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**FILED**  
SEP 22 2005

DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\*\*\*

|                                      |                |
|--------------------------------------|----------------|
| In the Matter of the Accusation of ) |                |
| PETER FRANCIS MACERA, JR., )         | No. H-29527 LA |
| Respondent. )                        |                |

ORDER GRANTING REINSTATEMENT OF LICENSE

On September 19, 2002, 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 broker license. A restricted real estate broker license was issued to Respondent on October 28, 2002.

On December 2, 2004, Respondent petitioned for reinstatement of said real estate broker license, and the Attorney General of the State of California has been given notice of the filing of said petition.

///

///

1 I have considered the petition of Respondent and the  
2 evidence and arguments in support thereof including Respondent's  
3 record as a restricted licensee. Respondent has demonstrated to  
4 my satisfaction that Respondent meets the requirements of law  
5 for the issuance to Respondent of an unrestricted real estate  
6 broker license and that it would not be against the public  
7 interest to issue said license to Respondent.

8 NOW, THEREFORE, IT IS ORDERED that Respondent's  
9 petition for reinstatement is granted and that a real estate  
10 broker license be issued to Respondent if Respondent satisfies  
11 the following conditions prior to and as a condition of issuance  
12 of the license within nine months from the date of this Order:

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

15 2. Submittal of evidence of having, since the most  
16 recent issuance of an original or renewal real estate license,  
17 taken and successfully completed the continuing education  
18 requirements of Article 2.5 of Chapter 3 of the Real Estate  
19 Law for renewal of a real estate license.

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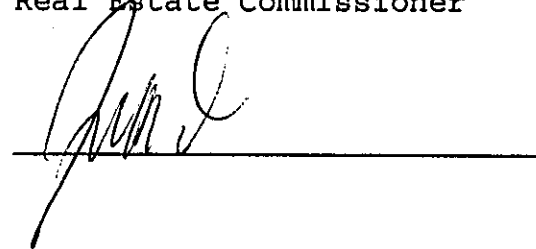
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3. Submittal of proof satisfactory to the Commissioner  
of having taken and completed the trust fund accounting and  
handling course specified in paragraph (3), subdivision (a) of  
Section 10170.5 of the Business and Professions Code.

This Order shall be effective immediately.

DATED: 01-14, 2005

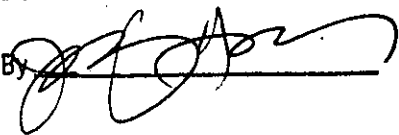
JEFF DAVI  
Real Estate Commissioner



cc: Peter F. Mecera, Jr.  
9214 SVL Box  
Victorville, CA 92392

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**FILED**  
DEC 5 2003  
DEPARTMENT OF REAL ESTATE  
By 

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of )  
CHRISTIN BELL, ) No. H -29527 LA  
Respondent. )

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE SALESPERSON LICENSE

On June 4, 2002, the Accusation was filed in this matter against Respondent CHRISTIN BELL.

On November 11, 2003, Respondent BELL, petitioned the Commissioner to voluntarily surrender her real estate salesperson license pursuant to Section 10100.2 of the Business and Professions Code.

IT IS HEREBY ORDERED that Respondent BELL'S, petition for voluntary surrender of her real estate salesperson 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 dated November 11, 2003 (attached as

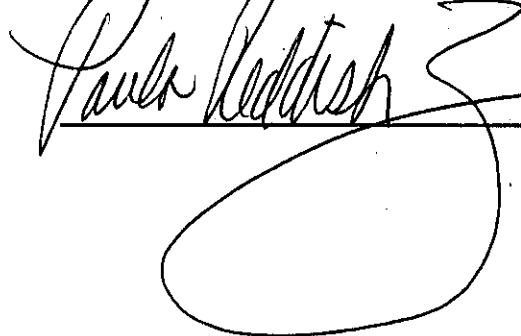
1 Exhibit "A" hereto). Respondent's license certificate(s), pocket  
2 card(s) and any branch office license certificate shall be sent  
3 to the below listed address so that they reach the Department on  
4 or before the effective date of this Order:

