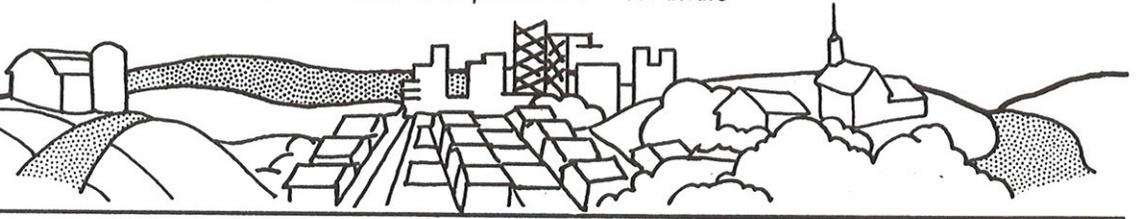




REAL ESTATE BULLETIN

Official Publication of the California Department of Real Estate



GEORGE DEUKMEJIAN, *Governor*

Summer 1985

JAMES A. EDMONDS JR., *Commissioner*

Thomas retires; DRE names Wilson Chief Legal Officer



Jerry Thomas



Robin Wilson

Jerry Thomas Retires

W. Jerome (Jerry) Thomas, the Department of Real Estate's Chief Legal Officer under five Real Estate Commissioners, recently retired after 24 years of State service, including 21½ years with DRE.

Thomas started his career with DRE as a staff attorney in the San Francisco District Office following 2½ years of employment with the Departments of Corporations and Alcoholic Beverage Control. He was named attorney in charge of the San Francisco Legal Section in 1964, and served in that capacity until appointed Chief Legal Officer by then Real Estate Commissioner Burton Smith in March 1971.

During his first nine years as Chief Legal Officer, Thomas was also division chief for offerings and securities. He was responsible for DRE's administration of the Real Estate Syndicate Act from 1971 through 1976, and for the Department's subdivision program until 1980.

In this latter capacity, Thomas wrote nearly all of the regulations applied by DRE in determining whether the proposed governing instruments of condominiums, planned developments and other common-interest subdivisions constitute "reasonable arrangements" for the organization of the owners' association and for maintenance and operation of the commonly-owned properties. Thomas is regarded as one of the foremost legal authorities in California on common-interest subdivisions.

In addition to his work in regulating offerings and securities subject to DRE jurisdiction, Thomas also had primary responsibility under each of the Commissioners for whom he worked for the administration of the Real Estate Recovery Program. Since mid-1980 he has coordinated the Department's legislative program, and personally drafted many of the bills adding or revising sections within the Real Estate Law and Subdivided Lands Law.

Thomas, a native of South Dakota, is a graduate of the U.S. Naval Academy and the University of San Francisco Law School. He and his wife Jackie are parents of three grown children. The senior Thomases reside in Sacramento and have no plans to move.

Jerry vows that he will confine his labor to the physical variety for at least the first six months of his retirement, and may continue that lifestyle indefinitely if he finds that it suits him. In the

(Continued on Page 7)

Information Systems Processing At DRE

by
Ladson I. Geddings
Information Systems Manager
Sacramento Principal Office

The Department of Real Estate's accomplishments in the area of information processing are usually "taken for granted", and in general are not announced by bugle blowing. It seems appropriate at this time, however, to provide an update regarding DRE's Information Systems Section's past accomplishments, present projects' status, and proposed information processing projects.

History of Processing

Before proceeding, some background data about the Department's information processing is offered. DRE originally started licensing brokers and salespersons about 1919 when the Department was known as the State Division of Real Estate. Information processing was performed at that time using manual methods. The use of manual information processing continued until about 1970 when DRE installed card punch equipment. This represented approximately 50 years of manual processing by the Department.

The use of card punch equipment, although a progressive step on the automation road, still required the manual transportation of "tubs" of cards to remote computer sites; first to the Department of General Services' Data Center and later to the original Teale Data Center. In July 1979 the card equipment was replaced by a Four Phase mini computer, executing remote job entry software and working directly with the Teale Data Center using a data communications line. At the end of this nine-year period (1970 to 1979), the Department entered a second phase of information processing designed to increase the accuracy of DRE's information files and to decrease the response time needed to supply information.

The first system implemented using this equipment was a new batch processing Licensing System, followed in May 1980 by a new Examination Scheduling System. Since that time, the Department has designed and implemented a number of batch technology

(Continued on Page 3)

REAL ESTATE BULLETIN

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JAMES A. EDMONDS JR.
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The Real Estate Bulletin (USPS 456600) is a quarterly published by the State of California, Department of Real Estate, as an educational service to all real estate licensees in the state under the provisions of Section 10083 of the California Business and Professions Code.

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DISCIPLINARY ACTION—DECEMBER 1984—FEBRUARY 1985

REB—Real estate broker RES—Real estate salesperson PRLS—Prepaid rental listing service
RREB—Restricted real estate broker RRES—Restricted real estate salesperson APRLS—Restricted prepaid rental listing service
REO—Real estate officer REC—Real estate corporation

NOTE: A list of actions is not published in this Bulletin until the 30-day period allowed for court appeal has expired; or if an appeal is taken on the disciplinary action stayed, until the stay is dissolved. Names of persons to whom licenses are denied upon application are not published.
*Not previously published

FOR YOUR INFORMATION

The following are brief summaries of the numerical code sections listed after each licensee's name. The full context of the various sections is found in the Business and Professions Code and the Regulations of the Real Estate Commissioner, both of which are printed in the Real Estate Law book available for purchase from the Department of Real Estate for \$10.00 plus tax. Code sections summarized will vary from issue to issue as they will correspond with the particular disciplinary listings.

