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FILED

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DEPARTMENT OF REAL ESTATE

By K. Contreras

7
8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 In the Matter of the Accusation of)
11)
12 CAL-PRO MORTGAGE INC., a Corporation,) NO. H-5477 SAC
13 CAMERON THOMAS PANNABECKER,)
14 R B S GROUP INC., a Corporation, and)
15 RONALD ANTHONY CUTLER,) ACCUSATION
16 Respondents.)

17 The Complainant, TRICIA SOMMERS, a Deputy Real Estate Commissioner of
18 the State of California, for cause of Accusation against CAL-PRO MORTGAGE INC. (herein
19 "CAL-PRO") dba "The Mortgage Modification Center of Stockton," CAMERON THOMAS
20 PANNABECKER (herein "PANNABECKER"), R B S GROUP INC. (herein "R B S") dba
21 "Mortgage Modification Center," and RONALD ANTHONY CUTLER (herein "CUTLER")
22 dba's "SF Servicing," "Suntec Financial," and "Suntec Properties," (herein collectively
23 "Respondents"), is informed and alleges as follows:

24 1.

25 The Complainant makes this Accusation in her official capacity.

26 2.

27 At all times herein mentioned, Respondents were and now are, licensed and/or
have license rights under the Real Estate Law (Part 1 of Division 4 of the Business and
Professions Code) (herein "the Code").

1. 3.

2 At all times herein mentioned, CAL-PRO was and now is licensed by the State of
3 California Department of Real Estate (herein the "Department") as a corporate real estate broker
4 by and through PANNABECKER as designated officer-broker of CAL-PRO, to qualify said
5 corporation and to act for said corporation as a real estate broker.

6 4.

7 At all times herein mentioned, PANNABECKER was and now is licensed by the
8 Department as a real estate broker, individually and as designated officer-broker of CAL-PRO.
9 As said designated officer-broker, PANNABECKER was at all times mentioned herein
10 responsible pursuant to Section 10159.2 of the Code for the supervision of the activities of the
11 officers, agents, real estate licensees and employees of CAL-PRO for which a license is required.

12 5.

13 At all times herein mentioned, R B S was, effective January 23, 2009, and now is
14 licensed by the Department as a corporate real estate broker by and through CUTLER as designated
15 officer-broker of R B S, to qualify said corporation and to act for said corporation as a real estate broker.

16 6.

17 At all times herein mentioned, CUTLER was and now is licensed by the
18 Department as a real estate broker, individually and as designated officer-broker of R B S. As
19 said designated officer-broker, CUTLER was at all times mentioned herein responsible pursuant
20 to Section 10159.2 of the Code for the supervision of the activities of the officers, agents, real
21 estate licensees, and employees of R B S, for which a license is required.

22 7.

23 Between about October 2008 and about January 2009, Respondents were in
24 business together to provide loan modifications.

25 8.

26 At all times herein mentioned, Respondents engaged in the business of, acted in
27 the capacity of, advertised, or assumed to act as real estate brokers within the State of California

1 within the meaning of Section 10131(d) of the Code, including the operation and conduct of
2 mortgage loan brokerages with the public wherein, on behalf of others, for compensation or in
3 expectation of compensation, Respondents solicited lenders or borrowers for or negotiated loans or
4 collected payments or performed services for borrowers or lenders or note owners in connection
5 with loans secured directly or collaterally by liens on real property or on a business opportunity.

6 9.

7 In so acting as real estate brokers, as described in Paragraph 8 above, Respondents
8 received funds in trust (herein "trust funds") from or on behalf of borrowers, lenders, and/or
9 others in connection with the negotiation and collection of payments.

10 FIRST CAUSE OF ACCUSATION – CAL-PRO

11 10.

12 The allegations of Paragraphs 1 through 9 are incorporated herein by reference.

13 11.

14 The aforesaid trust funds accepted or received by Respondent CAL-PRO were
15 deposited or caused to be deposited by Respondent CAL-PRO into one or more bank accounts
16 (herein "trust fund accounts") maintained by Respondent CAL-PRO for the handling of trust
17 funds at the following branches in Stockton, California:

18 (a) Bank of Stockton, "Cal-Pro Mortgage Inc., DBA The Mortgage

19 Modification Center" account number 1285003198 (herein "CAL-PRO
20 Trust Account #1"); and,

21 (b) Bank of Stockton, "Cal-Pro Mortgage Inc.," account number 2242932801

22 (herein "CAL-PRO/PANNABECKER Account #2").

