

FILED
MAY 27 2005
DEPARTMENT OF REAL ESTATE

By K. Mederholt

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of) NO. H-31256 LA
)
)
WANDA L. TENNEY-ROBINSON, doing)
business as Select Real Estate)
Services and Magnolia Financial)
Services,)
)
Respondent.)
)

DECISION

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on May 6, 2005, and the findings of fact set forth herein are based on one or more of the following:

(1) Respondent WANDA L. TENNEY-ROBINSON's express admissions; (2) affidavits; and (3) other evidence.

FACTUAL FINDINGS

1.

On August 27, 2004, Janice Waddell made the Accusation in her official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statement to Respondent WANDA L. TENNEY-ROBINSON, and Notice of Defense were mailed by certified mail on August 31, 2004.

2.

On May 6, 2005, no Notice of Defense having been filed herein within the time prescribed by Section 11506 of the Government Code, Respondent's default was entered herein.

3.

Respondent WANDA L. TENNEY-ROBINSON ("TENNEY-ROBINSON") is a real estate broker. TENNEY-ROBINSON was originally licensed as a real estate broker of the Department of Real Estate ("Department") on September 25, 1999.

On November 18, 2003, effective December 9, 2003, in H-29504 LA, the Real Estate Commissioner suspended the real estate broker license of Respondent TENNEY-ROBINSON pursuant to California Business and Professions Code ("Code") Section 10177(g). Respondent's suspension was stayed for two years and her license was suspended for one hundred (100) days on terms and conditions.

4.

At all times mentioned, in the City of Los Angeles, Los Angeles County, TENNEY-ROBINSON acted as a real estate broker and conducted licensed activities, within the meaning of Code Section 10131(d), in that she operated a mortgage and loan brokerage dba Select Real Estate Services and Magnolia Financial Services; and conducted broker-controlled escrows through her escrow division under the exemption set forth in California Financial Code Section 17006(a)(4) for real estate brokers performing escrows incidental to a real estate transaction where the broker is a party and where the broker is performing acts for which a real estate license is required.

5.

On September 10, 2002, the Department completed an audit examination (Audit Report LA 010483 and exhibits/workpapers attached to said audit report) of the books and records of TENNEY-ROBINSON dba Select Real Estate Services and Magnolia Financial Services pertaining to the mortgage and loan and broker-escrow activities that require a real estate license for such activities. The audit examination covered a period of time beginning on January 1, 1999 and terminating on

April 30, 2002. The audit examination revealed violations of the Code and the Regulations as set forth in the following Findings.

6.

At all times mentioned, in connection with the activities described in Finding 4, above, TENNEY-ROBINSON accepted or received funds in trust ("trust funds") from or on behalf of borrowers and lenders and thereafter made disposition of such funds. TENNEY-ROBINSON maintained the following trust account during the audit period into which were deposited certain of these funds at the U.S. Bank, Saint Paul, Minnesota:

"Wanda L. Tenney Sole Proprietor Select Real Estate Services Trust Account No. 1-534-9092-8071"

7.

The audit investigation, with respect to the activities referred to in Findings 4 and 6, revealed that TENNEY-ROBINSON:

(a) Permitted, allowed or caused the disbursement of trust funds from the escrow trust account where the disbursement of funds reduced the total of aggregate funds in the escrow trust account, to an amount which, on April 30, 2002, was \$3,317.41, less than the existing aggregate trust fund liability of TENNEY-ROBINSON to every principal who was an owner of said funds, without first obtaining the prior written consent of the owners of said funds.

(b) Failed to place trust funds, accepted on behalf of another into the hands of the owner of the funds, a neutral escrow depository or into a trust fund account in the name of the trustee at a bank or other financial institution not later than three business days following receipt of the funds by the broker or by the broker's salesperson.

(c) Failed to maintain an adequate separate record for each beneficiary or transaction, thereby failing to account for all trust funds received, deposited into, and disbursed from the trust account.

(d) Failed to perform a monthly reconciliation of the balance of all separate beneficiary or transaction records maintained pursuant to Regulation 2831.1 with

the record of all trust funds received and disbursed by the trust account.

(e) Between December 21, 2001 and April 30, 2002, TENNEY-ROBINSON converted trust funds from the trust account in the amount of \$21,932.50 to pay her operating expenses.

(f) In course of the mortgage loan brokerage activities described in Paragraph 4, on April 17, 2002 and April 30, 2002 with full knowledge that Lloyd White was not licensed by the Department as a real estate salesperson or as a real estate broker, or as real estate salesperson employed by a real estate broker, employed or compensated him to perform acts for which a real estate license is required, for another or others, for or in expectation of compensation.

