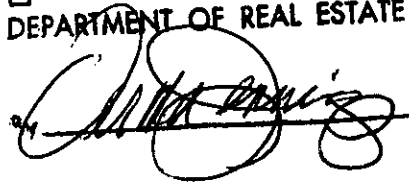


FILED  
JUL 30 2010  
DEPARTMENT OF REAL ESTATE



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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of ) NO. H-35201 LA  
)  
EVERGREEN DIVERSIFIED GROUP, )  
INC., AND JOHN RALPH BARCLIFT, )  
)  
individually and as designated )  
officer of the corporation, )  
)  
Respondents. )

ORDER MODIFYING DISCIPLINARY ACTION

PURSUANT TO STIPULATED SETTLEMENT

On January 28, 2009, a Decision was rendered herein effective as of April 30, 2009, revoking all licenses and all license rights of Respondent JOHN RALPH BARCLIFT, individually and as designated officer of EVERGREEN DIVERSIFIED GROUP, INC., a corporation (hereinafter sometimes referred to collectively as "Respondents") under the provisions of Part 1 of Division 4 of the Business and Professions Code.

Subsequent to the rendering of said Decision, filed on April 10, 2009, Respondent JOHN RALPH BARCLIFT petitioned

1 the Superior Court of the State of California in and for the  
2 County of Los Angeles ("Court"), in Case No. BS123748, for a  
3 writ of mandate to compel the Real Estate Commissioner to  
4 vacate and set aside the Decision of the Real Estate  
5 Commissioner, Jeffrey Michael Davi.

6 In consideration for the dismissal with prejudice and  
7 in complete settlement of Respondent JOHN RALPH BARCLIFT's said  
8 petition for a writ of mandate the following order is made  
9 modifying the discipline imposed on JOHN RALPH BARCLIFT's real  
10 estate broker license:

11 NOW, THEREFORE, IT IS ORDERED that Respondent JOHN  
12 RALPH BARCLIFT shall be entitled to apply for and be issued a  
13 restricted real estate broker license pursuant to Section  
14 10156.5 of the Business and Professions Code if Respondent  
15 makes application therefore and pays to the Department of Real  
16 Estate the appropriate fee for said license within 90 days from  
17 the effective date of the Order herein. The restricted license  
18 issued to Respondent shall be subject to all the provisions of  
19 Section 10156.7 of the Business and Professions Code and to the  
20 following limitations, conditions, and restrictions imposed  
21 under authority of Section 10156.6 of said Code.

22 A. Said restricted license issued to Respondent may  
23 be suspended prior to hearing by Order of the Real Estate  
24 Commissioner in the event of Respondent's conviction (including  
25 conviction on a plea of nolo contendere) of a crime which is  
26 substantially related to Respondent's fitness or capacity as a  
27 real estate licensee.

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

7 C. The restricted license issued to Respondent may  
8 be suspended by order of the Real Estate Commissioner pending a  
9 final determination after a hearing if said Respondent fails to  
10 present evidence satisfactory to the Department of Real Estate  
11 within nine (9) months from the date of the agreement herein of  
12 having taken and completed 45 hours of approved continuing  
13 education offerings within the four (4) year period immediately  
14 preceding the date on which said Respondent previously  
15 presented such evidence to the Department of Real Estate.

16 D. Respondent shall report in writing to the  
17 Department of Real Estate, as the Real Estate Commissioner  
18 shall direct by separate written order issued while the  
19 restricted license is in effect, such information concerning  
20 Respondent's activities for which a real estate license is  
21 required as the Commissioner shall deem to be appropriate to  
22 protect the public interest.

23 Such reports may include, but shall not be limited  
24 to, periodic independent accountings of trust funds in the  
25 custody and control of Respondent and periodic summaries of  
26 salient information concerning each real estate transaction in  
27 which the Respondent engaged.

1 E. Respondent shall obey all laws of the United  
2 States; of the State of California and its political  
3 subdivisions, and shall further obey and comply with all rules  
4 and regulations of the Real Estate Commissioner.

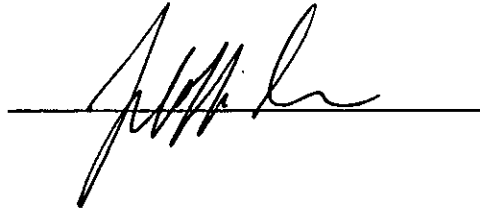
5 F. Respondent shall not be eligible to apply for the  
6 issuance of unrestricted real estate license nor for the  
7 removal of any of the conditions, limitations or restrictions  
8 of a restricted license until one (1) year has elapsed from the  
9 date of issuance of the restricted license.

10 This Order shall be effective immediately.

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

7-29-2010

12 JEFF DAVI  
13 Real Estate Commissioner

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II

EVERGREEN DIVERSIFIED GROUP, INC. and JOHN RALPH BARCLIFT, individually and as designated officer of said corporation (hereinafter referred to as Respondents), are presently licensed and/or have license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code, hereinafter Code).

III

Respondent EVERGREEN DIVERSIFIED GROUP, INC. was licensed as a real estate broker effective November 10, 2005, with Respondent JOHN RALPH BARCLIFT as its designated broker officer. Pursuant to Code Section 10159.2, Respondent BARCLIFT is responsible for the supervision and control of the activities on behalf of the corporation by its officers and employees as necessary to secure full compliance with the provisions of the real estate law.

