

FILED

APR - 2 2008

DEPARTMENT OF REAL ESTATE

1 Department of Real Estate
2 P. O. Box 187007
3 Sacramento, CA 95818-7007
4 Telephone: (916) 227-0789

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

11 In the Matter of the Accusation of) 12) 13 JENNIFER BELL-ZEHNDER and) 14 UNITED FUNDING SOLUTIONS, INC.,) 15 Respondents.)	NO. H-4734 SAC <u>STIPULATION AND AGREEMENT</u> <u>IN SETTLEMENT</u> <u>AND ORDER</u>
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16
17 It is hereby stipulated by and between JENNIFER BELL-
18 ZEHNDER and UNITED FUNDING SOLUTIONS, INC. and their attorney of
19 record, Jeffrey S. Galvin of DOWNEY BRAND LLP, and the
20 Complainant, acting by and through David B. Seals, Counsel for
21 the Department of Real Estate, as follows for the purpose of
22 settling and disposing of the Accusation filed on April 10, 2007,
23 in this matter:

24 A
25 RECITALS

26 1. All issues which were to be contested and all
27 evidence which was to be presented by Complainant and Respondents

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

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

10 3. A Notice of Defense was filed on April 24, 2007 by
11 Respondents, pursuant to Section 11506 of the Government Code for
12 the purpose of requesting a hearing on the allegations in the
13 Accusation. Respondents hereby freely and voluntarily withdraw
14 said Notice of Defense. Respondents acknowledge that they
15 understand that by withdrawing said Notice of Defense they will
16 thereby waive their right to require the Commissioner to prove
17 the allegations in the Accusation at a contested hearing held in
18 accordance with the provisions of the APA and that they will
19 waive other rights afforded to them in connection with the
20 hearing such as the right to present evidence in defense of the
21 allegations in the Accusation and the right to cross-examine
22 witnesses.

23 4. It is understood by the parties that the Real
24 Estate Commissioner may adopt the Stipulation and Agreement in
25 Settlement as his decision in this matter under the terms and
26 provisions as set forth in the below "Order". In the event that
27 the Commissioner in his discretion does not adopt the Stipulation

1 and Agreement in Settlement, it shall be void and of no effect,
 2 and Respondents shall retain the right to a hearing and
 3 proceeding on the Accusation under all the provisions of the APA
 4 and shall not be bound by any admission or waiver made herein.

B

UNITED FUNDING SOLUTIONS, INC.

PETITION FOR VOLUNTARY SURRENDER OF LICENSE

8 1. In lieu of proceeding in this matter in accordance
 9 with the provisions of the Administrative Procedure Act
 10 (Sections 11400 et seq., of the Business and Professions Code),
 11 UNITED FUNDING SOLUTIONS, INC hereby tenders the voluntary
 12 surrender of the corporate real estate license issued to UNITED
 13 FUNDING SOLUTIONS, INC. by the Department of Real Estate
 14 ("Department"), pursuant to Business and Professions Code
 15 ("Code") Section 10100.2. This stipulation shall be deemed to be
 16 a petition for voluntary surrender by UNITED FUNDING SOLUTIONS,
 17 INC.

18 2. It is understood that UNITED FUNDING SOLUTIONS,
 19 INC. may be relicensed as a corporate broker only by petitioning
 20 for reinstatement pursuant to Section 11522 of the Government
 21 Code.

22 3. It is further understood that that upon acceptance
 23 by the Commissioner of said voluntary surrender, as evidenced by
 24 the order below, all affidavits and all relevant evidence
 25 obtained by the Department in this matter prior to the
 26 Commissioner's acceptance, and all allegations contained in the
 27 Accusation filed in the Department Case No. H-4734 SAC may be

1 considered by the Department to be true and correct for the
2 purpose of deciding whether to grant relicensure or reinstatement
3 pursuant to Government Code Section 11522.

4 4. UNITED FUNDING SOLUTIONS, INC. freely and
5 voluntarily surrenders all its licenses and license rights under
6 the Real Estate Law.

7 C

8 JENNIFER BELL-ZEHNDER

9 STIPULATION TO LICENSE DISCIPLINE

10 1. This Stipulation as to Respondent JENNIFER BELL-
11 ZEHNDER is based on the factual allegations contained in the
12 Accusation. In the interests of expedience and economy,
13 Respondent JENNIFER BELL-ZEHNDER chooses not to contest these
14 allegations, but to remain silent and understands that, as a
15 result thereof, these factual allegations, without being admitted
16 or denied, will serve as a prima facie basis for the disciplinary
17 action stipulated to herein. The Real Estate Commissioner shall
18 not be required to provide further evidence to prove said factual
19 allegations.

