

1 Department of Real Estate
2 320 W. 4TH Street, Suite 350
3 Los Angeles, CA 90013-1105

4 Telephone: (213) 576-6982

FILED

AUG 29 2012

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-37724 LA

12 SECURITY PACIFIC MORTGAGE)
13 CORPORATION; RUSSELL CARL)
14 BARNES, individually and as)
15 designated officer of Security)
16 Pacific Mortgage Corporation,)
17 and PAMELA JEAN EVERETT,)
18 individually and as designated)
19 officer of Security Pacific)
20 Mortgage Corporation,)

STIPULATION

AND

AGREEMENT

21 Respondents.)

22 It is hereby stipulated by and between Respondent
23 RUSSELL CARL BARNES, ("Respondent"), acting on his own behalf,
24 and the Complainant, acting by and through Amelia V. Vetrone,
25 Counsel for the Department of Real Estate, as follows for the
26 purpose of settling and disposing of the Accusation filed on
27 December 9, 2011, in this matter:

1. All issues which were to be contested and all

[Signature]

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

7 2. Respondent has received, read and understands the
8 Statement to Respondent, the Discovery Provisions of the APA and
9 the Accusation filed by the Department of Real Estate in this
10 proceeding.

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

23 4. This Stipulation is based on the factual
24 allegations contained in the Accusation. In the interest of
25 expedience and economy Respondent chooses not to contest these
26 allegations but to remain silent and understands that, as a
27 result thereof, these factual allegations, without being admitted



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

5 5. This Stipulation is made for the purpose of
6 reaching an agreed disposition of this proceeding and is
7 expressly limited to this proceeding and any other proceeding or
8 case in which the Department of Real Estate ("Department"), or
9 another licensing agency of this state, another state, or the
10 federal government is involved, and otherwise shall not be
11 admissible in any other criminal or civil proceeding.

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

22 7. The Order or any subsequent Order of the Real
23 Estate Commissioner made pursuant to this Stipulation shall not
24 constitute an estoppel, merger or bar to any further
25 administrative or civil proceedings by the Department of Real
26 Estate with respect to any matters which were not specifically
27 alleged to be causes for accusation in this proceeding.

1 II.

2 The conduct, acts and omissions of RUSSELL CARL BARNES,
3 as described in Paragraph 4, above, constitute a failure to
4 ensure that his brokerage was in compliance with the Real Estate
5 Law and is a basis for the suspension or revocation of
6 Respondent's license pursuant to Code Sections 10177(d), and
7 10177(h).

8 ORDER

9 WHEREFORE, THE FOLLOWING ORDER is hereby made:

10 I.

11 A. All licenses and licensed rights of Respondent
12 RUSSELL CARL BARNES under the Real Estate Law are suspended for a
13 period of ninety (90) days from the effective date of this
14 Decision; provided, however, that the initial thirty (30) days of
15 said suspension shall be stayed upon the following terms and
16 conditions:

17 1. Respondent RUSSELL CARL BARNES shall pay a monetary
18 penalty pursuant to Section 10175.2 of the Business and
19 Professions Code of \$1,500 (at the rate of \$50 per day for each
20 day of the suspension) for a total monetary penalty of \$1,500.

21 2. Said payment shall be in the form of a cashier's
22 check or certified check made payable to the Recovery Account of
23 the Real Estate Fund. Said check must be received by the
24 Department prior to the effective date of the Decision in this
25 matter.

26 3. No further cause for disciplinary action against
27 the real estate licenses of Respondent RUSSELL CARL BARNES occurs

1 within two (2) years from the effective date of the Decision in
2 this matter.

3 4. If Respondent RUSSELL CARL BARNES fails to pay the
4 monetary penalty in accordance with the terms and conditions of
5 the Decision, the Commissioner may, without a hearing, order the
6 immediate execution of all or any part of the stayed suspension,
7 in which event the Respondent shall not be entitled to any
8 repayment nor credit, prorated or otherwise, for money paid to
9 the Department under the terms of this Decision.

10 5. If Respondent RUSSELL CARL BARNES pays the
11 monetary penalty and if no further cause for disciplinary action
12 against the real estate license of Respondent RUSSELL CARL
13 BARNES occurs within two (2) years from the effective date of
14 the Decision, the stay hereby granted shall become permanent.

