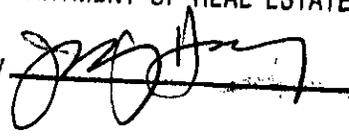


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FILED
APR 24 2002
DEPARTMENT OF REAL ESTATE
By 

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) NO. H-26494 LA
)
NEIL ANTHONY WOODWARD,)
)
Respondent.)

ORDER GRANTING REINSTATEMENT OF LICENSE

On December 19, 1996, a Decision was rendered herein revoking the real estate broker license of Respondent, but granting Respondent the right to the issuance of a restricted real estate broker license. A restricted real estate broker license was issued to Respondent or about January 21, 1997, and Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent since that time.

On July 26, 2001, Respondent petitioned for reinstatement of said real estate broker license and the Attorney General of the State of California has been given notice of the filing of said petition.

1 I have considered the petition of Respondent and
2 the evidence and arguments in support thereof including
3 Respondent's record as a restricted licensee. Respondent
4 has demonstrated to my satisfaction that Respondent meets the
5 requirements of law for the issuance to Respondent of an
6 unrestricted real estate broker license and that it would not
7 be against the public interest to issue said license to
8 Respondent NEIL ANTHONY WOODWARD.
9

10 NOW, THEREFORE, IT IS ORDERED that Respondent's
11 petition for reinstatement is granted and that a real estate
12 broker license be issued to Respondent if Respondent satisfies
13 the following conditions within nine (9) months from the date
14 of this Order:

15 1. Submittal of a completed application and payment
16 of the fee for a real estate broker license.

17 2. Submittal of evidence of having, since the most
18 recent issuance of an original or renewal real estate license,
19 taken and successfully completed the continuing education
20 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
21 for renewal of a real estate license.

22 This Order shall become effective immediately.

23 DATED: April 17, 2002.

24 PAULA REDDISH ZINNEMANN
25 Real Estate Commissioner

26 

27 cc: Neil Anthony Woodward
6790 Hellman Ave.
Alta Loma, CA 91701

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Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, California 90012
Telephone: (213) 897-3937

FILED
DEC 31 1996
DEPARTMENT OF REAL ESTATE

By CS

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)	No. H-26494 LA
BRYCE FUNDING GROUP, INC.,)	
a corporation; and)	
NEIL ANTHONY WOODWARD, individually and)	
as designated officer of)	
Bryce Funding Group, Inc., and dba)	
Diamond Coast Federal,)	
)	
Respondents.)	

STIPULATION AND AGREEMENT IN SETTLEMENT AND ORDER

It is hereby stipulated by and between BRYCE FUNDING GROUP, INC., a corporation (hereinafter "BFG") and NEIL ANTHONY WOODWARD, individually and as designated officer of Bryce Funding Group, Inc., and dba Diamond Coast Federal (hereinafter "WOODWARD") (hereinafter sometimes both referred to as "Respondents") represented by Elroy Giddens, Esq., and the Complainant, acting by and through Chris Leong, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on March 7, 1996, in this matter:

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

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

12 3. Respondents filed a Notice of Defense pursuant to
13 Section 11505 of the Government Code for the purpose of requesting
14 a hearing on the allegation in the Accusation. Respondents hereby
15 freely and voluntarily withdraw said Notice of Defense.
16 Respondents acknowledge that they understand that by withdrawing
17 said Notice of Defense, they will thereby waive their right to
18 require the Commissioner to prove the allegations in the
19 Accusation at a contested hearing held in accordance with the
20 provisions of the APA and that they will waive other rights
21 afforded to them in connection with the hearing, such as the right
22 to present evidence in defense of the allegations in the
23 Accusation and the right to cross-examine witnesses.

24 4. Respondents, pursuant to the limitations set forth
25 below, hereby admit that the allegations in the Accusation filed
26 on March 7, 1996, in this proceeding, are true and correct and the
27 Real Estate Commissioner shall not be required to provide further



1 evidence to prove such allegations, of the Accusation filed in this
2 proceeding.

