

FILED

AUG - 8 2012

BEFORE THE DEPARTMENT OF REAL ESTATE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA BY: R. She Devils

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In the Matter of the Accusation of)	
)	NO. H-37724 LA
<u>SECURITY PACIFIC MORTGAGE</u>)	
<u>CORPORATION; RUSSELL CARL</u>)	
BARNES individually and as)	
designated officer of Security)	
Pacific Mortgage Corporation;)	
and PAMELA JEAN EVERETT,)	
individually and as designated)	
officer of Security Pacific)	
Mortgage Corporation,)	
)	
Respondents.)	
)	

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 27, 2012, as to Respondent SECURITY PACIFIC MORTGAGE CORPORATION and the findings of fact set forth herein are based on one or more of the following: (1) Respondent's express admissions; (2) affidavits; and (3) other evidence.

FINDINGS OF FACT

1.

On December 8, 2011, 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, and Notice of Defense were mailed by

certified mail, return receipt requested, to Respondent at its address of record on December 9, 2011.

On March 27, 2012, no Notice of Defense having been filed herein on behalf of Respondent SECURITY PACIFIC MORTGAGE CORPORATION ("SPMC") within the time prescribed by Section 11506 of the Government Code, SPMC's default was entered herein.

2.

SPMC is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code ("Code"), as a corporate real estate broker. SPMC was originally issued a corporate real estate broker license by the Department on November 12, 1997. Effective December 7, 2011, Respondent's corporate real estate broker license expired. Pursuant to Code Section 10201, Respondent has a two-year right of renewal. Pursuant to Code Section 10103, the Department of Real Estate retains jurisdiction.

3.

At all times herein mentioned, SPMC engaged in the business of, acted in the capacity of, advertised, or assumed to act as a corporate real estate broker in the State of California within the meaning of Code Section 10131. Its activities included acting for another or others in the purchase, sale, or exchange of real property. Said activity also included soliciting borrowers and lenders and negotiating the terms of loans to be secured by liens on real property in expectation of compensation.

4.

On December 11, 2008, the Department completed an audit examination of the books and records of SPMC pertaining to the real estate sales activities described in paragraph 3, above. The audit examination covered the period of time from January 1, 2007, to September 30, 2008. The audit examination revealed numerous violations of the Real Estate Law (Part I of Division 4 of the Business and Professions Code) as set forth in the Audit Report for audits LA 080093 and LA 080098 and the exhibits and work papers attached to said audit report. Specifically, Respondent SPMC was found to have violated Code Sections 10145, and 10159.5, and Sections 2731, 2831, 2831.1, 2832, and 2834 of Title 10, Chapter 6, California Code of Regulations ("Regulations").

DETERMINATION OF ISSUES

1.

Cause for disciplinary action against Respondent SECURITY PACIFIC MORTGAGE CORPORATION exists pursuant to Business and Professions Code Sections 10145, and 10159.5, 10177(d) and 10177(g) and Sections 2731, 2831, 2831.1, 2832, and 2834 of Title 10, Chapter 6, California Code of Regulations ("Regulations").

2.

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

ORDER

The license and license rights of Respondent SECURITY PACIFIC MORTGAGE CORPORATION, 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 ~~_____~~ ^{AUG 21}, 2012.

DATED: July 18, 2012.

Real Estate Commissioner



By WAYNE S. BELL
Chief Counsel

FILED

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DEPARTMENT OF REAL ESTATE
BY: *[Signature]*

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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In the Matter of the Accusation of

No. H-37724 LA

SECURITY PACIFIC MORTGAGE CORPORATION; RUSSELL CARL BARNES, individually and as designated officer of Security Pacific Mortgage Corporation; and PAMELA JEAN EVERETT, individually and as designated officer of Security Pacific Mortgage Corporation,

DEFAULT ORDER

Respondents.

Respondent, SECURITY PACIFIC MORTGAGE CORPORATION, having failed to file a Notice of Defense within the time required by Section 11506 of the Government Code, is now in default. It is, therefore, ordered that a default be entered on the record in this matter.

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IT IS SO ORDERED MARCH 27, 2012.

BARBARA J. BIGBY
Acting Real Estate Commissioner


By: PHILLIP HILDE
Regional Manager