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

18 1. Respondent RUSSELL CARL BARNES shall obey all
19 laws, rules and regulations governing the rights, duties and
20 responsibilities of a real estate licensee in the State of
21 California; and

22 2. That no final subsequent determination be made
23 after hearing or upon stipulation, that cause for disciplinary
24 action occurred within two (2) years from the effective date of
25 this Decision. Should such a determination be made, the
26 Commissioner may, in his discretion, vacate and set aside the
27 stay order and reimpose all or a portion of the stayed

1 suspension. Should no such determination be made under this
2 section, the stay imposed herein shall become permanent.

3 II.

4 Respondent shall submit proof satisfactory to the
5 Commissioner of having taken and successfully completed the
6 continuing education course on trust fund accounting and handling
7 specified in paragraph (3) of subdivision (a) of Section 10170.5
8 of the Business and Professions Code. Proof of satisfaction of
9 this requirement includes evidence that Respondent has
10 successfully completed the trust fund account and handling
11 continuing education course within 120 days after the effective
12 date of this Decision. If Respondent fails to satisfy this
13 condition, the Commissioner may, in his discretion, vacate and
14 set aside the stay order and reimpose all or a portion of the
15 stayed suspension until Respondent presents such evidence.

16 III.

17 Respondent shall, within nine (9) months from the
18 effective date of this Decision, present evidence satisfactory to
19 the Real Estate Commissioner that Respondent has, since the most
20 recent issuance of an original or renewal real estate license,
21 taken and successfully completed the continuing education
22 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
23 for renewal of a real estate license. If Respondent fails to
24 satisfy this condition, the Commissioner may, in his discretion,
25 vacate and set aside the stay order and reimpose all or a portion
26 of the stayed suspension until Respondent presents such evidence.
27 The Commissioner shall afford Respondent the opportunity for a

1 hearing pursuant to the Administrative Procedure Act to present
2 such evidence.

3 IV.

4 Respondent shall, within six (6) months after the
5 effective date of this Decision, take and pass the Professional
6 Responsibility Examination administered by the Department
7 including the payment of the appropriate examination fee. If
8 Respondent fails to satisfy this condition, the Commissioner may
9 order suspension of the license until respondent passes the
10 examination.

11 V.

12 Pursuant to Section 10148 of the Business and
13 Professions Code, Respondent shall pay the Commissioner's
14 reasonable cost for (a) the audits which led to this disciplinary
15 action and (b) a subsequent audit to determine if Respondent is
16 now in compliance with the Real Estate Law. The cost of the
17 audits which led to this disciplinary action is \$6,002.87, and
18 Respondent, for his part, is obligated by this agreement to pay
19 one half that amount, or \$3,001.44. In calculating the amount of
20 the Commissioner's reasonable cost, the Commissioner may use the
21 estimated average hourly salary for all persons performing audits
22 of real estate brokers, and shall include an allocation for
23 travel time to and from the auditor's place of work. Said amount
24 for the subsequent audits, shall not exceed \$6,002.87.

25 Respondent shall pay such cost within 60 days of
26 receiving an invoice from the Commissioner detailing the
27 activities performed during the audit and the amount of time

1 spent performing those activities.

2 The Commissioner may suspend the license of Respondent
3 pending a hearing held in accordance with Section 11500, et seq.,
4 of the Government Code, if payment is not timely made as provided
5 for herein, or as provided for in a subsequent agreement between
6 the Respondents and the Commissioner. The suspension shall
7 remain in effect until payment is made in full or until a
8 Respondent enters into an agreement satisfactory to the
9 Commissioner to provide for payment, or until a decision
10 providing otherwise is adopted following a hearing held pursuant
11 to this condition.

12
13
14 DATED: 3/2/12

Amelia V. Vetrone
Amelia V. Vetrone, Counsel for
the Department of Real Estate

15
16
17 * * *


18 EXECUTION OF THE STIPULATION

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

1 would have the right to cross-examine witnesses against me and to
2 present evidence in defense and mitigation of the charges.

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

10
11 DATED: 6-23-12



12 RUSSELL CARL BARNES,
13 Respondent

14 * * *

15 The foregoing Stipulation and Agreement is hereby
16 adopted as my Decision as to Respondent RUSSELL CARL BARNES and
17 shall become effective at 12 o'clock noon on
18 SEP 18, 2012.

