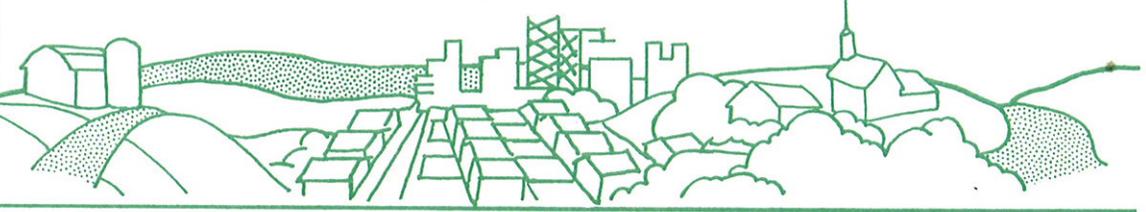




REAL ESTATE BULLETIN

Official Publication of the California Department of Real Estate



GEORGE DEUKMEJIAN, Governor

Winter 1984

JAMES A. EDMONDS JR., Commissioner

A Message from the Commissioner

by

JAMES A. EDMONDS, Jr.
California Real Estate Commissioner

Commissioner James A. Edmonds, Jr. took some time off from his crowded schedule recently to reflect on his first 22 months as chief regulator of California's real estate industry. The article below is the result of his reflections.

When Governor Deukmejian asked me to become California Real Estate Commissioner nearly two years ago, I was keenly aware of the major responsibilities the job entailed.

Now, if anything, I'm even more aware of them.

California's real estate industry is a rapidly expanding and vital part of our state's economic picture. For the most part, more than 300,000 licensees assist California consumers with enthusiasm and skill. In short, our state's consumers are well served by the real estate industry. As DRE's Director, I'd like to keep things that way.

When I accepted the office in February of 1983, it seemed to me that there were several major areas of concern:

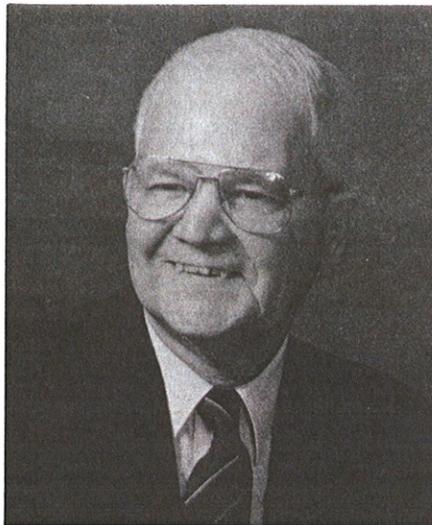
- problems in the mortgage loan brokerage industry.
- ethical questions involved in dual agency situations.
- enhancing continuing education for real estate professionals.
- delays in processing applications for subdivision public reports.
- need for improving technology and organization within DRE.
- expanding communication between DRE and the industry.

Let's take them one at a time.

MORTGAGE LOAN BROKERAGE

DRE sponsored legislation (SB 1439—Seymour) requiring a real estate license to solicit either a borrower or a lender in a loan secured by real property, whether or not compensation received by the mortgage loan broker is in the form of an advance fee. The bill becomes effective January 1, 1985.

(Continued on Page 5)



Christmas, traditionally, is the time of year that means sending greeting cards, braving crowds in stores, singing favorite carols, and eating fattening treats.

But Christmas is also a special time of the year—a holiday that gives each of us an opportunity to pause and take stock of our lives. It's a time to express the joy we take in our families and friends, the happiness of children, and the goodwill we feel toward all.

May this holiday season mean all good things to you and your loved ones.



LEGISLATIVE SUMMARY

by

Eileen E. Parker
Legislative Coordinator

Real estate licensees should find this summary of 1984 legislation passed by the California Legislature of particular interest. All statutes will be effective January 1, 1985 unless otherwise noted.

The following brief descriptions of 1984 legislation are intended to alert you to the existence of pertinent changes to the law. They are not to be relied upon as in-depth statements of the law. You should refer to the statutes for complete and accurate information.

SB 1042 (Lockyer) Chapter 66. Real Estate Licensees. Amends Business and Professions Code 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. Increases broker qualification requirements, requires prequalification for an original salesperson license effective January 1, 1986, and authorizes DRE to charge fees for processing applications for equivalency under the continuing education program effective January 1, 1985.

SB 1439 (Seymour) Chapter 177. Real Estate Brokers. Amends Section 10131 of the Business and Professions Code. States that a real estate license is required to solicit borrowers and lenders for loans secured for real property for compensation, whether or not that compensation is in the form of an advance fee.

SB 1451 (Seymour) Chapter 560. Real Estate Brokers. Amends Section 10145 of the Business and Professions Code to authorize real estate brokers, if requested by their principal, to put trust funds in separate interest bearing federally-insured accounts in banks or savings and loans.

SB 1553 (Boatwright) Chapter 1333. Housing: Age Restrictions. Adds Section 51.3 to the Civil Code to codify the 1982 and 1983 Supreme Court holdings that arbitrary age restrictions on housing occupancy are in violation of the Unruh Civil Rights Act and therefore unenforceable by a landlord or

(Continued on Page 4)

REAL ESTATE BULLETIN

Official Publication of the
California Department of Real Estate

Vol. 44, NO. 4 Winter 1984

STATE OF CALIFORNIA
GEORGE DEUKMEJIAN, Governor

JAMES A. EDMONDS JR.
Real Estate Commissioner

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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.

From the license renewal fee, \$2 is allocated to cover subscription to the Bulletin. Second Class Postage paid at Sacramento, California. Postmaster, send address changes to Real Estate Bulletin, 1719-24th Street, Sacramento 95816.

DISCIPLINARY ACTION—JUNE—AUGUST 1984

REB Real estate broker RES Real estate salesperson PRLS Prepaid rental listing service
RREB Restricted real estate broker RRES Restricted real estate salesperson RPRLS 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 \$7.00 plus tax. Code sections summarized will vary from issue to issue as they will correspond with the particular disciplinary listings.