(g) After notice and subpoena on August 7, 2002, failed to produce or retain all records of her activity during the audit period requiring a real estate broker license.

(h) Failed to disclose in writing in her sales escrow instructions to all parties including David Burnett Bennett the license name and the name of the department under which she is operating.

(i) Failed to provide and/or maintain a statement in writing containing all the information required by Code Section 10241 to various borrowers including but not limited to for borrowers Samuel/Stuart, before these borrowers became obligated to perform under the terms of their loans.

DETERMINATION OF ISSUES

1.

The conduct, acts and/or omissions of Respondent TENNEY-ROBINSON as described in Finding 7(a), herein above, are in violation of Business and Professions Code ("Code") Section 10145 and Title 10, Chapter 6, of the California Code of Regulations ("Regulations") 2832.1, 2950(d), 2950(g) and 2951.

2.

The conduct, acts and/or omissions of Respondent TENNEY-ROBINSON as described in Finding 7(b), herein

above, are in violation of Code Section 10145 and Regulations 2832, 2950(d) and 2951.

3.

The conduct, acts and/or omissions of Respondent TENNEY-ROBINSON as described in Finding 7(c), herein above, are in violation of Code Section 10145 and Regulations 2831.1, 2950(d) and 2951.

4.

The conduct, acts and/or omissions of Respondent TENNEY-ROBINSON as described in Finding 7(d), herein above, are in violation of Code Section 10145 and Regulations 2831.2, 2950(d) and 2951.

5.

The conduct, acts and/or omissions of Respondent TENNEY-ROBINSON as described in Finding 7(e), herein above, are in violation of Code Section 10145 and Regulations 2950(d), 2950(g) and 2951.

6.

The conduct, acts and/or omissions of Respondent TENNEY-ROBINSON as described in Finding 7(f), herein above, are in violation of Code Section 10137.

7.

The conduct, acts and/or omissions of Respondent TENNEY-ROBINSON as described in Finding 7(g), herein above, are in violation of Code Section 10148 and Regulation 2950(e).

8.

The conduct, acts and/or omissions of Respondent TENNEY-ROBINSON as described in Finding 7(h), herein above, are in violation of Code Section 10145 and Regulations 2950(d) and 2950(h).

9.

The conduct, acts and/or omissions of Respondent TENNEY-ROBINSON as described in Finding 7(i), herein above, are in violation of Code Section 10240 and Regulation 2840.

10.

The standard of proof applied was clear and convincing proof to a reasonable certainty.

11.

Cause for disciplinary action against Respondent exists pursuant to Code Sections 10176(e), 10177(d), 10177(g) and 10177(k).

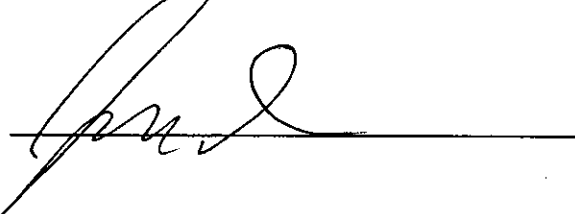
ORDER

The license and license rights of Respondent WANDA L. TENNEY-ROBINSON under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

This Decision shall become effective at 12 o'clock noon on JUN 16, 2005.

DATED: S-25, 2005

JEFF DAVI
Real Estate Commissioner

A handwritten signature in dark ink, appearing to read 'Jeff Davi', is written over a horizontal line.

FILED
MAY 6 2005
DEPARTMENT OF REAL ESTATE

By K. Kuderholt

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

No. H-31256 LA

WANDA L. TENNEY-ROBINSON, doing
business as Select Real Estate
Services and Magnolia Financial
Services,

Respondent,

DEFAULT ORDER

Respondent WANDA L. TENNEY-ROBINSON, having failed to
file a Notice of Defense within the time required by Section
11506 of the Government Code, is now in default. It is,
therefore, ordered that a default be entered on the record in
this matter.

IT IS SO ORDERED

May 6, 2006
JEFF DAVI
Real Estate Commissioner

M. Dolores Weeks
By: M. DOLORES WEEKS
Regional Manager

*Jack
Gibbs*

ELLIOTT MAC LENNAN, SBN 66674
Department of Real Estate
320 West 4th Street, Ste. 350
Los Angeles, California 90013-1105

Telephone: (213) 576-6911 (direct)
-or- (213) 576-6982 (office)

FILED
AUG 31 2004
DEPARTMENT OF REAL ESTATE

By *K. K. K. K. K.*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

No. H-31256 LA

WANDA L. TENNEY-ROBINSON, doing
business as Select Real Estate
Services and Magnolia Financial
Services,

A C C U S A T I O N

Respondent.