5 Department of Real Estate  
6 Atten: Licensing Flag Section  
7 P.O. Box 187000  
8 Sacramento, CA 95818-7000

9 This Order shall become effective immediately.

10 DATED: December 3, 2003

11  
12 PAULA REDDISH ZINNE MANN  
13 Real Estate Commissioner

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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

|                                    |   |                |
|------------------------------------|---|----------------|
| In the Matter of the Accusation of | ) | No. H-29527 LA |
| CHRISTIN BELL                      | ) |                |
|                                    | ) |                |
|                                    | ) |                |
|                                    | ) |                |
| Respondent.                        | ) |                |

---

DECLARATION

My name is CHRISTIN BELL and that I am currently licensed as a real estate salesperson and/or have license rights with respect to said license. I am represented in this matter by Paul Gerargos, Attorney at Law.

In lieu of proceeding in this matter in accordance with the provisions of the Administrative Procedures 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.

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

6 The filing of this Declaration shall be deemed as my  
7 petition for voluntary surrender. It shall also be deemed to be  
8 an understanding and agreement by me that, I waive all rights I  
9 have to require the Commissioner to prove the allegations  
10 contained in the Accusation filed in this matter at a hearing  
11 held in accordance with the provisions of the Administrative  
12 Procedures Act (Government Code Sections 11400 et seq.), and that  
13 I also waive other rights afforded to me in connection with the  
14 hearing such as the right to discovery, the right to present  
15 evidence in defense of the allegations in the Accusation and the  
16 right to cross examine witnesses. I further agree that upon  
17 acceptance by the Commissioner, as evidenced by an appropriate  
18 order, all affidavits and all relevant evidence obtained by the  
19 Department in this matter prior to the Commissioner's acceptance,  
20 and all allegations contained in the Accusation filed in the  
21 Department Case No. H-29527 LA, may be considered by the  
22 Department to be true and correct for the purpose of deciding  
23 whether or not to grant reinstatement of my license pursuant to  
24 Government Code Section 11522.

25 I declare under penalty of perjury under the laws of  
26 the State of California that the above is true and correct and

27 ////

1 that I freely and voluntarily surrender my license and all  
2 license rights attached thereto.

3 11-11-03.

*Christin Bell*

4 Date and Place

CHRISTIN BELL

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1 ELLIOTT MAC LENNAN, Counsel (SBN 66674)  
2 Department of Real Estate  
3 320 W. 4<sup>TH</sup> Street, Suite 350  
4 Los Angeles, CA 90013-1105

5 Telephone: (213) 576-6982 (Office)  
6 -or- (213) 576-6911 (Direct)

FILED  
SEP 27 2002  
DEPARTMENT OF REAL ESTATE

By K. Huderholt

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

|                                       |   |                      |
|---------------------------------------|---|----------------------|
| 11 In the Matter of the Accusation of | ) | No. H-29527 LA       |
|                                       | ) |                      |
| 12 PETER FRANCIS MACERA, JR., doing   | ) | <u>STIPULATION</u>   |
| 13 business as Accurate Financial     | ) |                      |
| 14 Service, Interstate Realty, and    | ) | <u>AND AGREEMENT</u> |
| 15 Supreme Mortgage Company; and      | ) |                      |
| CHRISTIN BELL,                        | ) |                      |
|                                       | ) |                      |
| 16 Respondents.                       | ) |                      |

17 It is hereby stipulated by and between Respondent  
18 PETER FRANCIS MACERA, JR. (sometimes referred to herein as  
19 "Respondent") represented by James D. Kleeger, Attorney At Law,  
20 and the Complainant, acting by and through Elliott Mac Lennan,  
21 Counsel for the Department of Real Estate, as follows for the  
22 purpose of settling and disposing of the Accusation filed on June  
23 4, 2002, in this matter.