Business and Professions Code

10177(a)	procuring a real estate license by misrepresentation or material false statement	11010	failure to file notice of intention to sell or lease subdivision
10177(b)	conviction of crime	11012	material change in subdivision without notice
10177(d)	violation of real estate law or regulations	11018(i)	failure to demonstrate financial arrangements for guaranty
10177(f)	conduct that would have warranted denial of a license	11018.1	failure to give public report
10177(g)	negligence or incompetence as licensee	11018.2	illegal subdivision sales (sale of subdivision lots without public report)
10177(h)	failure to supervise salespersons		
10177(j)	fraud or dishonest dealing not in licensed capacity		
10177.5	failure to handle advance fees as trust funds or to furnish verified accounting to principal		
10231	accepting loan funds for pooling	2830	failure to maintain trust fund account
10231.1	retaining lender's funds for more than 60 days	2831	inadequate trust fund records
		2831.1	inadequate trust fund records
10232.2	failure to file annual MLB reports	2832	improper handling of earnest money deposit
10232.4	failure to give lender/purchaser disclosure	2832.1	trust fund accountability
10233	failure of MLB to have written servicing contract	2840	failure to give borrower disclosure
		2950(d)	failure of broker handling escrows to maintain records
10238.3	failure to obtain real property securities permit	2950(i)	broker-controlled escrow violation
10240	failure to give mortgage loan disclosure statement	2970	misleading advance fee advertising material

Regulations

LICENSES REVOKED

Name	Address	Effective Date	Violation Business and Professions Code/Commissioner's Regulations
Pinder, Willard Laurin (REB)	2399 Jefferson, #17, Carlsbad	6/5/84	10176(a)(i), 10177(j)
Sargent, Jack Duane (RES)	10624 Queen Jessica Ln., Santee	6/5/84	490, 10177(b)
Wittmeyer, Keith Edward (RES)	3770 Vermont St., #A, San Diego	6/5/84	490, 10177(a)
Gold, Michael (RES)	15301 Via de las Olas, Pacific Palisades	6/5/84	490, 10177(b)
Kaneshiro, Kent Kenji (RES)	771 Panoroma Pl., Pasadena	6/5/84	10177(j)
Kennedy, Francis Eugene III (REB)	536 E. Roland St., Covina	6/5/84	490, 10177(b)
Phillips, Charles (REB)	14011 Ventura Blvd., #302, Sherman Oaks	6/5/84	10176(a)(i)
Olsen, Howard Glenn (REB)	4652 Cass St., Ste. A152, San Diego	6/5/84	490, 10177(b)
Etue, Charles Anthony (REB)	575 Fletcher Pkwy., El Cajon	6/5/84	490, 10177(b)
Palmer, M. James (REB)	6370 Magnolia Ave., Ste. 200, Riverside	6/5/84	2831, 10145, 10176(i), 10177(d)
Ford, Walter (REB)	3904 Convoy St., Ste. 107, San Diego	6/5/84	490, 10177(b)
Gottier, Aileen Marie (REB)	249 S. Hickory, Ste. 110, Escondido	6/5/84	490, 10177(b)
Reilly, Michael Stanley (REB) (REO)	2730 Adams Ave., San Diego	6/5/84	490, 10177(b)
Off—Cal Mutual Mortgage, Inc.			
Equitrans (REC)	7980 Orangethorpe Ave., Buena Park	6/5/84	10176(a)(i)
Off—Blasingham, Kenneth Walton			
Blasingham, Kenneth Walton (REB) (REO)	7980 Orangethorpe Ave., Buena Park	6/5/84	10176(a)(i), 10177(j)
Off—Equitrans			
McLeod, Keith David (REB)	572 Island View Cir., Port Hueneme	6/6/84	10177.5
Gold Mortgage Co., Inc. (REC)	456 W. Highland Ave., San Bernardino	6/6/84	10137, 10176(a)(i)
Off—Hamilton, Willard Charles			
Bellou, Edward Mark (REB)	21731 Sherman Way, Canoga Park	6/12/84	10176(a)(i), 10177(d)(j)
Diversified Financial Consultants, Inc. (REC)	4590 MacArthur Blvd., Ste. 620, Newport Beach	6/12/84	2832.1, 10231, 10145, 10176(a)(i), 10177(d)
Off—Gill, Gregory B.			
Gill, Gregory B. (REB) (REO)	4910 Birch St., Ste. 200, Newport Beach	6/12/84	2832.1, 10231, 10145, 10176(a)(i), 10177(d)(g)
Off—Diversified Financial Consultants, Inc.			
Hale, Ronald Wilham (RES)	6672 Bobbyboyer Ave., Canoga Park	6/12/84	10176(a)(i), 10177(g)
Gottier, Robert Lee (RES)	240 S. Hickory, Ste. 110, Escondido	6/12/84	490, 10177(b)
Jones, Iris Winifred (RES)	1903 - 94th Ave., Oakland	6/12/84	10177.5
Tri State Investment Corporation (REC)	7870 MacArthur Blvd., Oakland	6/12/84	10177.5
Ware, Opal Inez (RES)	P.O. Box 3281, Culver City	6/14/84	490, 10177(b)
Paltaoro, Edward Cornelius Jr. (RES)	16923 Lolo Cir., Fountain Valley	6/14/84	490, 10177(b)
Ondo, Florence Thomas (REB)	2168 Live Oak Blvd., Yuba City	6/25/84	2830, 2832, 2832.1, 10145, 10176(i), 10177(d)
Soliz, Max (RES)	185 Ball Rd., Grass Valley	6/26/84	10176(a)(i)
Elliott, Susan Elaine (RES)	3218 Parkhaven Dr., San Jose 95132	7/2/84	10177(g)
Cathey, Joe Milan Jr. (RES)	1831 Tanforan Dr., Modesto	7/3/84	490, 10177(b)
Walters, Wait AI (RES)	8734 Los Coyotes Dr., Buena Park	7/3/84	2840, 10137, 10176(a), 10177(d)(j), 10240
Sangha, Hermesh (RES)	14041 S. Cherry Ave., Caruthers	7/3/84	490, 10177(b)
Anisodon, Danaraya (RES)	P.O. Box 16, North Palm Springs	7/5/84	490, 10177(b)
Parsons, Eunice Marie (RES)	10161 Nottingham, Westminster	7/5/84	10176(a)
Centron Financial Corporation (REC)	4000 MacArthur Blvd., Ste. 6800, Newport Beach	7/5/84	2970, 10085, 10145, 10176(a)(e)(i), 10177(d)
Off—Velasquez, Carlos			
Velasquez, Carlos (REB) (REO)	3132 Purer Rd., Escondido	7/5/84	10177(h)
Off—Centron Financial Corporation			
Miller, Dalia Maria (RES)	22 Anchorage Ct., San Rafael	7/9/84	490, 10177(b)(i)