23 12.

24 On about April 28, 2008, Respondent CAL-PRO, through Respondent
25 PANNABECKER, entered into a Mortgage Modification Agreement Terms and Conditions and
26 a Modified Service Agreement (Addendum) with Iqtador and Tehmina Ahmed (herein "the
27 Ahmed's") for real property located at 3219 Millspring, Stockton, CA 95219.

1 13.

2 On about April 29, 2008 and about May 16, 2008, Respondent CAL-PRO,
3 through Respondent PANNABECKER, collected advance fees from the Ahmed's in the amount
4 of approximately \$700.00 and \$800.00, respectively.

5 14.

6 On about November 3, 2008, Respondent CAL-PRO, through Todd Braden,
7 Mortgage Consultant, entered into a Mortgage Modification Agreement Terms and Conditions
8 and a Fee Agreement with David G. and Shelly Anderson (herein "the Anderson's") for real
9 property located at 144 Indiana St., Woodbridge, CA 95258, and collected advanced fees in the
10 amount of approximately \$750.00.

11 15.

12 At all times herein mentioned, Respondent CAL-PRO failed to submit to the
13 Department any or all materials used in advanced fee agreements, including but not limited to the
14 contract form, any letters or cards used to solicit prospective sellers, and radio and television
15 advertising, at least 10 calendar days before it was used in obtaining said advance fee agreement, as
16 described in Paragraphs 12-14, above, in violation of Section of 10085 of the Code and Section
17 2970 of Title 10, Chapter 6 of the California Code of Regulations (herein "the Regulations").

18 16.

19 At all times herein mentioned, Respondent CAL-PRO claimed and/or demanded
20 and/or charged advance fees for performing services in connection with loans to be secured
21 directly or collaterally by a lien on real property, as described in Paragraphs 13-14, above, in
22 violation of Section 10085.5 of the Code.

23 17.

24 Between about January 1, 2008 and February 28, 2009, in connection with Respondent
25 CAL-PRO's loan brokerage activities described in Paragraph 8, above, Respondent CAL-PRO:

26 (a) caused, suffered or permitted the balance of funds in CAL-PRO Trust

27 Account #1 to be reduced to an amount, which as of February 23, 2008, was

1 approximately \$9,971.00 less than the aggregate liability of Respondent
2 CAL-PRO to all owners of such funds, without the prior written consent of
3 the owners of such funds, in violation of Section 2832.1 of the Regulations:

- 4 (b) failed to place trust funds in CAL-PRO/PANNABECKER Account #2,
5 entrusted to Respondent CAL-PRO into the hands of a principal on whose
6 behalf the funds were received, into a neutral escrow depository, or into a
7 trust fund account in the name of Respondent CAL-PRO as trustee at a bank
8 or other financial institution, in conformance with the requirements of
9 Sections 10145 and 10146 of the Code and Section 2832 of the Regulations;
- 10 (c) failed to keep a separate record for each beneficiary or transaction for CAL-
11 PRO/PANNABECKER Account #2 containing all the information required
12 by Section 10145 of the Code and Section 2831.1 of the Regulations;
- 13 (d) failed to reconcile at least once a month, the balance of all separate
14 beneficiary or transaction records with CAL-PRO Trust Account #1 and
15 CAL-PRO/PANNABECKER Account #2, as required by Section 2831.2 of
16 the Regulations
- 17 (e) failed to provide quarterly accountings of advanced fees to borrowers, in
18 violation of Section 2972 of the Regulations; and
- 19 (f) as of February 23, 2009, authorized Cheryl Pannabecker an unlicensed
20 person without fidelity bond coverage, to make withdrawals from CAL-PRO
21 Trust Account #1, in violation of Section 2834 of the Regulations.

22 SECOND CAUSE OF ACCUSATION – PANNABECKER

23 18.

24 The allegations of Paragraphs 1 through 17 are incorporated herein by reference.

25 19.

