

*La 20*

**FILED**

APR - 1 2010

DEPARTMENT OF REAL ESTATE  
BY: *[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of	)	No. H-35213 LA
	)	
DWIGHT EDWARD NORRIS, doing	)	
business as Norris Properties,	)	
	)	
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 March 16, 2010, and the findings of fact set forth herein are based on one or more of the following: (1) Respondent DWIGHT EDWARD NORRIS' (NORRIS) express admissions; (2) affidavits; and (3) Department Audit Report LA 070171 dated March 5, 2008, and (4) other evidence.

FACTUAL FINDINGS

1.

On July 29, 2008, Robin Trujillo made the Accusation in her official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statement to Respondent DWIGHT EDWARD NORRIS, a Notice of Defense, Provision of APA Relating to Discovery, Costs of Audits Notice, and a Copy of Section 10148 was mailed by certified mail on August 13, 2008.

2.

On March 16, 2010, 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 DWIGHT EDWARD NORRIS is licensed as a real estate broker. NORRIS was originally licensed as a real estate broker by the Department of Real Estate ("Department") on August 16, 1983.

4.

At all times mentioned, in the City of Irvine, County of Orange, NORRIS acted as a real estate broker and conducted licensed activities within the meaning of Code Section 10131(a), 10131(b) and 10131(d). Norris operated a residential resale brokerage, property management brokerage, and a mortgage and loan brokerage. NORRIS also conducted broker-controlled escrows through his 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 March 5, 2008, the Department completed an audit examination of the books and records of NORRIS, pertaining to broker-escrow activities described in Finding 4 that require a real estate license for such activities. The audit examination covered a period of time beginning on December 7, 2006 to December 31, 2007. The audit examination revealed violations of the Code and the Regulations as set forth in the following Findings, and more fully discussed in Audit Report LA 070171 and the exhibits and workpapers attached to said audit report.

6.

At all times mentioned, in connection with the activities described in Finding 4, above, NORRIS accepted or received funds in trust (trust funds) from or on behalf of buyers, sellers, borrowers and escrow holders. Thereafter NORRIS made disposition of such funds. NORRIS maintained the following trust accounts into which he deposited certain of these funds:

"Century 12 A-Team Escrow Trust Account  
Account No. 62056247"  
California National Bank  
Buena Park, CA 90621 ("escrow trust account")

7.

In the course of activities described in Findings 4 and 6, above, and during the examination period described in Finding 5, Respondent NORRIS, acted in violation of the Code and the Regulations in that Respondent:

(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 said account, to an amount which, on December 31, 2007, was \$3,254.29, less than the existing aggregate trust fund liability to every principal who was the owner of said funds, without first obtaining the prior written consent of the owners of said funds, as required by Code Section 10145 and Regulations 2832.1, 2950(d), 2950(g) and 2951. This shortage was cured on January 3, 2008.

(b) Failed to maintain an accurate and complete control record in the form of a columnar record in chronological order of all trust funds received, deposited and disbursed, in violation of Code Section 10145 and Regulations 2831, 2950(d) and 2951.

(c) Failed to maintain an accurate and complete separate record for each beneficiary or transaction, thereby failing to account for all trust funds received, including credit report fees and appraisal fees, as required by Code Section 10145 and Regulations 2831.1, 2950(d) and 2951.

(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 escrow trust account, as required by Code Section 10145 and Regulations 2831.2, 2950(d) and 2951.

(e) Permitted unlicensed and unbonded person Viorel Alex Petrusan, as an authorized signatory on the escrow trust account, in violation of Code Section 10145 and Regulations 2834, 2950(d) and 2951.

(f) The escrow trust account was not designated as a trust account, in violation of Code Section 10145 of the Code and Regulations 2832(a), 2950(d), 2950(f) and 2951.

#### DETERMINATION OF ISSUES

##### 1.

(a) The conduct, acts and/or omissions of Respondent DWIGHT EDWARD NORRIS as described in Finding 7(a), herein above, are in violation of Business and Professions Code ("Code") Sections 10145 and Regulations 2832.1, 2950(d), 2950(g) and 2951.

(b) The conduct, acts and/or omissions of Respondent DWIGHT EDWARD NORRIS as described in Finding 7(b), herein above, are in violation of Code Section 10145 and Regulations 2831, 2950(d) and 2951.

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

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

(e) The conduct, acts and/or omissions of Respondent DWIGHT EDWARD NORRIS as described in Finding 7(e), herein above, are in violation of Code Section 10145 and Regulations 2834, 2950(d) and 2951.

