

1 ELLIOTT MAC LENNAN, SBN 66674  
2 Department of Real Estate  
3 320 West 4th Street, Ste. 350  
4 Los Angeles, California 90013-1105

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

FILED  
NOV - 7 2008  
DEPARTMENT OF REAL ESTATE

By K. V. V. V.

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8  
9 BEFORE THE DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 \* \* \*

12 In the Matter of the Accusation of ) No. H-32327 LA  
13 DWIGHT EDWARD NORRIS, doing )  
14 business as AP International ) STIPULATION  
15 Mortgage, and Century 21 A-Team, ) AND  
16 Respondent, ) AGREEMENT  
17 )

18 It is hereby stipulated by and between Respondent  
19 DWIGHT EDWARD NORRIS dba AP International Mortgage, and Century  
20 21 A-Team, (sometimes referred to as "Respondent") and the  
21 Complainant, acting by and through Elliott Mac Lennan, Counsel  
22 for the Department of Real Estate, as follows for the purpose of  
23 settling and disposing of the Accusation ("Accusation") filed on  
24 November 22, 2005, in this matter:

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

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 the  
6 Statement to Respondent, the Discovery Provisions of the APA and  
7 the Accusation filed by the Department of Real Estate in this  
8 proceeding.

9           3. Respondent timely filed a Notice of Defense  
10 pursuant to Section 11506 of the Government Code for the purpose  
11 of 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 thereby waives his right to  
15 require the Commissioner to prove the allegations in the  
16 Accusation at a contested hearing held in accordance with the  
17 provisions of the APA and that he will waive other rights  
18 afforded to him in connection with the hearing such as the right  
19 to present evidence in his defense the right to cross-examine  
20 witnesses.

21           4. This Stipulation is based on the factual  
22 allegations contained in the Accusation as amended in court on  
23 June 7, 2006. In the interest of expedience and economy,  
24 Respondent chooses not to contest these allegations, but to  
25 remain silent and understands that, as a result thereof, these  
26 factual allegations, without being admitted or denied, will serve  
27 as a prima facie basis for the disciplinary action stipulated to

1 herein. The Real Estate Commissioner shall not be required to  
2 provide further evidence to prove said factual allegations.

3 5. This Stipulation and Respondent's decision not to  
4 contest the Accusation is made for the purpose of reaching an  
5 agreed disposition of this proceeding and is expressly limited to  
6 this proceeding and any other proceeding or case in which the  
7 Department of Real Estate ("Department"), the state or federal  
8 government, or any agency of this state, another state or federal  
9 government is involved, and otherwise shall not be admissible in  
10 any other criminal or civil proceedings.

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

21 7. The Order or any subsequent Order of the Real  
22 Estate Commissioner made pursuant to this Stipulation shall not  
23 constitute an estoppel, merger or bar to any further  
24 administrative or civil proceedings by the Department of Real  
25 Estate with respect to any matters which were not specifically  
26 alleged to be causes for Accusation in this proceeding but do  
27 constitute a bar, estoppel and merger as to any allegations

1 actually contained in the Accusations against Respondent herein.

2 8. Respondent understands that by agreeing to this  
3 Stipulation, Respondent agrees to pay, pursuant to Business and  
4 Professions Code Section 10148, the cost of the audit which led  
5 to this disciplinary action. The total amount of said cost is  
6 \$3,724.30 (LA020320).

7 9. Respondent has received, read, and understands the  
8 "Notice Concerning Costs of Subsequent Audit". Respondent  
9 further understands that by agreeing to this Stipulation, the  
10 findings set forth below in the Determination of Issues become  
11 final, and the Commissioner may charge Respondent for the cost of  
12 any subsequent audit conducted pursuant to Business and  
13 Professions Code Section 10148 to determine if the violations  
14 have been corrected. The maximum cost of the subsequent audit  
15 will not exceed \$3,724.30.

16 DETERMINATION OF ISSUES

17 By reason of the foregoing, it is stipulated and agreed  
18 that the following determination of issues shall be made:

19 I.

20 The conduct of DWIGHT EDWARD NORRIS as described in  
21 Paragraph 4, above, is in violation of Business and Professions  
22 Code ("Code") Section 10145 and Sections 2731, 2832.1, 2834, and  
23 2950(d), 2950(f) and 2950(g) of Title 10, Chapter 6 of the  
24 California Code of Regulations ("Regulations") and is a basis for  
25 the suspension or revocation of Respondent's license and license  
26 rights as violations of the Real Estate Law pursuant to Code  
27 Sections 10177(d).



