

REAL ESTATE BULLETIN

PETE WILSON, Governor
CLARK WALLACE, Real Estate Commissioner

Winter 1993



Legislative Update

by Dan Garrett, Manager Legislation & Public Information

Two Department sponsored bills were passed in the 1993 session. These are:

SB 1002 (Senator Craven)

1. Increases the Department's fees, and;
2. Discontinues issuance of new mineral, oil & gas (MOG) broker licenses and removes current restrictions on the ability of real estate brokers to engage in MOG transactions.

Hopefully, the increased fees will produce sufficient revenue to forestall both the exhaustion of the Department's reserves and the need for further staff reductions. For details on the new fees, please see *Licensing Fee Increases* and *Subdivision Fees* on this page.

AB 1902 Education (Assemblyman Knowles)

1. Adds an optional three-unit course in mortgage loan brokering and lending to the prelicensing educational requirements for real estate brokers;
2. Requires all licensees to complete three-hour courses in trust fund accounting/handling and fair housing as part of their continuing education requirements for the first license renewal occurring on or after January 1, 1996. These courses are in addition to the currently required courses in agency and ethics. This means that all licensees who renew after January 1, 1996 must have completed all four courses.

In subsequent renewal periods, licensees are not required to complete all four mandated courses (agency, ethics, trust funds and fair housing) but must complete any two of the four courses or a four-hour survey course on the four subjects. If two of the four three-hour courses are submitted for renewal, those two courses may not be used to fulfill the renewal requirements on the following renewal. Please see *Continuing Education Requirements* on page 4. 🏠

Subdivision Fees

Effective January 1, 1994, certain subdivision fees will increase as a result of SB 1002. The increased fees are:

Basic Fees

\$600	Standard
\$1700	Common Interest
\$1700	Time-share Filings

Amendment Fees

\$500	Standard
\$500	Common Interest
\$500	Time-share Filings

Renewal Fees

\$600	Standard
\$600	Common Interest
\$600	Time-share Filings

Licensing Fee Increases

by Pete Saverien, Post Licensing Manager

As a result of recently signed legislation (SB 1002, Craven), effective January 1, 1994 real estate examination and license fees will increase. The new fees are listed below.

Examination and original licenses

All examination and original license applications submitted to this Department after 12/31/93 will be subject to the new fees.

Examination applications and original license applications that are postmarked on or before 12/31/93 will not be subject to the fee increase.

Renewals

All real estate broker and salesperson licenses which expire on or after 12/31/93 will be subject to the new fee schedule.

This legislation also eliminated the issuance of new mineral, oil, and gas broker licenses. Thus, on and after January 1, 1994 only persons holding either an existing mineral, oil and gas broker license or a real estate broker license can engage in specific mineral, oil and gas activities. Existing mineral, oil and gas broker licenses (individual or corporate) may be renewed every four years indefinitely. 🏠

	<u>Sales</u>	<u>Broker</u>
Examination	\$ 30	\$ 60
Re-Examination	\$ 30	\$ 60
Re-Schedule, 1st	\$ 15	\$ 20
Re-Schedule, 2nd	\$ 30	\$ 30
Conditional License *	\$ 195	n/a
Original License *	\$ 170	\$ 215
On Time Renewal	\$ 170	\$ 215
Late Renewal	\$ 255	\$ 322

* An additional \$32 fingerprint processing fee is required if the applicant has never before been licensed by this Department or the license expired more than two years ago.

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REAL ESTATE BULLETIN

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TDD for the hearing impaired only (916) 227-0929

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Broker Escrow Law Changes

by Tom McCrady, *District Manager, Santa Ana*

Real estate brokers who perform escrows pursuant to Section 17006(a)(4) of the Financial Code (broker exemption) should make every effort to keep abreast of changes to the Escrow Law (Financial Code Section 17000, et seq.) and the Real Estate Law (Business and Professions Code Section 10000 et seq.) which may affect their operations.

For example, effective July 1, 1993, Section 17403.4 was added to the Escrow Law to impose a new requirement on all persons conducting escrows. This section provides that:

"All written escrow instructions executed by a buyer or seller, whether prepared by a person subject to this division or by a person exempt from this division under Section 17006, shall contain a statement in not less than 10-point type which shall include the license name and name of the department issuing the license or authority under which the person is operating. This section shall not apply to supplemental escrow instructions or modifications to escrow instructions."

This change to the law was enacted to eliminate possible consumer confusion about which state agency regulates the person conducting the escrow and where complaints about the manner in which the escrow was conducted should be filed. The confusion could be created by the fact that several types of licensees/institutions are authorized to conduct escrows in this state.

Another recent change to the law was an amendment to Business and Professions Code Section 10086 which permits the Department of Real Estate to issue desist and refrain orders to real estate brokers conducting escrows beyond the scope of the broker exemption. The amendment provides that the Commissioner may issue a desist and refrain order to a broker if he determines that "...a real estate broker has engaged in or is engaging in an activity which is a violation of a provision of Division 6 (commencing with Section 17000) of the Financial Code, and which is not exempt pursuant to paragraph (4) of subdivision (a) of Section 17006...."

This amendment to the Real Estate Law allows DRE to, in effect, join with the Department of Corporations to monitor and enforce compliance with the broker escrow exemption.



Real Estate Advisory Commission

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Commissioner's Message

Almost two years ago, at the urging of the real estate industry, we established a task force comprised of industry representatives and Department of Real Estate staff to discuss the question of unlicensed activity and the use of unlicensed assistants.

There have long been questions in the minds of licensees as to what exactly constitutes activity which requires a real estate license. Basically, a real estate license is required by California law if a person is soliciting or negotiating on behalf of another for compensation with respect to a real property transaction. The concern is that unlicensed persons who assist licensees in their business do not inadvertently "step over the line" and violate the Real Estate Law and thus implicate the licensee, or, worse, harm the public.