Business and Professions Code

10176(i) fraud or dishonest dealing in licensed capacity
10177(b) conviction of crime
10177(d) violation of real estate law or regulations
10177(f) conduct that would have warranted denial of a license
10177(g) negligence or incompetence as licensee
10177(h) failure to supervise salespersons
10177(j) fraud or dishonest dealing not in licensed capacity
10177.2(b) failure to deliver mobilehome ownership certificate
10177.5 civil fraud judgment based on licensed acts
10231 accepting loan funds for pooling

10231.1 retaining lender's funds for more than 60 days
10235 false advertising in mortgage loan activities
10238.3 failure to obtain real property securities permit
11013.2 sale of subdivided lands subject to blanket encumbrance without compliance with conditions

Regulations

2715 broker's failure to maintain current address with DRE
2832.1 trust fund accountability
2950 broker-controlled escrow violation

LICENSES REVOKED

Name	Address	Effective Date	Violation Business and Professions Code/Commissioner's Regulations
*Flesher, Alan Gregory (RES)	8790 Kildes Ct., Orangevale	4/16/84	10176(a)(i), 10177(j)
*Weisman, Allen Joseph (RES)	207 Mira Mar, Apt. B, Long Beach	10/2/84	10130, 10131(a), 10176(a), 10177(d)
Gruenwald, James George (REB)	4108 Newell St., Sacramento	12/3/84	10177(j)
Richardson, Larry (REB)(REO)	2700 N. Main St., 12th Fl., Santa Ana	12/4/84	10176(f), 10177(d)(f)
Off—Home Loan Company Home Loan Company (REC)	3220C Brea Canyon Rd., Diamond Bar	12/4/84	10176(i), 10177(d)(f)
Off—Richardson, Larry Reed, Larry William (RES)	8342 Juglans Dr., Orangevale	12/6/84	10177(f)(j)
Milam, Quinda Jean (RES)	13643 Golden Eagle, Sunnymead	12/26/84	490, 10177(b)
Bean, Luigia (REB)	2172C San Ramon Valley Blvd., San Ramon	12/31/84	490, 10177(b)
Downey, Dennis David (RES)	4660 Deercreek Ln., Concord	1/2/85	10176(a)(i), 10177(f)
The Downey Group (REC)	1990 N. California Blvd., Ste. 830, Walnut Creek	1/2/85	10176(a)(i), 10177(d)(f)
Shepard, Mark Alan (REB)(REO)	331 La Questa, Danville	1/2/85	10177(d)(g)(h)
Off—The Downey Group Cappel, Harry (REB)(REO)	4545 Cimarron River Ct., San Jose	1/9/85	10176(a)(i), 10177(f)
Off—Cappel & Co., Inc. Cappel & Co., Inc. (REC)	10484 Brewer Ave., Cupertino	1/9/85	10176(a)(i), 10177(f)
Anderson, M. Holly (RES)	756 S. Auburn St., Grass Valley	1/16/85	490, 10177(b)
Perry, Rodger Alan (RES)	28 Del Paso, South San Francisco	1/29/85	490, 10177(b)(f)
Silva, Douglas Bernard (REB)	1415-18th St., Bakersfield	1/29/85	2740, 10130, 10158, 10159, 10177(d)(f)(g)
Silva, Douglas Bernard (REB)	1415-18th St., Bakersfield	1/29/85	10176(a)(i), 10177(j)
Cal State Financial Services (REC)	1900 Point West Way, Ste. 288, Sacramento	1/29/85	2832.1, 2950, 10137, 10145, 10176(e)(i), 10177(d), 10231, 10231.1
Lay, James Walter Jr. (REB)(REO)	1900 Point West Way, Ste. 221, Sacramento	1/29/85	2832.1, 2950, 10137, 10145, 10176(e)(i), 10177(d)(g)(h), 10231, 10231.1
Off—Cal State Financial Services Cassetta, Alan Francis (REB)	204 Royal Way, Truckee	1/30/85	490, 10177(b)
Spiertling, Michael Patrick (RES)	4064 Heather Ln., Napa	1/31/85	10177(d), 11013.2
Terry, Robert Duane (RES)	12315 Julie Ln., Saratoga	1/31/85	10137, 10176(a)(g)(i)
Milward, Frank Dale (RES)	894 S. 2nd, San Jose	1/31/85	490, 10177(b)(f)
Bell, James Benjamin (REB)	1690 Funston, Apt. 1, San Francisco	2/4/85	490, 10177(b)(f)
Oldfield, Colleen Cecelia (RES)	7778 Sonoma Hwy., Santa Rosa	2/4/85	490, 10177(b)(f)
Moore, Donald Harry (REB)	180-7th Ave., Santa Cruz	2/4/85	490, 10177(b)(f)
Dorsey, Dianne (RES)	3711 Bechellii Ln., Redding	2/5/85	490, 10177(b)
Gilmore, Larry Eugene (RES)	3018 Chestnut Ct., Fairfield	2/5/85	490, 10177(b)
Hunt, Cindy Lee (RRES)	2101 Nottingham Way, Sacramento	2/19/85	490, 10177(b)
Culjis, Joseph Gregory (RES)	1220 Robertson Way, Sacramento	2/20/85	490, 10177(b)
Plank, Terrence James (RES)	3310 Tracy Dr., Santa Clara	2/26/85	10137, 10176(a)(i), 10177(f)
Scott, Jack Stanley (RES)	4205 Asher St., #33, San Diego	2/26/85	490, 10177(b)
Cantrell, Ronald Dean (RES)	5141 Olga Ave., Cypress	2/27/85	490, 10177(b)
Pommells, Ronald Milton (REB)	15 Mallard, Irvine	2/28/85	490, 10177(b)

LICENSES SUSPENDED

Name	Address	Effective Date	Violation Business and Professions Code/Commissioner's Regulations
Barnes, Stanley Eugene (REB)	3008 N. Fisher, Fresno	1/3/85 (30 days)	10177(h)