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LICENSES REVOKED

Name	Address	Effective Date	Violation Business and Professions Code Commissioner's Regulations
Cunningham, Betty Joan (RES)	329 N. 14th St., Grover City	7/17/84	490, 10177(b)
Miller, Andrew Hayes (RES)	22 Anchorage Ct., San Rafael	7/17/84	490, 10177(b)(f)
Holloway, Robert Cecil (RES)	23362 Caminito Basilio, Laguna Hills	7/18/84	490, 10177(b)
Allstate Investment Corporation (REC) Off—Grabau, Hubert Beckwith Off—Brown, Vincent Earl	1625 The Alameda, 5th Floor, San Jose	7/30/84	2832.1, 10145, 10176(e), 10177(d), 10231.1, 10232.2
Graybeal, Ronald Smith (RES)	1588 Fell St., San Francisco	8/6/84	10137, 10145, 10176(e)(i), 10177(d)(f)(g)
Snell, Robert (REB) (REO) Off—A I Assured Financial Corporation Off—Creative Property Management, Inc. Off—Sacramento Valley Relocation Consultants, Inc. Off—Snell Realtors, Inc.	4621 Siesta Ln., Fair Oaks	8/6/84	10177.5
Snell Realtors, Inc. (REC) Off—Snell, Robert	4041 Bridge St., Fair Oaks	8/6/84	10177.5
Fisher, Donald Lynn (RES)	16783 Beach Blvd., Huntington Beach	8/7/84	490, 10177(b)
Larsen, Jay (RES)	16658 China Gulch Rd., Anderson	8/13/84	10177(d)(g)
Rinker, David Edward (RES)	P.O. Box 5206, Cottonwood	8/13/84	10177(d)(g)
Thompson, Theodore Lewis (REB)	1606 W. Olive Ave., Redlands	8/14/84	490, 10177(b)
Hoblitzell, James Jacob III (RES)	P.O. Box 37, Campo	8/15/84	10176(i), 10177(d)
Tanner, Richard Ceazar (RES)	8530 Avalon Ct., Alta Loma	8/15/84	10137
Dannon, Patrick (RES)	900 Saturnino, #239, Palm Springs	8/22/84	490, 10177(b)
Strohl, Jim George (RES)	13643 Golden Eagle, Sunnymead	8/23/84	490, 10177(b)
Tri City Realty, Inc. (REC) Off—Miller, Michael Reynolds Off—Miller, Michael Reynolds	667 E. Vista Way, Vista	8/28/84	10176(i)
Miller, Michael Reynolds (REB) (REO) Off—Tri City Realty, Inc.	950 Arcadia, #42, Vista	8/28/84	10176(i)

LICENSES REVOKED WITH A RIGHT TO A RESTRICTED LICENSE

Name	Address	Effective Date	Violation Business and Professions Code Commissioner's Regulations
Kimser, Larry Lavan (RES) (Right to RRES license after 30 days on terms and conditions)	4824 Claremont Ave., Stockton	6/4/84	490, 10177(b)
Hutchens, Harold Joseph (REB) (Right to RREB license on terms and conditions)	1501 High St., Alameda	6/5/84	490, 10177(b)(f)
Hamilton, Willard Charles (REB) (REO) Off—Gold Mortgage Co., Inc. (Right to RREB license after 30 days on terms and conditions)	456 W. Highland Ave., San Bernardino	6/6/84	10177(h)
Smith, Arjay (RES) (Right to RRES license on terms and conditions)	7 La Rochesse, Newport Beach	6/7/84	490, 10177(b)
Smeltzer, Jerry Lee (RES) (Right to RRES license after 15 days on terms and conditions)	P.O. Box 218, Soquel	6/12/84	10177(g)
Schmidt, Greg Scott (REB) (Right to RREB license after 45 days on terms and conditions)	2394 Fair Oaks Blvd., Ste. 200, Sacramento	6/12/84	2832.1, 10145, 10176(e), 10177(d)(g)
Blair, Robin Brady (REB) (REO) (Right to RREB license after 45 days on terms and conditions)	1101 Fulton Ave., #7, Sacramento	6/12/84	2832.1, 10145, 10176(e), 10177(d)(g)
Hill, Malcolm Ward (REB) (Right to RREB license after 60 days on terms and conditions)	57945 Covelo Rd., Covelo	6/15/84	10145, 10176(e)(i), 10177(d)
Boozer, Velma Joanne (RES) (Right to RRES license on terms and conditions)	P.O. Box 726, Lamont	6/28/84	10177(d), 11010, 11018.2
Boozer, Tommy Lee (REB) (Right to RREB license on terms and conditions)	3829 Di Gorgio Rd., Bakersfield	6/28/84	10177(d), 11010, 11018.2
Adams, Donald William (RES) (Right to RRES license on terms and conditions)	P.O. Box 72, Dillon Beach	7/2/84	490, 10177(b)
Sciaccia, Sam Angelo (RES) (Right to RRES license after 90 days on terms and conditions)	1631 S. Burke, Visalia	7/2/84	10176(a)(g)(i)
Rich, Clifton (REB) (Right to RREB license after 15 days on terms and conditions)	443 N. California St., Stockton	7/2/84	2832.1, 10145, 10176(e)(i), 10177(d)
Conn, John Preston (REB) (Right to RREB license on terms and conditions)	5124 Geary Blvd., San Francisco	7/2/84	10176(a)(i)
Riedel, Luisa (RES) (Right to RRES license after 30 days on terms and conditions)	4023 Alto, Oceanside	7/3/84	10176(a)
Strauss, Frank C. (REB) (Right to RREB license on terms and conditions)	2055 Sheridan Rd., Leucadia	7/5/84	490, 10177(b)
Thompson, Thomas Gene (REB) (Right to RRES license on terms and conditions)	2470 El Camino Real, Santa Clara	7/16/84	490, 10177(b)(f)
Serruta, Thomas Stuart (RES) (Right to RRES license on terms and conditions)	565 Douglas St., San Francisco	7/17/84	10177(d)(g), 11018.1
Izquieta, Enrique Rick (REB) (REO) Off—Easy Cash Business & Home Financial Services, Inc. (Right to RREB license on terms and conditions)	2120 Colorado Blvd., Los Angeles	7/17/84	2831, 2831.1, 2832.1, 2950(d), 10145, 10177(d)(g)(h)
Easy Cash Business & Home Financial Services, Inc. (REC) Off—Izquieta, Enrique Rick (Right to RREB license on terms and conditions)	2120 Colorado Blvd., Los Angeles	7/17/84	2831, 2831.1, 2832.1, 2950(d), 10145, 10177(d)(g)
L.B. Mortgage Servicing Co. (REC) Off—Cooper, William Edward (Right to RREB license on terms and conditions)	434 S. Euclid St., Anaheim	7/18/84	2832.1, 10145, 10177(d)(g)
Cooper, William Edward (REB) (REO) Off—L.B. Mortgage Servicing Co. (Right to RREB license on terms and conditions)	434 S. Euclid St., Anaheim	7/18/84	10177(g)(h)
Scott, James Gordon (REB) (Right to RREB license after 30 days on terms and conditions)	608 N. Canon Dr., Beverly Hills	7/24/84	10177(d)
Bunch, William Don (RES) (Right to RRES license on terms and conditions)	P.O. Box 113, Helendale	7/24/84	490, 10177(b)
Jaclara Schneider Miller & Clark Property Corp., Inc. (REC) Off—Lipsky, Ronald Lester (Right to RREB license on terms and conditions)	1100 Glendon Ave., Ste. 1132, Los Angeles	7/25/84	2831, 2831.1, 2832.1, 10145, 10177(d)
Lipsky, Ronald Lester (REB) (REO) Off—Jaclara Schneider Miller & Clark Property Corp., Inc. (Right to RREB license on terms and conditions)	1100 Glendon Ave., Ste. 1132, Los Angeles	7/25/84	10177(h)
Naiman, Gary F. (REB) (REO) Off—Naimco, Inc. Off—Frontier Service Corporation (Right to RREB license on terms and conditions)	5605 El Cajon Blvd., San Diego	7/31/84	2830, 10145, 10177(d)
Naimco, Inc. (REC) Off—Naiman, Gary F. (Right to RREB license on terms and conditions)	5605 El Cajon Blvd., San Diego	7/31/84	2830, 10145, 10177(d)

