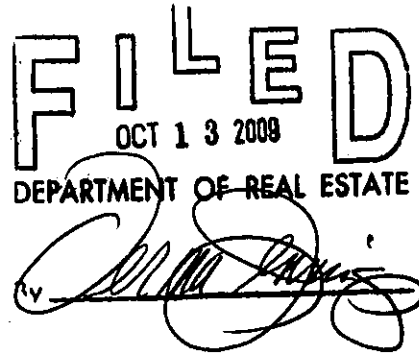


1 Department of Real Estate
2 320 W. 4th St., Room 350
3 Los Angeles, California 90013

4 Telephone: (213) 576-6982



8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) No. H-35666 LA
12) L-2009 061 142
13 CAPITAL HOME CORPORATION,)
14 and DAVID ALLEN JUNIPER,) STIPULATION AND AGREEMENT
15 as designated officer of)
16 Capital Home Corporation,)
17 Respondents.)

18 It is hereby stipulated by and between DAVID ALLEN
19 JUNIPER (sometimes referred to as Respondent), and the
20 Complainant, acting by and through James R. Peel, Counsel for
21 the Department of Real Estate, as follows for the purpose of
22 settling and disposing of the Accusation filed on February 5,
23 2009, 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
27

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

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

9 3. On February 23, 2009, Respondent filed a Notice of
10 Defense pursuant to Section 11506 of the Government Code for the
11 purpose of requesting a hearing on the allegations in the
12 Accusation. Respondent hereby freely and voluntarily withdraws
13 said Notice of Defense. Respondent acknowledges that he
14 understands that by withdrawing said Notice of Defense he will
15 thereby waive his right to require the Commissioner to prove the
16 allegations in the Accusation at a contested hearing held in
17 accordance with the provisions of the APA and that he will waive
18 other rights afforded to him in connection with the hearing,
19 such as the right to present evidence in defense of the
20 allegations in the Accusation and the right to cross-examine
21 witnesses.

22 4. This Stipulation is based on the factual
23 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,
27

1 these factual statements, will serve as a prima facie basis for
2 the disciplinary action stipulated to herein. The Real Estate
3 Commissioner shall not be required to provide further evidence
4 to prove such allegations.

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

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

23 7. The Order or any subsequent Order of the Real
24 Estate Commissioner made pursuant to this Stipulation shall not
25 constitute an estoppel, merger or bar to any further
26 administrative or civil proceedings by the Department of Real
27 Estate with respect to any conduct which was not specifically

1 alleged to be causes for accusation in this proceeding.

2 DETERMINATION OF ISSUES

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

7 The conduct, acts and/or omissions of Respondent
8 DAVID ALLEN JUNIPER, as set forth in the Accusation, constitute
9 cause for the suspension or revocation of all of the real estate
10 licenses and license rights of Respondent under the provisions
11 of Section 10177(g) of the Business and Professions Code
12 ("Code").
13

14 ORDER

15 All licenses and licensing rights of Respondent DAVID
16 ALLEN JUNIPER under the Real Estate Law are suspended for a
17 period of one hundred twenty (120) days from the effective date
18 of this Decision; provided, however, that seventy (70) days of
19 said suspension shall be stayed for two (2) years upon the
20 following terms and conditions:

21 1. Respondent shall obey all laws, rules and
22 regulations governing the rights, duties and responsibilities of
23 a real estate licensee in the State of California; and
24

25 2. That no final subsequent determination be made,
26 after hearing or upon stipulation that cause for disciplinary
27 action occurred within two (2) years of the effective date of

1 this Decision. Should such a determination be made, the
2 Commissioner may, in his discretion, vacate and set aside the
3 stay order and reimpose all or a portion of the stayed
4 suspension. Should no such determination be made, the stay
5 imposed herein shall become permanent.

6 3. Provided, however, that if Respondent petitions,
7 the remaining fifty (50) days of said one hundred twenty (120)
8 day suspension shall be stayed upon condition that:

9 a. Respondent pays a monetary penalty pursuant to
10 Section 10175.2 of the Business and Professions Code at the rate
11 of \$100 for each day of the suspension for a total monetary
12 penalty of \$5,000.

13 b. Said payment shall be in the form of a
14 cashier's check or certified check made payable to the Recovery
15 Account of the Real Estate Fund. Said check must be received by
16 the Department prior to the effective date of the Decision in
17 this matter.

18 c. No further cause for disciplinary action
19 against the real estate licenses of Respondent occurs within two
20 (2) years from the effective date of the Decision in this
21 matter.

22 d. If Respondent fails to pay the monetary
23 penalty in accordance with the terms and conditions of the
24 Decision, the Commissioner may, without a hearing, order the
25 immediate execution of all or any part of the stayed suspension
26 in which event the Respondent shall not be entitled to any
27

1 repayment nor credit, prorated or otherwise, for money paid to
2 the Department under the terms of this Decision.