24 1. All issues which were to be contested and all  
25 evidence which was to be presented by Complainant and Respondent  
26 at a formal hearing on the Accusation, which hearing was to be  
27

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

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

9 3. Respondent filed a Notice of Defense pursuant to  
10 Section 11506 of the Government Code for the purpose of  
11 requesting a hearing on the allegations in the Accusation.  
12 Respondent hereby freely and voluntarily withdraws said Notice of  
13 Defense. Respondent acknowledges that he understands that by  
14 withdrawing said Notice of Defense, he will thereby waive his  
15 right to 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.

22 4. This Stipulation and Agreement is based on the  
23 factual allegations contained in the Accusation filed in this  
24 proceeding. In the interest of expedience and economy,  
25 Respondent chooses not to contest these factual allegations, but  
26 to remain silent and understands that, as a result thereof, these  
27

1 factual statements, without being admitted or denied, will serve  
2 as a prima facie basis for the disciplinary action stipulated to  
3 herein. This Stipulation and Respondent's decision not to  
4 contest the Accusation are hereby expressly limited to this  
5 proceeding and made for the sole purpose of reaching an agreed  
6 disposition of this proceeding. Respondent's decision not to  
7 contest the factual allegations is made solely for the purpose of  
8 effectuating this Stipulation and is intended by Respondent to be  
9 non-binding upon Respondent in any actions against Respondent by  
10 third parties. The Real Estate Commissioner shall not be  
11 required to provide further evidence to prove such allegations.

12           5. This Stipulation and any Order made pursuant to  
13 this Stipulation shall have no collateral estoppel or res  
14 judicata effect in any proceedings in which the Respondent and  
15 the Department (or the Department's representative) are not  
16 parties. This Stipulation is made by Respondent and received  
17 by the Commissioner and the Department, with the express  
18 understanding and agreement that it is for the purpose of  
19 settling these proceedings only, and that this Stipulation is  
20 not intended as, and shall not be deemed, used, or accepted as  
21 an acknowledgment or admission of fact in any other judicial,  
22 administrative, or other proceeding to which the Department is  
23 not a party.

24  
25           6. It is understood by the parties that the Real  
26 Estate Commissioner may adopt the Stipulation as her decision  
27

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

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

15           8. Respondent understands that by agreeing to this  
16 Stipulation, Respondent agrees to pay, pursuant to Business and  
17 Professions Code Section 10148, the cost of the audit which led  
18 to this disciplinary action. The amount of said cost is  
19 \$3,677.01.  
20

21           9. Respondent has received, read, and understands the  
22 "Notice Concerning Costs of Subsequent Audit". Respondent  
23 further understands that by agreeing to this Stipulation, the  
24 findings set forth below in the Determination of Issues become  
25 final, and the Commissioner may charge Respondent for the cost of  
26 any subsequent audit conducted pursuant to Business and  
27

1 Professions Code Section 10148 to determine if the violations  
2 have been corrected. The maximum cost of the subsequent audit  
3 will not exceed \$3,677.01.

4 DETERMINATION OF ISSUES

5 By reason of the foregoing stipulations and waivers and  
6 solely for the purpose of settlement of the pending Accusation  
7 without a hearing, it is stipulated and agreed that the following  
8 determination of issues shall be made:

9 The conduct, acts and/or omissions of Respondent  
10 PETER FRANCIS MACERA, JR., as set forth in the Paragraph 4,  
11 constitutes cause to suspend or revoke the real estate broker  
12 license and license rights of Respondent under the provisions of  
13 Code Section 10177(d) of the Business and Professions Code for  
14 violation of Section 10145 of said Code and Sections 2725 and  
15 2832.1 of Title 10, Chapter 6, California Code of Regulations.

16 ORDER

17 WHEREFORE, THE FOLLOWING ORDER is hereby made:

18 I.

19  
20 The real estate broker license and licensing rights of  
21 Respondent PETER FRANCIS MACERA, JR., under the Real Estate Law  
22 are revoked; provided, however, a restricted real estate broker  
23 license shall be issued to Respondent PETER FRANCIS MACERA, JR.,  
24 pursuant to Section 10156.5 of the Business and Professions Code,  
25 if Respondent:  
26  
27

1                   (A) makes application thereof and pays to the  
2 Department of Real Estate the appropriate fee for the restricted  
3 license within ninety (90) days from the effective date of this  
4 Decision; and

5                   (B) Respondent shall, prior to and as a condition of  
6 the issuance of said restricted license, submit proof  
7 satisfactory to the Commissioner of having taken and completed at  
8 an accredited institution the continuing education course on  
9 trust fund accounting and handling specified on paragraph (3) of  
10 subdivision (a) of Section 10170.5 of the Business and  
11 Professions Code. Said course must have been completed within  
12 120 days prior to the effective date of the order herein.