3 5. It is understood by the parties that the Real Estate
4 Commissioner may adopt the Stipulation and Agreement in Settlement
5 and Order as his Decision in this matter thereby imposing the
6 penalty and sanctions on Respondents' real estate licenses and
7 license rights as set forth in the below "Order". In the event
8 that the Commissioner in his discretion does not adopt the
9 Stipulation and Agreement in Settlement and Order, the Stipulation
10 and Agreement in Settlement and Order shall be void and of no
11 effect, and Respondents shall retain the right to a hearing and
12 proceeding on the Accusation under all the provisions of the APA
13 and shall not be bound by any admission or waiver made herein.

14 6. The Order or any subsequent Order of the Real Estate
15 Commissioner made pursuant to this Stipulation shall not
16 constitute an estoppel, merger or bar to any further
17 administrative or civil proceedings by the Department of Real
18 Estate with respect to any matters which were not specifically
19 alleged to be causes for accusation in this proceeding. This
20 Stipulation and any order made pursuant to this Stipulation shall
21 have no collateral estoppel or res judicata effect in any
22 proceedings in which the Respondents and the Department (or the
23 Department's representative) are not parties. However, no ruling
24 in any action brought by a party other than the Respondents or the
25 Department shall effect the finality of the Decision entered in
26 these proceedings pursuant to this Stipulation and Agreement in
27 Settlement and Order.



1 commencing on the effective date of the Decision entered herein.

2 1. However, Respondent WOODWARD shall be entitled to
3 apply for and be issued a restricted real estate broker license
4 pursuant to Section 10156.5 of the Code if Respondent makes
5 application therefore and pays to the Department the appropriate
6 fee for said license within one year from the effective date of
7 the Decision herein.

8 2. The restricted license issued to Respondent shall be
9 subject to all of the provisions of Section 10156.7 of the
10 Business and Professions Code and to the following limitations,
11 conditions, and restrictions imposed under authority of Section
12 10156.6 of the Code.

13 3. The restricted license may be suspended prior to
14 hearing by Order of the Real Estate Commissioner in the event of
15 Respondent's conviction or plea of nolo contendere to a crime
16 which bears a significant relationship to Respondent's fitness or
17 capacity as a real estate licensee.

18 4. The restricted license may be suspended, prior to
19 and pending final determination after formal hearing by Order of
20 the Real Estate Commissioner based upon evidence satisfactory to
21 the Commissioner that Respondent has, subsequent to the date
22 hereof, violated provisions of the California Real Estate Law, the
23 Subdivided Lands Law, Regulations of the Real Estate Commissioner
24 or conditions attaching to this restricted license.

25 5. Respondent shall not be eligible to apply for the
26 issuance of an unrestricted real estate license nor the removal of
27 any of the conditions, limitations or restrictions of the



1 restricted license until at least one year has elapsed from the
2 date of this Order.

3 6. Respondent shall obey all laws of the United States,
4 the State of California and its political subdivisions, and shall
5 further obey and comply with all rules and regulations of the Real
6 Estate Commissioner.

7 7. Respondent shall, within 12 months from the
8 effective date of the Decision, present evidence satisfactory to
9 the Real Estate Commissioner that he has, since the most recent
10 issuance of an original or renewal real estate license, taken and
11 successfully completed the continuing education requirements of
12 Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a
13 real estate license. If Respondent fails to satisfy this
14 condition, the Real Estate Commissioner shall afford Respondent
15 the opportunity for a hearing pursuant to the Administrative
16 Procedure Act to present such evidence.

17 8. Respondent shall, within one year from the effective
18 date of the restricted license, take and pass the Professional
19 Responsibility Examination administered by the Department,
20 including the payment of the appropriate examination fee. If
21 Respondent fails to satisfy this condition, the Commissioner may
22 order suspension of the restricted license until Respondent passes
23 the examination.