(Continued on Page 4)

Notes from Licensing

by
Lawrence J. Cannon
Real Estate Manager I
Sacramento Licensing Operations

Do we have your current address?
We urge all licensees to maintain current mailing and business addresses with DRE. This is the best way to assure proper delivery of DRE mailings, including a renewal notice, the quarterly *Real Estate Bulletin*, general correspondence, and license certificates.

Brokers and salespersons have the option of providing a separate mailing address which may be different from their required business address of record. A residence address or post office box may be used for such a mailing address. Typically this type of address is more permanent than a business address location, especially in the case of a salesperson who transfers from the employ of one broker to another.



DRE may only provide licensees with a license renewal notice and important information concerning changes in the Real Estate Law and other related information contained in the *Real Estate Bulletin* if address changes are reported promptly. Thousands of dollars must be spent annually to obtain returned items from the Post Office due to outdated addresses; this expenditure can be reduced by simply notifying DRE whenever an address change occurs.

Brokers may inform DRE of an address change by completing and submitting a Change Application for Broker Licensees (RE 204); salespersons may do the same by completing and submitting a Salesperson Change Application (RE 214). Both forms are available at any of our six District Offices.

The 1984-85
REFERENCE BOOK
has just been released . . .
see order form on Page 7.

LICENSES REVOKED WITH A RIGHT TO A RESTRICTED LICENSE

Name	Address	Effective Date	Violation Business and Professions Code	Commissioner's Regulations
Frontier Service Corporation (REC) Off - Naiman, Gary F. (Right to RREC license on terms and conditions)	5605 El Cajon Blvd., San Diego	7/31/84	2830, 10145, 10177(d)	
Rancho Marmolejo Realty (REC) Off - Nesc, Frank James (Right to RREC license on terms and conditions)	1910 S. Bristol St., Santa Ana	7/31/84	2832.1, 10145, 10177(d)	
Nesc, Frank James (REB) (REO) Off - Rancho Marmolejo Realty (Right to RREC license on terms and conditions)	1910 S. Bristol St., Santa Ana	7/31/84	10177(b)	
Rinehart, Vincent Raymond (REB) (REO) (Right to RREC license on terms and conditions)	647 East 4th St., Long Beach	7/31/84	2831.1, 2832.1, 10145, 10177(d), 10232.4, 10233, 10238.3	
Anderson, Charles A. (REB) (REO) (Right to RREC license on terms and conditions)	5540 East 7th St., Long Beach	7/31/84	2831.1, 2832.1, 10145, 10177(d), 10232.4, 10233, 10238.3	
Equity Loans, Inc. (REC) (Right to RREC license on terms and conditions)	647 East 4th St., Long Beach	7/31/84	2831.1, 2832.1, 10145, 10177(d), 10232.4, 10233, 10238.3	
R E O Services, Inc. (REC) (Right to RREC license on terms and conditions)	635 East 4th St., Long Beach	7/31/84	2831.1, 2832.1, 10145, 10177(d), 10232.4, 10233, 10238.3	
E L I Services, Inc. (REC) (Right to RREC license on terms and conditions)	635 East 4th St., Long Beach	7/31/84	2831.1, 2832.1, 10145, 10177(d), 10232.4, 10233, 10238.3	
Immel, Philip Joseph (REB) (Right to RREC license after 30 days on terms and conditions)	9043 Reseda Blvd., Northridge	8/2/84	2831, 2831.1, 2832.1, 10176(a)(i), 10177(d)	
Keleher, C. M. Dick (RES) (Right to RRES license on terms and conditions)	1489 Mallard Way, Sunnyvale	8/16/84	490, 10177(b)(f)	
Dubov, Harold (RES) (Right to RRES license on terms and conditions)	2845 Frontera Way, Burlingame	8/16/84	490, 10177(b)(f)	
Grecian, Richard Stewart (REB) (REO) (Right to RRES license on terms and conditions)	242 Fairway Dr., Santa Rosa	8/27/84	2832.1, 10137, 10138, 10145, 10177(d)	