13                   (C) Prior to the issuance of any restricted license,  
14 Respondent shall first provide evidence satisfactory to the  
15 Commissioner that the trust fund deficit set forth in the  
16 Accusation and in Audit Report LA 000010, in the amount of  
17 \$10,285.21, as of May 31, 2000, has been cured, including the  
18 identification of the source of funds used to cure the deficit.  
19 The restricted license issued to Respondent shall be subject to  
20 all of the provisions of Section 10156.7 of the Code and the  
21 following limitations, conditions and restrictions imposed under  
22 authority of Section 10156.6 of that Code:

23                   1. The restricted license issued to Respondent may be  
24 suspended prior to hearing by Order of the Real Estate  
25 Commissioner in the event of Respondent's conviction or plea of  
26  
27

1 nolo contendere to a crime which is substantially related to  
2 Respondent's fitness or capacity as a real estate licensee.

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

9 3. Respondent shall not be eligible to apply for the  
10 issuance of an unrestricted real estate license nor for the  
11 removal of any of the conditions, limitations or restrictions of  
12 a restricted license until two (2) years have elapsed from the  
13 effective date of this Decision.

14 4. Respondent shall, within nine (9) months from the  
15 effective date of this Decision, present evidence satisfactory to  
16 the Real Estate Commissioner that Respondent has, since the most  
17 recent issuance of an original or renewal real estate license,  
18 taken and successfully completed the continuing education  
19 requirements of Article 2.5 of Chapter 3 of the Real Estate Law  
20 for renewal of a real estate license. If Respondent fails to  
21 satisfy this condition, the Commissioner may order the suspension  
22 of the restricted license until the Respondent presents such  
23 evidence. The Commissioner shall afford Respondent the  
24 opportunity for a hearing pursuant to the Administrative  
25 Procedure Act to present such evidence.  
26  
27

1                   5. Respondent shall within six (6) months from the  
2 effective date of the restricted license, take and pass the  
3 Professional Responsibility Examination administered by the  
4 Department including the payment of the appropriate examination  
5 fee. If Respondent fails to satisfy this condition, the  
6 Commissioner may order suspension of the restricted license  
7 until Respondent passes the examination.

8                   6. Pursuant to Section 10148 of the Business and  
9 Professions Code, Respondent shall pay the Commissioner's  
10 reasonable cost for: (a) the audit which led to this  
11 disciplinary action and (b) a subsequent audit to determine if  
12 Respondent is now in compliance with the Real Estate Law. The  
13 cost of the audit which led to this disciplinary action is  
14 \$3,677.01. In calculating the amount of the Commissioner's  
15 reasonable cost, the Commissioner may use the estimated average  
16 hourly salary for all persons performing audits of real estate  
17 brokers, and shall include an allocation for travel time to and  
18 from the auditor's place of work. Said amount for the prior and  
19 subsequent audits shall not exceed \$7,354.02.

20                   Respondent shall pay such cost within 60 days of  
21 receiving an invoice from the Commissioner detailing the  
22 activities performed during the audit and the amount of time  
23 spent performing those activities.

24                   The Commissioner may suspend the license of a  
25 Respondent pending a hearing held in accordance with Section  
26  
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1 11500, et seq., of the Government Code, if payment is not timely  
2 made as provided for herein, or as provided for in a subsequent  
3 agreement between the Respondent and the Commissioner. The  
4 suspension shall remain in effect until payment is made in full  
5 or until a Respondent enters into an agreement satisfactory to  
6 the Commissioner to provide for payment, or until a decision  
7 providing otherwise is adopted following a hearing held pursuant  
8 to this condition.