19 IT IS SO ORDERED August 23, 2012.

20
21 Real Estate Commissioner


22
23
24 By WAYNE S. BELL
25 Chief Counsel

1 Department of Real Estate
2 320 W. 4TH Street, Suite 350
3 Los Angeles, CA 90013-1105

4 Telephone: (213) 576-6982

FILED

AUG 29 2012

DEPARTMENT OF REAL ESTATE
BY: *R. Mederholt*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 SECURITY PACIFIC MORTGAGE)
13 CORPORATION; RUSSELL CARL)
14 BARNES, individually and as)
15 designated officer of Security)
16 Pacific Mortgage Corporation,)
17 and PAMELA JEAN EVERETT,)
18 individually and as designated)
19 officer of Security Pacific)
20 Mortgage Corporation,)
21 Respondents.)

No. H-37724 LA

STIPULATION

AND

AGREEMENT

22 It is hereby stipulated by and between Respondent
23 PAMELA JEAN EVERETT, ("Respondent"), acting on her own behalf,
24 and the Complainant, acting by and through Amelia V. Vetrone,
25 Counsel for the Department of Real Estate, as follows for the
26 purpose of settling and disposing of the Accusation filed on
27 December 9, 2011, in this matter:

1. All issues which were to be contested and all

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

7 2. Respondent has received, read and understands the
8 Statement to Respondent, the Discovery Provisions of the APA and
9 the Accusation filed by the Department of Real Estate in this
10 proceeding.

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

23 4. This Stipulation is based on the factual
24 allegations contained in the Accusation. In the interest of
25 expedience and economy Respondent chooses not to contest these
26 allegations but to remain silent and understands that, as a
27 result thereof, these factual allegations, without being admitted

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

5 5. This Stipulation is made for the purpose of
6 reaching an agreed disposition of this proceeding and is
7 expressly limited to this proceeding and any other proceeding or
8 case in which the Department of Real Estate ("Department"), or
9 another licensing agency of this state, another state, or the
10 federal government is involved, and otherwise shall not be
11 admissible in any other criminal or civil proceeding.

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

22 7. The Order or any subsequent Order of the Real
23 Estate Commissioner made pursuant to this Stipulation shall not
24 constitute an estoppel, merger or bar to any further
25 administrative or civil proceedings by the Department of Real
26 Estate with respect to any matters which were not specifically
27 alleged to be causes for accusation in this proceeding.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

II.

The conduct, acts and omissions of PAMELA JEAN EVERETT, as described in Paragraph 4, above, constitute a failure to ensure that his brokerage was in compliance with the Real Estate Law and is a basis for the suspension or revocation of Respondent's license pursuant to Code Sections 10177(d), and 10177(h).

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

I.

A. All licenses and licensed rights of Respondent PAMELA JEAN EVERETT under the Real Estate Law are suspended for a period of ninety (90) days from the effective date of this Decision; provided, however, that the initial thirty (30) days of said suspension shall be stayed upon the following terms and conditions:

1. Respondent PAMELA JEAN EVERETT shall pay a monetary penalty pursuant to Section 10175.2 of the Business and Professions Code of \$1,500 (at the rate of \$50 per day for each day of the suspension) for a total monetary penalty of \$1,500.

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

3. No further cause for disciplinary action against the real estate licenses of Respondent PAMELA JEAN EVERETT occurs

1 within two (2) years from the effective date of the Decision in
2 this matter.

3 4. If Respondent PAMELA JEAN EVERETT fails to pay the
4 monetary penalty in accordance with the terms and conditions of
5 the Decision, the Commissioner may, without a hearing, order the
6 immediate execution of all or any part of the stayed suspension,
7 in which event the Respondent shall not be entitled to any
8 repayment nor credit, prorated or otherwise, for money paid to
9 the Department under the terms of this Decision.

10 5. If Respondent PAMELA JEAN EVERETT pays the
11 monetary penalty and if no further cause for disciplinary action
12 against the real estate license of Respondent PAMELA JEAN
13 EVERETT occurs within two (2) years from the effective date of
14 the Decision, the stay hereby granted shall become permanent.

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

18 1. Respondent PAMELA JEAN EVERETT shall obey all
19 laws, rules and regulations governing the rights, duties and
20 responsibilities of a real estate licensee in the State of
21 California; and

22 2. That no final subsequent determination be made
23 after hearing or upon stipulation, that cause for disciplinary
24 action occurred within two (2) years from the effective date of
25 this Decision. Should such a determination be made, the
26 Commissioner may, in his discretion, vacate and set aside the
27 stay order and reimpose all or a portion of the stayed

1 suspension. Should no such determination be made under this
2 section, the stay imposed herein shall become permanent.

