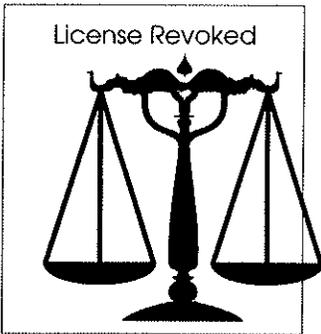


DISCIPLINARY ACTIONS: THE PROCESS

Each issue of the *Real Estate Bulletin* contains a list of license disciplinary actions which became final during the preceding three months. The actions listed result from a formal disciplinary hearing process. The purpose of this article is to give a general overview of that process.

Disciplinary hearings are conducted under the Administrative Procedure Act (Government Code Sections 11500 — 11528) and are presided over by an administrative law judge who is



employed by a state agency independent of the Department of Real Estate. The hearings are conducted in a manner similar to court trials without a jury. At the hearing, the department has the burden of proving the charges contained in the accusation and usually does so by calling witnesses and presenting documents in evidence. The department is represented by its own attorneys at the hearing, and the respondent may be represented by his or her attorney or may proceed without an attorney. There is no provision of law which allows the respondent to be represented by an attorney at state expense similar to the public defender in criminal cases. The respondent has the right to object to evidence offered by the department and to cross-examine witnesses called by the department. The respondent also has the right

to present evidence and to call witnesses to testify on his or her behalf.

The document which initiates the process to determine whether a licensee should be formally disciplined is known as an accusation. The accusation sets forth in ordinary and concise language the acts or omissions with which the licensee (referred to as the respondent) is charged.

After the accusation has been filed as a formal document with the department, it must be served on the respondent. Service is effected by personal delivery or by certified mail to the respondent's last known business, residence or mailing address on file with the department. After being served, the respondent has 15 days to file a notice of defense with the department. The notice of defense serves two functions: first, as a formal denial of the charges in the accusation and secondly, as a request for a hearing. A failure to file a notice of defense allows the department to proceed to disciplinary action (usually a license revocation) without hearing.

After a notice of defense is filed, the department asks the Office of Administrative Hearings to schedule a hearing. Depending on the length of time required, the hearing will generally be held from two months to 12 months from the date the notice of defense is filed. The respondent has the right under the discovery provisions of the law to examine evidence in the department's investigative file and to be told the names and addresses of witnesses who may be called.

After the hearings is concluded, the administrative law judge prepares a proposed decision which is sent to the real estate commissioner. The commissioner has three options: adopt the proposed decision as his/her own, reduce the penalty or reject the decision. If rejected, the commissioner must obtain a complete transcript and record of the hearing and issue a decision based on review of the transcript and exhibits.

If an adverse decision is issued by the commissioner, the respondent may petition the commissioner for reconsideration or may seek judicial review of the decision in Superior Court. After the decision becomes final, the respondent may petition the commissioner for reinstatement of a license one year after the effective date of the decision.

This brief overview of the process is provided to give you a greater understanding of what takes place in license disciplinary actions. As you can see, the law provides a number of rights to a respondent in a disciplinary action to insure that a fair hearing has been held.

Those interested in learning more about Administrative Procedures Act hearings should refer to Sections 11500, et seq. of the Government Code.

EDUCATION AND RESEARCH TRUST FUNDS AND YOU

by James A. Edmonds, Jr.,
Real Estate Commissioner

Within the Business and Professions Code lies the authority for the establishment of the Real Estate Fund which, in effect, represents the operating capital and fiscal reserves of the Department of Real Estate (DRE). Within this fund, there are separate accounts for education and research, recovery and operations.

The education and research portion of the real estate fund is a critical element in the DRE's licensing and regulatory process. Today that fund is strong and healthy. It's in the interest of every real estate licensee and potential licensee that the E & R Fund remain that way. To understand why, let's recall a little bit of history regarding the department's reserves.

The DRE is self-supporting. The department does not receive any tax money or funding from the state's General Fund. Real estate licensee and examination fees, subdivision fees, continuing education course approval fees, etc., fully support the operations of the department — including the reserve accounts. As you can imagine, there have been some rough times over the years for the reserve accounts.

The real estate market is cyclical. In a good market the DRE prospers as the number of new licensees and examinees increases. License renewals remain high. In a down market, marginally active licensees often fail to renew, the number of original licenses issued and examinations administered decreases, subdivision filings slip, etc. During an economic downturn in the late '70s and early 80s DRE's operating reserves went from a very healthy condition to a deficit quickly. Partially because of this event, since I have been real estate commissioner I have maintained steadfastly that the operating account, known as the Real Estate Fund, should contain not less than 12 months operating expenses — sufficient funding to adjust operations as necessary in the event of a negative change in the real estate market.

Education, cont'd on page 6

REAL ESTATE BULLETIN
Official Publication of the
California Department of Real Estate

Vol. 50, No. 2 Summer 1990

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The REAL ESTATE BULLETIN (ISSN 07347839) is published quarterly by the State of California, Department of Real Estate, 2201 Broadway, Sacramento, CA 95818, as an educational service to all real estate licensees in the state under the provisions of Section 10083 of the Business and Professions Code. Second Class Postage paid at Sacramento, California.

Postmaster, send address changes to REAL ESTATE BULLETIN, P.O. Box 187000, Sacramento, CA 95818-7000.

DISCIPLINARY ACTION — DECEMBER 1989 TO FEBRUARY 1990

- REB — Real estate broker
- RES — Real estate salesperson
- PRLS — Prepaid rental listing service
- REO — Real estate officer
- RREB — Restricted real estate broker
- RRES — Restricted real estate salesperson
- RPRLS — Restricted prepaid rental listing service
- 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 on application are not published.

FOR YOUR INFORMATION

The following are brief summaries of the numerical code sections listed. The full text 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. The Real Estate Law book is available for purchase from the Department of Real Estate.