9  
10 DATED: 9-12-02

Elliot Mac Lennan  
11 ELLIOTT MAC LENNAN, Counsel for  
the Department of Real Estate

12 \* \* \*

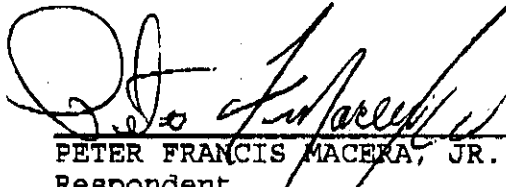
13 EXECUTION OF THE STIPULATION


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

24 FACSIMILE TRANSMISSION

25  
26 Respondent can signify acceptance and approval of the  
27 terms and conditions of this Stipulation and Agreement by faxing

1 a copy of its signature page, as actually signed by Respondent,  
 2 to the Department at the following telephone/fax number: (213)  
 3 576-6917, Attention: Elliott Mac Lennan. Respondent agrees,  
 4 acknowledges and understands that by electronically sending to  
 5 the Department a fax copy of Respondent's actual signature as it  
 6 appears on the Stipulation and Agreement, that receipt of the  
 7 faxed copy by the Department shall be as binding on Respondent as  
 8 if the Department had received the original signed Stipulation  
 9 and Agreement.

10  
 11 DATED: August 23-2002   
 12 PETER FRANCIS MACERA, JR.,  
 Respondent

13 APPROVED AS TO FORM & CONTENT:  
 14 DATED: August 26, 2002   
 15 JAMES D. KLEEGER, Attorney for  
 Respondent

\* \* \*

17 The foregoing Stipulation and Agreement is hereby  
 18 adopted as my Decision as to Respondent PETER FRANCIS MACERA,  
 19 JR., and shall become effective at 12 o'clock noon  
 20 on \_\_\_\_\_

21 IT IS SO ORDERED \_\_\_\_\_

22  
 23 PAULA REDDISH ZINNEMANN  
 24 Real Estate Commissioner  
 25  
 26 \_\_\_\_\_  
 27

1 a copy of its signature page, as actually signed by Respondent,  
2 to the Department at the following telephone/fax number: (213)  
3 576-6917, Attention: Elliott Mac Lennan. Respondent agrees,  
4 acknowledges and understands that by electronically sending to  
5 the Department a fax copy of Respondent's actual signature as it  
6 appears on the Stipulation and Agreement, that receipt of the  
7 faxed copy by the Department shall be as binding on Respondent as  
8 if the Department had received the original signed Stipulation  
9 and Agreement.

10  
11 DATED: \_\_\_\_\_

\_\_\_\_\_  
12 PETER FRANCIS MACERA, JR.,  
Respondent

13  
14 DATED: \_\_\_\_\_

\_\_\_\_\_  
15 JAMES D. KLEEGER, Attorney for  
Respondent

16 \* \* \*

17 The foregoing Stipulation and Agreement is hereby  
18 adopted as my Decision as to Respondent PETER FRANCIS MACERA,  
19 JR., and shall become effective at 12 o'clock noon  
20 on October 28, 2002.

21 IT IS SO ORDERED

*September 19, 2002*

22  
23 PAULA REDDISH ZINNEMANN  
24 Real Estate Commissioner

25 *Paula Reddish Zinnemann*  
26  
27

*Sacto*  
*AK*

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

**FILED**  
JUL 30 2002  
DEPARTMENT OF REAL ESTATE

*In the Matter of the Accusation of*

PETER F. MACERA, et al.,

By *[Signature]*

Case No. H-29527 LA

OAH No. L-2002070267

}

*Respondent*

**NOTICE OF HEARING ON ACCUSATION**

**To the above named respondent:**

You are hereby notified that a hearing will be held before the Department of Real Estate at Office of Administrative Hearings, 320 West Fourth Street, Ste. 630, Los Angeles, CA on October 10 2002, at the hour of 9:00 a.m., or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: July 30, 2002