The task force met on numerous occasions over almost a year, and developed a proposed set of guidelines for my review. After careful consideration, the following represents the Department of Real Estate's official version of the Guidelines for Unlicensed Assistants. These guidelines are intended to assist licensees in the various areas described and will be re-evaluated within the next twelve months to determine their effectiveness and whether revisions are needed. We encourage all licensees to familiarize themselves with the guidelines and, during the course of the next year, communicate their thoughts to the Department as to the effectiveness of the guidelines.

Clark Wallace

Guidelines For Unlicensed Assistants*

Preamble

The designated officer of a corporation is explicitly responsible for the supervision and control of the activities conducted on behalf of a corporate broker by its officers and employees as necessary to secure full compliance with the Real Estate Law, including but not limited to the supervision of salespersons licensed to the corporation in the performance of acts for which a real estate license is required. It is inherent with respect to individuals engaging in business as a real estate broker that they are also similarly charged with the responsibility to supervise and control all activities performed by their employees and agents in their name during the course of a transaction for which a real estate license is required, whether or not the activities performed require a real estate license.

To assist brokers and designated broker/officers to properly carry out their duty to supervise and control activities conducted on their behalf during the course of a licensed transaction, it is important for the broker to know and identify those activities which do and do not require a real estate license. This knowledge assists the broker to use licensed persons when required, and to extend and provide the necessary quantum of supervision and control over licensed and nonlicensed activities as required by law and good business practices.

Identifying licensed activities has become difficult for many brokers as brokerage practices have changed and evolved in response to new laws, the need for new efficiencies in response to consumer demands, and new technology. The following is a guideline, and nothing more, of defined activities which generally do not come within the term "real estate broker", when performed with the broker's knowledge and consent. Broker knowledge and consent is a prerequisite to the performance of these unlicensed activities, since without these elements there can be no reasonable assurance that the activities performed will be limited as set forth below.

Cold Calling

Making telephone calls to canvass for interest in using the services of a real estate broker. Should the person answering the call indicate an interest in using the services of a broker, or if there is an interest in ascertaining the kind of services a broker can provide, the person answering shall be referred to a licensee, or an appointment may be scheduled to enable him or her to meet with a broker or an associate licensee** (licensee***). At no time may the caller attempt to induce the person being called to use a broker's services. The canvassing may only be used to develop general information about the interest of the

person answering and may not be used, designed or structured for solicitation purposes with respect to a specific property, transaction or product. (The term "solicitation" as used herein should be given its broadest interpretation.)

Open House

With the principal's consent, assisting licensees at an open house intended for the public by placing signs, greeting the public, providing factual information from or handing out preprinted materials prepared by or reviewed and approved for use by the licensee, or arranging appointments with the licensee. During the holding of an open

house, only a licensee may engage in the following: show or exhibit the property, discuss terms and conditions of a possible sale, discuss other features of the property, such as its location, neighborhood or schools, or engage in any other conduct which is used, designed or structured for solicitation purposes with respect to the property.

Comparative Market Analysis

Making, conducting or preparing a comparative market analysis subject to the approval of and for use by the licensee.

Guidelines, continued on page 10

1/1/96 Changes Continuing Education Requirements

As a result of recent legislation (AB 1902 - Knowles), the continuing education renewal requirements will change, **effective January 1, 1996**. The changes affect all licensees, salespersons and brokers. Licensees with an expiration date of December 31, 1995 will be subject to these new requirements, since the effective date of their license will be January 1, 1996. These changes are somewhat complicated because the requirements change, depending on whether it's the first renewal after January 1, 1996, or a subsequent renewal on or after January 1, 2000.

Every broker and salesperson who renews his or her license on or after January 1, 1996, will be required, as part of the continuing education renewal requirement, to successfully complete a three-hour course in each of the following subjects: agency, ethics, trust fund handling, and fair housing. Except for salespersons who are renewing for the *first* time after qualifying for their license by completing real estate principals and the two additional courses required by Section 10153.4 of the Business and Professions Code, licensees will also be required to complete a minimum of 18 additional hours of courses related to consumer protection. The remaining hours required to satisfy the 45 hour continuing education requirement may be related to

either consumer service or consumer protection, at the option of the licensee.

New salespersons who renew their licenses for the first time on or after January 1, 1996, will only have to complete the four courses specified, and not the full 45 hour continuing education requirement.

When licensees renew their license for the second time on and after January 1, 2000, i.e., the second renewal period after January 1, 1996, they will be required to complete, as part of the standard 45 hours of continuing education requirement, either a four-hour survey course covering the four mandatory subjects (agency, ethics, trust fund handling, and fair housing), or separate three-hour courses in any two of the four mandatory courses. Those licensees who select the option of taking two separate three-hour courses in any two of the four mandatory subject areas, are required on their next renewal to take the two mandatory courses which weren't taken for the immediate prior renewal, *or* the four-hour survey course.

If you find it difficult to understand these new requirements, take heart, you are not alone. These new requirements are complicated. For this reason you will be seeing more articles in the future which explain details of the new continuing education requirements.

DRE Outreach Activities Report

By Pablo J. Wong, Industry and Consumer Liaison

In 1992 the Department's Industry and Consumer Outreach Program was commenced under the leadership of Commissioner Wallace and coordinated by the Department's Industry and Consumer Liaison (ICL), Pablo Wong. The ICL represents the Commissioner in a wide variety of forums designed to inform the public about the role of the Department and to assist the industry in conducting business in compliance with the Real Estate Law. The ICL also facilitates and expedites the investigation and resolution of consumer complaints alleging violations of the Real Estate Law.