20 2. The Order or any subsequent Order of the Real
21 Estate Commissioner made pursuant to this Stipulation and
22 Agreement in Settlement as to Respondent JENNIFER BELL-ZEHNDER
23 shall not constitute an estoppel, merger or bar to any further
24 administrative or civil proceedings by the Department of Real
25 Estate with respect to any matters which were not specifically
26 alleged to be causes for accusation in this proceeding.

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UNITED FUNDING SOLUTIONS, INC.
AND JENNIFER BELL-ZEHNDER

1 3. By reason of the foregoing stipulations,
 2 admissions and waivers and solely for the purpose of settlement
 3 of the pending Accusation without a hearing, it is stipulated and
 4 agreed that the facts alleged above are grounds for the
 5 suspension or revocation of the licenses and license rights of
 6 Respondent JENNIFER BELL-ZEHNDER under Section 10177(h) of the
 7 Code and Section 2725, Title 10, California Code of Regulations
 8 (hereinafter the "Regulations"), in conjunction with Section
 9 10177(d) of the Code.

10 ORDER

11 I

12 It is ordered that the petition for voluntary surrender
 13 of corporate real estate broker license of Respondent UNITED
 14 FUNDING SOLUTIONS, INC. is accepted as of the effective date of
 15 this Order as set forth below. Respondent's license
 16 certificate(s), pocket card(s) and any branch office license
 17 certificate(s) shall be sent to the below listed address so that
 18 they reach the Department on or before the effective date of this
 19 Order:

20 DEPARTMENT OF REAL ESTATE
 21 Attn: Licensing Flag Section
 22 P. O. Box 187000
 Sacramento, CA 95818-7000

23 II

24 All licenses and licensing rights of Respondent
 25 JENNIFER BELL-ZEHNDER under the Real Estate Law are suspended for
 26 a period of one hundred (100) days from the effective date of
 27 this Order; provided, however, that:

H-4734 SAC

UNITED FUNDING SOLUTIONS, INC.
AND JENNIFER BELL-ZEHNDER

1 1. Fifty (50) days of said suspension shall be stayed
2 for two (2) years upon the following terms and conditions:

3 A. Respondent BELL-ZEHNDER shall obey all laws, rules
4 and regulations governing the rights, duties and
5 responsibilities of a real estate licensee in the State of
6 California; and

7 B. That no final subsequent determination be made,
8 after hearing or upon stipulation, that cause for disciplinary
9 action occurred within two (2) years from the effective date of
10 this Order. Should such a determination be made, the
11 Commissioner may, in his discretion, vacate and set aside the
12 stay order and reimpose all or a portion of the stayed
13 suspension. Should no such determination be made, the stay
14 imposed herein shall become permanent.

15 2. The remaining fifty (50) days of said 100-day
16 suspension shall be stayed upon the condition that Respondent
17 JENNIFER BELL-ZEHNDER petitions pursuant to Section 10175.2 of
18 the Business and Professions Code and pays a monetary penalty
19 pursuant to Section 10175.2 of the Business and Professions Code
20 at a rate of \$200 for each day of the suspension for a total
21 monetary penalty of \$10,000:

22 A. Said payment shall be in the form of a cashier's
23 check or certified check made payable to the Recovery Account of
24 the Real Estate Fund. Said check must be delivered to the
25 Department prior to the effective date of the Order in this
26 matter.

27 ///

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UNITED FUNDING SOLUTIONS, INC.
AND JENNIFER BELL-ZEHNDER

1 B. No further cause for disciplinary action against
2 the Real Estate licenses of said Respondent JENNIFER BELL-
3 ZEHNDER occurs within two (2) years from the effective date of
4 the decision in this matter.

5 C. If Respondent JENNIFER BELL-ZEHNDER fails to pay
6 the monetary penalty as provided above prior to the effective
7 date of this Order, the stay of the suspension shall be vacated
8 as to Respondent JENNIFER BELL-ZEHNDER and the order of
9 suspension shall be immediately executed, under Paragraph II of
10 this Order, in which event Respondent JENNIFER BELL-ZEHNDER
11 shall not be entitled to any repayment nor credit, prorated or
12 otherwise, for the money paid to the Department under the terms
13 of this Order.