3 II.

4 Respondent shall submit proof satisfactory to the
5 Commissioner of having taken and successfully completed the
6 continuing education course on trust fund accounting and handling
7 specified in paragraph (3) of subdivision (a) of Section 10170.5
8 of the Business and Professions Code. Proof of satisfaction of
9 this requirement includes evidence that Respondent has
10 successfully completed the trust fund account and handling
11 continuing education course within 120 days after the effective
12 date of this Decision. If Respondent fails to satisfy this
13 condition, the Commissioner may, in his discretion, vacate and
14 set aside the stay order and reimpose all or a portion of the
15 stayed suspension until Respondent presents such evidence.

16 III.

17 Respondent shall, within nine (9) months from the
18 effective date of this Decision, present evidence satisfactory to
19 the Real Estate Commissioner that Respondent has, since the most
20 recent issuance of an original or renewal real estate license,
21 taken and successfully completed the continuing education
22 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
23 for renewal of a real estate license. If Respondent fails to
24 satisfy this condition, the Commissioner may, in his discretion,
25 vacate and set aside the stay order and reimpose all or a portion
26 of the stayed suspension until Respondent presents such evidence.
27 The Commissioner shall afford Respondent the opportunity for a

1 hearing pursuant to the Administrative Procedure Act to present
2 such evidence.

3 IV.

4 Respondent shall, within six (6) months after the
5 effective date of this Decision, take and pass the Professional
6 Responsibility Examination administered by the Department
7 including the payment of the appropriate examination fee. If
8 Respondent fails to satisfy this condition, the Commissioner may
9 order suspension of the license until respondent passes the
10 examination.

11 V.

12 Pursuant to Section 10148 of the Business and
13 Professions Code, Respondent shall pay the Commissioner's
14 reasonable cost for (a) the audits which led to this disciplinary
15 action and (b) a subsequent audit to determine if Respondent is
16 now in compliance with the Real Estate Law. The cost of the
17 audits which led to this disciplinary action is \$6,002.87, and
18 Respondent, for his part, is obligated by this agreement to pay
19 one half that amount, or \$3,001.44. In calculating the amount of
20 the Commissioner's reasonable cost, the Commissioner may use the
21 estimated average hourly salary for all persons performing audits
22 of real estate brokers, and shall include an allocation for
23 travel time to and from the auditor's place of work. Said amount
24 for the subsequent audits, shall not exceed \$6,002.87.

25 Respondent shall pay such cost within 60 days of
26 receiving an invoice from the Commissioner detailing the
27 activities performed during the audit and the amount of time

1 spent performing those activities.

2 The Commissioner may suspend the license of Respondent
3 pending a hearing held in accordance with Section 11500, et seq.,
4 of the Government Code, if payment is not timely made as provided
5 for herein, or as provided for in a subsequent agreement between
6 the Respondents and the Commissioner. The suspension shall
7 remain in effect until payment is made in full or until a
8 Respondent enters into an agreement satisfactory to the
9 Commissioner to provide for payment, or until a decision
10 providing otherwise is adopted following a hearing held pursuant
11 to this condition.

12

13

14

DATED:

7/2/12

Amelia V. Vetrone

Amelia V. Vetrone, Counsel for
the Department of Real Estate

15

16

17

* * *

18

EXECUTION OF THE STIPULATION

19

20

21

22

23

24

25

26

27

I have read the Stipulation and Agreement. Its terms
are understood by me and are agreeable and acceptable to me. I
understand that I am waiving rights given to me by the California
Administrative Procedure Act (including but not limited to
Sections 11506, 11508, 11509 and 11513 of the Government Code),
and I willingly, intelligently and voluntarily waive those
rights, including the right of requiring the Commissioner to
prove the allegations in the Accusation at a hearing at which I

1 would have the right to cross-examine witnesses against me and to
2 present evidence in defense and mitigation of the charges.

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


10
11 DATED: 6/8/12


PAMELA JEAN EVERETT,
Respondent

12
13
14 * * *

15 The foregoing Stipulation and Agreement is hereby
16 adopted as my Decision as to Respondent PAMELA JEAN EVERETT and
17 shall become effective at 12 o'clock noon on
18 SEP 18, 2012.

19 IT IS SO ORDERED August 23, 2012.

20
21 Real Estate Commissioner
22
23 
24 By WAYNE S. BELL
25 Chief Counsel

26
27