Business and Professions Codes

- 490 Relationship of conviction to licensed activity
- 10085 Failure to submit advance fee materials
- 10130 Acting without license
- 10137 Unlawful payment of compensation
- 10145 Trust fund handling
- 10145(a) Trust fund handling
- 10145(c) Trust fund handling
- 10145(d) Trust fund handling
- 10146 Failure to handle advance fees as trust funds or to furnish verified accounting to principal
- 10148 Retention and availability of real estate broker records
- 10161.8 Broker's failure to notify the Commissioner of salesperson employment
- 10162 Office abandonment
- 10163 Branch office license requirement
- 10165 Covers various violations
- 10167.9(a)(3) Failure to include required terms in PRLS contract
- 10167.10(a)(1) PRLS failure to refund fee
- 10167.10(b) PRLS failure to refund fee
- 10167.11(a) PRLS false or misleading advertising
- 10167.11(b)(1) Referring to nonexistent or unavailable property
- 10167.11(b)(2) PRLS false or misleading advertising
- 10167.11(b)(4) PRLS failure to obtain permission to list property from authorized person
- 10167.12 Violation of crime by PRLS licensee
- 10176(a) Making any substantial misrepresentation
- 10176(b) Making false promises
- 10176(d) Failure to disclose dual agency
- 10176(e) Commingling trust funds
- 10176(g) Secret or undisclosed profit
- 10176(i) Fraud or dishonest dealing in licensed capacity
- 10177(a) Procuring a real estate license by misrepresentation or material false statement
- 10177(b) Conviction of crime
- 10177(c) False advertisement
- 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(k) Violation of restricted license condition
- 10177.5 Judgement of fraud in a civil action
- 10231.1 Retaining lender's funds for more than 60 days
- 10231.2(a) Self dealing disclosure
- 10232 Failure to file threshold broker reports

- 10232(c) Failure to notify of threshold broker status
- 10232.2 Failure to file annual MLB reports
- 10232.25 Failure to file trust fund status reports
- 10232.5 Failure to file lender disclosure statement
- 10233 Failure of MLB to have written servicing contract
- 10234 Failure of broker to record trust deed transaction or to cause recorded assignment of trust deed in sale of note secured by trust deed
- 10240 Failure to give mortgage loan disclosure statement
- 11010 Failure to file notice of intent to sell or lease subdivision
- 11012 Subdivision material change
- 11013.1 Subdivision purchase money handling
- 11013.2 Subdivision purchase money handling
- 11018.2 Illegal subdivision sales (sale of subdivision lots without public report)

Regulations

- 2715 Broker's failure to maintain current address with DRE
- 2725 Failure of broker to review and initial agreements
- 2725(b)(2) Broker unauthorized delegation of authority
- 2726 Broker-salesperson agreements
- 2731 Unauthorized use of fictitious business name
- 2742 Failure of corporate broker to file articles of incorporation
- 2752 Broker failure to notify commissioner of employment/termination of salesperson
- 2785(a)(9) False representation as to deposit of receipt
- 2785(a)(10) Unauthorized earnest money refund
- 2785(a)(13) Modification of a previously agreed instrument without consent of the party
- 2830 Failure to maintain trust fund account
- 2831 Inadequate trust fund records
- 2831.1 Inadequate trust fund records
- 2831.2 Inadequate trust fund records
- 2832 Failure to comply with provisions for handling trust funds
- 2832(a) Trust fund handling
- 2832.1 Broker's failure to obtain permission to disburse trust funds from an account involving multiple beneficiaries
- 2834 Trust account withdrawals by unauthorized person
- 2950(d) Failure of broker handling escrows to maintain records
- 2950(h) Broker escrow violation
- 2951 Failure of broker handling escrows to comply with trust fund rules
- 2970 Misleading advance fee advertising material
- 2972 Advance fee accountings

LICENSES REVOKED

Name	Address	Date	Violation
Abdollahi, Ghasem Gary (RES)	940 Damian Way, Los Altos	12/4/89	490, 10177(b)
Albright, Wallace Eugene (REB)	1736 Ben Franklin Ave., Tulare	12/11/89	2830, 10145(a), 10177(d)
Auer Financial Services Inc. (REC)	2192 Martin St., Ste. 124, Irvine	1/3/90	2830, 2831, 2831.1, 2834, 10137, 10145(a)(d), 10148, 10177(d)
Avants, Margaret Katherine (RES)	P.O. Box 6263, Concord	12/20/89	2970, 10145(c), 10146, 10176(a)(c)(i), 10177(d)
Barnfield, James Russell (RES)	4043 Camero Ave., Los Angeles	12/20/89	490, 10177(b)
Bates, Henry George (RES)	19824 Ridge Manor Way, Yorba Linda	12/5/89	490, 10177(b)
Brown, Carol A. (RES)	1006 England St., Huntington Beach	12/12/89	490, 10177(a)
Burt & Dulay Real Estate Leasing Service (REC)	44 Montgomery St., Ste. 685, S.F.	12/26/89	2831, 2831.1, 2834, 10145, 10148, 10176(c)(i), 10177(d)
Burt, Marina K. (REB)	44 Montgomery St., Ste. 685, S.F.	12/26/89	2731, 2831, 2831.1, 2834, 10145, 10148, 10159.2(a), 10176(c)(c)(i), 10177(d)(g)(h)
Carter, Thomas William (RES)	349 Bluefield Dr., San Jose	2/27/90	490, 10177(b)
Cayson, Jennifer Marie (RES)	11024 Scoville Ave., Sunland	1/9/90	490, 10177(b)
Chang, Lydia H.M. Young (RES)	516 W. Garvey Ave., Monterey Park	12/20/89	490, 10177(a)(b)