LICENSES SUSPENDED WITH A RIGHT TO A RESTRICTED LICENSE

Name	Address	Effective Date	Violation Business and Professions Code/Commissioner's Regulations
Ngo, Dennis Du (RES) (Right to RRES license on terms and conditions)	8416 Chimineas St., Northridge	2/28/85 (for 1 year)	490, 10177(b)

LICENSES REVOKED WITH A RIGHT TO A RESTRICTED LICENSE

Name	Address	Effective Date	Violation Business and Professions Code/Commissioner's Regulations
*Kuo, Nina (REB) (Right to RREB license on terms and conditions)	1006 E. Garvey, Monterey Park	9/12/84	10176(a)
*Chow, Jenny (REB) (Right to RREB license on terms and conditions)	1525 S. Garfield Ave., Alhambra	9/12/84	10177(h)
Ong, Betty A. (RES) (Right to RRES license on terms and conditions)	3742 Mission St., San Francisco	12/6/84	490, 10177(b)
Philipanko, Walter Riley (REB) (Right to RREB license after 90 days on terms and conditions)	3313A Julliard Dr., Sacramento	12/6/84	10176(a)(i), 10177(f)(g)(j)
Lehrbass, Herman Paul Jr. (REB) (Right to RREB license after 60 days on terms and conditions)	315 E. Blossom Pl., Brea	12/18/84	490, 10177(b)
National Trust Deed Corp. (REC) (Right to RREC license on terms and conditions)	12266 Ventura Blvd., Studio City	12/20/84	10086, 10177(d)(g), 10235, 10238.3
Karbeling, Ben A. (REB)(REO) Off.—National Trust Deed Corp. (Right to RREB after 90 days on terms and conditions)	12266 Ventura Blvd., Studio City	12/20/84	10086, 10177(d)(h), 10235, 10238.3
Yeager, Frederick H. (RES) (Right to RRES license on terms and conditions)	5580 La Jolla Blvd., #69, La Jolla	12/26/84	490, 10177(b)
Pilato, Ted (RES) (Right to RRES license on terms and conditions)	2345 Caminito Valle, Laguna Hills	12/26/84	490, 10177(b)
Tolliver, Diane Marie (RES) (Right to RRES license on terms and conditions)	17551 Hayes, Lake Elsinore	12/26/84	490, 10177(b)
Armendariz, Maria Carmen (RES) (Right to RRES license on terms and conditions)	7251 La Mancha Cir., Apt. A, Huntington Beach	1/8/85	10177(f)
Bowden, John Michael (REB) (Right to RREB license on terms and conditions)	14409 LeFloss Ave., Norwalk	1/8/85	10177(g)
Stitt, Bonnie Jean (REB) (Right to RREB license on terms and conditions)	8907 Warner Ave., Ste. 163, Huntington Beach	1/8/85	10177(g)
Jaffe, Bernard Stephen (REB) (Right to RREB license after 90 days on terms and conditions)	6626 Danville Ave., San Diego	1/15/85	10086, 10177(d)(g), 10235, 10238.3
Wattenberg, Kathleen Margaret (REB) (Right to RREB license on terms and conditions)	305 E. Plaza Dr., Ste. 5, Santa Maria	1/23/85	10177.5
Walter, Ray J. (RES) (Right to RRES license after 90 days on terms and conditions)	20 Skylark, #25, Larkspur	1/28/85	10177(j)
Marin, Alfonso G. (RES) (Right to RRES license on terms and conditions) (RRES license suspended for 30 days)	3623 Highland Ave., Redwood City	2/5/85	10145, 10177(d)
Barker, Karen (REB) AKA—Koons, Karen Jean (Right to RREB license after 20 days on terms and conditions)	Tollhouse Rd., near Sparrow Rd., Shaver Lake	2/7/85	10145, 10176(e)(i), 10177(d)
Miller, Shirley Carol (REB) (Right to RREB license on terms and conditions)	18683 Maplewood Cir., Huntington Beach	2/7/85	10177(h)
United Mortgage Service, Inc. (REC) (Right to RREC license on terms and conditions)	2145 The Alameda, San Jose	2/12/85	2832.1, 10145, 10176(e), 10177(d), 10231.1
Bondi, James Samuel (RES) (Right to RRES license after 30 days on terms and conditions)	19381 Weymouth Ln., Huntington Beach	2/15/85	10176(a), 10177(g)
Gooch, Holly Rhea (RES) (Right to RRES license on terms and conditions)	1766 E. Tulare, Tulare	2/19/85	10176(a)(i)
Price, Thomas Dickey (RES) (Right to RRES license on terms and conditions)	189 Serravista, Daly City	2/20/85	490, 10177(b)(f)

PUBLIC REPROVALS

Name	Address	Effective Date	Violation Business and Professions Code/Commissioner's Regulations
Bellinger, Marie Weeden (RES)	17850 Twin Lakes Dr., Riverside	2/26/85	490, 10177(b)

