
25 Magnolia Financial Services.

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1 II

2 WANDA L. TENNEY-ROBINSON (hereinafter referred to as  
3 "Respondent") is presently licensed and/or has license rights  
4 under the Real Estate Law (Part 1 of Division 4 of the Business  
5 and Professions Code) (hereinafter Code).

6 III

7 At all times herein mentioned, respondent WANDA L.  
8 TENNEY-ROBINSON, was licensed by the Department of Real Estate of  
9 the State of California (hereinafter Department) as a real estate  
10 broker.

11 IV

12 At all times herein mentioned, respondent WANDA L.  
13 TENNEY-ROBINSON, on behalf of others in expectation of  
14 compensation, engaged in the business, acted in the capacity of,  
15 advertised or assumed to act as a real estate broker in the State  
16 of California within the meaning of Section 10131(d) of the Code,  
17 including soliciting borrowers and lenders and negotiating loans  
18 on real property.

19 V

20 Respondent WANDA L. TENNEY-ROBINSON violated Section  
21 10137 of the Code by employing or compensating individuals who  
22 were not licensed as a real estate salesperson or broker, to  
23 solicit and negotiate loans on real property, as set forth below.  
24 These activities require a real estate license under Section  
25 10131(d) of the Code.

26 //

27 //

1 a. Employed Stacey Kunkel, on or about March 2, 2001 to  
2 solicit and negotiate a loan on 217 F. 52<sup>nd</sup> Street, Long Beach,  
3 for borrowers Johnny G. and Cecilia A. Silva.

4 b. Employed Deon J. Echols, on or about March 29,  
5 2001, to solicit and negotiate a loan on 12915 Haas Ave.,  
6 Gardena, for borrowers Harold and Mary Francis Robinson.

7 c. Employed Deon J. Echols, on or about March 29, 2001  
8 to solicit and negotiate a loan on 3704-3706 W. 105th Street,  
9 Inglewood, for borrowers Harold and Mary Francis Robinson.

10 d. Employed Omer Raheem, on or about April 20, 2001,  
11 to solicit and negotiate a loan on 1029 Eclipse Way, West Covina,  
12 for borrowers Robert J. and Carole C. Limon.

13 e. Employed Hugo Rico, on or about June 27, 2001, to  
14 solicit and negotiate a loan on 15312 Crossdale Ave., Norwalk,  
15 for borrowers Alberto Torres and Teresa Torres Diaz.

16 VI

17 Respondent knew or should have known that the above  
18 persons were not licensed by the Department.

19 VII

20 During the course of the transactions referred to  
21 above, Respondent used the unlicensed fictitious names Global  
22 Financial Mortgage, Global Financial Services, Global Financial  
23 Mortgage Corp., and Magnolia Financial Services.

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VIII

In connection with Respondent's activities as described above, Respondent acted in violation of the Code and Regulations, Title 10, Chapter 6, California Code of Regulations as follows:

1. Violated Section 10137 of the Code, by engaging in the activities described in Paragraph V above. Said conduct, acts and/or omissions are cause to discipline Respondent's license pursuant to Code Sections 10137, 10177(d), 10177(g) and 10176(i).

2. Violated Regulation 2731 by engaging in the activities described in Paragraph VII above. Said conduct, acts and/or omissions are cause to discipline Respondent's license pursuant to Code Section 10177(g).

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1 WHEREFORE, Complainant prays that a hearing be  
2 conducted on the allegations of this Accusation and that upon  
3 proof thereof, a decision be rendered imposing disciplinary  
4 action against all licenses and license rights of respondent  
5 WANDA L. TENNEY-ROBINSON under the Real Estate Law (Part 1 of  
6 Division 4 of the Business and Professions Code) and for such  
7 other and further relief as may be proper under other applicable  
8 provisions of law.

9 Dated at Los Angeles, California  
10 this 19th day of May, 2002.

11  
12   
13 MARIA SUAREZ  
14 Deputy Real Estate Commissioner  
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17  
18  
19  
20  
21  
22  
23

24 cc: Wanda L. Tenney-Robinson  
25 Maria Suarez  
26 Sacto  
27 RLJ

lbo