LICENSES SUSPENDED

Name	Address	Effective Date	Violation Business and Professions Code	Commissioner's Regulations
Mesa, Victor Luis (REB)	1301 California Ave., Bakersfield	6/14/84 (30 days)	10176(a)	
Maywether, Gerald Demethris (RES) (Commencing with application for renewal)	637 E. 92nd St., Los Angeles	6/22/84 (30 days)	2950(i), 10177(d)	
Espinosa, Joe (RES)	1515 N. Mira Monte, Ontario	8/15/84 (15 days)	10137	
Brodrick, Lois Hunter (REB) (REO)	3490 Fairway Dr., Cameron Park	8/28/84 (10 days)	10177(g)	
Glenn, John H. Jr. (REB) (REO)	6210 Main St., El Dorado	8/28/84 (5 days)	10177(g)(h)	

LICENSES SUSPENDED WITH STAYS

Name	Address	Effective Date	Violation Business and Professions Code	Commissioner's Regulations
Barrett, James Peter (REB) (REO) (Stayed for 1 year on terms and conditions)	1605 Westcliff Dr., Newport Beach	6/5/84 (30 days)	10177(g)	
Murphy, James Scott (RES) (All but 15 days stayed for 1 year on terms and conditions)	10880 Wilshire Blvd., Ste. 114, Los Angeles	6/5/84 (30 days)	10177(d), 11012, 11018(i)	
Geckler, John Arthur (REB) (All but 15 days stayed for 1 year on terms and conditions)	27601 Soncillo, Mission Viejo	6/19/84 (60 days)	10148, 10177(d)(h)	
Seibu Realty, Inc. (REC) Off - Paige, James I. (Stayed for 1 year on terms and conditions)	9314 S. Figueroa St., Los Angeles	6/22/84 (30 days)	2950(i), 10177(d)	
Paige, James I. (REO) Off - Seibu Realty, Inc. (Stayed for 1 year on terms and conditions)	9314 S. Figueroa St., Los Angeles	6/22/84 (30 days)	2950(i), 10177(d)	
Phelps, David Stone Jr. (RES) (All but 180 days stayed for 1 year on terms and conditions)	21 Tahoe, Irvine	6/28/84 (360 days)	10137, 10177(d)	
Laciura, Tony (RES) (All but 180 days stayed for 1 year on terms and conditions)	P.O. Box 8956, Palm Springs	6/28/84 (360 days)	10137, 10177(d)	
Oliver, William James (REB) (All but 10 days stayed for 1 year on condition)	5031 La Palma Ave., La Palma	7/19/84 (90 days)	10085, 10137, 10142, 10146	
Grabau, Hubert Beckwith (REB) (REO) Off - Allstate Investment Corporation (All but 15 days stayed for 2 years on terms and conditions)	2787 Moorpark Ave., Ste. 2, San Jose	7/30/84 (90 days)	10145, 10176(e), 10177(d)(g), 10231.1, 10232.2	
Cabulsay, Rodrigo Corpuz (REB) (REO) Off - Gibraltar Properties, Inc. (Stayed for 1 year on terms and conditions)	3072 Landess Ave., San Jose	8/15/84 (10 days)	10145, 10177(d)	
Canton, Peter (REB) (REO) Off - Prospectors Realty, Inc. (Stayed for 1 year on terms and conditions)	1255 1st St., Gilroy	8/15/84 (10 days)	10145, 10177(d)	

PUBLIC REPROVALS

Name	Address	Effective Date	Violation Business and Professions Code	Commissioner's Regulations
Hinderaker, Josephine (RES)	538 Norumbega Dr., Monrovia	6/5/84	490, 10177(b)	

INDEFINITE SUSPENSIONS UNDER RECOVERY FUND PROVISIONS

Name	Address	Date
Afshar, John A. (RES)	359 El Camino Real, South San Francisco	6/1/84
Bromber, Robert Frank (REB)	5348 Shirley Ave., Tarzana	6/1/84
Moore, Robin Cairns (REB)	210 W. Main St., #104, Tustin	6/4/84
Flores, Rosalind Sheryl (RES)	2205 Bunker Hill Dr., San Mateo	6/15/84
Slupsky, Ramon Patrick (REB)	2717 W. Coast Hwy., Newport Beach	7/26/84
Key Energy Corp. (REC)	2049 Century Park East, #2690, Los Angeles	8/2/84
Arrowhead Homes Company (REC)	181 N. State Hwy. 173, Lake Arrowhead	8/14/84
Sorensen, Christian Neil (REB)	337 S. State Hwy. 173, Lake Arrowhead	8/14/84
Love, Joe F. (REB)	531 N. Hwy. 101, Solana Beach	8/14/84
Metzger, Raymond Eldred (REB)	1105 S. Hill St., Ste. 255, Oceanside	8/14/84
Delgado, Antonio (RES)	1542 Shenandoah, Placentia	8/14/84
Mack, James Edward (REB)	P.O. Box 1052, Arleta	8/27/84

LEGISLATIVE SUMMARY

(Continued from Page 1)

common-interest subdivision owners association. Also establishes the age criteria for a senior citizen or retirement community exception to the basic prohibition against arbitrary age discrimination in housing.

SB 1564 (Johnson) Chapter 799. Nonresident Real Estate License Applicants. Amends Section 10151.5 of the Business and Professions Code to authorize the issuance of California real estate licenses to nonresidents of California only if the applicant's state of residence grants reciprocal real estate license rights to California residents. The operative date for this requirement will be July 1, 1985.

AB 1992 (Tanner) Chapter 101. Advertising Contests. Amends Sections 17537 and 17539.1 and adds Section 17537.1 to the Business and Professions Code to prohibit unfair and misleading practices in direct mail advertising. DRE's focus on this bill was in the area of promotional practices seen in direct mail advertising of timeshare projects and campground subdivisions.

AB 2331 (Cortese) Chapter 587. Prepaid Rental Listing Services (PRLS). Amends Sections 10167.9 and 10167.10 of the Business and Professions Code to require that a PRLS contract contain a disclosure of the prospective tenant's right to a partial refund of his fee and the prospective tenant's small claims court remedy against the licensee. License or license renewal would be withheld until the PRLS contract is approved by DRE. The bill also increases the statutory penalty from \$200 to \$500 for a licensee's bad faith failure to make a refund.

AB 2526 (Lancaster) Chapter 148. Mechanics Liens: Condominium Units. Amends Section 3131 of the Civil Code to define a residential structure containing multiple condominium units together with their pertinent common areas, as a separate "work of improvement" for the purposes of the Mechanics Lien Law.