The Complainant, Janice Waddell, a Deputy Real Estate
Commissioner of the State of California, for cause of Accusation
against WANDA L. TENNEY-ROBINSON dba Select Real Estate Services
and Magnolia Financial Services ("TENNEY-ROBINSON"), alleges as
follows:

1.

The Complainant, Janice Waddell, acting in her official
capacity as a Deputy Real Estate Commissioner of the State of
California makes this Accusation against WANDA L. TENNEY-
ROBINSON.

1 2.

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

5 LICENSE HISTORY

6 3.

7 At all times mentioned, TENNEY-ROBINSON was licensed or
8 had license rights issued by the Department of Real Estate
9 (Department) as a real estate broker. On September 25, 1999,
10 TENNEY-ROBINSON was originally licensed as a real estate broker.

11 Effective December 9, 2003, in H-29504 LA, Respondent's
12 real estate license was suspended on terms and conditions for a
13 violation of Code Section 10177(g). Said suspension was stayed
14 for a two year period, as more fully set forth in Paragraph 9,
15 below.

16 4.

17 At all times mentioned, in the City of Los Angeles,
18 County of Los Angeles, TENNEY-ROBINSON acted as a real estate
19 broker and conducted licensed activities within the meaning of:

20 A. Code Section 10131(d). TENNEY-ROBINSON operated a
21 mortgage and loan brokerage dba Select Real Estate Services and
22 Magnolia Financial Services; and

23 B. Conducted broker-controlled escrows through her
24 escrow division under the exemption set forth in California
25 Financial Code Section 17006(a)(4) for real estate brokers
26 performing escrows incidental to a real estate transaction where
27

1 the broker is a party and where the broker is performing acts for
2 which a real estate license is required.

3 5.

4 On September 10, 2002, the Department completed an
5 audit examination of the books and records of TENNEY-ROBINSON dba
6 Select Real Estate Services and Magnolia Financial Services
7 pertaining to the mortgage and loan and broker-escrow activities
8 described in Paragraph 4 that require a real estate license for
9 such activities. The audit examination covered a period of time
10 beginning on January 1, 1999 to April 30, 2002. The audit
11 examination revealed violations of the Code and the Regulations
12 as set forth in the following paragraphs, and more fully
13 discussed in Audit Report LA 010483 and the exhibits and
14 workpapers attached to said audit report.

15 6.

16
17 At all times mentioned, in connection with the
18 activities described in Paragraph 4, above, TENNEY-ROBINSON
19 accepted or received funds in trust (trust funds) from or on
20 behalf of borrowers and lenders and thereafter made disposition
21 of such funds. TENNEY-ROBINSON maintained the following escrow
22 trust account during the audit period into which were deposited
23 certain of these funds at:

24 "Wanda L. Tenney Sole Prop[rietor] Select Real Estate Services
25 Account No. 1-534-9092-8071" ("trust account")
26 U.S. Bank
27 Saint Paul, Minnesota

1
2 With respect to the trust funds referred to in
3 Paragraph 6, it is alleged that TENNEY-ROBINSON:

4 (a) Permitted, allowed or caused the disbursement of
5 trust funds from the escrow trust account where the disbursement
6 of funds reduced the total of aggregate funds in the escrow trust
7 account, to an amount which, on April 30, 2002, was \$3,317.41,
8 less than the existing aggregate trust fund liability of TENNEY-
9 ROBINSON to every principal who was an owner of said funds,
10 without first obtaining the prior written consent of the owners
11 of said funds, as required by Code Section 10145 and Regulations
12 2832.1, 2950(d), 2950(g) and 2951.

13 (b) Failed to place trust funds, accepted on behalf of
14 another into the hands of the owner of the funds, a neutral
15 escrow depository or into a trust fund account in the name of the
16 trustee at a bank or other financial institution not later than
17 three business days following receipt of the funds by the broker
18 or by the broker's salesperson, as required by Code Section 10145
19 and Regulations 2832, 2950(d) and 2951.