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

8 4. Respondent shall, within six months from the
9 effective date of this Decision, take and pass the Professional
10 Responsibility Examination administered by the Department
11 including the payment of the appropriate examination fee. If
12 Respondent fails to satisfy this condition, the Commissioner may
13 order suspension of Respondent's licenses until Respondent
14 passes the examination.
15

16
17
18 DATED: Sept. 14, 2009

James R. Peel
JAMES R. PEEL, Counsel for the
Department of Real Estate

19
20 * * *

21
22 I have read the Stipulation and Agreement, and its
23 terms are understood by me and are agreeable and acceptable to
24 me. I understand that I am waiving rights given to me by the
25 California Administrative Procedure Act (including but not
26 limited to Sections 11506, 11508, 11509 and 11513 of the
27 Government Code), and I willingly, intelligently and voluntarily

1 waive those rights, including the right of requiring the
2 Commissioner to prove the allegations in the Accusation at a
3 hearing at which I would have the right to cross-examine
4 witnesses against me and to present evidence in defense and
5 mitigation of the charges.

6 Respondent can signify acceptance and approval of the
7 terms and conditions of this Stipulation and Agreement by faxing
8 a copy of the signature page, as actually signed by Respondent,
9 to the Department at the following telephone/fax number:
10 (213) 576-6917. Respondent agrees, acknowledges and understands
11 that by electronically sending to the Department a fax copy of
12 his or her actual signature as it appears on the Stipulation and
13 Agreement, that receipt of the faxed copy by the Department
14 shall be as binding on Respondent as if the Department had
15 received the original signed Stipulation and Agreement.

16 Further, if the Respondent is represented, the
17 Respondent's counsel can signify his or her agreement to the
18 terms and conditions of the Stipulation and Agreement by
19 submitting that signature via fax.

20
21
22
23 DATED: September 8, 2009


24 DAVID ALLEN JUNIPER
25 Respondent
26
27

1 waive those rights, including the right of requiring the
2 Commissioner to prove the allegations in the Accusation at a
3 hearing at which I would have the right to cross-examine
4 witnesses against me and to present evidence in defense and
5 mitigation of the charges.

6 Respondent can signify acceptance and approval of the
7 terms and conditions of this Stipulation and Agreement by faxing
8 a copy of the signature page, as actually signed by Respondent,
9 to the Department at the following telephone/fax number:
10 (213) 576-6917. Respondent agrees, acknowledges and understands
11 that by electronically sending to the Department a fax copy of
12 his or her actual signature as it appears on the Stipulation and
13 Agreement, that receipt of the faxed copy by the Department
14 shall be as binding on Respondent as if the Department had
15 received the original signed Stipulation and Agreement.

16 Further, if the Respondent is represented, the
17 Respondent's counsel can signify his or her agreement to the
18 terms and conditions of the Stipulation and Agreement by
19 submitting that signature via fax.
20
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22

23 DATED: _____

24 DAVID ALLEN JUNIPER
Respondent
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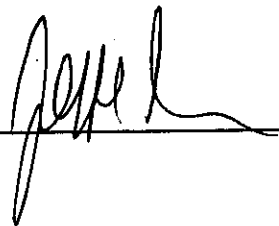
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* * *

The foregoing Stipulation and Agreement is hereby
adopted as my Decision and Order in this matter, and shall
become effective at 12 o'clock noon on November 2, 2009.

IT IS SO ORDERED 9-28-09.

JEFF DAVI
Real Estate Commissioner

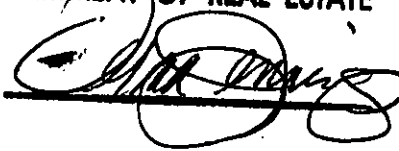


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FILED
OCT 13 2009

DEPARTMENT OF REAL ESTATE

By



BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

No. H-35666 LA

CAPITAL HOME CORPORATION,

and DAVID ALLEN JUNIPER,
as designated officer of
Capital Home Corporation,

Respondents,

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On February 5, 2009, an Accusation was filed in this matter against Respondent CAPITAL HOME CORPORATION.

On September 8, 2009, Respondent petitioned the Commissioner to voluntarily surrender its real estate broker license pursuant to Section 10100.2 of the Business and Professions Code.