24 9. Respondent shall not be a designated officer of a
25 corporate real estate broker while his real estate license is
26 restricted.
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10. Respondent shall pay, pursuant to Section 10148 of the Business and Professions Code, the Commissioner's reasonable costs for an audit to determine if Respondent is presently acting in compliance with Real Estate Law. In calculating the amount of the Commissioner's reasonable costs, the Commissioner may use the estimated average hourly salary for all persons performing audits of real estate brokers, and shall include an allocation for travel costs, including mileage, time to and from the auditor's place of work, and per diem. The Commissioner's reasonable costs shall in no event exceed \$5,200.00.

(a) Respondent shall pay such costs within 45 days of receipt of an invoice from the Commissioner detailing the activities performed during the audit and the amount of time spent performing those activities;

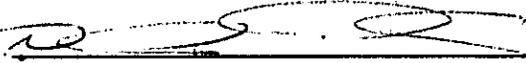
(b) Notwithstanding the provisions of any other paragraph herein, if Respondent fails to pay, within 45 days from receipt of the invoice specified above, the Commissioner's reasonable costs for an audit to determine if Respondent has corrected the violations found in the Determination of Issues, the Commissioner may order the indefinite suspension of Respondent's real estate license and license rights. The suspension shall remain in effect until payment is made in full, or until Respondent enters into an agreement satisfactory to the Commissioner to provide for such payment. The Commissioner may impose further reasonable disciplinary terms and conditions upon Respondent's real estate license and license rights as part of any such agreement.

1 11. Respondent must provide evidence that the trust
2 fund shortage stated in the Accusation is cured before the
3 restricted license is issued, together with the source of any
4 funds used.

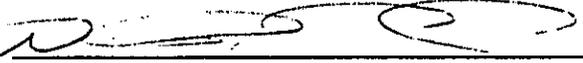
5 * * * * *

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

17
18 DATED: 11-26-96


BRYCE FUNDING GROUP, INC., a
corporation, Respondent, by Neil
Anthony Woodward,
D.O. of Bryce Funding Group, Inc.

19
20
21
22 DATED: 11-26-96


NEIL ANTHONY WOODWARD,
individually and as designated
officer of Bryce
Funding Group, Inc., Respondent

23
24
25
26 DATED: 11-26-96


ELROY GLODENS, ESQ.
Counsel for Respondents

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DATED: 12/11/96

Chris Leong
CHRIS LEONG, ESQ.
Counsel for Complainant

* * * * *

The foregoing Stipulation and Agreement in Settlement is
hereby adopted as my Decision and Order and shall become effective
at 12 o'clock noon on January 21, 1997.

IT IS SO ORDERED 12/19/96.

JIM ANTT, JR.
Real Estate Commissioner

J. Antt, Jr.

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CHRIS LEONG, Counsel
Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, CA 90012

(213) 897-3937

FILED
MAR - 7 1996
DEPARTMENT OF REAL ESTATE

By C. B. [Signature]

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)	
)	No. H-26494 LA
BRYCE FUNDING GROUP, INC.,)	
a corporation and)	<u>ACCUSATION</u>
NEIL ANTHONY WOODWARD, individually)	
and as designated officer of)	
Bryce Funding Group, Inc., and dba)	
Diamond Coast Federal,)	
)	
Respondents.)	

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against BRYCE FUNDING GROUP, INC., a corporation (hereinafter "BFG") and NEIL ANTHONY WOODWARD, individually and as designated officer of Bryce Funding Group, Inc. and dba Diamond Coast Federal (hereinafter "WOODWARD") (hereinafter sometimes referred to as "Respondents"), is informed and alleges as follows:

1.

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, makes this Accusation against Respondents in his official capacity.

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2.

All Sections of Title 10, Chapter 6, California Code of Regulations, are hereinafter referred to as "Regulations".

3.

At all times herein mentioned, WOODWARD was and still is licensed by the Department of Real Estate of the State of California (hereinafter "Department") as a real estate broker in his individual capacity and/or as the designated officer of BFG.

4.

At all times, BFG was and still is licensed or has license rights with the Department as a corporate real estate broker.

5.

At all times material herein, Respondent WOODWARD was and still is licensed by the Department as the designated officer of BFG, and was responsible for the supervision and control of the activities conducted on behalf of the corporation by its officers and employees as necessary to secure full compliance with the Real Estate Law as set forth in Section 10159.2 of the Code.