(f) The conduct, acts and/or omissions of Respondent DWIGHT EDWARD NORRIS as described in Finding 7(f), herein above, are in violation of Code Section 10145 and Regulations 2832(a), 2950(d), 2950(f) and 2951.

2.

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

3.

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

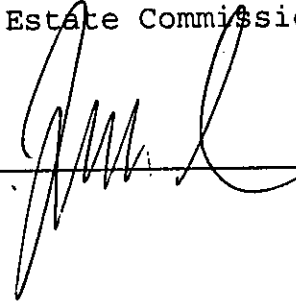
ORDER

The license and license rights of Respondent DWIGHT EDWARD NORRIS 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 21, 2010.

DATED: 3/24, 2010

JEFF DAVI  
Real Estate Commissioner



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

**FILED**

MAR 16 2010

DEPARTMENT OF REAL ESTATE

BY: *Helly*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of )

No. H-35213 LA

DWIGHT EDWARD NORRIS, doing )  
business as Norris Properties, )

Respondent, )

DEFAULT ORDER

Respondent DWIGHT EDWARD NORRIS failed to file a  
Notice of Defense, is now in default. It is, therefore,  
ordered that a default be entered on the record in this matter.

IT IS SO ORDERED

*March 15, 2010*

JEFF DAVI  
Real Estate Commissioner

*Dolores Weeks*

By: DOLORES WEEKS  
Regional Manager

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**

AUG 13 2008

DEPARTMENT OF REAL ESTATE

BY: *[Signature]*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )

No. H- 35213 LA.

12 DWIGHT EDWARD NORRIS, doing )  
13 business as Norris Properties, )

A C C U S A T I O N

14 Respondent. )  
15 )

16 The Complainant, Robin Trujillo, a Deputy Real Estate  
17 Commissioner of the State of California, acting in her official  
18 capacity, for cause of Accusation against DWIGHT EDWARD NORRIS  
19 dba Norris Properties, is informed and alleges as follows:

20 1.

21 All references to the "Code" are to the California  
22 Business and Professions Code and all references to "Regulations"  
23 are to Title 10, Chapter 6, California Code of Regulations.  
24

25 ///

26 ///

1 LICENSE HISTORY

2 2.

3 At all times mentioned, DWIGHT EDWARD NORRIS  
4 ("NORRIS"), was licensed or had license rights issued by the  
5 Department of Real Estate ("Department") as a real estate broker.  
6 On August 26, 1983, NORRIS was originally licensed as a broker.

7 On December 7, 2006, in case number H-32327 LA, NORRIS'  
8 broker license was the subject of discipline by the Department as  
9 more fully set forth below in Paragraph 9.

10 LICENSED ACTIVITIES AND BROKERAGE

11 3.

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

15 A. Code Section 10131(a). NORRIS operated a  
16 residential resale brokerage.

17 B. Code Section 10131(a). NORRIS operated a property  
18 management brokerage.

19 C. Code Section 10131(d). NORRIS operated a mortgage  
20 and loan brokerage; and

21 D. Conducted broker-controlled escrows through his  
22 escrow division under the exemption set forth in California  
23 Financial Code Section 17006(a)(4) for real estate brokers  
24 performing escrows incidental to a real estate transaction where  
25 the broker is a party and where the broker is performing acts for  
26 which a real estate license is required.  
27



AUDIT

4.

1  
2  
3 On March 5, 2008, the Department completed an audit  
4 examination of the books and records of NORRIS, pertaining to the  
5 broker escrow activities described in Paragraph 3D, that require  
6 a real estate license. The audit examination covered a period of  
7 time beginning on December 7, 2006 to December 31, 2007. The  
8 audit examination revealed violations of the Code and the  
9 Regulations as set forth below, and more fully discussed in Audit  
10 Report LA 070171 and the exhibits and workpapers attached to said  
11 audit reports.

5.

12  
13 At all times mentioned, in connection with the  
14 activities described in Paragraph 4, NORRIS accepted or received  
15 funds in trust (trust funds) from or on behalf of buyers, sellers  
16 borrowers and escrow holders. Thereafter NORRIS made disposition  
17 of such funds. NORRIS maintained the following trust accounts  
18 into which he deposited certain of these funds:  
19

20 "Century 21 A-Team Escrow Trust Account  
21 Account No. 62056247"  
22 California National Bank ("escrow trust account")  
Buena Park, CA 90621

23 ///

24 ///

25 ///

26 ///

27 ///

1 VIOLATIONS OF THE REAL ESTATE LAW

2 6.