26 The aforesaid trust funds accepted or received by Respondent PANNABECKER
27 were deposited or caused to be deposited by Respondent PANNABECKER into one or more

1 bank accounts (herein "trust fund accounts") maintained by Respondent PANNABECKER for
2 the handling of trust funds at the following branches in Stockton, California:

- 3 (a) Bank of Stockton, "Cal-Pro Mortgage Inc.," account number 2242932801
4 (previously named "CAL-PRO/PANNABECKER Account #2," as
5 described in Paragraph 11(b), above); and,
6 (b) Bank of Stockton, "MACPAC LLC DBA The Mortgage Modification
7 Center" account number 2242343501 (herein "PANNABECKER
8 Account #2").

9 20.

10 Between about January 1, 2008 and February 28, 2009, in connection with
11 Respondent PANNABECKER's loan brokerage activities described in Paragraph 8, above,
12 Respondent PANNABECKER:

- 13 (a) through Synthia Wright (herein "Wright"), entered into loan modification
14 agreements and collected advanced fees, , prior to submission to the
15 Department of any or all materials used in advanced fee agreements from
16 the following borrowers, in violation of Sections 10085 and 10085.5 of the
17 Code and Section 2970 of the Regulations:

<u>Borrower Names</u>	<u>Date Funds Received</u>	<u>Amount</u>	<u>Property Address</u>
Perry Cole	5/23/08	\$750	817 Camphor Way, Lodi, CA
Jose Coba	5/23/08 & 6/6/08	\$375 ea	3114 N. F St., Stockton, CA
Paulo & Kandi Munaro	6/9/08	\$750	1505 Longview Ave. Stockton, CA
Jose & Lisa Moreno	6/10/08	\$750	8417 Kellie Way Stockton, CA
Arlene Yanez	6/10/08 & 6/27/08	\$750 ea	307 Pardee, Stockton, CA
David & Katherine Iles	7/3/08	\$750	108 N Anteros Ave. Stockton, CA
Margarito & Katherine N. Ortega	7/8/08	\$750	2191 East Myrtle St. Stockton, CA

- 1 (b) employed and compensated Wright, an individual not affiliated with
2 Respondent PANNABECKER's broker license, for performing the licensed
3 activities described in Paragraph 20(a), above, in violation of Sections
4 10130 and 10137 of the Code;
- 5 (c) as of November 30, 2008, failed to place trust funds entrusted to Respondent
6 PANNABECKER into the hands of a principal on whose behalf the funds
7 were received, into a neutral escrow depository, or into a trust fund account
8 in the name of Respondent PANNABECKER as trustee at a bank or other
9 financial institution, for CAL-PRO/PANNABECKER Account #2 and
10 PANNABECKER Account and #2 in conformance with the requirements
11 of Sections 10145 and 10146 of the Code and Section 2832 of the
12 Regulations;
- 13 (d) failed to reconcile at least once a month, the balance of all separate
14 beneficiary or transaction records with CAL-PRO/PANNABECKER
15 Account #2 and PANNABECKER Account and #2, as required by Section
16 2831.2 of the Regulations
- 17 (e) failed to provide quarterly accountings of advanced fees to borrowers, in
18 violation of Section 2972 of the Regulations; and
- 19 (f) failed to obtain a real estate license bearing the fictitious business name
20 "The Mortgage Modification Center" while conducting activities for which
21 a license was required in violation of Section 2731 of the Regulations.

22 THIRD CAUSE OF ACCUSATION – R B S

23 21.

24 The allegations of Paragraphs 1 through 20 are incorporated herein by reference.

25 22.

26 The aforesaid trust funds accepted or received by Respondent R B S were
27 deposited or caused to be deposited by Respondent R B S into one or more bank accounts

1 (herein "trust fund accounts") maintained by Respondent R B S for the handling of trust funds at
2 the following branches in Stockton, California:

3 (a) Bank of Stockton, "R B S Group Inc. Ronald Cutler Trustee Loan
4 Modification Trust Account," account number 1225003175

5 (herein "R B S Trust #1"); and,

6 (b) Bank of Stockton, "R B S Group Inc. dba Mortgage Modification
7 Center Ronald Cutler Trustee" account number 1225003126

8 (herein "R B S Trust #2").

9 23.