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

6           B. 1. The remaining sixty (60) days of the ninety  
7 (90) day suspension shall be stayed for two (2) years upon the  
8 following terms and conditions:

9           2. Respondent shall obey all laws, rules and  
10 regulations governing the rights, duties and responsibilities of  
11 a real estate licensee in the State of California; and

12           3. That no final subsequent determination be made  
13 after hearing or upon stipulation, that cause for disciplinary  
14 action occurred within two (2) years of the effective date of  
15 this Decision. Should such a determination be made, the  
16 Commissioner may, in his discretion, vacate and set aside the  
17 stay order and reimpose all or a portion of the stayed  
18 suspension. Should no such determination be made, the stay  
19 imposed herein shall become permanent.

20           II. All licenses and licensing rights of Respondent  
21 DWIGHT EDWARD NORRIS are indefinitely suspended unless or until  
22 Respondent provides proof satisfactory to the Commissioner, of  
23 having taken and successfully completed the continuing education  
24 course on trust fund accounting and handling specified in  
25 paragraph (3) of subdivision (a) of Section 10170.5 of the  
26 Business and Professions Code. Proof of satisfaction of this  
27 requirement includes evidence that respondent has successfully

1 completed the trust fund account and handling continuing  
2 education course within 120 days prior to the effective date of  
3 the Decision in this matter.

4           III. Pursuant to Section 10148 of the Business and  
5 Professions Code, Respondent DWIGHT EDWARD NORRIS shall pay the  
6 Commissioner's reasonable cost for (a) the audit which led to  
7 this disciplinary action (b) a subsequent audit to determine if  
8 Respondent is now in compliance with the Real Estate Law. The  
9 cost of the audit which led to this disciplinary action is  
10 \$3,724.30. In calculating the amount of the Commissioner's  
11 reasonable cost, the Commissioner may use the estimated average  
12 hourly salary for all persons performing audits of real estate  
13 brokers, and shall include an allocation for travel time to and  
14 from the auditor's place of work. Said amount for the prior and  
15 subsequent audits shall not exceed \$7,448.60.

16           Respondent shall pay such cost within 60 days of  
17 receiving an invoice from the Commissioner detailing the  
18 activities performed during the audit and the amount of time  
19 spent performing those activities.

20           The Commissioner may suspend the license of  
21 Respondent pending a hearing held in accordance with Section  
22 11500, et seq., of the Government Code, if payment is not timely  
23 made as provided for herein, or as provided for in a subsequent  
24 agreement between the Respondent and the Commissioner. The  
25 suspension shall remain in effect until payment is made in full  
26 or until Respondent enters into an agreement satisfactory to the  
27 Commissioner to provide for payment, or until a decision

1 providing otherwise is adopted following a hearing held pursuant  
2 to this condition.

3 DATED: 8-25-04 EL

4 ELLIOTT MAC LENNAN, Counsel for  
5 the Department of Real Estate

6 \* \* \*

7 EXECUTION OF THE STIPULATION

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

18 Respondent can signify acceptance and approval of the  
19 terms and conditions of this Stipulation by faxing a copy of its  
20 signature page, as actually signed by Respondent, to the  
21 Department at the following telephone/fax number: Elliott  
22 Mac Lennan at (213) 576-6917. Respondent agrees, acknowledges  
23 and understands that by electronically sending to the Department  
24 a fax copy of Respondent's actual signature as it appears on the  
25 Stipulation, that receipt of the faxed copy by the Department

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1 shall be as binding on Respondent as if the Department had  
2 received the original signed Stipulation.

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DATED: 9-12-06

Dwight Edward Norris

DWIGHT EDWARD NORRIS, Respondent

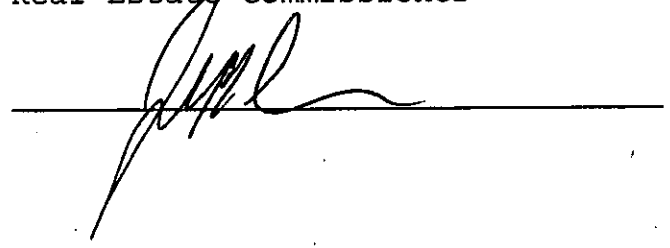
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The foregoing Stipulation and Agreement is hereby  
adopted as my Decision as to Respondent DWIGHT EDWARD NORRIS and  
shall become effective at 12 o'clock noon on  
DEC - 7, 2006.