6.

All further references to BFG shall be deemed to refer to, in addition to BFG, the officers, directors, employees, agents and real estate licensees employed by or associated with BFG, who at all times herein mentioned were engaged in the furtherance of the business or operations of said parties and who were acting within the course and scope of their corporate

1 authority and employment.

2 7.

3 At all times mentioned herein, in Los Angeles County,
4 California, WOODWARD and BFG engaged in the business of, acted
5 in the capacity of, advertised or assumed to act as real estate
6 brokers in the State of California, within the meaning of
7 Section 10131(d) of the Code, wherein they arranged, negotiated,
8 processed, and consummated on behalf of others, loans secured by
9 interests in real property for compensation or in expectation of
10 compensation. In addition, Respondents conducted escrows for
11 these transactions under Section 17006 of the Financial Code.

12 AUDIT

13 8.

14 On or about July 26, 1995, the Department completed an
15 audit of the activities of Respondents, for the period from
16 July 1, 1993 through May 31, 1995. Audit number LA 940290 was
17 conducted regarding the mortgage loan brokerage activity and
18 audit number 940342 was conducted regarding the broker escrow
19 activity of Respondents. The results of that audit are set
20 forth in Paragraphs 9 through 11.

21 9.

22 During 1993 through 1995, in connection with their
23 real estate business activities, Respondents accepted or
24 received funds in trust (hereinafter "trust funds") from or on
25 behalf of borrowers and thereafter made disbursement of such
26 funds. These trust funds were maintained by Respondents in
27 three trust accounts at two banks. The first account was at

1 Upland Bank, P.O. Box 5009, Upland, CA, Account No. 003-002705,
2 known as Bryce Funding Group, Inc. Trust Account (hereinafter
3 "TA#1"). The second account was at Far East National Bank,
4 200 S. Garfield Ave, Alhambra, CA, Account No. 16-05694-9, known
5 as Bryce Funding Group, Inc. Escrow Trust Account (hereinafter
6 "TA#2"). The third account was also at Upland Bank at Account
7 No. 003-003175, known as Bryce Funding Group, Inc. Escrow
8 Division (hereinafter "TA#3").

9
10 10.

11 In connection with those funds described in
12 Paragraph 9, Respondents:

13 (a) failed to notify the Department when salespersons
14 Karen Alvarez, Wendy Crowley, Wendy Porter and Martin Gutierrez
15 entered their employ, in violation of Section 2752 of the
16 Regulations;

17 (b) transferred trust funds to their general account
18 for the payment of appraisal and credit report fees. Sometimes
19 checks were issued from the general account for the credit
20 report and appraisal fees a few days after the trust funds were
21 transferred into the general account, in violation of Section
22 2835 of the Regulations and Section 10176(e) of the Code;

23 (c) failed to designate the broker escrow trust fund
24 account as a trust account, in violation of Section 2830 of the
25 Regulations;

26 (d) failed to maintain a columnar record of the
27 mortgage loan and broker escrow trust accounts for the months of
April and May 1995, in violation of Section 2831 of the

1 Regulations;

2 (e) failed to maintain separate records for the trust
3 fund receipts and disbursements for the loan transactions in
4 April and May 1995, in violation of Section 2831.1 of the
5 Regulations;

6 (f) failed to reconcile the trust fund record to the
7 aggregate balance of all separate records for its loan and
8 escrow trust accounts for the months of April and May 1995, in
9 violation of Section 2831.2 of the Regulations;

10 (g) failed to review, initial and date material loan
11 documents for borrowers, including J. & L. Gustavo, K. Ritter,
12 P. & K. Bell, R. & G. McClaren, A. & F. Avalos, S. & D. Burton,
13 D. & N. Dixon, R. & A. Montoya and R. Schmitz, in violation of
14 Section 2725 of the Regulations and Section 10159.2 of the Code;