LICENSES SUSPENDED WITH STAYS

Name	Address	Effective Date	Violation Business and Professions Code/Commissioner's Regulations
Pierson, Jon Micken (REB) (Stayed for 1 year on condition)	567 W. Shaw, #B2, Fresno	1/3/85 (30 days)	10177(g)
Bibeau, Gary Joseph (RES) (Stayed for 1 year on condition)	185 W. Celeste, Fresno	1/3/85 (30 days)	10177(g)
Adams, Wanda I. (RES) (Stayed for 1 year on condition)	3110 E. Chapman, Orange	1/16/85 (30 days)	10176(a), 10177(g)
Brenco Inc. (REC) (Stayed for 2 years on condition)	4600 American Ave., West, Bakersfield	1/29/85 (20 days)	10176(a), 10177(g)(h)
Petrone, Russell Anthony (REC) Off.—Brenco Inc. (Stayed for 2 years on condition)	4600 American Ave., West, Bakersfield	1/29/85 (20 days)	10176(a), 10177(g)(h)
Layton, Alfred Winn (REB) (May be stayed after 30 days on terms and conditions)	1455 Treat Blvd., Annex, Walnut Creek	1/31/85 (to 11/18/85)	2715, 10162, 10177(d)
Stirton, Richard Barclay (REB) DBA—All Estates Realtors DBA—Almar Realty (Stayed for 1 year on terms and conditions)	617 W. Main St., Visalia	2/19/85 (15 days)	10177(g)(h)
Houx, Harold Duane (RES) (All but 60 days stayed for 1 year on terms and conditions)	2761 Curtis Way, Sacramento	2/21/85 (180 days)	10176(a)(b), 10177(g), 10177.2(b)

INDEFINITE SUSPENSIONS UNDER RECOVERY FUND PROVISIONS

Name	Address	Date
Kritt, Samuel Solomon (REB)	8222 Beverly Blvd., Los Angeles	12/10/84
Huffaker, Craig Lyle (REB)	2305 Sandpiper Rd., Bakersfield	12/10/84
Williams, Elizabeth Ann (RES)	3568 Sunnysgate Ct., San Jose	12/10/84
Gault-Dudick, Joy (RES)	Rte. 1, Box 5, Shingle Springs	12/13/84
Gill, Thomas (RES)	17815 Valley Vista Blvd., Encino	12/14/84
Bates, William L. (REB)	18387 Hwy. 18, Apple Valley	12/14/84
Housie, Marion Jr. (RES)	6969 Eureka Dr., Riverside	12/31/84
McInerney, John Francis (REB)	P.O. Box 491, Oxnard	1/11/85
Merriweather, George Anthony (RES)	P.O. Box 1245, Ojai	1/18/85
Canfield, Roderick Eugene (REB)	3436 E. Maple, Orange	1/18/85
Blasingham, Kenneth Walton (REB)	6481 Orangethorpe Ave., Buena Park	1/24/85
Hayes, Monte (REB)	4503 1/2 Gramercy Pl., Los Angeles	1/24/85
Case, Marvin Edwin (REB)	5400 Kirkland Way, Carmichael	1/29/85
King, William Clifton (REB)	11610 Iberia Pl., Ste. 106, San Diego	2/19/85
Downey, Dennis (RES)	4660 Deerereck Ln., Concord	2/22/85

Information Systems

(Continued from Page 1)

systems. These include: the Real Estate Subdivision File Tracking and Statistical Reporting System, the Real Estate Continuing Education Validation and Statistical System, the Real Estate Examination Preparation System, the Department's lists/labels process, the Mortgage Loan Broker Auditing Statistical System, and the Regulatory Inventory Control File Tracking and Statistical System (this system, the last to be developed under batch technology, became operational on October 1, 1984).

On-Line Technology

DRE has recognized for some time the necessity of changing the processing technology from batch to "on-line". The Department intends to accomplish this goal (converting current systems from batch to on-line technology) by installing a Tandem computer system in Sacramento with interactive terminal capability in all District Offices. Initial use of the computer will be to develop a new on-line Licensing System. Among the benefits derived from this project will be cost savings and a higher level of service for the real estate industry and the public. For example, one of the main objectives will be to produce a normally-processed original license within a period of one week.

After the task of developing and installing the new Licensing System has been completed, attention will be focused on the other batch systems. These will be converted to run on the Tandem computer system as priorities dictate.

Completed projects include the installation of updated telecopier equipment in Sacramento and Los Angeles, and establishment of word processing capability in the Los Angeles and San Francisco District Offices.

Of particular interest to the Department is the current Office Automation Study being conducted by California State University, Chico. This study will examine the feasibility of implementing other automated functions.

Service is DRE's Goal

Our plans, in summary, call for the Department to convert all present batch-processing systems to on-line technology and to automate selected processes and functions. Decisions as to what functions to automate will be determined by the need to provide an even higher level of service to the public and the real estate industry. DRE intends to implement the efficient and effective use of modern technology in a carefully planned, deliberate manner.



Please, no cash!

For the security and protection of the public and DRE employees, the Department will no longer accept cash for the purchase of books, payment of license renewals, etc. at its district offices.

Personal checks, money orders, and cashier checks are acceptable forms of payment. The Department regrets any inconvenience this may cause.



Notes from Licensing

by
Pam Davis
Office Services Supervisor III
Sacramento Licensing Operations

Do you know where all your continuing education certificates are, or how many hours you have currently completed? Do not wait until the last moment before you mail in your real estate license renewal to make the big search for the course certificates you have earned over the past four years. Filing the certificates in one place and keeping track of the date the courses were completed can prevent a lot of confusion, a break in license status, and the possibility of paying a late renewal fee.

Keep in mind that course sponsors **do not** notify or send course certificate numbers to the Department when a course is completed. Some Boards of Realtors may keep your certificate numbers in their computers, but they **do not** send this information to DRE.

One of the more common problems encountered by licensees, after submitting the Continuing Education Course Verification form (RE 251) with the appropriate renewal application, is that a course is not acceptable because the 13-digit certificate number was copied incorrectly. This can be avoided if the 13-digit number and the completion date are transferred onto the RE 251 form **exactly** as shown on the course certificate. **All continuing education course verification errors result in a denial of the renewal application.**

Another common problem is that the course is not acceptable because the completion date is **more** than four years prior to the effective date of the renewal. There are two reasons why this situation may occur:

- First, some licensees decide to renew their license within the two-year late renewal grace period after the license expiration date. If a licensee renews on a late basis, however, continuing education courses must be completed within four years prior to the date the late renewal application is submitted. Courses taken immediately after the license was issued may be over four years old by the time the late renewal application is submitted and, therefore, cannot be utilized for the renewal of the license.