IT IS SO ORDERED 10-23, 2006.

JEFF DAVI  
Real Estate Commissioner



*Memo  
File*

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NOV 22 2005  
DEPARTMENT OF REAL ESTATE

By *[Signature]*

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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of	)	No. H-32327 LA
DWIGHT EDWARD NORRIS, doing	)	<u>A C C U S A T I O N</u>
business as A P International	)	
Mortgage and Century 21 A-Team,	)	
	)	
Respondent.	)	

The Complainant, Janice Waddell, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against DWIGHT EDWARD NORRIS dba Norris Properties, A P International Mortgage, Century 21 A-Team and Statewide Real Estate Network ("NORRIS"), 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 NORRIS.

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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, NORRIS was licensed or had  
8 license rights issued by the Department of Real Estate  
9 (Department) as a real estate broker. On August 26, 1983, NORRIS  
10 was originally licensed as a real estate broker.

11 4.

12 At all times mentioned, in the City of Los Alamitos,  
13 County of Los Angeles, NORRIS acted as a real estate broker and  
14 conducted licensed activities within the meaning of:

15 A. Code Section 10131(a). NORRIS operated a  
16 residential resale brokerage dba Norris Properties, Century 21 A-  
17 Team and Statewide Real Estate Network;

18 B. Code Section 10131(d). NORRIS operated a mortgage  
19 and loan brokerage dba A P International Mortgage; and

20 C. Conducted broker-controlled escrows through her  
21 escrow division under the exemption set forth in California  
22 Financial Code Section 17006(a)(4) for real estate brokers  
23 performing escrows incidental to a real estate transaction where  
24 the broker is a party and where the broker is performing acts for  
25 which a real estate license is required.  
26

27

FIRST CAUSE OF ACTION

(Audit violations)

5.

On June 13, 2003, the Department completed an audit examination of the books and records of NORRIS dba Norris Properties, A P International Mortgage, Century 21 A-Team and Statewide Real Estate Network pertaining to the broker-escrow activities described in Paragraph 4 that require a real estate license for the residential resale and mortgage and loan activities. The audit examination covered a period of time beginning on May 23, 2001 to March 31, 2003. The audit examination revealed violations of the Code and the Regulations as set forth in the following paragraphs, and more fully discussed in Audit Report LA 020320 and the exhibits and workpapers attached to said audit report.

6.

At all times mentioned, in connection with the activities described in Paragraph 4, above, NORRIS accepted or received funds in trust (trust funds) from or on behalf of purchasers and sellers and borrowers and lenders and thereafter made disposition of such funds. NORRIS maintained the following escrow trust account during the audit period into which were deposited certain of these funds at:

"Century 21 A-Team Escrow Trust Account  
Account No. 0062056247"  
California National Bank  
Buena Park, California

1 (escrow division trust account T/A #1)

2 "Century 21 A-Team Escrow Division Trust Account  
3 Account No. 046-8688619"  
4 Wells Fargo Bank  
5 Bellflower, California  
6 (escrow trust account T/A #2)

7 7.

8 In the course of activities described in Paragraphs 4  
9 and 6 above, and during the examination period described in  
10 Paragraph 5, it is alleged that NORRIS:

11 (a) (1) Permitted, allowed or caused the disbursement of  
12 trust funds from T/A #1, where the disbursement of funds reduced  
13 the total of aggregate funds in T/A #1, to an amount which, on  
14 March 31, 2003, was \$17,693.42, less than the existing aggregate  
15 trust fund liability of NORRIS to every principal who was an  
16 owner of said funds, without first obtaining the prior written  
17 consent of the owners of said funds, as required by Code Section  
18 10145 and Regulations 2832.1, 2950(d), 2950(g) and 2951.