By *[Signature]*  
ELLIOTT MAC LENNAN, Counsel

cc: Peter F. Macera/James D. Kleegeer, Esq.  
Sacto/OAH/AK

*Handwritten notes:*  
10/20  
2/20

**FILED**  
JUN - 4 2002  
DEPARTMENT OF REAL ESTATE

1 ELLIOTT MAC LENNAN, SBN 66674  
Department of Real Estate  
2 320 West 4th Street, Ste. 350  
Los Angeles, California 90013-1105  
3  
4 Telephone: (213) 576-6911 (direct)  
-or- (213) 576-6982 (office)

By K. J. Frederholt

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of ) No. H-29527 LA  
12 PETER FRANCIS MACERA, JR., doing ) ACCUSATION  
business as Accurate Financial )  
13 Service, Interstate Realty, and )  
Supreme Mortgage Company; and )  
14 CHRISTIN BELL, )  
15 Respondents. )

16 The Complainant, Maria Suarez, a Deputy Real Estate  
17 Commissioner of the State of California, acting in her official  
18 capacity, for cause of accusation against PETER FRANCIS MACERA  
19 JR., doing business as Accurate Financial Service, Interstate  
20 Realty, and Supreme Mortgage Company; and CHRISTIN BELL, is  
21 informed and alleges as follows:

22 1.

23 PETER FRANCIS MACERA JR. (MACERA) and CHRISTIN BELL  
24 (BELL), sometimes referred to as Respondents, are presently  
25 licensed and/or have license rights under the Real Estate Law  
26 (Part 1 of Division 4 of the California Business and Professions  
27

1 Code) .

2 2.

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

6 3.

7 At all times mentioned, MACERA was licensed or had  
8 license rights issued by the Department of Real Estate  
9 (Department) as a real estate broker. MACERA was originally  
10 licensed as a real estate broker on December 9, 1983.

11 4.

12 At all times mentioned, BELL was licensed or had  
13 license rights issued by the Department of Real Estate  
14 (Department) as a real estate salesperson. BELL was originally  
15 licensed as a real estate salesperson on June 2, 1995. During  
16 the audit period set forth below, BELL was licensed under MACERA.  
17 BELL is the owner of Supreme Mortgage Company.

18 5.

19 At all times mentioned, in the City of San Dimas,  
20 County of Los Angeles, State of California, MACERA acted as real  
21 estate broker within the meaning of Section 10131(d) of the Code  
22 in that he operated as a mortgage and loan broker dba Accurate  
23 Financial Service, Interstate Realty, and Supreme Mortgage  
24 Company, including soliciting borrowers and lenders and  
25 negotiating and servicing loans secured directly or collaterally  
26  
27

1 by liens on real property. In addition, MACEERA conducted broker  
2 controlled escrows under the exemption set forth in Section  
3 17006(a)(4) of the California Financial Code under the dba  
4 Supreme Mortgage Company.

5 6.

6 At all times mentioned, in connection with the  
7 activities described in Paragraph 4, MACERA accepted or received  
8 funds in trust (trust funds) from or on behalf of borrowers and  
9 lenders. Thereafter MACERA made disposition of such funds.  
10 MACERA maintained the following trust account for his broker  
11 escrow activities into which he deposited certain of these funds:  
12

13 "Supreme Mortgage LLC Trust Account (T/A #1)  
14 Account No. 243130980"  
15 Citizens Business Bank  
16 701 N. Haven Ave.  
17 Ontario, California

18 "Supreme Mortgage LLC Trust Account (T/A #2)  
19 Account No. 243132576"  
20 Citizens Business Bank  
21 701 N. Haven Ave.  
22 Ontario, California

23 MORTGAGE LOAN BROKER AND BROKER-ESCROW AUDIT  
24 OF  
25 PETER FRANCIS MACERA, JR.

26 7.

27 On October 4, 2000, the Department completed an audit  
examination of the books and records of PETER FRANCIS MACERA, JR.  
pertaining to the activities described in Paragraph 5 that  
require a real estate license. The audit examination covered a  
period of time beginning on August 1, 1999 and terminating on

1 July 31, 2000. The audit examination revealed violations of the  
2 Code and the Regulations as set forth below, and more fully  
3 discussed in Audit Report LA 000010 and exhibits/workpapers  
4 attached to said audit report.