- The second reason for rejection of a continuing education course occurs when the course is taken **after** the license examination is passed, but **before** the original four-year license certificate is received. At renewal time the course would not be acceptable because the completion date is more than four years prior to the effective date of the renewal.

In both of the above examples, additional courses may have to be taken to fulfill the 45-hour continuing education requirement.

At least six months prior to renewal of your license, you should review your course certificates with the above-referenced areas in mind. This procedure will help prevent rejection of your courses and the subsequent denial of your renewal application. 

Non-Resident Statute Update

by
Lawrence J. Cannon
Managing Deputy Commissioner I
Sacramento Licensing Operations

Additional information has been received regarding changes in Section 10151.5 of the Business and Professions Code (concerning non-resident licensees) which becomes effective on July 1, 1985.

On and after July 1, 1985, a licensee who is not a resident of California will not be able to apply for a new license or renew an existing license if the individual's state of residence does not allow California residents to qualify for and obtain a real estate license in that jurisdiction.

In the Spring 1985 issue of the *Real Estate Bulletin*, nine states were identified as not allowing reciprocal license rights for California residents. Since that article was printed, we have learned that two of the nine states, Montana and New Hampshire, currently allow reciprocal license rights for California residents. Therefore, licensees with residence addresses in those states will not be affected by this law change.

Six previously unidentified states also do not allow reciprocal license rights for California residents. The total number of states falling into this category now stands at thirteen, and includes Alabama, Alaska, Arizona, Florida, Hawaii, Idaho, Indiana, Louisiana, Mississippi, Nevada, South Carolina, Tennessee, and Washington.

Any future changes in the status of states concerning reciprocal license rights will be announced in forthcoming issues of the *Bulletin*. 



Ray Dabler

Subdivision Policy Chief RAY DABLER Retires

Raymond M. Dabler, Chief of Subdivision Policy for the Department, retired from State service on May 16, 1985. Dabler has served in the Los Angeles, San Francisco, and Sacramento offices since joining DRE 27 years ago.

Before transferring to the Subdivision Section in 1973, Dabler was Assistant Commissioner in charge of Education, Research, and Publications in Sacramento. For the past 12 years, he has been responsible for statewide subdivision processing and subdivision policy, including management of out-of-state subdivisions offered for sale in California, time-share projects, and subdivision advertising review.

During the years that Dabler administered the State's subdivision laws and regulations, public reports issued by DRE qualified over 36,000 California subdivisions of all types for sale to the public. These subdivisions consisted of over 1,000,000 acres and approximately 1,400,000 lots/units.

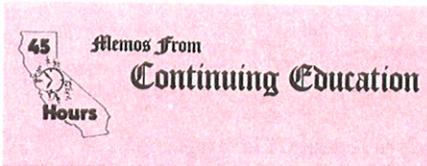
"I may be prejudiced, but I believe California does the best job of protecting the real estate consumer of any state in the nation. Our subdivision laws and enforcement methods are the standard by which other states measure their programs," Dabler concluded.

Dabler began his State career in 1947 as a Liquor Control Officer with the State Board of Equalization in San Francisco. He was employed in that position for 7½ years before transferring to the State Department of

Employment (now Employment Development Department) as a Special Investigator in 1955.

First employed by DRE in 1958, Dabler served as a Deputy Real Estate Commissioner in the Los Angeles Regulatory Office. Two years later, he was promoted to Senior Deputy in the Licensing and Examinations Section in Sacramento. In 1962 Dabler advanced to Chief Deputy in charge of Examinations. He transferred to San Francisco a year later to serve as Chief Deputy over the San Francisco and Oakland Regulatory Offices. Another promotion to Assistant Commissioner in charge of the Northern Coastal Area's Regulatory and Subdivision Sections took place in 1968.

Dabler, a native of Missouri, served in the U.S. Marine Corps during World War II in the South and Central Pacific. He spent two years overseas and participated in the Tarawa, Saipan, Tinian, and Okinawa Campaigns with the First Battalion, Sixth Regiment, Second Marine Division. Dabler received an honorable discharge in 1945. He has been married for 33 years to Helen, also a World War II veteran. The Dablers have one son, Harley, who is employed by the California Department of Transportation. 



by
 Thomas L. Mabry
 Managing Deputy Commissioner II
 Education Section

Does DRE ever monitor continuing education offerings? If so, how many people actually do the monitoring?

These questions are often asked of DRE's Education Section. The answers to the respective questions are "yes" and "many thousands". The surprised response is usually, "I didn't realize the Department had that many employees." We don't, but we do have the help of many interested and concerned licensees who furnish "voluntary information" which helps DRE enforce continuing education regulations and improve attendance control and exam procedures of the offerors.

Sponsors of approved continuing education offerings are required to maintain records evidencing that participants receiving certificates of credit actually attended 90 percent or more of the entire offering and successfully completed a final exam. These records generally consist of "sign-in/sign-out" sheets showing the amount of time the participants have actually been absent from the offering program. If the records indicate more than the allotted time for absenteeism or exam failure, the sponsor is prohibited by law and regulation from awarding credit for the offering.

DRE experience has shown that most continuing education sponsors are doing an excellent job in enforcing the attendance and exam requirements. Falsification of attendance records by a licensee and/or lack of proper attendance controls by a sponsor have resulted in formal action by DRE.

Licensees attending continuing education offerings and sponsors thereof are encouraged to contact DRE's Education Section if falsification of records is observed or a lack of proper attendance control and/or exam procedures is evident.

When reporting such information, a full explanation of the problem should be submitted with names and addresses of persons involved, name of continuing education sponsor, name of continuing education program and certificate number, date and place of program, and reporting licensee's name, address and telephone number.