15 (h) failed to provide Department approved Mortgage
16 Loan Disclosure Statements to borrowers in handling mortgage
17 loan transactions, including J. & L. Gustavo, K. Ritter, P. & K.
18 Bell, R. & G. McClaren, A. & F. Avalos, S. & D. Burton, D. & N.
19 Dixon, R. & A. Montoya, R. Schmitz and R. & J. Olney, in
20 violation of Section 10240 of the Code and Section 2840 of the
21 Regulations;

22 (i) used an unlicensed fictitious business name
23 "Diamond Coast Federal" in mortgage loan transactions, in
24 violation of Section 2731 of the Regulations; and

25 (j) disbursed trust funds from the escrow trust account
26 without the instructions of the parties paying the money into the
27 escrows, in violation of Section 2950(g) of the Regulations.

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11.

Respondents violated Section 10145 of the Code and Regulation 2832.1 by having a shortage in trust funds in said accounts wherein the deposits decreased the balance of funds in TA#1, as of May 31, 1995, to amounts which were approximately \$1,318.00, less than the existing aggregate trust fund liability to all owners of said trust funds.

12.

Respondents violated Section 10145 of the Code and Regulation 2832.1 by having a shortage in trust funds in said accounts wherein the deposits decreased the balance of funds in TA#3, as of May 31, 1995, to amounts which were approximately \$1,513.67, less than the existing aggregate trust fund liability to all owners of said trust funds.

13.

On or about August 15, 1995, BFG's corporate status was suspended by the Franchise Tax Board effective August 15, 1995. This is a violation of Section 2742 of the Regulations, and is cause for the suspension or revocation of Respondent BFG's license and license rights under Section 10177(d) and 10177(f) of the Code.

FIRST CAUSE OF ACCUSATION

(Violation by Respondents of Sections 10145, 10240, 10176(e) and 10177(d) of the Code and Sections 2725, 2731, 2752, 2830, 2831, 2831.1, 2831.2, 2832.1, 2840 and 2950(g) of the Regulations)

14.

As a First Cause of Accusation, Complainant incorporates

1 herein by this reference the Preamble and each of the allegations
2 in Paragraphs 1 through 13, herein above.

3 15.

4 The conduct of Respondents, in handling trust funds to
5 perform mortgage loan brokerage activities, as alleged in
6 Paragraphs 8 through 13, constitutes violations under
7 Sections 10145, 10240, 10176(e) and 10177(d) and (f) of the Code
8 and Sections 2725, 2731, 2742, 2752, 2830, 2831, 2831.1, 2831.2,
9 2832.1, 2840 and 2950(g) of the Regulations. Said conduct is
10 cause pursuant to Section 10177(d) of the Code for the suspension
11 or revocation of all licenses and license rights of Respondents
12 under Real Estate Law.

13 SECOND CAUSE OF ACCUSATION

14 (Violation by Respondent WOODWARD of Sections 10159.2 and
15 10177(h) of the Code)

16 16.

17 As a Second Cause of Accusation, Complainant
18 incorporates herein by this reference the Preamble and each of
19 the allegations in Paragraphs 1 through 13, herein above.

20 17.

21 The conduct of Respondent WOODWARD in allowing
22 Respondent BFG to violate Sections 10145, 10240, 10176(e) and
23 10177(d) of the Code and Sections 2725, 2731, 2752, 2830, 2831,
24 2831.1, 2831.2, 2832.1, 2840 and 2950(g) of the Regulations, is
25 cause for the suspension or revocation of all licenses and
26 license rights of Respondent WOODWARD under Real Estate Law,
27 pursuant to Sections 10159.2 and 10177(h) 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 Respondent, BRYCE FUNDING GROUP, INC., a corporation and NEIL ANTHONY WOODWARD, individually and as designated officer of Bryce Funding Group, Inc. and dba Diamond Coast Federal, 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 applicable provisions of law.

Dated at Los Angeles, California
this 7th day of March, 1996.

THOMAS MCCRADY

Deputy Real Estate Commissioner

cc: Bryce Funding Group, Inc.
Neil Anthony Woodward
Sacto.
MLB
Audit Section