Continued on page 3

LICENSES REVOKED

Name	Address	Date	Violation
Chen, Ming-Chu Chuang (RES)	P.O. Box 4286, Canoga, Pk.	2/20/90	10177(a)
Coast Fidelity Corporation (REC)	24030 Grand St., Hayward	12/26/89	10145, 10148, 10176(a)(i), 10177(d)(g)(j), 10234, 10240
Deckard, William Morgan (REB)	4701 Von Karmen, Newport Bch.	1/9/90	490
Dixon, Patrice Duzy (RES)	1019 Archibald Ave., #D, Ontario	1/3/90	490, 10177(b)
Du Feu, Paul Bernard (RES) aka — De Feu, Paul Bernard	1224 Oregon St., Berkeley	2/15/90	10177(d)(f)(j)
Earl, Mark David (RES)	4369 Monet Pl., San Jose	2/6/90	490, 10177(b)
Evans, Carlton Lee (RES)	3882 W. 6th St., Los Angeles	2/6/90	10177.5
Evans, James Allan (REB)	5777 Madison Ave., Ste. 520, Sacramento	12/11/89	10176(a)(i)
Evaristo, Victor Loyola (RRES)	988 Sunrise Dr., Fremont	2/15/90	10177(k)
Ferrara, Nicolas II (RES)	3269 Bennett Dr., Los Angeles	12/12/89	490, 10177(b)
Ferrazzano, Fred Joseph (RES)	215 Clarence Ln., Escondido	1/4/90	11010, 11018.2
Giordano, Bernard Anthony (RES)	1104 Myrna Ct., Roseville	12/11/89	10130, 10137, 10176(a)(i), 10177(d)(f)(j)
Golden, Peter Andrew (REB)(REO) Off: Southwest Properties Inc.	3838 Camino Del Rio North, Ste. 111, San Diego	12/21/89	10177(h)
Gonzales, Arturo Ruiz (RES)	653 Hagar St., San Fernando	11/2/89	10176(a)
Graham, James Orin (REB)	2201 Boynton Ave., Fairfield	1/10/90	10177(k)
Greenberg, Barbara Robbin (RES)	30727 Via Rivera, Rancho Palos Verdes	12/4/89	490, 10177(b)
Hall, Edna Maria (RRES)	2793 San Bruno Ave., S.F.	2/22/90	2785(a)(9), 10137, 10176(a)(i), 10177(d)
Harris, Ernest Edward (REB)	6204 Via Regla, San Diego	12/26/89	10177.5
Harris, Lee (RES)	7137 Damoch Way, Canoga Park	1/3/90	490, 10177(b)
Hernandez, Arlene I. (RES)	2028 W. Orangebury Ave., Modesto	2/27/90	490, 10177(b)
Hittler, John Damian (RES)	3221 Ross Rd., Palo Alto	1/25/90	2785(a)(13), 10176(i), 10177(d)
Hodgkins, John Howard (RES)	5777 Madison Ave., Ste. 480, Sacramento	12/11/89	10176(a)(i), 10177(f)(j)
Jacobson, Donald (RRES)	6254 Carter Ct., Chico	1/4/90	10177(f)
Jameson, Thomas Dwight (RES)	41 Lakeshore Dr., Irvine	1/3/90	490, 10177(a)(b)
Jani, Peter D. (RRES)	16525 Alliance Ave., #C, Tustin	12/28/89	490, 10177(b)(k)
Jasinski, Joseph Thomas III (RES)	5092 San Simeon Dr., Santa Barbara	2/7/90	490, 10177(a)(b)
Joncich, Anthony (RES)	21720 S. Vermont Ave., Torrance	2/26/90	490, 10177(b)
Katz, Milton S. (RREB)(RREO)	6733 S. Sepulveda Bl., L.A.	2/13/90	10177(d)(k), 10233
Kelley, William Harold (RES)	537 Steiner St., San Francisco	12/18/89	2715, 10177(d)(k)
Larson & Associates Inc. (REC)	18103 Skypark So., Ste. B, Irvine	2/21/90	10177.5
Larson, Donna Lou (REB)	18103 Skypark So., Ste. D, Irvine	2/21/90	490, 10177(b), 10177.5
Larson, Wayne Laurell (REB)(REO) Officer: Larson & Associates, Inc.	18103 Skypark So., Ste. D, Irvine	2/21/90	490, 10177(b), 10177.5
Lawrence, Charles Alvin (RRES)	17832 Altamirano Ln., Huntington Beach	12/21/89	490, 10177(b)(k)
Lifetime of Vacations Inc. (REC)	49-599 Monroe, Indio	12/19/89	10137, 10177(d), 11012, 11018.2
Massicotte, Stephen Brian (RES)	Hwy 58 Star Rte., Creston	2/27/90	490, 10177(b)
Musavvir, Asif Ghani (RES)	23726 Silver Spray Dr., Diamond Bar	12/19/89	490, 10177(a)(b)
Nelson, Martin S. (RES)	13773 Orco Grande, Sylmar	1/23/90	490, 10177(b)
Newton, Curtis John (RRES)	3755 Via Del Conquistador, S.D.	1/8/90	10177(d)
Nylund, Richard Lee (RES)	4455 Pacific Coast Hwy., Torrance	2/20/90	490, 10177(b)
O'Donnell, Gladys Anabelle Lee (RES)	375 Castello Rd., Lafayette	12/26/89	10176(a)(i), 10177(j)
O'Malley, Norah B. (RES)	351 Kodiak St., Morro Bay	2/27/90	490, 10177(b)
Pappalardo, John Russell (RES)	2033 W. Hedding St., San Jose	2/1/90	490, 10177(b)
Paris, Nathan (RES)	1013 A Myrtle St., Calistoga	2/27/90	490, 10177(b)
Pejsa, Robin Duane (RRES)	1252-25 River Glen Row, S.D.	1/9/90	490, 10177(b)
Pierce, Richard Faye (RES)	818 W. La Vida, Porterville	2/27/90	490, 10177(b)
Pohlentz, Joaquin Rios (RES)	503 S. Shipman Ave., La Paente	1/23/90	490, 10177(b)
Ragain, Dennis Keith (RES)	P.O. Box 99965, San Diego	1/24/90	490, 10177(b)

Continued on page 4

NEW REQUIREMENTS FOR R.E. CORP. LICENSE

On August 23, 1989, Senate Bill 1891 (Seymour) was signed into law. This legislation authorizes the Real Estate Commissioner to require proof concerning the honesty and truthfulness of an applicant for a real estate corporation license, and of the officers, directors, or persons owning more than 10 percent of the stock of the corporation. Prior to the passage of this new law, there were no explicit provisions which would permit the commissioner to deny a license based on the dishonest or untruthful character of an officer, director, or substantial shareholder of a corporation.