19 (a) (2) Permitted, allowed or caused the disbursement of  
20 trust funds from T/A #2, where the disbursement of funds reduced  
21 the total of aggregate funds in T/A #1, to an amount which, on  
22 March 24, 2003, was \$10,286.76, less than the existing aggregate  
23 trust fund liability of NORRIS to every principal who was an  
24 owner of said funds, without first obtaining the prior written  
25 consent of the owners of said funds, as required by Code Section  
26 10145 and Regulations 2832.1, 2950(d), 2950(g) and 2951.  
27

1 (b) Permitted Cornel Paraschiv, a real estate  
2 salesperson, who was not licensed to NORRIS prior to August 25,  
3 2001, and who was not bonded, to be an authorized signatory on  
4 the escrow trust account who signed checks 5781, 5811, 5812,  
5 5813, 5814 and 5816 during July 2001, in violation of Code  
6 Section 10145 and Regulation 2834.

7 (c) While acting in the capacity of an escrow agent and  
8 holder for the Century 21 A-Team in-house escrow in four purchase  
9 and sale transactions, escrow numbers 1596, 1948, 1581 and 1613,  
10 failed, to place trust funds, including earnest money deposits,  
11 accepted on behalf of another into the hands of the owner of the  
12 funds, a neutral escrow depository or into a trust fund account  
13 in the name of the broker at a bank or other financial  
14 institution not later than the next business day following  
15 receipt of the funds by the broker or by the broker's  
16 salesperson, as required by Code Section 10145 and Regulation  
17 2950(f), 2950(d) and 2951.  
18

19 (d) dba Century 21 A-Team or A P International Mortgage  
20 failed to disclose in writing to all parties his financial  
21 interest and ownership of his escrow company, as required by Code  
22 Section 10145 and Regulation 2950(h), 2950(d) and 2951.

23 (e) Used the fictitious names of "Century 21 A-Team or  
24 A P International Mortgage" to conduct licensed activities,  
25 without holding licenses bearing these fictitious business names,  
26 in violation of Code Section 10159.5 and Regulation 2731.  
27

1 (f) received undisclosed compensation by means of an  
2 earning credit agreement with the California National Bank. Bank  
3 service charges were deducted from the earning credit from the  
4 collection trust account. The earnings credit arrangement was  
5 not disclosed by NORRIS to the borrowers, lenders or  
6 beneficiaries of the collection trust account, in violation of  
7 Code Section 10176(g).

8 8.

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

12 PARAGRAPH

PROVISIONS VIOLATED

13  
14 7(a)(1) & (2)

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

15  
16 7(b)

Code Section 10145 and Regulation  
2834

17  
18 7(c)

Code Section 10145 and Regulation  
2950(f), 2950(d) and 2951

19  
20 7(d)

Code Section 10145 and Regulation  
2950(h), 2950(d) and 2951

21  
22 7(e)

Code Section 10159.5 and Regulation  
2731

23  
24 7(f)

Code Section 10176(g)



1 The foregoing violations constitute cause for the suspension or  
2 revocation of the real estate license and license rights of  
3 NORRIS under the provisions of Code Sections 10176(g), 10177(d)  
4 and/or 10177(g).

5 SECOND CAUSE OF ACTION

6 (Negligence)

7 9.

8 The overall conduct of Respondent NORRIS constitutes  
9 negligence or incompetence. This conduct and violation are cause  
10 for the suspension or revocation of the real estate license and  
11 license rights of Respondent NORRIS pursuant to Code Section  
12 10177(g).

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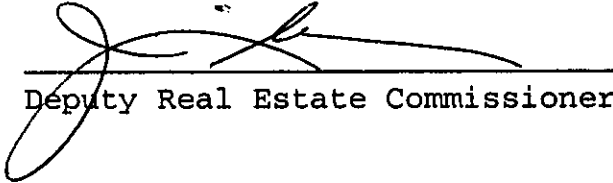
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1 WHEREFORE, Complainant prays that a hearing be  
2 conducted on the allegations of this Accusation and that upon  
3 proof thereof, a decision be rendered imposing disciplinary  
4 action against the license and license rights of Respondent  
5 DWIGHT EDWARD NORRIS 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 Dated at Los Angeles, California

10 this

11 *10 August 2005*

12  
13   
14 Deputy Real Estate Commissioner

15  
16 cc: Dwight Edward Norris  
17 Janice Waddell  
18 Sacto  
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20 LA Audits - Kitlin Chan  
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