5 8.

6 With respect to the trust funds referred to in  
7 Paragraph 6, it is alleged that MACERA:

8 (a) Permitted, allowed or caused the disbursement of  
9 trust funds from T/A #1 and T/A #2 where the disbursement of  
10 funds reduced the total of aggregate funds in these trust  
11 accounts, to an amount which, on May 31, 2000, was \$10,285.21  
12 less than the existing aggregate trust fund liability of MACERA  
13 to every principal who was an owner of said funds, without first  
14 obtaining the prior written consent of the owners of said funds,  
15 as required by Code Section 10145 and Regulations 2832.1,  
16 2950(g), and 2951. The cause of this deficit was in part an  
17 overdrawn escrow (#SM999) and in part unidentified for lack of  
18 records provided. This deficit remains unpaid; and

19  
20 (b) Had no system in place for regularly monitoring  
21 Supreme Mortgage Company's compliance with the Real Estate Law or  
22 for the supervision of his real estate salesperson CHRISTIN BELL,  
23 owner of Supreme Mortgage Company. This conduct is in violation  
24 of Regulation 2725.

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9.

The conduct of Respondent MACERA, described in Paragraph 8, above, violated the Code and the Regulations as set forth below:

| <u>PARAGRAPH</u> | <u>PROVISIONS VIOLATED</u>               |
|------------------|--|
| 8(a)             | Code Section 10145 and Regulation 2832.1 |
| 8(b)             | Regulation 2725                          |

The foregoing violations constitute cause for the suspension or revocation of the real estate license and license rights of MACERA under the provisions of Code Section 10177(d) and/or 10177(g).

10.

During the period of April 11, 2000 until May 31, 2000, BELL, while employed by MACERA, acted as selling, listing, and escrow agent for Supreme Mortgage Company. BELL represented to a lender, New Century Mortgage, that buyer Nichelle Seymour made a \$19,000 earnest money deposit to purchase the real property known as 14287 Plumas Court, Fontana, California from seller Pansie Clarke, BELL'S mother. No such deposit was ever made.

11.

During the period of October 1999 until January 2000, BELL, while employed by MACERA, acted as buyers and escrow agent for Supreme Mortgage Company. BELL represented to a lender, Long

1 Beach Mortgage Company, that buyer Sundiata Collins made a  
2 \$17,000 earnest money deposit to purchase the real property known  
3 as 1449 w. 88<sup>th</sup> Place, Los Angeles, California from seller Carol  
4 Ann Dockins. No such deposit was ever made.

5  
6 12.

7 The conduct of respondent BELL, as described in  
8 Paragraphs 10 and 11, above, constitutes fraud and/or dishonest  
9 dealing. Said conduct, acts and/or omissions are cause to  
10 suspend or revoke her real estate license and license rights  
11 pursuant to Code Section 10176(i).

12  
13 13.

14 The conduct of respondent BELL, as described in  
15 Paragraphs 10 and 11, above, constitutes a substantial  
16 misrepresentation involving lender fraud to lenders New Century  
17 Mortgage and Long Beach Mortgage Company. Said conduct, acts  
18 and/or omissions are cause to suspend or revoke her real estate  
19 license and license rights pursuant to Code Section 10176(a).

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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 the license and license rights of Respondent PETER  
5 FRANCIS MACERA, JR. and CHRISTIN BELL, under the Real Estate Law  
6 (Part 1 of Division 4 of the Business and Professions Code) and  
7 for such other and further relief as may be proper under other  
8 applicable provisions of law.  
9

10 Dated at Los Angeles, California

11 this *24th* day of *May* 2002.  
12

13   
14 Deputy Real Estate Commissioner  
15  
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20  
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22

23 cc: Peter Francis Macera, Jr.  
24 Christin Bell  
25 Sacto  
26 Maria Suarez  
27 AK