AB 2905 (N. Waters) Chapter 650. Covenants, Conditions, and Restrictions. Adds Section 846.6 to the Civil Code to provide that a declaration of covenants, conditions, and restrictions (CC&Rs) for a subdivision of real property which bears a termination date without an automatic extension provision may be extended by the vote or written agreement of 50 percent or more of the owners subject to the CC&Rs.

AB 2943 (Bates) Chapter 1087. Limited Equity Housing Cooperatives. Amends Section 11003.4 of the Business and Professions Code to add construction costs to those costs for creation of a limited equity housing cooperative (LEHC) to which the 50 percent public or quasi-public financing criteria is to be applied in determining if an LEHC is exempt from the Subdivided Lands Law.

AB 3084 (Vasconcellos) Chapter 716. Real Estate Education. Appropriates \$367,000 from a special account in the Real Estate Fund to the University of California for the establishment of chairs in real estate and land economics at the University of California campuses at Berkeley and Los Angeles.

(Continued on Page 8)

COMMISSIONER

(Continued from Page 1)

The Department acted after learning that significant numbers of unlicensed persons were soliciting prospective borrowers and lenders—people who are particularly vulnerable to misrepresentation at the time of solicitation. The bill gives DRE regulatory power over these solicitors through its licensing provision.

Also effective January 1, 1985 is AB 3698 (Calderson). This bill requires that a copy of an appraisal report be given to both the borrower and the lender in a broker transaction in which the loan principal does not exceed \$20,000 if secured by a first lien or \$10,000 if secured by a junior lien, and if a fee is charged by the broker for the appraisal.

In addition, the Department strengthened its auditing program through creation of the Manager for Mortgage Lending Activities and Chief Auditor positions, increased field staff, establishment of an industry advisory committee, and a joint agreement with the Department of Corporations establishing reciprocal oversight measures (complaint referrals and audits) of all mortgage lending activity.

Mortgage loan broker investigations also indicated a need for accountability in the area of real property appraisers. DRE is actively pursuing legislation to create a certification process for real property appraisers.

DUAL AGENCY

DRE has established a Dual Agency Committee composed of staff and industry members. The goal of this committee is to study and analyze the problem of undisclosed dual agency in real estate brokerage as it is presently practiced in California, and to formulate recommendations to remedy faults in the system for the benefit of both licensees and the public they serve. (I might point out that the California Association of Realtors is considering sponsoring legislation in this area in 1985.)

CONTINUING EDUCATION

DRE has adopted continuing education regulation changes to implement new statutory provisions enacted during the 1983 legislative session. The new regulations impose an examination or evaluation requirement for all continuing education offerings completed on or after August 1, 1984. Final changes became effective October 1, 1984, and a few additional changes may also be put into effect at a later date. (Editor's note: See page 6.)

California leads the nation in continuing education. With the extension of this program through December 31, 1988, I believe continuing education for real estate licensees in this state will be even more effective in retaining a high level of professional competence and

ensuring consumer protection.

I might tell you, incidentally, that the results of a survey conducted by the Department show that most of you took more than the 45 hours of continuing education courses required during the four-year period preceding license renewal. DRE records indicate that licensees have completed approximately 5½ million hours of continuing education courses since the requirement became effective in 1981.

SUBDIVISION PROCESSING

DRE sponsored legislation (AB 3206—Bader) providing a statutory framework under which the Department may adopt regulations creating a simple fixed application for a public report for specified simple subdivision offerings. The simplified process will be less time consuming and less expensive.

After consultation with representatives of the California building industry, DRE merged its San Francisco and Sacramento subdivision processing operations into one central Sacramento location. The merger means greater cost effectiveness, uniformity in the treatment of subdivision applications, improved management control, and equal or better service to the industry and consumers.

TECHNOLOGY AND ORGANIZATION

The Department is moving to establish state of the art word processing capability in its offices. We expect our new technology to provide quicker, more responsive service to licensees, subdivision developers and the public.

DRE expects to be able to issue original and renewal licenses within 5-7 days as opposed to the present 3-5 weeks through installation of a super mini-computer. Present schedules call for that equipment to be installed in mid-1985 at DRE's newly-consolidated Sacramento Office. Next in line for electronic enhancement are the Department's Regulatory, Subdivision and Fiscal operations.

COMMUNICATION IMPROVEMENTS

In a state as vast as California and in an industry as complex as real estate, good communications between the regulator and the regulated are of transcendent importance. To enhance communications, I have appointed a series of committees covering all aspects of California real estate including subdivision activity, mortgage lending, business brokers, and education and research. These committees will give me better access and direct feedback from real estate professionals. In addition, the membership of the Real Estate Advisory Commission has been revamped to include experienced representatives from the industry and the public sector.

It is important to me that the people who are on the receiving end of regula-

tions and legislation have something to say about the direction of those laws. The open door policy I have established for licensees and consumers provides me with up-to-date information on problems facing the industry as well as concerns of the public. Valuable advice and suggestions from DRE staff concerning the successful operation of the Department aid me in formulating policies to benefit the consumer and licensee alike.

I am also pleased to be a member of the Task Force on Financial Industries recently appointed by Secretary Kirk West of the State's Business, Transportation and Housing Agency. This group will address problems brought on by the deregulation of banks and savings and loans including real estate financing.

I'm proud of this record.

The dedicated employees of DRE, together with industry representatives, have made the past 22 months a gratifying experience. We have made solid progress in a number of areas. I am hopeful that in the months and years ahead, we will continue to serve the people of California with the dedication and professionalism they deserve 

MARTINEZ APPOINTED SOEO DIRECTOR



On September 21, 1984, Governor George Deukmejian announced the appointment of Robert P. Martinez as Director of the State Office of Economic Opportunity (SOEO). The announcement was made concurrently at the quarterly meeting of the Commissioner's Real Estate Advisory Commission in San Francisco upon notification from the Governor's Office.

Mr. Martinez served as Chief Deputy Commissioner of the Department of Real Estate (DRE) since 1983. He was Assistant Secretary of the State Personnel Board from 1977-83, and previously spent a year as Legislative Advocate for the California Association of Realtors.

Mr. Martinez was an influential force in the implementation of DRE's responsibilities to the public and to the real estate profession. Much was accomplished during his year with DRE. We wish him well in his new position.

NEW CONTINUING EDUCATION REGULATIONS

Continued From Fall Bulletin

The regulations appearing below conclude the continuing education regulation changes that have been adopted to implement new statutory provisions for continuing education enacted during the 1983 Legislative Session.