Consumer Outreach activities in 1993 included coordination of the formation of the Home Owners' Association Task Force and the Consumer Task Forces in Northern and Southern California. The ICL also organized DRE participation in Home Buyers' and Sellers' Fairs held in eight different cities, and, in cooperation with industry and other government agencies, implemented the Road to Home Ownership Seminars offered in Los Angeles, Oakland and Fresno. A Media Outreach Program was also started that featured public service announcements, interviews, and articles in Chinese, English and Spanish.

Outreach Activities, continued on pg. 9

TYPE OF LICENSE	CE REQUIREMENTS FOR RENEWAL DATES:		
	<i>Initial Renewal on or after 1/1/96</i>	<i>Second Renewal after 1/1/96 for "A" and "B" Licensees</i>	<i>All Subsequent Renewals for "A" and "B" Licensees</i>
A All licenses, broker and salesperson, except as provided in "B" below	■ 45 hours including agency, ethics, fair housing and trust fund handling courses <i>and</i> , at least 18 hours of consumer protection courses	■ 45 total hours including 18 hours of consumer protection courses <i>and</i> , any two of the four mandated courses (agency, ethics, fair housing and trust fund handling) <i>or</i> a four-hour survey course	■ 45 total hours including 18 hrs. of consumer protection courses <i>and</i> , if two of the four mandated courses were submitted for the previous renewal, the two courses not previously taken <i>or</i> a four-hour survey course; <i>or</i> , if the survey course was used in the previous renewal period, another survey course, or two of the four mandated courses
B Salespersons renewing for the first time	■ agency, ethics, fair housing and trust fund handling courses		

Note: Licenses which expire on December 31 of any year have a license renewal date of January 1 of the following year.

DISCIPLINARY ACTION — JUNE 1993 TO AUGUST 1993



- ✓ 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 and the disciplinary action is stayed, until the stay is dissolved. Names of persons to whom licenses are denied on application are not published.
- ✓ Licensees are listed alphabetically by the District Office region of responsibility.
- ✓ The license type is listed in parentheses after the licensee's name. [REB – Real estate broker; RREB – Restricted real estate broker; RES – Real estate salesperson; RRES – Restricted real estate salesperson; PRLS – Prepaid rental listing service; RPRLS – Restricted prepaid rental listing service; REO – Real estate officer; REC – Real estate corporation]
- ✓ 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.

Commissioner's Regulations

2715	Broker's failure to maintain current address with DRE
2725	Failure of broker to review and initial agreements
2731	Unauthorized use of fictitious business name
2752	Broker's failure to notify DRE of new salesperson
2785(a)(18)	Failure to disclose to the buyer the nature and extent of a licensee's direct/indirect ownership interest in the property offered for sale
2785(b)(2)	False representation to lender/purchaser about borrower's ability to repay loan
2785(b)(8)	Knowingly making false/misleading representation about the terms/conditions of a loan when soliciting a borrower or negotiating a loan
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 specific provisions for handling trust funds
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
2840	Failure to give borrower disclosure
2846	Failure to use approved lender/purchaser disclosure statement
2846.5	Annual trust fund account reporting requirements
2846.8	Quarterly trust fund status reporting requirements
2910	Crime or act done in perpetration of a crime substantially related to qualifications, functions or duties of the real estate profession
2950(h)	Failure of broker to advise all parties of licensee's interest in agency holding escrow
2970	Misleading advance fee advertising material

10176(a)	Making any substantial misrepresentation
10176(c)	Course of misrepresentations through salespersons
10176(e)	Commingling trust funds
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(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 or corporation
10177(j)	Fraud or dishonest dealing not in licensed capacity
10177(k)	Violation of restricted license condition
10177.5	Civil fraud judgment based on licensed acts
10232.2	Failure to file annual MLB reports
10232.25	Failure to file trust fund status report
10232.4	Failure to give lender/purchaser disclosure
10238.3	Failure to obtain real property securities permit
10240	Failure to give mortgage loan disclosure statement
10240(a)	Failure to deliver mortgage loan disclosure form
10242(a)	Costs & expenses charged to borrower exceed maximum
10242(b)(2)	Fees charged to borrower exceed maximum

Business and Professions Codes

480(c)	Denial of license on grounds of false statement in license application
490	Relationship of conviction to licensed activity
498	License obtained by fraud, deceit, or misrepresentation/omitting a material fact
10085	Failure to submit advance fee materials
10130	Acting without license
10137	Unlawful payment of compensation
10138	Unlawful payment of compensation
10145	Trust fund handling
10145(a)	Trust fund handling
10145(c)	Failure by salesperson to deliver trust funds to broker
10145(d)	Trust fund handling
10145(g)	Failure to maintain a separate record of receipt & disposition of all trust funds
10146	Failure to handle advance fees as trust funds or to furnish verified accounting to principal
10148	Failure to retain records and make available for inspection
10148(a)	Failure to retain records and make available for inspection
10159.2	Failure by designated officer to supervise licensed acts of corp.
10159.5	Failure to obtain license with fictitious business name
10160	Failure to have salesperson licenses in possession of broker
10161.8	Failure of broker to notify Commissioner of salesperson employment
10162	Failure to maintain a place of business
10163	Failure to obtain branch office license
10165	Covers various violations

LICENSES REVOKED

Fresno Region

Albright, Wallace Eugene (RREB)
 1736 Ben Franklin Ave., Tulare
Effective: 6/2/93
Violation: 10177(k)

Bussche, Marcel (RES)
 2225 Mission St., Turlock
Effective: 6/2/93
Violation: 490, 10177(b)

Smith, G. Nicole (RES)
 4721 Upper River Rd.,
 Grants Pass OR
Effective: 7/16/93
Violation: 10176(a), 10177(g)

Stuthard, Alvin Andrew (REB)
 Box 47, Santa Margarita
Effective: 8/30/93
Violation: 490, 10177(b)