IT IS HEREBY ORDERED that Respondent CAPITAL HOME CORPORATION's petition for voluntary surrender of its real estate broker license is accepted as of the effective date of this Order

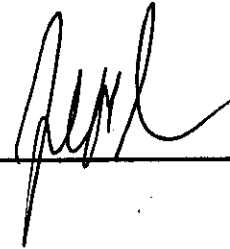
1 as set forth below, based upon the understanding and agreement
2 expressed in Respondent's Declaration dated September 8, 2009
3 (attached as Exhibit "A" hereto). Respondent's license
4 certificates, pocket cards and any branch office license
5 certificate shall be sent to the below listed address so that
6 they reach the Department on or before the effective date of this
7 Order:

8 DEPARTMENT OF REAL ESTATE
9 Attn: Licensing Flag Section
10 P. O. Box 187000
Sacramento, CA 95818-7000

11 This Order shall become effective at 12 o'clock noon
12 on November 2, 2009.

13 DATED: 9/29, 2009

15 JEFF DAVI
16 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-35666 LA
CAPITAL HOME CORPORATION,)	
)	
)	
Respondent.)	

DECLARATION

My name is David Allen Juniper and I am currently an officer of CAPITAL HOME CORPORATION which is licensed as a real estate broker and/or has license rights with respect to said license. I am authorized and empowered to sign this declaration on behalf of CAPITAL HOME CORPORATION. I am acting on behalf of CAPITAL HOME CORPORATION in this matter.

In lieu of proceeding in this matter in accordance with the provisions of the Administrative Procedure Act (Sections 11400 et seq., of the Government Code) CAPITAL HOME CORPORATION wishes to voluntarily surrender its real estate license issued

1 by the Department of Real Estate ("Department") pursuant to
2 Business and Professions Code Section 10100.2.

3 I understand that by so voluntarily surrendering its
4 license, CAPITAL HOME CORPORATION can only have it reinstated in
5 accordance with the provisions of Section 11522 of the Government
6 Code. I also understand that by so voluntarily surrendering its
7 license, CAPITAL HOME CORPORATION agrees to the following:

8 (1) The filing of this Declaration shall be deemed as its
9 petition for voluntary surrender.

10 (2) It shall also be deemed to be an understanding and
11 agreement by CAPITAL HOME CORPORATION that it waives all rights
12 it has to require the Commissioner to prove the allegations
13 contained in the Accusation filed in this matter at a hearing
14 held in accordance with the provisions of the Administrative
15 Procedure Act (Government Code Sections 11400 et seq.), and that
16 it also waives other rights afforded to it in connection with the
17 hearing such as the right to discovery, the right to present
18 evidence in defense of the allegations in the Accusation and the
19 right to cross-examine witnesses.

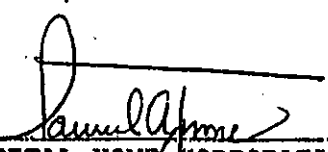
20 (3) I further agree on behalf of CAPITAL HOME CORPORATION
21 that upon acceptance by the Commissioner, as evidenced by an
22 appropriate order, all affidavits and all relevant evidence
23 obtained by the Department in this matter prior to the
24 Commissioner's acceptance, and all allegations contained in the
25 Accusation filed in the Department Case No. H-35666 LA may be
26 considered by the Department to be true and correct for the
27

1 purpose of deciding whether to grant relicensure of CAPITAL HOME
2 CORPORATION's license pursuant to Government Code Section 11522.

3 (4) CAPITAL HOME CORPORATION freely and voluntarily
4 surrenders all of its licenses and license rights under the Real
5 Estate Law.

6 I declare under penalty of perjury under the laws of
7 the State of California that the above is true and correct and
8 that I am acting freely and voluntarily on behalf of CAPITAL HOME
9 CORPORATION to surrender its license and all license rights
10 attached thereto.

11 This Declaration is executed on September 8, 2009, at
12 Lake Forest, California.

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14 
15 CAPITAL HOME CORPORATION
16 By: David Allen Juniper
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1 purpose of deciding whether to grant relicensure of CAPITAL HOME
2 CORPORATION's license pursuant to Government Code Section 11522.

3 (4) CAPITAL HOME CORPORATION freely and voluntarily
4 surrenders all of its licenses and license rights under the Real
5 Estate Law.

6 I declare under penalty of perjury under the laws of
7 the State of California that the above is true and correct and
8 that I am acting freely and voluntarily on behalf of CAPITAL HOME
9 CORPORATION to surrender its license and all license rights
10 attached thereto.

11 This Declaration is executed on _____, 2009, at
12 _____, California.

13
14 CAPITAL HOME CORPORATION
15 By: David Allen Juniper
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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

5 Telephone: (213) 576-6982
6 -or- (213) 576-6913 (Direct)

FILED
FEB - 5 2009

DEPARTMENT OF REAL ESTATE

By 

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)

No. H-35666 LA

12)
13 CAPITAL HOME CORPORATION,)
14 and DAVID ALLEN JUNIPER,)
15 as designated officer of)
16 Capital Home Corporation,)

A C C U S A T I O N

Respondents)

17 The Complainant, Maria Suarez, a Deputy Real Estate
18 Commissioner of the State of California, for cause of accusation
19 against CAPITAL HOME CORPORATION and DAVID ALLEN JUNIPER
20 individually and as designated officer of Capital Home
21 Corporation:

22 I

23 The Complainant, Maria Suarez, acting in her official
24 capacity as a Deputy Real Estate Commissioner of the State of
25 California, makes this Accusation against CAPITAL HOME CORPORATION
26 and DAVID ALLEN JUNIPER individually and as designated officer of
27 Capital Home Corporation.