Refer to the Fall Bulletin for the complete text of the regulations which imposed an examination or evaluation requirement for all continuing education offerings completed on or after August 1, 1984.

These final changes, which became effective October 1, 1984, are the amendment of Section 3007.2, the repeal of Section 3011, and the adoption of Sections 3007.3, 3011.4, 3012.2 and new Section 3011.

Additional changes to continuing education regulations have been proposed, and were in progress when this Bulletin went to press. A report on the results of the November 1, 1984 public hearing will be printed in the Spring Bulletin.

* * * * *

Amend Section 3007.2. to read:

3007.2. Material Change in Course Offering.

(a) Any proposed material change to an approved offering shall be submitted by the sponsor to the Department for consideration and approval prior to use.

(b) A material change as defined in Section 3005(e) shall require a new application and fee.

Adopt Section 3007.3 to read:

3007.3. Final Examination Rules.

(a) Sponsors shall establish and participants shall observe the following final examination rules for approved offerings:

(1) A participant shall present one of the following forms of identification as a prerequisite to taking the final examination:

(A) A current California driver's license.

(B) A current identification card described in Section 13000 of the California Vehicle Code.

(C) Any identification of the participant issued by a governmental agency within the immediately preceding five years which bears a photograph and description, signature and identification number of the participant.

(2) The examination shall be a closed-book examination continuously monitored by the sponsor or the sponsor's representative.

(3) To pass the examination, a participant must achieve a percentage score of 70% or more.

(4) An offering may include provision for one retaking of the final examination by an attendant who failed the original final examination provided that not less than 50 percent of the questions in the re-examination are different questions than those asked in the original final examination.

(5) Time involved in the final examination process may be included in establishing "clock hours" for the offering.

(6) In taking the examination, the only written or printed material to which an examinee shall be permitted to refer is the final examination itself and reference material such as amortization tables and tax tables provided by the sponsor with the prior approval of the Department in its approval of the offering.

(7) Examinees shall not communicate with any person except the test administrator during the final exam.

(8) Copying questions and making notes from a final examination is prohibited. All examination papers and materials shall be turned in to the test administrator before leaving the examination room.

(9) Examinees shall not leave the exam room before completing the final exam without permission of the test administrator.

(10) Examinees shall not share use of final examination materials with any other examinee.

(11) Examinees shall not designate the person to administer the final examination.

(12) Examinees shall adhere to instructions of the test administrator.

(b) A violation of a final examination rule by the sponsor or the sponsor's representative administering the examination shall constitute grounds for denial or withdrawal of approval of the offering.

Repeal and adopt new Section 3011 to read:

3011. Equivalent Activities Criteria.

(a) The primary consideration in determining whether a specific activity qualifies as an acceptable alternative to attendance at approved continuing education offerings is that it must include either presentation, development, authorship or research of information and materials designed to contribute directly to assuring that licensees maintain a reasonable currency of knowledge as a basis for a level of real estate practice as set forth in Business and Professions Code Section 10170.4.

(b) Equivalent activities may include but not be limited to:

(1) Attendance at courses not approved by the Commissioner.

(2) Instructing others in approved continuing education for real estate license renewal.

(3) Instructing others in nonapproved courses if the petitioner can demonstrate that the course meets the objective set forth in Section 10170.4 of the Code and the criteria of Section 3006 of these regulations.

(4) Authorship of published professional articles, periodicals or books on current real estate procedures and law.

(c) Activities engaged in during the course of a licensee's normal occupation shall not be acceptable for a claim of equivalency unless such activities comply with subsections (a) and (b).

(d) Development of real estate education programs shall be given continuing education credit if the program would otherwise meet the requirements necessary for approval for continuing education credit.

(1) Sole authorship or development of a real estate educational program shall be credited upon an approved petition, with two hours continuing education credit for each hour of the program entitled to continuing education credit.

(2) Multiple authorship and development of a real estate educational program shall be credited, upon approval of a petition, based on the percentage each author or developer contributed to the total offering.

Adopt Section 3011.4 to read:

3011.4. Petitions for Equivalency for Attendance at Unapproved Programs.

(a) The Commissioner, when acting upon a petition for continuing education credit for attending a course that is not approved, shall apply the criteria set forth in Section 3006.

(b) The applicant shall submit a petition under penalty of perjury including at least the following information:

(1) The name, address, and telephone number of the course sponsor or school.

(2) The title of the course.

(3) The title, publisher, and date of publication of any text or course material used.

(4) The number of clock hours attended.

(5) Any outline or syllabus, referenced to text if text is used.

(6) A final grade report for the final examination or evaluation.

(7) Verification by the school of the facts provided pursuant to paragraphs 1 through 6 above.

(8) For correspondence courses, a list of reading assignments with page references.

Adopt Section 3012.2 to read:

3012.2. Record Keeping.

(a) The sponsor shall maintain a record of attendance of each participant for a period of five years. The record shall include at least the following information:

(1) Department of Real Estate certificate number.

(2) Name and address of participant.

(3) Offering title and hours of credit approved.

(4) Clock hours of attendance including sign-in and sign-out attendance records.

(5) Date(s) of offering.

(6) Identity of verifier of attendance.

(7) Record of final examination grade.

(8) Evidence that prior to or at time of course registration, attendee was provided written information describing sponsor's refund policies regarding fees, exam failure, reexam and cancellation of offering by sponsor.

(b) As appropriate, the sponsor shall within 15 days after the completion of the offering, either furnish the participant with an "exam failure notice" or a certificate containing the information enumerated in 1, 2, 3, 4, 5, and 6 above.

(c) Upon receipt of a request from the Commissioner, the records specified in this section shall be submitted to the Department within 30 days.