Information may be sent to: Department of Real Estate; Education Section; P.O. Box 160009; Sacramento, CA 95816. The name of the individual submitting the information is not required, but is encouraged should DRE require additional information in its investigation of the alleged violation. 

Note: The following article is reprinted from the Summer 1984 Bulletin as an important reminder of major new licensing requirements.

NEW REAL ESTATE SALESPERSON AND BROKER LICENSE EXAMINATION REQUIREMENTS

by
 Thomas L. Mabry
 Managing Deputy Commissioner II
 Education Section

On March 29, 1984, Governor Deukmejian signed into law Senate Bill 1042—Lockyer (Chapter 66) which, on January 1, 1986, brings about major revisions in educational requirements for individuals wishing to qualify for either the real estate salesperson or broker license examination. The new law also makes changes in continuing education requirements for the *first renewal* of the license of a salesperson who has been required to complete qualifying courses for the salesperson license.

SB 1042 amends Sections 10170.5, 10209, 10209.2, and 10215, adds Section 10153.3, and repeals and adds Sections 10153.2, 10153.4, 10153.5, and 10154 to the Business and Professions Code relating to real estate licensees. Major points in the new law are:

APPLICANTS FOR THE REAL ESTATE SALESPERSON EXAMINATION

- To qualify to take an examination for a real estate SALESPERSON license on and after January 1, 1986, an applicant must have completed the college-level course **Real Estate Principles**.
- Those who must satisfy this new requirement must also, *either* prior to issuance of the original license *or* within eighteen months after issuance, complete two additional basic real estate courses selected from among the following:
 - Real Estate Practice
 - Real Estate Appraisal
 - Accounting
 - Business Law
 - Property Management
 - Legal Aspects of Real Estate
 - Real Estate Financing
 - Real Estate Economics
 - Escrows
 - Real Estate Office Administration
- On the *first renewal* of a SALESPERSON license, those licensees who have met the above requirements will not be required to complete continuing education requirements *except* for a minimum three clock hour course in "Ethics, Professional Conduct and Legal Aspects of Real Estate".
- SALESPERSONS who qualify to take the examination by completing only the **Real Estate Principles** course shall have their licenses automatically suspended, effective eighteen months after issuance of the conditional license, *unless* the two additional courses have been completed within that time. The suspension will not be lifted until the licensee has submitted the required evidence of remaining course completion and the Commissioner has given written notice to the licensee of the lifting of the suspension.
- The fee for a real estate SALESPERSON license is \$120.00 for those applicants who *have* satisfied all of the educational requirements (three courses) prior to issuance of the license. The fee for those who *have not* satisfied all of the educational requirements prior to issuance of the license is \$145.00.

APPLICANTS FOR THE REAL ESTATE BROKER EXAMINATION

- An applicant for BROKER licensure applying for the examination on and after January 1, 1986, must have completed eight courses in addition to the experience/educational requirements. These eight courses must include the following *five*:
 - Real Estate Practice
 - Real Estate Appraisal
 - Real Estate Economics *or* Accounting
 - Legal Aspects of Real Estate
 - Real Estate Financing
- The remaining *three* courses are to be selected from the following:
 - Real Estate Office Administration
 - Advanced Legal Aspects of Real Estate
 - Advanced Real Estate Appraisal
 - Advanced Real Estate Finance
 - Real Estate Principles
 - Business Law
 - Property Management
 - Escrows

Courses referred to in this article must be a three semester unit course or the quarter equivalent completed at an accredited institution of higher learning *or* an equivalent course of study offered by a private vocational school approved by the Commissioner.

To obtain a copy of Senate Bill 1042 (Chapter 66), write to: Legislative Bill Room; State Capitol, Room B-32; Sacramento, CA 95814. The first copy of each bill requested is free, and there is a small charge for additional copies. Prices may be obtained by calling (916) 445-2323.

REGULATION CHANGES

The following new regulations which became effective during the Winter should be of interest to licensees. These regulations were part of the Department's Fall 1984 regulation package. The text or a summary of their contents is set forth below.

All licensees should pay particular attention to the amendments to Regulations 2830, 2830.1, 2831.1, and 2832 which, along with Section 10145 of the Business and Professions Code (see "Use of Interest-Bearing Trust Fund Accounts" in the Spring 1985 Bulletin), spell out the requirements for maintaining an interest-bearing trust account.

Section 2715, Business and Residence Addresses of Licensees, requires licensees to keep certain addresses on file with the Commissioner, i.e., principal place of business, each branch office, employing broker's principal business office, and current residence. This regulation has been amended to reflect that there are no longer any inactive licenses.

Section 2830 has been amended to read:

2830. Trust Fund Account

If a real estate broker who accepts funds in trust from others in the course of carrying on activities for which a real estate license is required does not effect compliance with Section 10145 of the Code by immediately placing such funds into a neutral escrow depository or into the hands of a principal on whose behalf the funds were received, the broker shall deposit the funds upon receipt into a trust fund account in the name of the broker as trustee at a bank or other financial institution.

Except as expressly provided by subdivision (d) of Section 10145 of the Code or by a regulation in this article, the account into which the trust funds are deposited shall not be an interest-bearing account for which prior written notice can by law or regulation be required by the financial institution as a condition to the withdrawal of funds.

Section 2830.1 has been repealed and a new section adopted to read:

2830.1 Interest Bearing Trust Account

A real estate broker, when acting as agent for a financial institution as beneficiary of a loan, may deposit and maintain funds from or for the account of an obligor for the future payment of property taxes, assessments or insurance relating to real property containing only a one-to-four family residence, in an interest-bearing trust account in a bank or savings and loan association in order to pay interest to the obligor in accordance with Section 2954.8 of the Civil Code if the following requirements are met:

(a) The account is in the name of the broker as trustee.