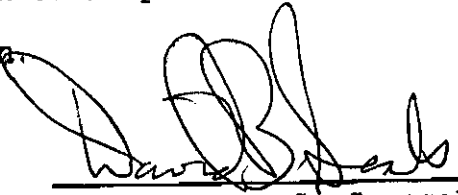
14 D. If Respondent JENNIFER BELL-ZEHNDER pays the
15 monetary penalty and any other moneys due under this Stipulation
16 and Agreement and if no further cause for disciplinary action
17 against the real estate licenses of Respondent JENNIFER BELL-
18 ZEHNDER occurs within two (2) years from the effective date of
19 this Order, the entire stay hereby granted under Paragraph II of
20 this Order, as to Respondent JENNIFER BELL-ZEHNDER only, shall
21 become permanent.

22 3. Respondent JENNIFER BELL-ZEHNDER shall, within six
23 months from the effective date of this Decision, take and pass
24 the Professional Responsibility Examination administered by the
25 Department including the payment of the appropriate examination
26 fee. If Respondent fails to satisfy this condition, the

27 ///

1 Commissioner may order suspension of Respondent's license until
2 Respondent passes the examination.

3
4 DATED: Jan. 30, 2008



DAVID B. SEALS, Counsel
DEPARTMENT OF REAL ESTATE

5
6 * * *

7 I have read the Stipulation and Agreement, have
8 discussed it with my counsel, and its terms are understood by me
9 and are agreeable and acceptable to me. I understand that I am
10 waiving rights given to me by the California Administrative
11 Procedure Act (including but not limited to Sections 11506,
12 11508, 11509, and 11513 of the Government Code), and I willingly,
13 intelligently, and voluntarily waive those rights, including the
14 right of requiring the Commissioner to prove the allegations in
15 the Accusation at a hearing at which I would have the right to
16 cross-examine witnesses against me and to present evidence in
17 defense and mitigation of the charges.

18
19 DATED: 1-11-08



JENNIFER BELL-ZEHNDER
Respondent

20
21 DATED: 1-11-08




UNITED FUNDING SOLUTIONS, INC.
Respondent

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* * *

I have reviewed the Stipulation and Agreement as to form and content and have advised my clients accordingly.

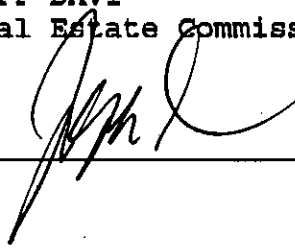
DATED: 1/11/08 
JEFFREY S. GALVIN
Attorney for Respondents

* * *

The foregoing Stipulation and Agreement in Settlement is hereby adopted by the Real Estate Commissioner as his Decision and Order.

This Order shall become effective at 12 o'clock noon on
APR 23 2008

IT IS SO ORDERED 3/24/08

JEFF DAVI
Real Estate Commissioner


1 DAVID B. SEALS, Counsel (SBN 69378)
2 Department of Real Estate
3 P. O. Box 187007
4 Sacramento, CA 95818-7007

5 Telephone: (916) 227-0789
6 -or- (916) 227-0792 (Direct)

FILED
APR 10 2007

DEPARTMENT OF REAL ESTATE

By *L. Zurr*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 JENNIFER BELL-ZEHNDER and) No. H-4734 SAC
13 UNITED FUNDING SOLUTIONS, INC.,) ACCUSATION
14 Respondents.)

15 The Complainant, Charles W. Koenig, a Deputy Real
16 Estate Commissioner of the State of California for cause of
17 Accusation against JENNIFER BELL-ZEHNDER (hereinafter "Respondent
18 BELL-ZEHNDER") and UNITED FUNDING SOLUTIONS, INC. (hereinafter
19 "Respondent UNITED"), is informed and alleges as follows:

20 I

21 The Complainant, Charles W. Koenig, a Deputy Real
22 Estate Commissioner of the State of California, makes this
23 Accusation in his official capacity.

24 II

25 Respondents are licensed and/or have license rights
26 under the Real Estate Law, Part 1 of Division 4 of the California
27 Business and Professions Code (hereinafter "Code") as follows:

1 (a) Respondent UNITED as a corporate real estate
2 broker, through Respondent BELL-ZEHNDER as the
3 designated officer.