The new law not only permits the commissioner to investigate the honesty and truthfulness of a designated officer and officers of a corporate applicant, but also permits such an investigation to be made of directors and persons owning ten percent or more of the stock of a corporate applicant. In addition, it allows the commissioner to deny an application or suspend or revoke a corporate license if an officer, director, or shareholder of more than ten percent of a corporation is found to have engaged in activity which is in violation of the Real Estate Law or has been convicted of a crime substantially related to license activity.

The new law is consistent with provisions governing other licensees regulated by the state, such as those which apply to the licensing of personal property brokers, consumer finance lenders, or escrow agents by the Department of Corporations.

Commissioner's Regulation 2746 implementing the Corporate Background Statement requirement for officers and directors of corporate license applicants was approved by the Office of Administrative Law and will affect all original corporate license applications received on or after July 1, 1990, and will also apply to all incomplete license applications which are not finalized prior to the aforementioned date. The regulation provides that, at the time of application for an original corporate real estate broker license, the designated officer shall file a background statement signed by each director, chief executive officer, president, chief financial officer, subordinate officer with responsibility for forming policy of the corporation, and all natural persons owning or controlling more than ten percent of its shares. The background statement (RE #212) must be verified and completed by each corporate officer, director, or stockholder (as named above) to the fullest extent of the signatory's actual knowledge.

Corporations, cont'd on page 4

CORPORATIONS

cont'd from page 3

Whenever there is a new response for persons whose background statements are on file with the department for a corporate license, or an addition to the persons required to file statements as noted above, the designated officer of the corporation shall, within 30 days thereafter, file with the department a background statement of information for these individuals. All original corporate license applications received on or after July 1, 1990, as well as incomplete applications which are not finalized prior to July 1, 1990, will be subject to the above requirements.

Each licensed officer of a corporation will be required to submit Parts I and II of the Corporation Background Statement. Each unlicensed officer, director, or person owning or controlling more than ten percent of the stock of the corporation will be required to complete Part III of the Corporation Background Statement.

Please note that the submittal of an incomplete Corporation Background Statement could delay the issuance of the license. Failure to either submit the required form(s) or satisfy an incomplete submittal could result in the denial of an original license, or disciplinary action against the existing license.

If you have any questions regarding this matter, you may contact the Department of Real Estate's License Information Section in Sacramento at (916) 739-3758.

MORTGAGE LOAN BROKERAGE BROCHURES AVAILABLE

What You Should Know: Using the Services of a Mortgage Broker, a brochure produced by Consumers Union under contract with the Department of Real Estate, is now available. The new 29-page booklet provides prospective borrowers a step-by-step summary of the basic elements of a secured loan transaction.

Its companion brochure, *Trust Deed Investments: What You Should Know!!*, was developed for the Department of Real Estate by Parkway Land, Inc. It orients private investors to the basic forms and procedures involved in a mortgage loan investment transaction.

The two brochures are distributed by DRE at \$2 plus tax per set. An order form for the two brochures is published on page seven in this issue of the *Bulletin*.

LICENSES REVOKED

Name	Address	Date	Violation
Realty 2001 Corporation (REC)	1835 S. La Cienega Bl., Ste. 250, Los Angeles	2/8/90	10130, 10137, 10176(i), 10177(g)
Rental Consultants Inc (REC)	733 N. La Brea, Los Angeles	12/26/89	2740, 2742, 10167.10(b), 10177(d)(f)
Retirement Investment Services Inc. (REC)	1900 19th St., Bakersfield	2/27/90	2831, 2831.1, 2834, 10137, 10145(a), 10176(i), 10177(d)(f)(g)(j), 10231.1, 10232(e), 10232.2, 10232.25
Ross, Don Earl (REB)	24032 Grand St., Hayward	12/26/89	10145, 10148, 10176(a)(i), 10177(d)(g)(j), 10234, 10240
Saito, Mark (REB)	2512 El Camino Real, Redwood City	2/20/90	10177.5
Sal Mar Real Estate Corporation (REC)	6851 Frontage Rd., Redwood Valley	12/26/89	10177.5
Sanfilippo, Thomas Robert (REB)	1010 S. El Camino Real, San Mateo	1/24/90	10148, 10176(a)(c)(i), 10177(d), 10177.5
Sarnad, Syed (RES)	48-630 Monroe Ave., Indio	12/18/89	490, 10177(a)(b)(f)
Sarraf, Mehdi (REB)	309 N. San Mateo Dr., Ste. 1, San Mateo	1/8/90	490, 10177(b)
Shell, Patricia Ann (RES)	3030 Broadway, #6, San Diego	1/3/90	490, 10177(b)
Shirley, Henry Jr. (REB)	2500 W. Manchester Bl., Inglewood	12/26/89	10176(i), 10177(d)
Singh, Virend C. (REB)	4130 W. Fremont, Fresno	2/15/90	490, 10177(b)
Solomonson, Gayle Elizabeth (RES)	15206 Burbank Bl., #5, Van Nuys	12/12/89	490, 10177(a)(b)
Southwest Properties Inc. (REC)	3838 Camino Del Rio North, Ste. 111, San Diego	12/21/89	2832.1, 10145, 10177(d)
Stapleton, Thomas Russell (RES)	3215 Overland Ave., Apt. 7178, Los Angeles	1/9/90	490, 10177(b)
Steers, Cecelia Marie (RES)	2850 Mesa Verde Dr. East, Costa Mesa	12/20/89	490, 10177(b)
Stellabotte, Fred William (RES)	8115 Zitola Terr., Playa Del Rey	2/21/90	490, 10177(b)
Sturm, Mark Christopher (RES)	700 E. Thousand Oaks Bl., Thousand Oaks	2/27/90	490, 10177(b)(d)(e), 10234, 2832.1
Szegedi, Peter Rudolf (RES)	1408 Redsail Cir., Westlake Village	2/22/90	490, 10177(b)
Thesing, J. Richard (REO) Officer: Westhaven Financial Inc.	3221 Ross Rd., Palo Alto	1/25/90	2725(b)(2), 2740, 10137, 10159.2(a), 10177(d)(h)
Tomlin, Harold Alexander (RES)	2000 Truxton Ave., Bakersfield	2/26/90	490, 10177(b)
Transcentury Realty Masters (REC)	6183 Swainland Rd., Oakland	1/2/90	2830, 2831, 2831.1, 2832, 2834, 10137, 10145, 10148, 10176(e), 10177(d)
Varela, Edward M. (RES)	4922 Poplar Terr., Campbell	12/11/89	490, 10177(b)
Weidman, Jean Marie (RES)	4062 Will Rogers Dr., #5, San Jose	2/27/90	490, 10177(b)
Welch, James Leroy (REB)(REO) Officer: Retirement Investment Services Inc.	1900 19th St., Bakersfield	2/27/90	2831, 2831.1, 2834, 10137, 10145(a), 10176(i), 10177(d)(f)(g)(j), 10231.1, 10232(e), 10232.2, 10232.25
Westhaven Financial Inc. (REC)	3221 Ross Rd., Palo Alto	1/25/90	2725(b)(2), 2785(a)(13), 2740, 10137, 10176(i), 10177(d)
Williams, Kenneth Henry (RES)	25631 Minos, Mission Viejo	12/21/89	490
Windorf-King, Patricia Lorraine (RES) P.O. Box 24-A-84, Los Angeles		1/9/90	490, 10177(a)(b)