Los Angeles Region

Alexander, James A. (RES)
 13412 Ventura Blvd., #230,
 Sherman Oaks
Effective: 5/26/93
Violation: 10177(d), 10242(b)(2)

Allied Corporate Inv. Inc. (REC)
 15301 Ventura Blvd., Ste. 221,
 Sherman Oaks
Effective: 7/21/93
Violation: 2830, 2831, 2831.1,
 10137, 10145, 10148(a),
 10176(e)(i), 10177(d)

Americal Financial Services Inc. (REC)
 135 E. Live Oak Ave., Ste. 108,
 Arcadia
Effective: 8/17/93
Violation: 2832.1, 10145(a),
 10177(d)

Bernath, Katalin (RES)
 2423 Green View Pl.,
 Los Angeles
Effective: 7/14/93
Violation: 490, 10177(a)(b)

Byatdashtui, Alfred (RES)
 16815 Hartland St., Van Nuys
Effective: 8/17/93
Violation: 490, 10177(b)

Cooper, Jimmy Lee (RES)
 3801 Roxton Ave., Los Angeles
Effective: 7/28/93
Violation: 490, 10177(b)

Connolly, Bonnie Kay (RES)
 11423 Cashmere St., Los Angeles
Effective: 8/9/93
Violation: 490, 10177(b)

**Curnow, Tom E. (RES)**

109 N. Chevy Chase Dr.,
Glendale
Effective: 7/7/93
Violation: 490, 10177(b)

Eisenberg, Oren Joseph (REB)

1013 N. San Vicente, #5,
West Hollywood
Effective: 7/8/93
Violation: 490, 10177(b)

Evans, Benzell (REB)

3540 W. Slauson Ave.,
Los Angeles
Effective: 8/18/93
Violation: 10177.5

Fard, Mansour Obidy (RES)

21801 Roscoe Blvd., #331,
Canoga Park
Effective: 4/16/93
Violation: 10177(f)(j)

Fontaine Woods & Associates Inc. (REC)

170 S. Beverly Dr., #311,
Beverly Hills
Effective: 6/9/93
Violation: 10162, 10165

Hariton, John Howard (RES)

18533 Roscoe Blvd., Northridge
Effective: 8/10/93
Violation: 490, 10177(b)

Hernandez, Mercedes (RES)

6829 Rita Ave., #14,
Huntington Park
Effective: 8/24/93
Violation: 490, 10177(b)

Imperial, Virginia Huelar (RES)

5348 Doris Way, Torrance
Effective: 8/24/93
Violation: 10176(e)(i), 10177(j)

Jarboe, Thomas Ray (REB)

1272 E. Center Ct. Dr., #103,
Covina
Effective: 6/9/93
Violation: 10177(d)

Khachatourian, Sima (REB)

7030 Shady Grove St., Tujunga
Effective: 8/25/93
Violation: 490, 2715, 10162,
10165, 10177(b)(d)

Ko, John Tseng (REB)

1502 S. Bluff Ct., Diamond Bar
Effective: 7/27/93
Violation: 490, 10177(b)

Kotlik, Stanislaw (RES)

7256 Paso Robles, Van Nuys
Effective: 7/28/93
Violation: 490, 10177(b)

Landa, Mike Bennett (RES)

785 Locust St., Denver CO
Effective: 7/8/93
Violation: 490, 10177(b)

Lee, Suheng (RREB)

2550 W. Main, #103, Alhambra
Effective: 7/22/93
Violation: 10177(k)

Los Angeles Home Mortgage (REC)

13412 Ventura Blvd., Ste. 250,
Sherman Oaks
Effective: 5/26/93
Violation: 2831, 2831.2, 2834,
2840, 10137, 10238, 10161.8,
10163, 10176(e), 10177(d),
10232(e), 10232.25, 10240,
10242(a), 10242(b)(2)

Martinez, Cynthia Diane (RES)

37939 27th St. East, Palmdale
Effective: 8/25/93
Violation: 490, 10177(b)

Mayers, Bernadette Sagun (RES)

4001 Karelia St., Los Angeles
Effective: 7/27/93
Violation: 490, 10177(a)(b)

Mendoza, Erlinda Cortez (RES)

2417 Brenda St., West Covina
Effective: 6/2/93
Violation: 490, 2910, 10177(b)

Parsinia, Alex (RES)

22811 Gershwine Dr.,
Woodland Hills
Effective: 8/20/93
Violation: 10176(e)(i)

Reichert, Ricard Deniz (RES)

1115 W. Glendon, Alhambra
Effective: 7/28/93
Violation: 490, 498, 10177(a)(b)

Robertson, Sharron A. (RES)

P.O. Box 8537, Calabasas
Effective: 8/10/93
Violation: 490, 10177(b)

Salmonsohn, Steven Edward (RES)

120 S. Doheny Dr., Beverly Hills
Effective: 8/11/93
Violation: 490, 10177(b)

Spencer, Darlene Nanette (RES)

515 1/2 Geneva St., Glendale
Effective: 6/9/93
Violation: 490, 10177(b)

Wallace, Ron S. (REB)

631 Howland Dr., #1, Inglewood
Effective: 7/27/93
Violation: 2725, 2731, 10137,
10162, 10177(d), 10177.5

Santa Ana Region**Approved Home Loan Corp. (REC)**

24196 Alicia Pky., Ste. 1,
Mission Viejo
Effective: 6/22/93
Violation: 2725, 2731, 2752,
2830, 2831, 2831.1, 2831.2,
2832.1, 2834, 2846.5, 2846.8,
2950(h), 10145(d)(g),
10177(d)(f)(g), 10232.2, 10232.4,
10232.25, 10240

Ashburn, Martha Ann (RES)

