

1 Department of Real Estate  
2 320 West 4th Street, Ste. 350  
3 Los Angeles, California 90013-1105  
4 Telephone: (213) 576-6982

**FILED**

AUG - 5 2011

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-36792 LA

12 WESTERN WORLD FINANCIAL, )  
13 a California corporation doing )  
14 business as Prime Choice Escrow; )  
15 and DARYL SCOTT BEANS, individually )  
and as designated Officer of )  
Western World Financial, )

STIPULATION  
AND  
AGREEMENT

16 Respondents, )  
17 )

18 It is hereby stipulated by and between Respondents  
19 WESTERN WORLD FINANCIAL and DARYL SCOTT BEANS, individually and  
20 as designated officer of Western World Financial, (sometimes  
21 collectively referred to as "Respondents"), and the Complainant,  
22 acting by and through Elliott Mac Lennan, Counsel for the  
23 Department of Real Estate, as follows for the purpose of settling  
24 and disposing of the Accusation ("Accusation") filed on September  
25 3, 2010, in this matter:

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1  
2 1. All issues which were to be contested and all  
3 evidence which was to be presented by Complainant and Respondents  
4 at a formal hearing on the Accusation, which hearing was to be  
5 held in accordance with the provisions of the Administrative  
6 Procedure Act ("APA"), shall instead and in place thereof be  
7 submitted solely on the basis of the provisions of this  
8 Stipulation and Agreement ("Stipulation").

9 2. Respondents have received, read and understand the  
10 Statement to Respondent, the Discovery Provisions of the APA and  
11 the Accusation filed by the Department of Real Estate in this  
12 proceeding.

13 3. Respondents timely filed a Notice of Defense  
14 pursuant to Section 11506 of the Government Code for the purpose  
15 of requesting a hearing on the allegations in the Accusation.  
16 Respondents hereby freely and voluntarily withdraw said Notice of  
17 Defense. Respondents acknowledge that they understand that by  
18 withdrawing said Notice of Defense they thereby waive their right  
19 to require the Commissioner to prove the allegations in the  
20 Accusation at a contested hearing held in accordance with the  
21 provisions of the APA and that they will waive other rights  
22 afforded to them in connection with the hearing such as the right  
23 to present evidence in their defense and the right to cross-  
24 examine witnesses.

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1           4. This Stipulation is based on the factual  
2 allegations contained in the Accusation. In the interest of  
3 expedience and economy, Respondents choose not to contest these  
4 allegations, but to remain silent and understand that, as a  
5 result thereof, these factual allegations, without being admitted  
6 or denied, will serve as a prima facie basis for the disciplinary  
7 action stipulated to herein. The Real Estate Commissioner shall  
8 not be required to provide further evidence to prove said factual  
9 allegations.

10           5. This Stipulation is made for the purpose of  
11 reaching an agreed disposition of this proceeding and is  
12 expressly limited to this proceeding and any other proceeding or  
13 case in which the Department of Real Estate ("Department"), the  
14 state or federal government, or any agency of this state, another  
15 state or federal government is involved.

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

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1           7. The Order or any subsequent Order of the Real  
2 Estate Commissioner made pursuant to this Stipulation shall not  
3 constitute an estoppel, merger or bar to any further  
4 administrative or civil proceedings by the Department of Real  
5 Estate with respect to any matters which were not specifically  
6 alleged to be causes for Accusation in this proceeding but do  
7 constitute a bar, estoppel and merger as to any allegations  
8 actually contained in the Accusation against Respondent herein.

9           8. Respondents understand that by agreeing to this  
10 Stipulation, Respondents agree to pay, pursuant to Business and  
11 Professions Code Section 10148, the cost of the audit. The  
12 amount of said cost for the original audit (LA 080134) is  
13 \$5,735.76.