10 Between about January 1, 2008 and May 31, 2009, in connection with Respondent
11 R B S' loan brokerage activities described in Paragraph 8, above, Respondent R B S:

12 (a) entered into loan modification agreements and collected advanced fees prior
13 to submission to the Department of any or all materials used in advanced fee
14 agreements from the following borrowers, in violation of Sections 10085
15 and 10085.5 of the Code and Section 2970 of the Regulations:

<u>Borrower Names</u>	<u>Date Funds Received</u>	<u>Amount</u>	<u>Property Address</u>
Martin & Laura Lopez	2/14/09	\$950	4704 Winona Way Stockton, CA
Boris E. Reyes & Jose A. Castaneda	1/30/09	\$950	58 Clearview Dr. Daly City, CA, and
	1/30/09	\$950	720 No. Idaho St. San Mateo, CA

21
22 (b) caused, suffered or permitted the balance of funds in R B S Trust #1 to be
23 reduced to amounts less than the liability of R B S resulting in a trust fund
24 shortage, without the prior written consent of the owners of such funds, in
25 violation of Section 2832.1 of the Regulations as follows:

<u>Account</u>	<u>Date</u>	<u>Shortage Amount</u>
R B S Trust #1	3/31/09	\$ 856.92
R B S Trust #1	4/24/09	\$4,040.86

- 1 (c) conducted licensed activities by entering into loan modification agreements
2 with borrowers Martin and Laura Lopez, and Boris E. Reyes and Jose A.
3 Castaneda, Paragraph 23(a), above, on January 20 and 21, 2009,
4 respectively, prior to having obtained a corporate real estate broker license,
5 in violation of Section 10130 of the Code; and,
6 (d) failed to maintain a Broker-Salesman Relationship Agreement with real estate
7 salesperson Paul Klein, in violation of Section 2726 of the Regulations.

8 FOURTH CAUSE OF ACCUSATION – CUTLER

9 24.

10 The allegations of Paragraphs 1 through 23 are incorporated herein by reference.

11 25.

12 The aforesaid trust funds accepted or received by Respondent CUTLER were
13 deposited or caused to be deposited by Respondent CUTLER into one or more bank accounts
14 (herein “trust fund accounts”) maintained by Respondent CUTLER for the handling of trust
15 funds at the following branches in Stockton, California:

- 16 (a) Farmers & Merchants Bank of Central California, “Ronald A. Cutler,
17 Trustee DBA Suntec Properties Real Property Trust Account,” account
18 number 64-001199-01 (herein “CUTLER Trust #1”);
19 (b) Pacific State Bank, “Suntec Financial Loan Servicing Trust Account”
20 account number 3711201 (herein “CUTLER Trust #2”);
21 (c) Pacific State Bank, “Suntec Financial Loan Escrow Trust Account Ron
22 Cutler Trustee,” account number 3711194 (herein “CUTLER Trust #3”);
23 (d) Farmers & Merchants Bank of Central California, “Suntec Financial Loan
24 Servicing Trust Account” account number 64-00154701 (herein “CUTLER
25 Bank #1”); and
26 (e) Farmers & Merchants Bank of Central California, “Suntec Financial Inc Loan
27 Servicing Trust Account” and “Suntec Financial Inc Loan Escrow Trust
Account,” account number 64-00097401 (herein “CUTLER Bank #2”).

Between about January 1, 2008 and May 31, 2009, in connection with Respondent CUTLER's loan brokerage activities described in Paragraph 8, above, Respondent CUTLER:

- (a) caused, suffered or permitted the balance of funds in CUTLER Bank #1 to be reduced to an amount less than the liability of Respondent CUTLER resulting in a trust fund shortage of about \$762.14 on December 31, 2008, without the written consent of the owners of such funds, in violation of Section 2832.1 of the Regulations;
- (b) failed to place trust funds entrusted to Respondent CUTLER into the hands of a principal on whose behalf the funds were received, into a neutral escrow depository, or into a trust fund account in the name of Respondent CUTLER as trustee at a bank or other financial institution, for CUTLER Banks #1 and #2 in conformance with the requirements of Section 10145 of the Code and Section 2832 of the Regulations;
- (c) failed to keep a columnar record in chronological sequence of all trust funds received and disbursed from CUTLER Bank #1 containing all the information required by Section 2831 of the Regulations;
- (d) failed to keep a separate record for each beneficiary or transaction for CUTLER Bank #1 containing all the information required by Section 10145 of the Code and Section 2831.1 of the Regulations;
- (e) failed to qualify three (3) investors: Jinene Ting, Kenji Yoshimura, and Kenea Roshimura, from investing more than 10 percent of their assets in connection with the Espindola loan (#2007057), as required by Section 10238 (f) of the Code;
- (f) failed to file a Trust Account Review Report, after having met the Threshold criteria for servicing during 2008, in violation of Section 2846.7 of the Regulations;