P.O. Box 8124, Palm Springs
Effective: 8/17/93
Violation: 490, 10177(b)

Bradley, Mickey Dwight (REB)

5033 Arlington, Ste. C, Riverside
Effective: 8/11/93
Violation: 2715, 10162, 10165,
10177(d)

Goggin, Jo Ann (RES)

27971 Mazagon, Mission Viejo
Effective: 7/8/93
Violation: 490, 10177(b)

Irvine Gymnastics Park Inc. (REC)

20375 Acacia St., Santa Ana
Effective: 6/9/93
Violation: 480(c), 10177(a)(f)(j)

Italia, Joseph Anthony (REB, REO)

337 N. Vineyard, #300, Ontario
Effective: 8/17/93
Officer of: Americal Financial
Services Inc.
Violation: 2832.1, 10145(a),
10177(d)

Kinte, Ali (REB, REO)

18482 Avenue D, Perris
Effective: 5/7/93
Officer of: Tiffany Mortgage Co.
Inc.
Violation: 2725, 2731, 2831.2,
2832.1, 2846, 2846.5, 2846.8,
10145, 10159.5, 10177(d)(h),
10232.2, 10232.25, 10232.4,
10237.4, 10238.3

Lubrano, Leonard Jon (RES)

3133 Buffalo Rd., Ontario
Effective: 8/25/93
Violation: 490, 10177(b)

Mueller, Scott Craig (RES)

2855 Pinecreek, #B-316,
Costa Mesa
Effective: 6/9/93
Violation: 490, 10177(b)

Nkrumah Brobbey, Anthony

Kwabena (RES)
302 S. Milliken Ave., H-2,
Ontario
Effective: 8/24/93
Violation: 10130, 10176(i),
10177(d)

Tiffany Mortgage Co. Inc. (REC)

18591 Cedar St., Perris
Effective: 5/7/93
Violation: 2725, 2831, 2831.2,
2832.1, 2834, 2846, 2846.5,
2846.8, 10145, 10159.5,
10177(d), 10232.2, 10232.25,
10232.4, 10237.4, 10238.3

Wu, Li-Shian Lisa (RES)

P.O. Box 17816, Irvine
Effective: 7/22/93
Violation: 490, 10177(b)

Sacramento Region**Bell, Robert Steven (RES)**

170 Kakahiaka St., Kailua HI
Effective: 8/26/93
Violation: 490, 10177(b)

Dunn, John Donald (RES)

2000 W. Capitol Ave.,
Sacramento
Effective: 8/4/93
Violation: 490, 10177(b)

Engstrom, Susan Elizabeth (REB)

4412 Durer Pkwy., Sacramento
Effective: 6/2/93
Violation: 490, 10177(b)

Holland, Douglas Wayne (RES)

2257 Hurley Way, #82,
Sacramento
Effective: 8/25/93
Violation: 490, 10177(a)(b)

Howard, Theresa Elaine (RES)

145 Evelyn Circle, Vallejo
Effective: 8/26/93
Violation: 490, 10177(b)

Kingsley, Kevin Robert (RES)

326 Kingston Ave., Martinez
Effective: 8/30/93
Violation: 490, 10177(b)

Le, Tony Quy (RES)

1617 T St., #3, Sacramento
Effective: 8/26/93
Violation: 490, 10177(b)

Lee, Randy John (RES)

4807 North Ave., Carmichael
Effective: 12/7/92
Violation: 490, 10177(b)

Letl, Keith Eric (RES)

3917 Ballard Dr., Carmichael
Effective: 8/4/93
Violation: 490, 10177(b)

Spinetti, Judith Louise (RES)

P.O. Box 1250, Winters
Effective: 8/26/93
Violation: 490, 10177(b)

San Diego Region**Cota, Gus S. (RES)**

8745 Acro Dr., Ste. 103,
San Diego
Effective: 8/17/93
Violation: 490, 10177(b)

Garcia, Fred Richard (RES)

P. O. Box 271012, Escondido
Effective: 7/13/93
Violation: 490, 10177(b)

Muir, Ernest John (REB)

5347 Brockbank Pl., San Diego
Effective: 8/16/93
Violation: 490, 10177(b)

Scott, Michael Ryan (RES)

1054 Monserate Ave.,
Chula Vista
Effective: 8/25/93
Violation: 490, 10177(b)

Wisniewski, Kelly Marie (RREB)

10426 Mission Gorge Rd., Santee
Effective: 8/17/93
Violation: 10177(d)(g)(k)

San Francisco Region**Amidi, Michael K. (REB)**

15879 Los Gatos Blvd., Los Gatos
Effective: 8/23/93
Violation: 2830, 2831.1, 2831.2,
10137, 10176(a)(i), 10177(d)(j)

Hunt, James M. (RES)

330 Richmond Dr., #2, Millbrae
Effective: 8/11/93
Violation: 490, 10177(b)

Mendoza, Terri (RES)

1791 Hillsdale Ave., San Jose
Effective: 7/14/93
Violation: 490, 10177(b)

Modugno, Michael Anthony (REB)

307 Webster St., Monterey
Effective: 7/19/93
Violation: 2715, 2830, 2831,
2831.1, 2832, 2832.1,
10176(a)(c), 10145, 10177(d),
10238.3

Rogers, Robert Allan (REB)

2860 Telegraph Ave., Berkeley
Effective: 8/18/93
Violation: 490, 10177(b)(j)

Rosasco, Steve Carl (RES)
1244 30th Ave., San Francisco
Effective: 7/2/93
Violation: 10177(j)

Simcon, Marilyn Salgado (RES)
2963 Sorrento Way, Union City
Effective: 7/12/93
Violation: 2785(a)(18),
2785(b)(8), 10176(a)(i), 10177(d)

Syelsky, Vladimir (RES)
2534 Judah St., San Francisco
Effective: 7/6/93
Violation: 490, 10177(b)

**REVOKED WITH A RIGHT
TO A
RESTRICTED LICENSE**

Fresno Region

Duke, James Michael (REB)
5756 N. Marks, #160, Fresno
Effective: 6/30/93
Violation: 2830, 2831, 2831.1,
2831.2, 10145(a), 10177(d)
Right to REB license on terms
and conditions.