14           9. Respondents have received, read, and understand the  
15 "Notice Concerning Costs of Subsequent Audit". Respondents  
16 further understand that by agreeing to this Stipulation, the  
17 findings set forth below in the Determination of Issues become  
18 final, and the Commissioner may charge Respondents for the cost  
19 of any subsequent audit conducted pursuant to Business and  
20 Professions Code Section 10148 to determine if the violations  
21 have been corrected. The maximum cost of the follow-up audit  
22 will not exceed \$5,735.76.

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1 without a hearing, order the immediate execution of all or any  
2 part of the stayed suspension, in which event the Respondent  
3 shall not be entitled to any repayment nor credit, prorated or  
4 otherwise, for money paid to the Department under the terms of  
5 this Decision.

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

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

14 1. Respondent shall obey all laws, rules and  
15 regulations governing the rights, duties and responsibilities of  
16 a real estate licensee in the State of California; and

17 2. That no final subsequent determination be made  
18 after hearing or upon stipulation, which cause for disciplinary  
19 action occurred within two (2) years from the effective date of  
20 this Decision. Should such a determination be made, the  
21 Commissioner may, in her discretion, vacate and set aside the  
22 stay order and reimpose all or a portion of the stayed  
23 suspension. Should no such determination be made, the stay  
24 imposed herein shall become permanent.

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1 III.

2 Pursuant to Section 10148 of the Business and

3 Professions Code, Respondents WESTERN WORLD FINANCIAL and DARRYL  
4 SCOTT BEANS shall pay the Commissioner's reasonable cost for (a)  
5 the audit which led to this disciplinary action and (b) a  
6 subsequent audit to determine if Respondents are now in  
7 compliance with the Real Estate Law. The cost of the audit which  
8 led to this disciplinary action is \$5,735.76. In calculating the  
9 amount of the Commissioner's reasonable cost, the Commissioner  
10 may use the estimated average hourly salary for all persons  
11 performing audits of real estate brokers, and shall include an  
12 allocation for travel time to and from the auditor's place of  
13 work. Said amount for the prior and subsequent audits shall not  
14 exceed \$11,471.52. Respondents shall pay such cost within 60  
15 days of receiving an invoice from the Commissioner detailing the  
16 activities performed during the audit and the amount of time  
17 spent performing those activities.

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



1 IV.

2 All licenses and licensing rights of Respondent DARRYL  
3 SCOTT BEANS are indefinitely suspended unless or until Respondent  
4 provides proof satisfactory to the Commissioner, of having taken  
5 and successfully completed the continuing education course on  
6 trust fund accounting and handling specified in paragraph (3) of  
7 subdivision (a) of Section 10170.5 of the Business and  
8 Professions Code. Proof of satisfaction of this requirement  
9 includes evidence that Respondent has successfully completed the  
10 trust fund account and handling continuing education course  
11 within 120 days prior to the effective date of the Decision in  
12 this matter.

13  
14 DATED: 7-7-11 EL

15 ELLIOTT MAC LENNAN, Counsel for  
16 the Department of Real Estate

17 \* \* \*

18 EXECUTION OF THE STIPULATION

19 We have read the Stipulation and Agreement and  
20 discussed it with our attorney. Its terms are understood by us  
21 and are agreeable and acceptable to us. We understand that we  
22 are waiving rights given to us by the California Administrative  
23 Procedure Act (including but not limited to Sections 11506,  
24 11508, 11509 and 11513 of the Government Code), and we willingly,  
25 intelligently and voluntarily waive those rights, including the  
26 right of requiring the Commissioner to prove the allegations in  
27 the Accusation at a hearing at which we would have the right to

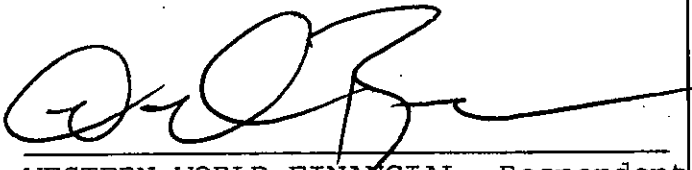
1 cross-examine witnesses against us and to present evidence in  
2 defense and mitigation of the charges.