LICENSES REVOKED WITH RIGHT TO A RESTRICTED LICENSE

Name	Address	Date	Violation
Arritt, Kenneth Raymond (RES) (Right to RRES license on terms and conditions.)	16154 Dartolo Rd., Ramona	12/28/89	490, 10177(f)
Barkela Coralee Drace (REB) (Right to RREB license on terms and conditions.)	2345 Fourth St., Santa Rosa	1/23/90	10137, 10177(f)(g)
Battee, Kathleen Leslie (REB) (Right to RREB license after 30 days on terms and conditions.)	1076 Broadway, San Diego	1/3/90	10176(a)
Bergan, John Dean (REB)(REO) (Right to RREB license on terms and conditions.)	1120 W. LaVeta Ave., #100, Orange	2/14/90	2834, 10145(d)(3), 10145(d)(5), 10176(e), 10177(d)(g)

Continued on page 5

LICENSES REVOKED WITH RIGHT TO A RESTRICTED LICENSE

Name	Address	Date	Violation
Bora, Mark Sym (RES) (Right to RRES license after 60 days on terms and conditions.)	5285 Pasco Panorama, Yorba Linda	2/13/90	10130, 10177(d)
Bratton, Nancy Marie (RES) (Right to RRES license on terms and conditions.)	26301 Tarrasa Ln., Mission Viejo	2/7/90	490, 10177(b)
Canty, Len James (RES) aka — Canty, L.J. (Right to RRES license after 30 days on terms and conditions.)	2071 Mountain Bl., Oakland	1/2/90	10130, 10145, 10177(d)
Cosca, Richard Anthony (REB) (Right to RREB license on terms and conditions.)	4135 Blackhawk Plaza Cir., Ste. 280, Danville	1/2/90	10177(f)
Del Fava, Douglas John (RES) (Right to RRES license on terms and conditions.) (Restricted license suspended for 60 days; 30 days stayed.)	2345 4th St., Santa Rosa	2/21/90	10130, 10177(d)(f)
Edmonds, Robert Winthrop (RES) (Right to RRES license on terms and conditions.)	848 Vista Del Collados, San Luis Obispo	2/1/90	10176(a)(i)
Faukner, Gilbert Ray (REB) (Right to RRES license on terms and conditions.)	1137 41st St., Sacramento	12/5/89	490, 10177(b)
Gabriel, Isaac Samuel (REB) (Right to RREB license on terms and conditions.)	15910 E. Gale Ave., Hacienda Heights	1/24/90	10177(g)
Grand Oaks Inc. (REC) (Right to RREC license on terms and conditions.)	5655 Lindero Canyon Rd., Ste. 202, Westlake Village	12/6/89	2972, 10085, 10137, 10146, 10177(d)
Henry, Robert William (RES) (Right to RRES license on terms and conditions.)	26571 El Tobosco St., Mission Viejo		1/3/90 490, 10177(b)
Holbrook, Mike Lee (REB) (Right to RREB license on terms and conditions.)	7974 4th St., Downey	1/4/90	2725, 10177(d)(h)
Irving, Chester Arthur (REB) (Right to RREB license on terms and conditions.)	137 S. 8th St., El Centro	12/4/89	10130, 10177(d)
Kim, Jimmy Youngjin (RES) (Right to RRES license on terms and conditions.)	3301 Wible Rd., Bakersfield	12/21/89	490, 10177(b)
Landau, Alexander (RES) (Right to RRES license on terms and conditions.)	620 Leo Dr., Foster City	2/28/90	10177(b)
LeGrand, John Daniel (REB)(REO) (Right to RREB license on terms and conditions.)	5655 Lindero Canyon Rd., Ste. 202, Westlake Village	12/6/89	2972, 10085, 10137, 10146, 10177(d)(h)
Maffucci, Roseann Andrea (RES) (Right to RRES license on terms and conditions.)	130 E. Greenwood Ave., La Habra	2/6/90	490, 10177(b)
Mickie Ardi & Associates (REC) (Right to RREC license on terms and conditions.)	17040-17044 Chatsworth St., Granada Hills	12/12/89	10176(a)(i)
Mimiajuk, Thomas Albert (RES) (Right to RRES license on terms and conditions.)	2991 Triunfo Dr., Agoura Hills	2/6/90	490, 10177(b)
Oppenheim, Leslie (RES) (Right to RRES license on terms and conditions.)	7431 Pomelo Dr., Canoga Pk.	12/27/89	490, 10177(b)
Oppenheim, Suzette (RES) (Right to RRES license on terms and conditions.)	7431 Pomelo Dr., Canoga Pk.	12/27/89	490, 10177(b)
Paris, Sandra Lee (RES) (Right to RRES license on terms and conditions.)	P.O. Box 496007, Redding	12/4/89	10130, 10131, 10137, 10177(d)
Perez, Leopoldo Alvarado (REB) (Right to RREB license after 30 days on terms and conditions.)	13710 E. Whittier Bl., Ste. 201, Whittier	2/22/90	2715, 2725, 2752, 2831, 2831.1, 10137, 10177(d)(h)
Poczik, Leroy (REB) (Right to RREB license on terms and conditions.)	530 Midcrest Rd., Oakland	1/2/90	2830, 2831, 2831.1, 2832, 2834, 10137, 10145, 10148, 10176(c), 10177(d)(g)(h)
Ramirez, Glicerio Dimalanta (REB) (Right to RRES license on terms and conditions.)	11798 Bartlett Ave., Adelanto	2/23/90	490, 10177(a)(b)
Saunders, Rosetta Lynn (RES) (Right to RRES license on terms and conditions.)	21109 Gary Dr., #113, Castro Valley	12/4/89	490, 10177(b)
Scott, Jennifer Monica (REB) (Right to RREB license on terms and conditions.)	2071 Mountain Bl., Oakland	1/2/90	2731, 2752, 2830, 2831, 2831.1, 2832, 2834, 10137, 10145, 10148, 10161.8, 10176(c), 10177(d)(g)(h)
Shah, Dinesh Valjeebhai (RES) (Right to RRES license on terms and conditions.)	1403 N. Tustin Ave., Ste. 160, Santa Ana	12/19/89	490, 10177(b)
Sheftel, Morris Louis (REB) (Right to RRES license on terms and conditions.)	15606 Meadowgate Rd., Encino	1/18/90	490, 10177(b)
Simak, Alan David (REB) (Right to RREB license on terms and conditions.)	4311 Wilshire Bl., Los Angeles	2/6/90	10177(h)