21 (c) Failed to maintain an adequate separate record for
22 each beneficiary or transaction, thereby failing to account for
23 all trust funds received, deposited into, and disbursed from the
24 trust account, as required by Code Section 10145 and Regulations
25 2831.1, 2950(d) and 2951.
26
27

1 (d) Failed to perform a monthly reconciliation of the
2 balance of all separate beneficiary or transaction records
3 maintained pursuant to Regulation 2831.1 with the record of all
4 trust funds received and disbursed by the trust account, as
5 required by Code Section 10145 and Regulations 2831.2, 2950(d)
6 and 2951.

7 (e) Between December 21, 2001 and April 30, 2002,
8 TENNEY-ROBINSON converted trust funds from the trust account in
9 the amount of \$21,932.50 to pay her operating expenses, in
10 violation of Code Sections 10145, 10176(e), 10176(i) and
11 Regulations 2950(d), 2950(g) and 2951.

12 (f) In course of the mortgage loan brokerage activities
13 described in Paragraph 4, on April 17, 2002 and April 30, 2002
14 with full knowledge that Lloyd White was not licensed by the
15 Department as a real estate salesperson or as a real estate
16 broker, or as real estate salesperson employed by a real estate
17 broker, employed or compensated him to perform acts for which a
18 real estate license is required, for another or others, for or in
19 expectation of compensation, in violation of Code Section 10137.
20

21 (g) After notice and subpoena on August 7, 2002, failed
22 to produce or retain all records of her activity during the audit
23 period requiring a real estate broker license, as required by,
24 Code Section 10148 and Regulation 2950(e).

25 (h) Failed to disclose in writing in her sales escrow
26 instructions to all parties including David Burnett Bennett the
27

1 license name and the name of the department under which she is
2 operating, as required by Code Section 10145 and Regulations
3 2950(d) and 2950(h).

4 (i) Failed to provide and/or maintain a statement in
5 writing containing all the information required by Code Section
6 10241 to various borrowers including but not limited to for
7 borrowers Samuel/Stuart, before these borrowers became obligated
8 to perform under the terms of their loans, as required by Code
9 Section 10240 and Regulation 2840.

10 8.

11 The conduct of Respondent TENNEY-ROBINSON, described in
12 Paragraph 8, above, violated the Code and the Regulations as set
13 forth below:

14 PARAGRAPH

15 PROVISIONS VIOLATED

16 7(a)

Code Section 10145 and Regulations
2832.1, 2950(d), 2950(g) and 2951

18 7(b)

Code Section 10145 and Regulations
2832, 2950(d) and 2951

20 7(c)

Code Section 10145 and Regulations
2831.1, 2950(d) and 2951

22 7(d)

Code Section 10145 and Regulations
2831.2, 2950(d) and 2951

24 7(e)

Regulations 2950(d), 2950(g) and
2951

26 7(f)

Code Section 10137

1
2 7(g) Code Section 10148 and Regulations
2950(d), 2950(e) and 2951

3
4 7(h) Regulations 2950(d), 2950(h) and
2951

5 7(i) Code Section 10240 and Regulation
6 2840

7 The foregoing violations constitute cause for the suspension or
8 revocation of the real estate license and license rights of
9 TENNEY-ROBINSON under the provisions of Code Sections 10177(d)
10 and/or 10177(g) and 10176(e) and 10176(i).

11 PRIOR DEPARTMENT ACTION

12 9.

13 On December 9, 2003, in Case No. H-29504 LA, a
14 Stipulation and Agreement became effective against WANDA L.
15 TENNEY-ROBINSON dba Global Financial Mortgage Corporation, for
16 violations of Code Section 10177(g), based on an Accusation filed
17 on July 3, 2003. Respondent TENNEY-ROBINSON's real estate broker
18 license was suspended for one hundred (100) days on terms and
19 conditions.
20

21 10.

22 The overall conduct of Respondent TENNEY-ROBINSON
23 constitutes negligence or incompetence. This conduct and
24 violation are cause for the suspension or revocation of the real
25 estate license and license rights of Respondent TENNEY-ROBINSON
26 pursuant to Code Sections 10177(g) and 10177(k).
27

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 WANDA
5 L. TENNEY-ROBINSON dba Century 21 A-Team and A P International
6 Mortgage, under the Real Estate Law (Part 1 of Division 4 of the
7 Business and Professions Code) and for such other and further
8 relief as may be proper under other applicable provisions of law.

9
10 Dated at Los Angeles, California

11 this *27 August 2004*.

12
13 
14 Deputy Real Estate Commissioner
15
16
17
18
19
20
21
22

23 cc: Wanda L. Tenney-Robinson
24 Janice Waddell
25 Sacto
26 RJ
27 Audits