- 1 (g) had an interest as the borrower on the Cutler/Branscum Inc/Bransom loan
2 (#2008008), in violation of 10238(e) of the Code;
- 3 (h) failed to record the Deed of Trust for the Cutler/Branscum Inc/Bransom
4 loan (#2008008), in violation of Section 10234 of the Code;
- 5 (i) failed to provide lenders with the appropriate Lender Purchaser Disclosure
6 Statements (herein "LPDS") in connection with the Espindola loan
7 (#2007057) and the Cutler/Branscum Inc/Bransom loan (#2008008), in
8 that 1) the Respondent CUTLER's LPDS' were outdated, 2) appraisal
9 information was incomplete, and 3) broker failed to sign the LPDS', in
10 violation of Sections 10232.4 and 10234.5 of the Code;
- 11 (j) failed to maintain and make available the license certificates of the
12 following five (5) salespersons employed at Respondent's main office:
13 Erlinda Agonoy (01120261), Angie Arroyo (01482693), Janet Baptista
14 (01775794), Ricardo Roberto (01279290), and Joe Suarez (01447002),
15 in violation of Section 10160 of the Code and Section 2753 of the
16 Regulations;
- 17 (k) allowed R B S, an unlicensed corporation, to conduct licensed activities
18 prior to obtaining a license, as described in Paragraph 23(c), above, in
19 violation of Section 10130 of the Code; and,
- 20 (l) represented to seller Laura Timberlake-Larson on about July 29, 2008,
21 a \$1,000.00 earnest money deposit had been received from prospective
22 buyers John T. and Alice E. Lamberty (herein "the Lamberty's") on the
23 Residential Purchase Agreement for the purchase of real property
24 located at 1070 Cypress Run Drive, Stockton, California, when in fact,
25 an earnest money deposit was not received from the Lamberty's until
26 September 2, 2008, in violation of Sections 10176(a) and (i), and/or
27 10177(g) and/or (j) of the Code.

The facts alleged above are grounds for the suspension or revocation of the licenses and license rights of Respondents under the following provisions of the Code and/or the Regulations:

- (a) as to Paragraph 15 and Respondent CAL-PRO under Section 10085 of the Code and Section 2970 of the Regulations in conjunction with Section 10177(d) of the Code;
- (b) as to Paragraph 16 and Respondent CAL-PRO under Section 10085.5 of the Code in conjunction with Section 10177(d) of the Code;
- (c) as to Paragraph 17(a) and Respondent CAL-PRO under Section 2832.1 of the Regulations in conjunction with Section 10177(d) of the Code;
- (d) as to Paragraph 17(b) and Respondent CAL-PRO under Sections 10145 and 10146 of the Code and Section 2832 of the Regulations in conjunction with Section 10177(d) of the Code;
- (e) as to Paragraph 17(c) and Respondent CAL-PRO under Section 10145 of the Code and Section 2831.1 of the Regulations in conjunction with Section 10177(d) of the Code;
- (f) as to Paragraph 17(d) and Respondent CAL-PRO under Section 2831.2 of the Regulations in conjunction with Section 10177(d) of the Code;
- (g) as to Paragraph 17(e) and Respondent CAL-PRO under Section 2792 of the Regulations in conjunction with Section 10177(d) of the Code;
- (h) as to Paragraph 17(f) and Respondent CAL-PRO under Section 2834 of the Regulations in conjunction with Section 10177(d) of the Code;
- (i) as to Paragraph 20(a) and Respondent PANNABECKER under Sections 10085 and 10085.5 of the Code and Section 2970 of the Regulations in conjunction with Section 10177(d) of the Code;
- (j) as to Paragraph 20(b) and Respondent PANNABECKER under Sections 10130 and 10137 of the Code in conjunction with Section 10177(d) of the Code;