Continued on page 6

ACCELERATED MORTGAGE PAYMENT PROGRAMS

Recently, the Department of Real Estate has seen a number of promotions touting accelerated mortgage payment programs. In essence, most of these programs encourage homeowners to make one-half of their monthly mortgage payment every two weeks instead of making a full payment each month. Since there are 52 weeks in a year, the accelerated program results in 26 half-payments per year. There are two half payments made over and above the 24 payments normally made. Those additional payments are used to prepay and thereby reduce the principal of the loan. The accelerated payment programs we have seen vary from merely showing a homeowner how to do it, to actually collecting the payment from the homeowner and making payments to the lender.

Accelerated mortgage payment programs could be beneficial to a homeowner and could result in savings over the term of a loan. However, some of the accelerated programs involve substantial risks. For example, one program sets up an automatic transfer from the homeowner's checking account and sends the money to a firm in Florida which promises to hold the funds in a Florida account and forward payments to the homeowner's lender. It does not take much imagination to see how tempting that large bank account, holding many homeowner's payments, would be to persons with weak ethical standards. In the situation just described, there is no control over the firm's use of the funds and no way to insure that the payments will be handled properly. At the very least, if the operator decides in mid-stream to cease doing business, California homeowners are faced with the formidable task of trying to unravel a business holding their funds 3,000 miles away. At the very worst, those funds as well as the operator may be missing.

Any accelerated payment program, other than those operated by the lender or the normal loan servicer, which handles funds should be viewed very carefully. If an accelerated payment operator other than the lender or loan servicer affiliated with the lender is collecting mortgage loan payments from California residents, that operator is performing acts for which a California real estate broker license is required. In addition, any funds collected are trust funds and must be handled in accordance with Section 10145 of the Business and Professions Code.

A California real estate licensee who advises clients to use an accelerated payment program where the homeowner's funds are placed at risk could be facing potential civil as well as disciplinary liability.

EDUCATION

cont'd from page 1

This theory was proven under the prior administration when it became necessary for the real estate commissioner to transfer funds from both the Education and Research and Recovery Accounts in order to meet the operating needs of the department. Similar events will reoccur again — at some time.

Since I have been commissioner, I have worked closely with the community colleges, state universities, University of California and organized real estate in the area of education for the real estate industry. I discovered from some of my reviews of historical data within the department that former real estate commissioners had established advisory/task force committees which recommended the formation of a fellowship/grant endowment fund. Now that the balance in the Education and Research Account can support such a program, it looks as though this commissioner will recommend the establishment of a fellowship/grant endowment fund before he leaves office. That's where this issue affects every licensee!

Let's return to recent events: Due to efficiency measures which I instituted and the favorable real estate economy, the DRE has generated excess income each year. Thus, it became possible for me to instruct staff that all earlier interfund transfers made by prior real estate commissioners to meet operating needs of the department be repaid to their proper accounts. Those accounts were settled and all interfund transfers have now been repaid!

As of the the first day of March, 1990 our account balances stood as follows:

Account	New Balance
Real Estate	\$9,579,000
Education & Research	\$11,858,000
Recovery	\$5,188,000
Total	\$26,625,000

You can see the sore thumb sticking out in the reserve accounts — it's the \$11,858,000 in the Education and Research Account. The DRE is one of the few departments in state government with adequate reserves.