Roberts, Gearold Lee (RES)
2321 Newport Dr., Modesto
Effective: 6/22/93
Violation: 490, 10177(b)
Right to RRES license on terms
and conditions.

Sokol, Jerry Louis (REB, REO)
P.O. Box 304, Dunlap
Effective: 7/8/93
Violation: 490, 10177(b)
Right to RRES license on terms
and conditions.

Young, Glenda Jean (REB)
351 E. Elm, Coalinga
Effective: 7/16/93
Violation: 10176(a), 10177(g)(h)
Right to RREB license on terms
and conditions.

Los Angeles Region

Alabastur, Ebon (RES)
1338 N. Havenhurst Dr.,
Los Angeles
Effective: 6/9/93
Violation: 490, 10177(b)
Right to RRES license on terms
and conditions.

Cleland, Michael John (REB)
920 Manhattan Beach Blvd.,
Ste. 1, Manhattan Beach
Effective: 8/17/93
Violation: 490, 10177(b)
Right to RREB license on terms
and conditions.

Cottgias, Manuel Themo (REB)
16136 Cornuta, Bellflower
Effective: 7/22/93
Violation: 490, 10177(b)
Right to RRES license on terms
and conditions.

Cyprus, Kip (REB)
13437 Ventura Blvd., Ste. 220,
Sherman Oaks
Effective: 6/8/93
Violation: 10177(h)
Right to RREB license on terms
and conditions. RREB to be
suspended for 30 days.

Hernandez, Maria Guadalupe (RES)
1811 Lime Ave., Long Beach
Effective: 7/27/93
Violation: 490, 498, 10177(a)(b)
Right to RRES license on terms
and conditions.

Hung, Peter Keung Hak (RES)
1438 Holly Oak Dr., West Covina
Effective: 7/14/93
Violation: 490, 10177(b)
Right to RRES license on terms
and conditions.

Lowenschuss, Maia Eve (RES)
928 Carpinteria St., #1,
Santa Barbara
Effective: 8/4/93
Violation: 490, 10177(b)
Right to RRES license on terms
and conditions.

Medina, Jorge Luis (REB)
14221 S. Hawthorne Blvd.,
Hawthorne
Effective: 6/8/93
Violation: 490, 10177(b)
Right to RREB license on terms
and conditions.

Petty, Lila Rebeca (RES)
22247 Mulholland Hwy.,
Woodland Hills
Effective: 7/14/93
Violation: 490, 10177(b)
Right to RRES license on terms
and conditions.

Sunn, Andee K. (RES)
2627 Starcrest Dr., Duarte
Effective: 6/1/93
Violation: 490, 10177(b)
Right to RRES license on terms
and conditions.

Tabor, Sheri Estelle (RES)
P.O. Box 16217, Encino
Effective: 6/29/93
Violation: 490, 10177(b)
Right to RRES license on terms
and conditions.

Valencia, Guadalupe (RES)
9902 Colima Rd., Whittier
Effective: 7/21/93
Violation: 10145(c), 10177(d)
Right to RRES license on terms
and conditions.

Williams, Antoinette (RES)
6732 Franklin Pl., #101,
Hollywood
Effective: 7/22/93
Violation: 490, 10177(b)
Right to RRES license on terms
and conditions.

Santa Ana Region

Ambrose, James Douglas Jr. (REB)
990 W. Florida Ave., Hemet
Effective: 8/31/93
Violation: 490, 10177(b)
Right to RREB license on terms
and conditions.

Baillie, Jennine Berg (RES)
552B Cypress Dr., Laguna Beach
Effective: 6/9/93
Violation: 490, 10177(b)
Right to RRES license on terms
and conditions.

Burnett, Joseph Nicholas (RES)
P.O. Box 2316, Chino
Effective: 6/1/93
Violation: 10130, 10145(c),
10177(d)
Right to RRES license on terms
and conditions.

Compton, Stanley Phillip (REB)
27820 Via Sarasate, Mission Viejo
Effective: 6/9/93
Violation: 10177(d)(h)
Right to RRES license on terms
and conditions.

Crossland, D. Veronica (REB, REO)
5241 Lincoln Ave., C4, Cypress
Effective: 8/9/93
Officer of: Tower Mortgage
Corporation
Violation: 10177(d)(h)
Right to RREB license on terms
and conditions.

Eckenweiler, Mark Eric (REB, REO)
2320 3rd Ave., Corona Del Mar
Effective: 6/9/93
Officer of: Security National
Service Corporation
Violation: 10159.2, 10177(d)(h)
Right to RRES license on terms
and conditions.

Fraser, Audrey Brown (REB)
615 N. Benson, Ste. A, Upland
Effective: 6/23/93
Officer of: Kelly Financial Inc.
Violation: 10177(d)
Right to RREB license on terms
and conditions.

Homan, Ronald Rex (REB, REO)
28241 Crown Valley Pky., #F308,
Laguna Niguel
Effective: 6/22/93
Officer of: Approved Home Loan
Corp.
Violation: 2725, 2731, 2752,
2830, 2831, 2731, 2831.1, 2831.2,
2832.1, 2834, 2840, 2846.5,
2846.8, 2950(h), 10145(d)(g),
10159.5, 10177(d)(h), 10232.2,
10232.4, 10232.25, 10240
Right to RRES license on terms
and conditions.