3 MAILING AND FACSIMILE


4 Respondents (1) shall mail the original signed  
5 signature page of the stipulation herein to Elliott Mac Lennan:  
6 Attention: Legal Section, Department of Real Estate, 320 W.  
7 Fourth St., Suite 350, Los Angeles, California 90013-1105.  
8 Respondents shall also (2) facsimile a copy of signed signature  
9 page, to the Department at the following telephone/fax number:  
10 (213) 576-6917, Attention: Elliott Mac Lennan.

11 A facsimile constitutes acceptance and approval of the  
12 terms and conditions of this stipulation. Respondents agree,  
13 acknowledge and understand that by electronically sending to the  
14 Department a facsimile copy of Respondents' actual signature as  
15 it appears on the stipulation that receipt of the facsimile copy  
16 by the Department shall be as binding on Respondents as if the  
17 Department had received the original signed stipulation.

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19  
20 DATED: 7/11/11

  
WESTERN WORLD FINANCIAL, Respondent  
By: DARRYL SCOTT BEANS, as  
designated officer of Pacific  
Western World Financial

21  
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23  
24 DATED: 7/11/11

  
DARRYL SCOTT BEANS, Respondent,  
Individually and as designated  
officer of Pacific Western World  
Financial

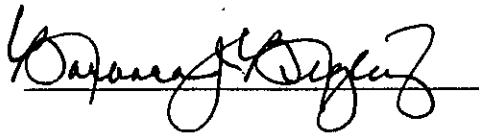
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The foregoing Stipulation and Agreement is hereby  
adopted as my Decision as to Respondents WESTERN WORLD FINANCIAL  
and DARRYL SCOTT BEANS and shall become effective at 12 o'clock  
noon on September 2 \_\_\_\_\_, 2011.

IT IS SO ORDERED 8/1 \_\_\_\_\_, 2011.

BARBARA J. BIGBY  
Acting Real Estate Commissioner



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ELLIOTT MAC LENNAN, SBN 0006674  
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**

SEP - 3 2010

DEPARTMENT OF REAL ESTATE  
BY: [Signature]

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \* \* \*

In the Matter of the Accusation of   )  
   )  
WESTERN WORLD FINANCIAL,   )  
a California corporation doing   )  
business as Prime Choice Escrow;   )  
and DARYL SCOTT BEANS, individually   )  
and as designated Officer of   )  
Western World Financial,   )  
   )  
   )  
Respondents.    )

No. H-36792 LA

A C C U S A T I O N

The Complainant, Robin Trujillo, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against WESTERN WORLD FINANCIAL dba Prime Choice Escrow; and DARYL SCOTT BEANS, individually and as designated officer of Western World Financial, alleges as follows:

1.

The Complainant, Robin Trujillo, acting in her official capacity as a Deputy Real Estate Commissioner of the State of

///

1 California, makes this Accusation against WESTERN WORLD FINANCIAL  
2 and DARYL SCOTT BEANS.

3 2.

4 All references to the "Code" are to the California  
5 Business and Professions Code and all references to "Regulations"  
6 are to Title 10, Chapter 6, California Code of Regulations except  
7 as otherwise specified.

8 LICENSE HISTORY

9 3.

10 A. At all times mentioned, WESTERN WORLD FINANCIAL  
11 ("WWF") was licensed or had license rights issued by the  
12 Department of Real Estate ("Department") as a corporate real  
13 estate broker. On December 01, 2000, WWF was originally licensed  
14 as a real estate broker by and through DARRYL SCOTT BEANS.

15 B.1 At all times material herein, DARYL SCOTT BEANS  
16 ("BEANS"), was licensed by the Department as a corporate real  
17 estate broker.

18 B.2. BEANS was originally licensed as a salesperson on  
19 December 29, 1994. BEANS was originally licensed as a broker on  
20 May 9, 1995.