1 II

2 CAPITAL HOME CORPORATION and DAVID ALLEN JUNIPER
3 (hereinafter referred to as "Respondents") are presently licensed
4 and/or have license rights under the Real Estate Law (Part 1 of
5 Division 4 of the Business and Professions Code, hereinafter
6 Code).

7 III

8 At all times herein mentioned, Respondent CAPITAL HOME
9 CORPORATION and DAVID ALLEN JUNIPER were licensed as a real
10 estate broker with Respondent DAVID ALLEN JUNIPER as its
11 designated officer. Respondent JUNIPER had his license
12 restricted as a result of the decision in case No. H-1600 SA
13 effective February 18, 1997. The restrictions on the license
14 were removed on or about August 25, 2000.

15 IV

16 At all times material herein, Respondents CAPITAL HOME
17 CORPORATION and DAVID ALLEN JUNIPER engaged in the business of,
18 acted in the capacity of, advertised or assumed to act as a real
19 estate broker in the State of California within the meaning of
20 Section 10131(a) and (d) of the Code including negotiating loans
21 on real property.

22 V

23 Respondent CAPITAL HOME CORPORATION was originally
24 licensed as a real estate broker on June 20, 2005. Pursuant to
25 Code Section 10159.2, Respondent DAVID ALLEN JUNIPER is
26 responsible for the supervision and control of the activities
27 conducted on behalf of the corporation by its officers and

1 employees as necessary to secure full compliance with the
2 provisions of the real estate law including the supervision of
3 salespersons licensed to the corporation in the performance of
4 acts for which a real estate license is required.

5 VI

6 In connection with Respondents' activities as a real
7 estate broker Respondents violated Section 10137 of the Code in
8 that in or about May, 2006, Respondents employed Maria Ramirez,
9 who was not licensed to Respondent CAPITAL HOME CORPORATION as a
10 real estate salesperson, to solicit and negotiate re-finance
11 first and second mortgages on real property located at 44824
12 Linalou Ranch Road, Temecula, California for borrowers Guadalupe
13 Romero and Julia Romero.

14 VII

15 Respondents CAPITAL HOME CORPORATION and DAVID ALLEN
16 JUNIPER violated Code Sections 10240 and 10241 by failing to
17 maintain a copy of the Borrowers' Mortgage Loan Disclosure
18 Statements signed by the Borrowers and the broker or the broker's
19 representative and disclosing to the Borrowers that they would
20 have to pay fees including a brokerage fee of \$3,655, a broker's
21 fee of \$362, escrow fee of \$995, loan tie-in fee of \$220, and sub
22 escrow fee of \$595.

23 VIII

24 Escrow closed on or about May 22, 2006.

25 ///

26 ///

27 ///

IX

During the course of the transaction, Respondents CAPITAL HOME CORPORATION and DAVID ALLEN JUNIPER failed to disclose to the Borrowers that they would have to pay the fees set forth in paragraph VII above.

X

In violation of Section 2742, Title 10, Chapter 6, California Code of Regulations, the California Franchise Tax Board forfeited Respondent's powers, rights and privileges on October 1, 2007, pursuant to the provisions of the California Revenue and Taxation Code, and Respondent's powers, rights and privileges remain forfeited.

XI

The conduct of Respondents CAPITAL HOME CORPORATION and DAVID ALLEN JUNIPER, as alleged above, subjects their real estate licenses and license rights to suspension or revocation pursuant to Sections 10137, 10177(d), 10177(f), 10177(g), 10176(a), and/or 10176(i) of the Code.

XII

The conduct of Respondent DAVID ALLEN JUNIPER, as alleged above, subjects his real estate licenses and license rights to suspension or revocation pursuant to Sections 10159.2, 10177(h), 10177(d), and/or 10177(g) of the Code.

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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 all licenses and license rights of Respondents
5 CAPITAL HOME CORPORATION and DAVID ALLEN JUNIPER under the Real
6 Estate Law (Part 1 of Division 4 of the Business and Professions
7 Code) and for such other and further relief as may be proper
8 under other applicable provisions of law.

9 Dated at Los Angeles, California

10 this 27th day of January, 2009

11
12 
13 MARIA SUAREZ
14 Deputy Real Estate Commissioner
15
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23

24 cc: Capital Home Corporation
25 David Allen Juniper
26 Maria Suarez
27 Sacto.
Phil Ihde