(b) All of the funds in the account are covered by insurance provided by an agency of the federal government.

(c) All of the funds in the account are funds held in trust by the broker for others.

(d) The broker discloses to the obligor how interest will be calculated and paid.

(e) No interest earned on the funds shall inure directly or indirectly to the benefit of the broker nor to any person licensed to the broker.

Section 2831.1 has been amended to read:

2831.1 Separate Record for Each Beneficiary or Transaction

(a) A broker shall keep a separate record for each beneficiary or transaction, accounting for all funds which have been deposited to the broker's trust bank account and interest, if any, earned on the funds on deposit. This record shall include information sufficient to identify the transaction and the parties to the transaction. Each record shall set forth the following information in columnar form:

- (1) Date of deposit.
- (2) Amount of deposit.
- (3) Date of each related disbursement.
- (4) Check number of each related disbursement.
- (5) Amount of each related disbursement.
- (6) If applicable, dates and amounts of interest earned and credited to the account.

(b) Maintenance of trust ledgers of separate beneficiaries or transactions, or similar records, or automated data processing systems, in accordance with generally accepted accounting principles shall constitute compliance with subdivision (a).

Section 2832 has been amended to read:

2832. Trust Fund Handling

(a) Compliance with Section 10145 of the Code requires that the broker place funds accepted on behalf of another into the hands of the owner of the funds, into a neutral escrow depository or into a trust fund account maintained pursuant to Section 2830 of these regulations not later than the next business day following receipt of the funds by the broker or by the broker's salesperson.

(b) Except as provided in subdivision (c), if the funds are received by the broker prior to acceptance of an offer to purchase or lease in connection with which the funds have been tendered, the funds shall be maintained in the trust fund account for the benefit of the offeror until acceptance of the offer.

(c) A check received from the offeror may be held uncashed by the broker until acceptance of the offer if (1) the check by its terms is not negotiable by the broker or if the offeror has given written instructions that the check shall not be deposited nor cashed until acceptance of the offer and (2) the offeree is informed that the check is being so held or at the time the offer is presented for acceptance.

(d) In these circumstances if the offeror's check was held by the broker in accordance with subdivision (c) until acceptance of the offer, the check shall be placed into a neutral escrow depository or the trust fund account—

or into the hands of the offeree if offeror and offeree expressly so provide in writing—not later than the next business day following acceptance of the offer unless the broker receives written authorization from the offeree to continue to hold the check.

Section 2849.1, Reporting Transactions Pending at Close of Fiscal Year, governs threshold mortgage loan brokers who meet the requirements of Section 10232(a) and must file annual reports complying with subdivision (c) of Section 10232.2. This regulation fixes the time for reporting required transactions as the fiscal year in which escrow closed.

Prepaid Rental Listing Services

Section 2852.1, Different Names for Branch Locations, was adopted to require prepaid rental listing service licensees who conduct PRLS activities under different names or fictitious names within the same city or within ten miles of the boundaries of that city to list in their contracts the name or fictitious name of each office or location and their corresponding address.

Section 2853, Notice of Remedies for Failure to Refund, was adopted to require the contracts used by prepaid rental listing service licensees to include in bold face type a notice advising potential renters of their rights to file a small claims court action for the failure of a licensee to refund all or part of the contract fee. If the licensee has acted in bad faith, the court can award up to \$500 in addition to the actual damages sustained.

Continuing Education

Section 3007.6, Advertising and Promotional Material, was adopted to require disclosure of certain basic information in advertising and promotional materials about continuing education offerings, such as the DRE identification number, approved name of the course, classification of the offering (ethics, consumer protection, etc.), method of presentation (seminar, conference, workshop, etc.), and the process for determining successful completion ("written exam" or "evaluation"). The information is designed to assist licensees in selecting courses which fit their needs.

Section 3009, Fees, was changed to provide that the term for approval of continuing education courses will be two years rather than one, and the fee for processing the application for approval will be \$500. Additionally, it establishes a \$60 fee for processing petitions for continuing education credit based on claims of equivalency.

Thomas Retires; Wilson Appointed *(Continued from Page 1)*

meantime, according to Thomas, "The spouse will continue to work for wages so that I can maintain the standard of living to which I have become accustomed."

Robin Wilson Appointed

Commissioner James A. Edmonds, Jr. has announced the appointment of Robin T. Wilson as DRE's new Chief Legal Officer. Wilson, 40, replaced W. Jerome (Jerry) Thomas who retired from that position on May 16, 1985.

"Robin Wilson has been a valuable member of DRE's legal staff, and we are very pleased that he is assuming these additional responsibilities as Chief Legal Officer," said Commissioner Edmonds.

Wilson has been serving since August 1980 as attorney in charge of DRE's Sacramento Legal Section. For nearly four years, he acted as the Department's Recovery Account Counsel. (The Recovery Account provides limited relief to consumers who have been defrauded by real estate licensees and are unable to collect on a judgment.) Other responsibilities included prosecution of violations of the Real Estate Law, and preparation and implementation of legislation and regulations covering all aspects of DRE jurisdiction.

Wilson joined the Department in 1973 at the San Francisco District Office. As a Staff Counsel I, he was assigned to work with a special investigative unit examining lender redlining. Four years later, Wilson was promoted to Staff Counsel II. He assisted in the drafting of regulations implementing the Financial Discrimination Act, and represented the State's Business, Transportation and Housing Agency in the prosecution of violations of that Act.

A graduate of San Jose State University, Wilson is the son of Lionel Wilson who is the Mayor of Oakland. He earned his Juris Doctorate degree from the University of California—Davis in 1969. Prior to his work with DRE, Wilson was employed by the Contra Costa County District Attorney's Office.