Kelly Financial Inc. (REC)
615 N. Benson, Ste. A, Upland
Effective: 6/23/93
Violation: 10177(d)
Right to RREC license on terms
and conditions.

Moran, Melody (RES)
1162 N. Harding St., Orange
Effective: 8/17/93
Violation: 490, 10177(b)
Right to RRES license on terms
and conditions.

VanNatta, M. Tina (REB)
10162 Orangewood Ave.,
Garden Grove
Effective: 6/1/93
Violation: 10137, 10177(d)(h)
Right to RREB license on terms
and conditions.

Woods, Edward J. (RES)
325 N. Lilac Ave., Rialto
Effective: 8/10/93
Violation: 10130, 10137,
10145(c), 10177(d)
Right to RES license on terms and
conditions. RRES to be suspended
for 30 days.

Sacramento Region

American River Mortgage (REC)
550 Howe Ave., Ste. 110,
Sacramento
Effective: 7/6/93
aka: Trimerica Mortgage
Corporation
Violation: 2830, 2831.2, 2834,
10130, 10137, 10145, 10176(c),
10177(d), 10232.2, 10240
Right to RREC license on terms
and conditions.

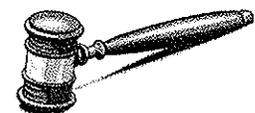
Capital City Mortgage Corp. (REC)
2868 Prospect Park Dr., Ste. 100,
Rancho Cordova
Effective: 7/26/93
Violation: 2830, 2831, 2831.1,
2831.2, 2832.1, 10145, 10177(d),
10240(a), 10232.2
Right to RREC license on terms
and conditions.

Davi, Robert S. (REB, REO)
2868 Prospect Park Dr., Ste. 100,
Rancho Cordova
Effective: 7/26/93
Officer of: Capital City Mortgage
Corp.
Violation: 2830, 2831, 2831.1,
2831.2, 2832.1, 10145, 10177(d),
10240(a), 10232.2
Right to RREB license on terms
and conditions.

Easton, Richard D. (RES)
550 Howe Ave., Ste. 110,
Sacramento
Effective: 7/6/93
Violation: 10130, 10145(c),
10176(i), 10177(g)
Right to RRES license on terms
and conditions.

Espinoza, Joseph Lopez (REB)
6000 Main St., Clayton
Effective: 8/26/93
Violation: 2832, 10130, 10145,
10176.5, 10177(d)
Right to RREB license on terms
and conditions.

Ferreira, Michael Hunter (RES)
537 Silver Oak Ln., Danville
Effective: 6/16/93
Violation: 490, 10177(a)(b)
Right to RRES license on terms
and conditions.




Heffelfinger, Margaret Genon (REB, REO)

550 Howe Ave., Ste. 110,
Sacramento

Effective: 7/6/93

Officer of: American River
Mortgage

aka: Trimerica Mortgage
Corporation

Violation: 2725, 2831.2, 2834,
10130, 10137, 10145, 10176(e)(i),
10177(d)(h), 10232.2, 10240

Right to RREB license on terms
and conditions.

Mang, Richard Randall (RES)

801 Laguna St., Napa

Effective: 7/19/93

Violation: 490, 10177(b)

Right to RRES license on terms
and conditions.

Robinson, Wayne David (REB, REO)

1021 Hillmeadow Pl., Danville

Effective: 7/29/93

Officer of: Wayne Robinson
Company Inc.

Violation: 2970, 10085, 10130,
10137, 10145, 10146, 10148,
10177(d)(g)(h)

Right to RREB license on terms
and conditions.

Tash, John R. (REB)

500 Ygnacio Valley Rd., Ste. 250,
Walnut Creek

Effective: 6/7/93

Violation: 490, 10177(b)

Right to RREB license on terms
and conditions.

Wayne Robinson Co. Inc. (REC)

1021 Hillmeadow Pl., Danville

Effective: 7/29/93

Violation: 2970, 10085, 10130,
10137, 10145, 10146, 10148,
10177(d)(g)(h)

Right to RREC license on terms
and conditions.

Weeden, Larry Thomas (REB)

13382 Curtis Ln., Grass Valley

Effective: 6/9/93

Violation: 490, 10177(b)

Right to RRES license on terms
and conditions.

San Diego Region
Bridge, Daniel Hedley (REB)

2727 S. Camino Del Rio South,
Ste. 250, San Diego

Effective: 7/13/93

Violation: 10177(d)

Right to RREB license on terms
and conditions.

Kipp, Cassandra L. (RES)

40210 Calle Roxanne, Fallbrook

Effective: 6/9/93

Violation: 490, 10177(b)

Right to RRES license on terms
and conditions.

Kroese, Alicia E. (RES)

231 Cranston Crest, Escondido

Effective: 6/2/93

Violation: 490, 10177(b)

Right to RRES license on terms
and conditions.

Labrador, Miguel Arkoncel Jr. (RES)

18283 Sun Maiden Ct., San Diego

Effective: 8/31/93

Violation: 490, 10177(b)

Right to RRES license on terms
and conditions.

Lollis, Nell Gaytha (REB)

16644 Orilla Dr., San Diego

Effective: 7/14/93

Violation: 10137

Right to RREB license on terms
and conditions.

Mumford, Christopher John (REB)

7925 Silverton Ave., Ste. 504,
San Diego

Effective: 7/8/93

Violation: 10177(g)

Right to RREB license on terms
and conditions.

San Francisco Region
Baker, Robert Wever (REB, REO)

953 Industrial Ave., #125, Palo Alto

Effective: 8/17/93

Violation: 2834, 2970, 10085,
10137, 10146, 10159.2,
10177(d)(g)(h), 10180, 10240

Right to RREB license on terms
and conditions.