I am proposing (and my plan is subject to approval by the Deukmejian Administration) to reduce the balance of the Education and Research Reserve Account by providing additional endowment funds in the aggregate amount of \$4,500,000 to the University of California, Los Angeles, University of California, Berkeley, California State University

Education, *cont'd on page 8*

LICENSES REVOKED WITH RIGHT TO A RESTRICTED LICENSE

Name	Address	Date	Violation
Torres, Ramon Robert (REB) (Right to RRES license on terms and conditions.)	819 Saratoga Ave., San Jose	1/16/90	2830, 2831, 2832, 2785(a)(10), 10145, 10177(d)(g), 2715, 10162, 10165, 10176(e)
U.S. Mortgage Collection Services Inc. (REC) (Right to RREC license on terms and conditions.)	1905 E 17th St, Ste 314, Santa Ana	2/14/90	2834, 10145(d)(3), 10145(d)(5), 10176(e), 10177(d)(g)
Vetri, Paul William (REB) (Right to RREB license on terms and conditions.)	3140 Red Hill Ave., Costa Mesa	1/9/90	490, 10177(b)
Warner, Michael W. (REB) (Right to RREB license on terms and conditions.)	One W. California Bl., #221, Pasadena	1/9/90	490, 10177(b)
Weich, Robert L. (REB) (Right to RREB license on terms and conditions.)	6809 Flamingo Way, Sacramento	12/7/89	2725, 10177(d)(h)
Westfall, Patricia G. (REB) (Right to RREB or RRES license after 60 days on terms and conditions.)	4760 Rising Glen Dr., Oceanside	2/8/90	2832.1, 10145, 10177(d)
Wong, Sophie S. (RES) (Right to RRES license after 30 days on terms and conditions.)	527 Midvale, Apt. 204, L.A.	12/5/89	490, 10177(b)
Wu, Mona (REB) (Right to RREB license on terms and conditions.)	4829 Geary Bl., San Francisco	1/8/90	2831, 10130, 10137, 10177(d)
Yee, George Hongyen (REB) (Right to RRES license on terms and conditions.)	5812 Comanche Dr., San Jose	1/2/90	10145, 10176(c), 10177(d)
Zamora, Mary Elchammie (RES) (Right to RRES license on terms and conditions.)	22077 Snow Creek, Walnut	10/26/89	10176(a)(i), 10177(j)

LICENSES SUSPENDED

Name	Address	Date	Violation
Arora, Dean (RRES) (Suspended for 1 year. Last six months may be stayed on conditions.)	1148 Whittlers Pl., Ontario	1/8/90	10177(j)
Diamond, Don Alan (RES) (Suspended for 1 year. Right to a restricted license.)	433 Jade Cove, Seal Beach	12/20/89	490, 10177(b)
Pro Mortgage Services Inc. (REC) (Suspended for 30 days.)	660 Diamond Bar Bl., Ste. 104, Diamond Bar	2/22/90	2715, 2752, 2831, 2831.1, 10137, 10177(d)
Rodriguez, Gary R. (RES) (Suspended for 90 days.) (Suspension to commence upon receipt of educational requirements per Section 10153.4 B & P Code.)	3734 Croton Ave., Whittier	12/18/89	10130, 10177(f)
Ross, William (REB) (Suspended for 60 days.)	14100 Inglewood Ave., Hawthorne	12/7/89	10176(a)

LICENSES SUSPENDED WITH STAYS

Name	Address	Date	Violation
Ardi, Jacqueline Florence (REB) (Suspended for 60 days. Stayed for 1 year on terms and conditions.)	17040 Chatsworth St., Granada Hills	12/12/89	10177(h)
Calvo, Paul C. (REB) (Suspended for 30 days. Stayed for 1 year on conditions.)	480 Prospect Bl., Pasadena	1/29/90	490, 10177(b)
Canfield, Charles Lyle Jr. (REB) (Suspended for 30 days. Stayed for 1 year on condition.)	22885 Savi Ranch Pkwy., #A, Yorba Linda	2/22/90	2715, 10177(d)
Carson, Frederick Eugene (REB)(REO) (Suspended for 30 days. Stayed for 1 year on conditions.)	756 Grand Ave., Carlsbad	1/9/90	10177(h)
Davies, Joseph W. (REB) (Suspended for 30 days. Stayed for 1 year on condition.)	6165 Greenwich Dr., Ste. 320, San Diego	12/5/89	10177(h)
Golden Rule Inc. (REC) (Suspended for 30 days. Stayed for 1 year on condition.)	335 W. Foothill Bl., Rialto	1/4/90	10141, 10177(d)
Hurd, Charles Christopher (RES) (Suspended for 60 days. All but 30 days stayed for 1 year on condition.)	556 N. Diamond Bar Bl., Ste. 304, Diamond Bar	2/22/90	10130, 10177(f)
Krause, Robert D. (REO) (Suspended for 30 days. Stayed for 1 year on condition.)	335 W. Foothill Bl., Rialto	1/4/90	10141, 10177(d)
Lassak, Edward (RES) (Suspended for 180 days. All but 120 days stayed for 3 years on terms and conditions.)	1246 Kirkford Wy, Westlake	2/7/90	10130, 10137, 10177(d)
Leonard, Jan Maria (RES) (Suspended for 15 days. Stayed for 1 year on condition.)	1750 E. Ocean Bl., #302, Long Beach	1/30/90	10137

Continued on page 8

INDEFINITE SUSPENSIONS UNDER RECOVERY FUND PROVISIONS

Name	Address	Date
Arnes, Edward Joseph (REB)	P.O. Box 560, Cupertino	2/5/90
Atencio, Joseph Anthony (RES)	One Sutter St., Ste. 200, San Francisco	12/18/89
Carpenter, Kathleen Sue (RES)	P.O. Box 3578, Mammoth Lakes	1/4/90
Glassford, Harry Warner (REB)	4620 Berwick Dr., San Diego	2/5/90
Graham, Jeff (REB)	421 Industrial Pkwy., Hayward	2/5/90
Kelton, Leo R. (RES)	P.O. Box 550, Mammoth Lakes	1/4/90
Neville, Ellen Edith (RES)	615 Templeton Ct., Sunnysvale	1/22/90
Orduno, Daniel (REB)	401 Marek Dr., Montebello	1/18/90
Stafford, Violet E. (REB)	111 S. Orange Grove Bl., #314, Pasadena	12/05/89
Waldschmidt, Ronald Glenn (REB)	675 N. 1st. St., Ste. 1108, San Jose	1/18/90

NARELLO DIGEST

PUBLISHED

The National Association of Real Estate License Law Officials (NARELLO) has announced publication of its 1990 *Digest of Real Estate License Laws*.