4 (b) Respondent BELL-ZEHNDER as a real estate broker and
5 as the designated officer for Respondent UNITED.

6 III

7 At all times mentioned herein, as the designated
8 officer of Respondent UNITED, Respondent BELL-ZEHNDER was
9 responsible for the supervision and control of the activities
10 conducted on behalf of Respondent UNITED by its officers and
11 employees as necessary to secure full compliance with the
12 provisions of the Real Estate Law.

13 IV

14 Whenever reference is made in an allegation in this
15 Accusation to an act or omission of Respondent UNITED, such
16 allegation shall be deemed to mean that the officers, directors,
17 employees, agents and real estate licensees employed by or
18 associated with Respondent UNITED committed such act or omissions
19 while engaged in furtherance of the business or operation of
20 Respondent UNITED and while acting within the course and scope of
21 their corporate authority and employment.

22 V

23 At all times herein mentioned, Respondent UNITED,
24 engaged in the business of, acted in the capacity of, advertised,
25 or assumed to act as a real estate broker in the State of
26 California within the meaning of Section 10131(d) of the Code, by
27 soliciting borrowers or lenders for or negotiating loans or

1 collecting payments or performing services for borrowers or
2 lenders or note owners in connection with loans secured directly
3 or collaterally by liens on real property or on a business
4 opportunity.

5 VI

6 On or about March 15, 2004, THOMAS HENRY HARRIS, III,
7 while in the employ of United Funding Solutions, Inc., solicited
8 potential borrowers, including but not limited to, Michael
9 Suchta, through a mailing which included a representation or
10 implication that loans were available on more favorable terms
11 than with other mortgage loan brokers. The mailing was done
12 without the approval of the Commissioner or Mr. HARRIS' employer
13 contrary to the requirements of Sections 2841 and 2848, Title 10,
14 California Code of Regulations.

15 VII

16 From on or about March 18, 2004 through August 15,
17 2005, THOMAS HENRY HARRIS, III, while in the employ of United
18 Funding Solutions, Inc., negotiated the amount of fees with which
19 were charged to borrowers, including but not limited to, Kimberly
20 Carter, Richard and Susan Wooten, Janice Flowers and Elsiemae
21 Tablada, Tony Hodges, and Walter Broussard, on loans secured
22 directly or collaterally by liens on real property.

23 VIII

24 THOMAS HENRY HARRIS, III is not presently licensed by
25 the Department as a real estate broker or salesperson, nor was he
26 so licensed at any time mentioned herein.

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IX

The acts performed by THOMAS HENRY HARRIS, III described in Paragraphs VI and VII above are acts for which a real estate salesperson or broker license is required.

X

At all times mentioned herein THOMAS HENRY HARRIS, III was employed and compensated by Respondent UNITED for performing the acts described in Paragraphs VI and VII above.

XI

At all times mentioned herein, Respondent BELL-ZEHNDER failed to exercise reasonable supervision over the activities of Respondent UNITED, and permitted, ratified and/or caused the conduct described above. Respondent BELL-ZEHNDER failed to reasonably or adequately review, oversee, inspect and manage the personnel and activities of Respondent UNITED, and/or to establish reasonable policies, rules, procedures and systems for such review, oversight, inspection and management.

XII

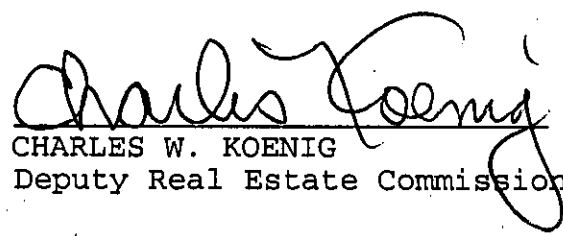
The acts and/or omissions of Respondents described above are grounds for the revocation or suspension of Respondents' licenses under the following sections of the Business and Professions Code and the Regulations:

(a) As to Respondent UNITED FUNDING SOLUTIONS, INC. under Sections 10137 and 10177(h) of the Code;

(b) As to Respondent JENNIFER BELL-ZEHNDER only, under Section 10177(h) of the Code and Section 2725 of the Regulations in conjunction with Section 10177(d) of the Code.

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


CHARLES W. KOENIG
Deputy Real Estate Commissioner

Dated at Sacramento, California,
this 19th day of March, 2007.