- 1 (k) as to Paragraph 20(c) and Respondent PANNABECKER under Sections 10145 and
2 10146 of the Code and Section 2832 of the Regulations in conjunction with Section
3 10177(d) of the Code;
- 4 (l) as to Paragraph 20(d) and Respondent PANNABECKER under Section 2831.2 of
5 the Regulations in conjunction with Section 10177(d) of the Code;
- 6 (m) as to Paragraph 20(e) and Respondent PANNABECKER under Section 2972 of the
7 Regulations in conjunction with Section 10177(d) of the Code;
- 8 (n) as to Paragraph 20(f) and Respondent PANNABECKER under Section 2731 of the
9 Regulations in conjunction with Section 10177(d) of the Code;
- 10 (o) as to Paragraph 23(a) and Respondent R B S under Sections 10085 and 10085.5 of
11 the Code and Section 2970 of the Regulations in conjunction with Section 10177(d)
12 of the Code;
- 13 (p) as to Paragraph 23(b) and Respondent R B S under Section 10145 of the Code and
14 Section 2832.1 of the Regulations in conjunction with Section 10177(d) of the Code;
- 15 (q) as to Paragraph 23(c) and Respondent R B S under Section 10130 of the Code in
16 conjunction with Section 10177(d) of the Code;
- 17 (r) as to Paragraph 23(d) and Respondent R B S under Section 2726 of the Regulations
18 in conjunction with Section 10177(d) of the Code;
- 19 (s) as to Paragraph 26(a) and Respondent CUTLER under Section 10145 of the Code and
20 Section 2832.1 of the Regulations in conjunction with Section 10177(d) of the Code;
- 21 (t) as to Paragraph 26(b) and Respondent CUTLER under Section 10145 of the Code
22 and 2832 of the Regulations in conjunction with Section 10177(d) of the Code;
- 23 (u) as to Paragraph 26(c) and Respondent CUTLER under Section 2831 of the
24 Regulations in conjunction with Section 10177(d) of the Code;
- 25 (v) as to Paragraph 26(d) and Respondent CUTLER under Section 10145 of the Code
26 and Section 2831.1 of the Regulations in conjunction with Section 10177(d) of the
27 Code;

- 1 (w) as to Paragraph 26(e) and Respondent CUTLER under Section 10238(f) of the Code
2 in conjunction with Section 10177(d) of the Code;
- 3 (x) as to Paragraph 26(f) and Respondent CUTLER under Section 2846.7 of the
4 Regulations in conjunction with Section 10177(d) of the Code;
- 5 (y) as to Paragraph 26(g) and Respondent CUTLER under Section 10238(e) of the
6 Code in conjunction with Section 10177(d) of the Code;
- 7 (z) as to Paragraph 26(h) and Respondent CUTLER under Section 10234 of the Code
8 in conjunction with Section 10177(d) of the Code;
- 9 (aa) as to Paragraph 26(i) and Respondent CUTLER under Sections 10232.4 and
10 10234.5 of the Code in conjunction with Section 10177(d) of the Code;
- 11 (bb) as to Paragraph 26(j) and Respondent CUTLER under Section 10160 of the Code
12 and Section 2753 of the Regulations in conjunction with Section 10177(d) of the
13 Code;
- 14 (cc) as to Paragraph 26(k) and Respondent CUTLER under Section 10130 of the Code
15 in conjunction with Section 10177(d) of the Code; and
- 16 (dd) as to Paragraph 26(l) and Respondent CUTLER under Sections 10176(a) and (i)
17 and/or 10177(g) and/or (j) of the Code.

18 WHEREFORE, Complainant prays that a hearing be conducted on the allegations
19 of this Accusation and that upon proof thereof a decision be rendered imposing disciplinary
20 action against all licenses and license rights of Respondents under the Real Estate Law (Part 1 of
21 Division 4 of the Business and Professions Code) and for such other and further relief as may be
22 proper under other applicable provisions of law.

23
24 
25 TRICIA SOMMERS
26 Deputy Real Estate Commissioner

26 Dated at Sacramento, California
27 this 17th day of August, 2010.