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	4	Instructions to License Applicants (brochure)	Free		
	6	Disclosures in Real Estate Transactions (1987; brochure)	\$2.00		
	7	A Homeowner's Guide to Foreclosure in California (1987; brochure)	\$2.00		
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	22	Licensee's Role in Marketing of Housing to the Elderly (1986; report)	\$9.00		
	23	Real Estate Specialization — Need for Special Licenses and/or Educational Requirements (1987; report)	\$9.00		
	24	Reasons for Today's Foreclosures (1987; report)	\$9.00		
	25	Rental Housing Data Base (1986; report)	\$9.00		
	26	Restructuring of the Real Estate Brokerage Industry (1986; report)	\$9.00		
	27	Review of California's Continuing Education Program — including testing requirements (1987; report)	\$9.00		
	28	Supervision of the Real Estate Office (1987; video)	\$25.00		
	29	Trust Funds (1987; video)	\$25.00		
	30	Study of California's R.E. Appraisal Industry (1988; report)	\$9.00		
	32	Compliance with the Real Estate Transfer Disclosure Law (1988; video)	\$25.00		
	33	Agency Disclosures in Residential Real Estate Transactions (1988; video)	\$25.00		
	34	Mobilehome Park Purchases by Residents (1986; brochure)	\$2.00		
	35	Trust Deed Investments — What You Should Know (1989; brochure)			
	35A	Using the Services of a Mortgage Broker (1990; brochure) (#35 & 35A are provided as a set)	\$2.00		
	36	Private Mortgage Insurance: Its Effects on Real Estate Transactions and Its Benefits to Real Estate Licensees (1988; report)	\$9.00		
	38	Analysis of California's Escrow Industry (1988; report)	\$9.00		
	39	Common Interest Development Brochure (1989; brochure)	Free		
	40	Home Equity Lending by Mortgage Loan Brokers (1989; report)	\$9.00		
	41	The Effects of California's Residential Transfer Disclosure Requirements (1989; report)	\$9.00		

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LICENSES SUSPENDED WITH STAYS

Name	Address	Date	Violation
LTNT Realty Incorporated (REC) (Suspended for 30 days. All but 10 days stayed for one year on condition.)	23922 S. Avalon Bl., Carson	12/21/89	10177(g)
Mark I Mortgage Corp. (REC) (Suspended for 30 days. Stayed on condition.)	12750 Center Ct. Dr., Ste. 130, Cerritos	2/20/90	2726, 2830, 2831, 2831.1, 2832.1, 2834, 10177(d), 10137
Mawlawi, Rafat J. (RES) (Suspended for 24 months. Suspension stayed — Right to RRES license on terms and conditions.)	10175 Fuerte Dr., La Mesa	1/4/90	490, 10177(b)
Pacific Grove Real Estate Co. Inc. (REC) (Suspended for 30 days. Stayed for 1 year on condition.)	800 Grand Ave., Ste. B4, Carlsbad	1/9/90	2715, 2830, 2831, 2831.1, 2834, 10145, 10162, 10176(c), 10177(d)
Prather, Fletcher Lee (REB) (Suspended for 30 days. Stayed on condition.)	11306 E. 183rd St., Cerritos	2/20/90	2725, 2726, 2830, 2831, 2831.1, 2832.1, 2834, 10137, 10177(d)(h)
Richardson, Dwight Eugene (REB) (Suspended for 180 days. Stayed on condition.)	340 S. Sepulveda, Manhattan Bch	12/1/89	2715, 2725, 2752, 2731, 2830, 2031.1, 2834, 10137, 10161.8(a)(b), 10165, 10145, 10177(d)
Rivera, David (RES) (Suspended for 1 year. Stayed for 2 years. Right to RRES license on terms and conditions.)	8840 E. Grand Ave., Rosemead	12/19/89	10145(c), 10177(d)
Southern California Mortgage Exchange (REC) (Suspended for 30 days. Stayed for 1 year on condition.)	6165 Greenwich Dr., Ste 320, S.D.	12/5/89	10137
Tatum, L. Jeanette (REB) (Suspended for 30 days. All but 10 days stayed for 1 year on condition.)	520 E. Carson Plaza Dr., Ste. 114, Carson	12/21/89	10177(g)(h)
Wood, Walter Kurt (REB) (Suspended for 30 days. Stayed for 1 year on condition.)	731 E. 4th St., Long Beach	1/29/90	10137

PUBLIC REPROVALS

Name	Address	Date	Violation
Horvath, Belia (RES)	6112 N. Muscatel, San Gabriel	2/22/90	10142, 10177(d)(g)

EDUCATION*cont'd from page 6*

system and California Community Colleges. The funds proposed for UCB and UCLA should provide permanent funding for the real estate centers maintained on those campuses. At present, the DRE provides annual funding of \$150,000 each to these real estate centers. The additional funding would augment prior scholarship and real estate education endowments in the CSU and CC systems now used to assist disadvantaged and minority students seeking real estate related education.

I am also recommending that the DRE institute a fellowship/grant program in the amount of \$3,000,000 to provide for research on timely topics that are plaguing the real estate industry in California. Scholarships for graduate students in the field of real estate could be provided also.

Under my proposal, both UCB and UCLA would not longer have to depend upon annual DRE budget appropriations for the support of their real estate research centers.

The DRE, with the cooperation of organized real estate and the institutions of higher learning, has polished its annual education and research program greatly. I am proud of our progress and hope that you will join with me to ensure the continued and future success of these programs.

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