3 With respect to the licensed activities referred to in  
4 Paragraphs 3 and 5, and the audit examination including the  
5 exhibits and workpapers referred to in Paragraph 4, it is alleged  
6 that NORRIS:

7 (a) Permitted, allowed or caused the disbursement of  
8 trust funds from the escrow trust account where the disbursement  
9 of funds reduced the total of aggregate funds in said account, to  
10 an amount which, on December 31, 2007, was \$3,254.29, less than  
11 the existing aggregate trust fund liability to every principal  
12 who was an owner of said funds, without first obtaining the prior  
13 written consent of the owners of said funds, as required by Code  
14 Section 10145 and Regulations 2832.1, 2950(d), 2950(g) and 2951.  
15 This shortage was cured on January 3, 2008.  
16

17 (b) Failed to maintain an accurate and complete control  
18 record in the form of a columnar record in chronological order of  
19 all trust funds received, deposited and disbursed, in violation  
20 of Code Section 10145 and Regulations 2831, 2950(d) and 2951.

21 (c) Failed to maintain an accurate and complete  
22 separate record for each beneficiary or transaction, thereby  
23 failing to account for all trust funds received, including credit  
24 report fees and appraisal fees, as required by Code Section 10145  
25 and Regulations 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 escrow trust account,  
5 as required by Code Section 10145 and Regulations 2831.2, 2950(d)  
6 and 2951.

7 (e) Permitted unlicensed and unbonded person Viorel  
8 Alex Petrusan, as an authorized signatory on the escrow trust  
9 account, in violation of Code Section 10145 and Regulations 2834,  
10 2950(d) and 2951.

11 (f) The escrow trust account was not designated as a  
12 trust account, in violation of Code Section 10145 of the Code and  
13 Regulations 2832(a), 2950(d), 2950(f) and 2951.

14 DISCIPLINARY STATUTES AND REGULATIONS

15 7.

16 The conduct of Respondent NORRIS, described in  
17 Paragraph 6, violated the Code and the Regulations as set forth:  
18

19 <u>PARAGRAPH</u>	<u>PROVISIONS VIOLATED</u>
20 6(a)	Code Sections 10145 and Regulations 21 2832.1, 2950(d), 2950(g) and 2951
22 6(b)	Code Section 10145 and Regulations 2831, 23 2950(d) and 2951 24 25 26 27

- 1           6(c)                           Code Section 10145 and Regulations
- 2   2831.1, 2950(d) and 2951
  
- 3
- 4           6(d)                           Code Section 10145 and Regulations
- 5   2831.2, 2950(d) and 2951
  
- 6
- 7           6(e)                           Code Section 10145 and Regulations 2834,
- 8   2950(d) and 2951
  
- 9
- 10          6(f)                           Code Section 10145 and Regulations
- 11   2832(a), 2950(d), 2950(f) and 2951
- 12

13 Each of the foregoing violations constitute cause for the  
14 suspension or revocation of the real estate license and license  
15 rights of NORRIS under the provisions of Code Sections 10177(d)  
16 and/or 10177(g).

17   NEGLIGENCE

18   8.

19   The overall conduct of NORRIS constitutes negligence

20 and is cause for discipline of the real estate license and

21 license rights of NORRIS pursuant to Code Section 10177(g).

22 ///

23 ///

24 ///

25 ///

26 ///

27

PRIOR DEPARTMENTAL ACTION

9.

On November 22, 2005, in Case No. H-32327 LA, an Accusation was filed against Respondent NORRIS, which resulted in stipulated discipline which included a stayed suspension on terms and conditions for violations of Code Sections 10145 and Regulations 2731, 2832.1, 2834, 2950(d), 2950(f), and 2950(g), effective December 31, 2007.

LACK OF SUPERVISION AND COMPLIANCE

10.

The overall conduct of NORRIS constitutes a failure to exercise supervision and control over the licensed activities of his brokerage. Nor did NORRIS maintain a system in place for regularly monitoring his compliance with the Real Estate Law especially in regard to establishing policies to review trust fund handling and record keeping for his client's trust funds, in violation. This conduct is cause for discipline of the real estate license and license rights of NORRIS pursuant to Code Section 10177(h), 10177(d) and/or 10177(g).

///

///

///

///

///

///

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, 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 29 day of July 2008.

11   
12 \_\_\_\_\_  
13 Deputy Real Estate Commissioner

14  
15  
16  
17  
18  
19  
20  
21  
22  
23 cc: Dwight Edward Norris  
24 Robin Trujillo  
25 Sacto  
26 Audits - Darryl Thomas  
27 Audits - Darryl M. Thomas  
Tanika Beamon