21 B.3. On January 2, 2008, in Case No. H-34132 LA,  
22 Respondent BEANS broker's license was disciplined by a suspension  
23 stayed by a monetary penalty. In this prior case, World Wide  
24 Financial was the fictitious business name and the name of the  
25 corporation was Prime Choice Escrow Corp.; a reversal of roles  
26 without a change in substance in the escrow activities conducted.  
27

1 C. At all times material herein, BEANS was the  
2 designated officer and broker responsible for WWF, pursuant to  
3 Code Sections 10159.2 and 10211 for supervising the activities  
4 requiring a real estate license conducted on behalf WWF of by  
5 WWF's officers, agents and employees. BEANS became the  
6 designated officer of WWF on December 01, 2000, and continues  
7 thereon to date.

8 BROKERAGE

9 4.

10 At all times mentioned, in the City of Pomona, County  
11 of Los Angeles, WWF acted as a corporate real estate broker and  
12 conducted licensed activities by means of broker-controlled  
13 escrows through WWF's escrow division under the exemption set  
14 forth in California Financial Code Section 17006(a)(4) for real  
15 estate brokers performing escrows incidental to a real estate  
16 transaction where the broker is a party and where the broker is  
17 performing acts for which a real estate license is required.

18 AUDIT EXAMINATION

19 5.

20  
21 On April 23, 2009, the Department completed an audit  
22 examination of the books and records of WWF pertaining to the  
23 broker-escrow activities described in Paragraph 4 that require a  
24 real estate license. The audit examination covered a period of  
25 time beginning on January 1, 2008 to November 30, 2008. The  
26 audit examination revealed violations of the Code and the  
27

1 Regulations as set forth in the following paragraphs, and more  
2 fully discussed in Audit Report LA 080134 and the exhibits and  
3 workpapers attached to said audit report.

4 ESCROW TRUST ACCOUNT

5 6.

6 At all times mentioned, in connection with the  
7 activities described in Paragraph 4, above, WWF accepted or  
8 received funds including funds in trust (hereinafter "trust  
9 funds") from or on behalf of actual or prospective parties to  
10 transactions handled by WWF including escrow holders and  
11 thereafter made deposits and or disbursements of such funds.  
12 From time to time herein mentioned during the audit period, said  
13 trust funds were deposited and/or maintained by WWF in the bank  
14 account as follows:

15  
16 "Prime Choice Escrow Corp. Escrow Trust Account"  
17 Acct. No 1891976696  
18 Commerica Bank ("escrow trust account")  
19 El Segundo, California

20 VIOLATIONS OF THE REAL ESTATE LAW

21 7.

22 In the course of activities described in Paragraphs 4  
23 and 6, above, and during the examination period described in  
24 Paragraph 5, Respondents WWF and BEANS acted in violation of the  
25 Code and the Regulations in that Respondents:

26 ///

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1 (a) Permitted, allowed or caused the disbursement of  
2 trust funds from the escrow trust account, where the disbursement  
3 of funds reduced the total of aggregate funds in the escrow trust  
4 account, to an amount which, on November 30, 2008, was \$4,706.09,  
5 less than the existing aggregate trust fund liability of WWF to  
6 every principal who was an owner of said funds, without first  
7 obtaining the prior written consent of the owners of said funds,  
8 in violation of Code Section 10145 and Regulations 2832.1,  
9 2950(d), 2950(g) and 2951.

10 (b) Failed to maintain a control record in the form of  
11 a columnar record in chronological order of all trust funds  
12 received, deposited and disbursed by the escrow trust account, in  
13 violation of Code Section 10145 and Regulations 2831, 2950(d) and  
14 2951.

15 (c) Failed to maintain an accurate and complete  
16 separate record for each beneficiary or transaction, thereby  
17 failing to account for all trust funds received, deposited and  
18 disbursed for the escrow trust account, in violation of Code  
19 Section 10145 and Regulations 2831.1, 2950(d) and 2951.

20 (d) Failed to perform a monthly reconciliation of the  
21 balance of all separate beneficiary or transaction records  
22 maintained pursuant to Regulation 2831.1 with the record of all  
23 trust funds received and disbursed by the escrow trust account,  
24 in violation of Code Section 10145 and Regulations 2831.2,  
25 2950(d) and 2951.  
26  
27



1 (e) The escrow trust account was not in the name of the  
2 broker as trustee at a bank or other financial institution, nor  
3 designated as a trust account, in violation of Code Section 10145  
4 and Regulations 2832(a), 2950(d) and 2951.