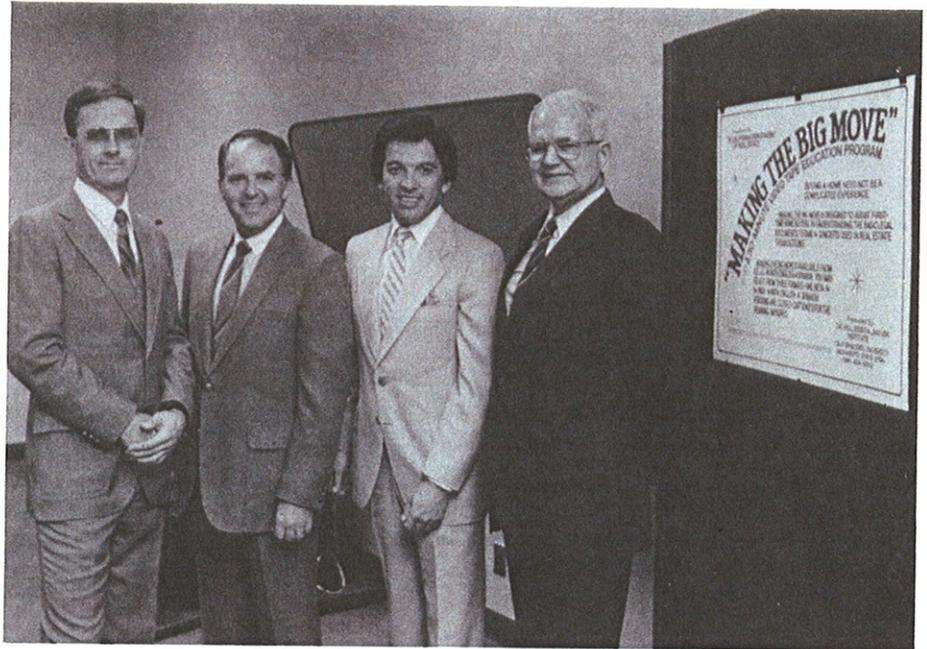
DRE

"MAKING THE BIG MOVE"

The Department of Real Estate (DRE) is proud to announce completion of a new video film entitled, "Making the Big Move". This thirty-minute educational program on the needs of California consumers in purchasing their first homes will be distributed to public television stations throughout the state.

"Making the Big Move" is aimed at helping first-time buyers through the financial and legal maze of purchasing a home. Buying a home can be a complicated experience. This film is designed to assist the public in understanding basic legal documents and common terms and concepts used in real estate transactions. "Making the Big Move" should prove to be a valuable instructional tool for statewide use by consumer groups, community organizations, real estate associations, and educational institutions.

"Making the Big Move" was produced for DRE by University Media Services at California State University, Sacramento in conjunction with the Real Estate and Land Use Institute (RELUI). The film is available from RELUI in English or Spanish (both versions are closed-captioned for the hearing impaired) and three video tape formats (VHS, Beta and 1/4"). Questions pertaining to the film and/or its purchase may be referred to RELUI at (916) 454-6816. 



In attendance at the premier showing of "Making the Big Move" were, left to right: Richard L. Dickinson, Executive Director of RELUI; Jerry Donner, California Association of Realtor's Vice President for Member Products and Services; Robert P. Martinez, DRE's former Chief Deputy Commissioner; and James A. Edmonds, Jr., California Real Estate Commissioner.



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 newly-revised 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 changes among many others. Also included are new pages with construction illustrations and terminology. A current edition of the Reference Book is a useful guide for both the novice and experienced professional.

The price of the 1984-85 Reference Book is \$10 plus tax. The 1983 Real Estate Law book, including the 1984 Supplement, is \$7 plus tax. Both prices include postage and handling charges. If the 1984 Supplement is purchased separately, the price is \$1 including tax, postage and handling charges.

A special 20% discount may be applied to the purchase of 25 or more copies of any one title. The 1984 Supplement when purchased separately is not subject to this special discount.

When ordering any of the described 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.

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COMMISSIONER NAMED DIRECTOR FOR NARELLO'S WESTERN DISTRICT



During the recent Annual Conference of the National Association of Real Estate License Law Officials (NARELLO) in Albuquerque, New Mexico, Commissioner James A. Edmonds, Jr. was installed as one of the Directors for the Western District. Standing, left to right: G. A. "Red" Morris, Western District Vice President; Commissioner Edmonds; A. P. "Red" Carlton, President Elect for 1985; and Yukio Takeya, Member of the Hawaii Delegation. Seated, left to right: Dennis D. Schulz, 1984 President; and Mary V. Savio, Member of the Hawaii Delegation.

LEGISLATIVE SUMMARY

(Continued from Page 4)

AB 3116 (Allen) Chapter 414. Real Estate Licenses. Amends Section 10213.6 of the Business and Professions Code to increase the fee required of real estate license applicants for second and subsequent rescheduling of license examinations.

AB 3206 (Bader) Chapter 345. Subdivided Lands Public Report. Amends Sections 10249.1, 10249.2, 10249.3, 11010, and 11011 of the Business and Professions Code; adds Section 10249.4; and repeals various sections to authorize the Commissioner to waive the normal requirement for submission of a lengthy questionnaire with a notice of intention when it is determined by regulation, or because of the nature of a particular offering, that the filing of a notice of intention alone will suffice to protect purchasers. The bill also consolidates several subdivision fee sections and allows in-state and out-of-state subdivision fees to be lumped together for purposes of determining whether they are justified in administering DRE's Subdivision Program.

AB 3367 (Elder) Chapter 413. Real Estate Licensees: Examination Waiver. Repeals Section 10156 of the Business and Professions Code concerning examination waivers for real estate licensees because of ambiguity.

AB 3373 (Stirling) Chapter 713. Condominiums. Amends Sections 783, 1350, and 1351 of the Civil Code to redefine and expand the definition of a condominium to make possible forms of real property development not now practical because of legal uncertainty regarding the nature of the interest created. Forms of ownership such as mobile home condominium projects and pure airspace projects, not now legally certain interests, would be plainly legitimate under this bill.

AB 3698 (Calderon) Chapter 828. Real Property Loans: Appraisals. Adds Section 10241.3 to the Business and Professions Code to require that a copy of an appraisal report be given to both the borrower and the lender in a broker transaction in which the loan principal does not exceed \$20,000 if secured by a first lien or \$10,000 if secured by a junior lien, and if a fee is charged by the broker for the appraisal. **DRE**

45 News From

Continuing Education

Hours

Earlier this year, the long-anticipated continuing education testing requirement became a reality. It is believed California is the first state in the nation to implement continuing education testing as a license renewal requirement for real estate licensees.

With numerous approved continuing education offerings in effect, the new testing requirement has called for what seems like endless DRE form changes, questions to be answered, new procedures to be developed, regulations to be adopted, etc. Watch for an article in your Spring *Bulletin* with questions and answers concerning the continuing education program which we hope will be of help to you.

Official Publication

CALIFORNIA DEPARTMENT OF REAL ESTATE

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Sacramento, California 95816