IV

At all times material herein, Respondents engaged in the business of, acted in the capacity of, advertised or assumed to act as a real estate broker in the State of California, within the meaning of Section 10131(d) of the Code, including soliciting borrowers and lenders and negotiating loans on real property.

V

In connection with Respondents' activities as a real estate broker, as described above, Respondents violated Section 10137 of the Code in that in or about June, 2006, Respondents employed Joe Schofield, who was not licensed to Respondent EVERGREEN DIVERSIFIED GROUP, INC. as a real estate salesperson, to solicit and negotiate a loan on real property located at 8737 Desert Rock Lane, Riverside, California, for borrower Fern Charley-Baugus.

DETERMINATION OF ISSUES

I

Cause for disciplinary action against Respondents EVERGREEN DIVERSIFIED GROUP, INC. and JOHN RALPH BARCLIFT exists pursuant to Business and Professions Code Sections 10137 and 10177(d) for violation of Business and Professions Code Section 10137.

II

Cause for disciplinary action against Respondent JOHN RALPH BARCLIFT exists pursuant to Business and Professions Code Section 10177(d) for violation of Business and Professions Code Section 10159.2.

III

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

ORDER

All licenses and license rights of Respondents EVERGREEN DIVERSIFIED GROUP, INC. and JOHN RALPH BARCLIFT 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 April 30, 2009.

DATED: January 28, 2009

JEFF DAVI  
Real Estate Commissioner

SACTO.  
Flag

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  
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7  
8 Telephone: (213) 576-6982  
9 -or- (213) 576-6913 (Direct)

FILED  
AUG 11 2008  
DEPARTMENT OF REAL ESTATE  


8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11	In the Matter of the Accusation of )	No. H-35201 LA
12	)	<u>A C C U S A T I O N</u>
13	)	
14	EVERGREEN DIVERSIFIED )	
15	GROUP, INC., )	
16	and JOHN RALPH BARCLIFT, )	
17	individually and as )	
18	designated officer of )	
	the corporation, )	
	)	
	)	
	Respondents. )	

19 The Complainant, Robin L. Trujillo, a Deputy Real  
20 Estate Commissioner of the State of California, for cause of  
21 accusation against EVERGREEN DIVERSIFIED GROUP, INC., and JOHN  
22 RALPH BARCLIFT, individually and as designated officer of the  
23 corporation, alleges as follows:  
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I

The Complainant, Robin L. Trujillo, acting in her official capacity as a Deputy Real Estate Commissioner of the State of California, makes this Accusation against EVERGREEN DIVERSIFIED GROUP, INC., and JOHN RALPH BARCLIFT.

II

EVERGREEN DIVERSIFIED GROUP, INC., and JOHN RALPH BARCLIFT, individually and as designated officer of said corporation (hereinafter referred to as "Respondents"), are presently licensed and/or have license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code, hereinafter Code).

III

Respondent EVERGREEN DIVERSIFIED GROUP, INC. was originally licensed as a real estate broker on November 10, 2005. The corporate license will expire on November 9, 2009. Pursuant to Code Section 10159.2, Respondent JOHN RALPH BARCLIFT is responsible for the supervision and control of the activities conducted on behalf of the corporation by its officers and employees as necessary to secure full compliance with the provisions of the real estate law, including the supervision of salespersons licensed to the corporation in the performance of acts for which a real estate license is required.

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IV

At all times material herein, Respondents engaged in the business of, acted in the capacity of, advertised or assumed to act as a real estate broker in the State of California, within the meaning of Section 10131(d) of the Code, including soliciting borrowers and lenders and negotiating loans on real property.

V

In connection with Respondents' activities as a real estate broker, as described above, Respondents violated Section 10137 of the Code in that in or about June, 2006, Respondents employed Joe Schofield, who was not licensed to Respondent EVERGREEN DIVERSIFIED GROUP, INC. as a real estate salesperson, to solicit and negotiate a loan on real property located at 8737 Desert Rock Lane, Riverside, California, for borrower Fern Charley-Baugus.

VI

The conduct, acts and/or omissions of Respondents, EVERGREEN DIVERSIFIED GROUP, INC. and JOHN RALPH BARCLIFT, as alleged above, subjects their real estate licenses and license rights to suspension or revocation pursuant to Sections 10137, 10177(d), and/or 10177(g) of the Code.

VII

The conduct, acts and/or omissions of Respondent JOHN RALPH BARCLIFT, in failing to ensure full compliance with the Real Estate Law is in violation of Section 10159.2 of the Code and subjects his real estate licenses and license rights to

///

1 suspension or revocation pursuant to Sections 10177(d), 10177(g),  
2 and/or 10177(h) of the Code.

3 WHEREFORE, Complainant prays that a hearing be  
4 conducted on the allegations of this Accusation and that upon  
5 proof thereof, a decision be rendered imposing disciplinary  
6 action against all licenses and license rights of Respondents  
7 EVERGREEN DIVERSIFIED GROUP, INC., and JOHN RALPH BARCLIFT, under  
8 the Real Estate Law (Part 1 of Division 4 of the Business and  
9 Professions Code) and for such other and further relief as may be  
10 proper under other applicable provisions of law.

11 Dated at Los Angeles, California  
12 this 10 day of July, 2008.

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15 ROBIN L. TRUJILLO  
16 Deputy Real Estate Commissioner  
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23 cc: Evergreen Diversified Group, Inc.  
24 John Ralph Barclift  
25 Robin L. Trujillo  
26 Sacto.  
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