5 (f) Permitted unlicensed and unbonded person Humberto  
6 Zamudio to be an authorized signatory on the escrow trust  
7 account, in violation of Code Section 10145 and Regulation 2834.

8 (g) Used the fictitious name of "Prime Choice Escrow  
9 Corp.", to conduct licensed activities including broker-  
10 controlled escrows without holding a license bearing said  
11 fictitious business name, in violation of Code Section 10159.5  
12 and Regulation 2731; and

13 (h) Failed to disclose in writing to all parties of  
14 WWF's financial interest and ownership of WWF's escrow division,  
15 Prime Choice Escrow, in violation of Code Section 10145 and  
16 Regulation 2950(h).

17 8.

18 The conduct of Respondents WWF and BEANS, described in  
19 Paragraph 7, above, violated the Code and the Regulations as set  
20 forth below:  
21

22 PARAGRAPH

PROVISIONS VIOLATED

23  
24 7(a)

Code Section 10145 and Regulations  
25 2832.1, 2950(d), 2950(g) and 2951  
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7(b) Code Section 10145 and Regulations  
2831, 2950(d) and 2951

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

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

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

7(f) Code Section 10145 and Regulation  
2834

7(g) Code Section 10159.5 and Regulation  
2731

7(h) Code Section 10145 and Regulation  
2950(h)

The foregoing violations constitutes cause for the suspension or  
revocation of the real estate license and license rights of WWF  
and BEANS, under the provisions of Code Sections 10177(d) and/or  
10177(g).

NEGLIGENCE

9.

The overall conduct of Respondents WWF and BEANS constitutes negligence. This conduct and violation are cause for the suspension or revocation of the real estate license and license rights of said Respondents pursuant to Code Section 10177(g).

SUPERVISION AND COMPLIANCE

10.

The overall conduct of Respondent BEANS constitutes a failure on his part, as officer designated by a corporate broker licensee, to exercise reasonable supervision and control over the licensed activities of WWF as required by Code Section 10159.2, and to keep WWF in compliance with the Real Estate Law, and is cause for the suspension or revocation of the real estate license and license rights of BEANS pursuant to the provisions of Code Section 10177(h).

PRIOR DEPARTMENT ACTION

11.

On January 2, 2008, in Case No. H-34132 LA, a Stipulation and Agreement became effective against PRIME CHOICE ESCROW CORP. and DARRYL SCOTT BEANS, individually and then dba Western World Financial and as designated officer of Prime Choice Escrow Corp., resulted in discipline for said Respondents for violations of Code Sections 10145, 10159.5 and 10176(g) and

1 Regulations 2731, 2831, 2831.1, 2832.1, 2832(a), 2834, 2950(d),  
2 2950(g), 2950(h) and 2951 based on an Accusation filed on July  
3 19, 2007. Respondents' real estate broker licenses were  
4 disciplined by suspended licenses on terms and conditions stayed  
5 by monetary penalties.

6 WHEREFORE, Complainant prays that a hearing be  
7 conducted on the allegations of this Accusation and that upon  
8 proof thereof, a decision be rendered imposing disciplinary  
9 action against the license and license rights of Respondent  
10 WESTERN WORLD FINANCIAL dba Prime Choice Escrow and DARYL SCOTT  
11 BEANS, under the Real Estate Law (Part 1 of Division 4 of the  
12 Business and Professions Code) and for such other and further  
13 relief including restitution as may be proper under other  
14 applicable provisions of law.

15 Dated at Los Angeles, California

16 this 16 day of August 2010   
17 Deputy Real Estate Commissioner

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24 cc: Western World Financial,  
25 c/o Daryl Scott Beans D.O.  
26 Robin Trujillo  
27 Sacto  
Audits - Anna Hartoonian  
Daisy Tolentino