In addition to numerous community activities, Wilson is active in the Wiley W. Manuel Bar Association of Sacramento and the California Association of Black Lawyers. Wilson and his wife Betty live in Sacramento with their two children.



In Memoriam

JOHN A. DiBETTA

John A. DiBetta, a respected figure throughout the real estate industry as well as state and local government, died in Hemet, California on February 24, 1985. DiBetta retired in 1980 as DRE's Assistant Commissioner—Transaction Activities. He had responsibilities over virtually every aspect of departmental operations during more than sixteen years of service.

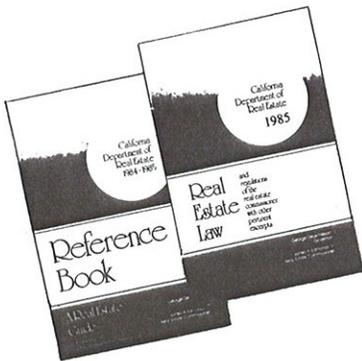
DiBetta began his career with DRE in 1964 when he was appointed a Deputy Commissioner in the Los Angeles District Office. Five years later, he was promoted to Chief Deputy in charge of the San Francisco District Office. DiBetta returned to Los Angeles in 1972 where he was responsible for the Southern Regulatory Area. In 1977 he was appointed Assistant Commissioner and relocated to DRE's Sacramento headquarters. For two years preceding his retirement, DiBetta also served as Division Chief of Policy and Planning.

Prior to his employment with DRE, DiBetta was associated with the Los Angeles Police Department. He served as a detective in the BUNCO Division, and was a frequent speaker on radio and television presenting educational programs on frauds.

All of us who knew John DiBetta will remember him for his many outstanding contributions to the Department and the real estate industry.



NEW 1985 edition of **REAL ESTATE LAW** book is now available. . . .



Professional stature means experience and education. Real estate licensees today must have both a broad-based understanding of the many facets of real estate and a finely-tuned knowledge of their own specialty fields.

The **Real Estate Law** book is a working tool every licensee should own. It contains that portion of the Business and Professions Code known as the Real Estate Law, regulations of the Real Estate Commissioner, Subdivision Map Act, Administrative Procedure Act, and pertinent excerpts from other California Codes.

The 1984-85 **Reference Book** is composed of 30 chapters devoted to such specific topics as agency, escrow, subdivisions, etc., and discusses subjects pertaining to judicial and trustee foreclosures, landlord obligations to tenants, effects of a cancelled escrow on a purchase contract, and truth in lending, among many others. Also included are pages with construction illustrations and terminology. A current edition of the **Reference Book** is a useful guide for both the novice and experienced professional.

Each book sells for \$10, plus tax; the price includes postage and handling charges. A special 20% discount may be applied to the purchase of 25 or more copies of one title.

When ordering publications, please use the order form shown below. Personal check or money order payable to the Department of Real Estate is acceptable, but please do not send cash.

Make check or money order payable to:
DEPARTMENT OF REAL ESTATE

MAIL TO:
Department of Real Estate
Accounting Section
P.O. Box 160009
Sacramento, CA 95816

DO NOT SEND CASH.

Allow 4-6 weeks for delivery.

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As of July 22nd,
DRE's new Principal Office address will be:

**2201 Broadway
Sacramento, CA 95818**



Please continue to use P.O. Box 160009;
Sacramento, CA 95816 as our mailing address.

For your convenience, a list of frequently-referenced telephone numbers appears below:

Broker Qualifications.....	916/739-3725
Consumer Information	916/739-3684
Education Information	916/739-3720
Examination Scheduling.....	916/739-3726
Licensing Information	916/739-3758
Subdivision Information	916/739-3631

Please remember that these new phone numbers
will not become effective until July 22nd.

Subdivisions Office—North Consolidates with New Sacramento Principal Office

The Sacramento Subdivisions District Office (formerly located at 4433 Florin Road) has joined the Department's Principal Office in its relocation to 2201 Broadway, Sacramento. Arrangements have been made for a post office box to serve both the newly-renamed Subdivisions Office—North and the Subdivisions Technical Section.

Anyone who wishes to file an application by mail for a subdivision located within the fifty counties served by the Subdivisions Office—North should utilize the new mailing address:

**P.O. Box 168003
Sacramento, CA 95816**

This same post office box should be used for Subdivisions Technical Section applications and correspondence—timeshares, undivided interests, out-of-state subdivisions, subdivision advertising, and subdivision publication requests. *Effective July 22nd*, the new telephone numbers are:

Subdivisions Office—North .. 916/739-3631
**Subdivisions Technical
Section** 916/739-3628

The *Subdivisions Office—South* is located in DRE's Executive Office at 107 South Broadway, Room 7111; Los Angeles, CA 90012; Telephone: 213/620-2700. 

Forty years ago . . .

TEN COMMANDMENTS FOR THE BROKER OF TOMORROW

1. Satisfy thyself that Real Estate is still the preferred investment, or else hie thyself to that which, in thy mind, excels it.
2. Thou shalt constantly prepare thyself. The acquisition of knowledge is an eternal affair; each day should add to your store thereof.
3. Thou shalt face today's situation squarely, realizing that it is a condition

which tries the soul of man, but be determined to take full advantage of the opportunities which are still around thee.

4. See to it that thy thinking be not of an ancient vintage, but shall be sharpened to meet current affairs.
5. Thou shalt serve thy client honestly, then may thou be long in the business and prosper.
6. Thou shalt not misrepresent—neither shalt thou exaggerate.
7. Thou shalt persevere at all times and give to each deal the best of thy ability.

8. Desert not business for other attraction—else may business desert thee.
9. Thou shalt not wait for business to come to thy door—go to meet it.
10. Thou shalt not covet thy neighbor's deals—go get deals of thy own.

From the office of Joseph Laronge, Inc., Cleveland.

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