Battle, Henry Sena (RES)

171 Oakridge Dr., Daly City

Effective: 8/11/93

Violation: 490, 10177(b)

Right to RRES license on terms
and conditions.

Brugnara, Luke Dominic (RES)

109 Lake Merced Hill,
San Francisco

Effective: 7/2/93

Violation: 10130, 10177(d)(j)

Right to RRES license on terms
and conditions.

Cook, Susan Yoss (REB)

3717 Buchanan St., Ste. 102,
San Francisco

Effective: 6/2/93

Violation: 10137,
10177(d)(g)(h), 10160

Right to RREB license on terms
and conditions. RREB license
suspended for 90 days.

Dellamas, Don Carlos (RES)

P.O. Box 181, Arcata

Effective: 7/6/93

Violation: 490, 10177(b)

Right to RRES license on terms
and conditions.

Dohner, Jon Clark (REB, REO)

495 S. San Antonio Rd., Los Altos

Effective: 8/17/93

Officer of: Westhaven Financial
Group Inc.

Violation: 2830, 2834, 2970,
10085, 10145, 10146, 10159.2,
10177(d)(g)(h), 10180, 10232,
10232.2, 10232.25, 10240

Right to RREB license on terms
and conditions.

Dunlay, Terrance Joseph (RES)

950 S. Bascom, Ste., 1014, San Jose

Effective: 6/16/93

Violation: 490, 10177(b)

Right to RRES license on terms
and conditions.

Fornesi, Brian Paul (REB)

1701 Novato Blvd., #104, Novato

Effective: 8/30/93

Violation: 2785(b)(2),
10176(a)(i), 10177(d)

Right to RREB license on terms
and conditions. RREB license
suspended for 9 months.

Lopez, Elizabeth Marie (RES)

553 Rosal Ave., Oakland

Effective: 7/12/93

Violation: 490, 10177(a)

Right to RRES license on terms
and conditions.

Milliorn, Robert Van (REB)

966 77th Ave., Oakland

Effective: 7/19/93

Violation: 10177(j)

Right to RRES license on terms
and conditions.

Powers, Marylou (RES)

1813 Alameda Ave., #C, Alameda

Effective: 6/16/93

Violation: 490, 10177(a)

Right to RRES license on terms
and conditions.

Raskin, David Laurence (RES)

14554 S. Bascom Ave., Los Gatos

Effective: 7/13/93

Violation: 10130, 10177(d)

Right to RRES license on terms
and conditions.

Stratton, Gabriela Margarita (RES)

P.O. Box 9706, San Jose

Effective: 8/30/93

Violation: 490, 10177(b)

Right to RRES license on terms
and conditions.

Westhaven Financial Group Inc (REC)

495 S. San Antonio Rd.,
Los Altos

Effective: 8/17/93

Violation: 2830, 2834, 2970,
10085, 10137, 10145, 10146,
10176(a)(c)(i), 10177(d), 10232,
10232.2, 10232.25, 10240

Right to RREC license on terms
and conditions.

White, Bruce Allen (RES)

P.O. Box 66616, Scotts Valley

Effective: 8/11/93

Violation: 490, 10177(b)

Right to RRES license on terms
and conditions.

SUSPENDED
Los Angeles Region
Chaudhry, Cynthia Broady (REB)

2447 Pacific Coast Hwy., #207,
Hermosa Beach

Effective: 8/24/93

Officer of: Payless Financial
Services Inc.

Violation: 10137, 10177(h)

Suspended for 30 days.

Dewey, Melike A. (RES)

P.O. Box 2942, Venice

Effective: 8/24/93

Violation: 10137

Suspended for 30 days.

Payless Financial Services Inc. (REC)

2447 Pacific Coast Hwy., #207,
Hermosa Beach

Effective: 8/24/93

Violation: 10137

Suspended for 30 days.

Santa Ana Region
Flaherty, Dwight Francis (REB, REO)

8291 Utica Ave., Rancho Cucamonga

Effective: 6/30/93

Officer of: Sycamore Financial
Group Inc.

Violation: 10177(d)(h)

Suspended for 30 days.

Sycamore Financial Group Inc. (REC)

8291 Utica Ave., Rancho Cucamonga

Effective: 6/30/93

Violation: 10177(d)(h)

Suspended for 30 days.

San Francisco Region
Young, Ronald Lee (REB)

#1 Ucellli Blvd., Redwood City

Effective: 8/16/93

Violation: 2731, 2831.1, 2970,
10085, 10146, 10176(e)(i),
10177(d)

Suspended for 30 days.

SUSPENDED WITH STAYS
Los Angeles Region
Ivens, Roberta Mary (REB)

4200 Atlantic Ave., Long Beach

Effective: 6/22/93

Violation: 10176(e), 10177(d)

Suspended for 90 days; all but 30
days stayed for 1 year on
condition.

Santa Ana Region
Calwide Home Loans Inc. (REC)

520 N. Brookhurst, Ste. 107,
Anaheim

Effective: 6/9/93

Violation: 2840, 10177(d),
10240, 10242

Suspended for 90 days; stayed for
1 year on conditions.

Mission Hills Mortgage Corp. (REC)

1403 N. Tustin Ave., Ste. 280,
Santa Ana

Effective: 8/12/93

Violation: 2731, 10137, 10159.5,
10177(d)

Suspended for 90 days; stayed for
1 year on terms and conditions.

Pennock, Dovie Maye (REB, REO)
 3990 Westerly Pl., Ste. 115,
 Newport Beach
Effective: 6/9/93
Officer of: Calwide Home Loans
 Inc.
Violation: 2840, 10177(d),
 10240, 10242
 Suspended for 90 days; stayed for
 1 year on conditions.

Tarbell, Donald Monroe (REO)
 1403 N. Tustin Ave., Ste. 280,
 Santa Ana
Effective: 8/12/93
Officer of: Mission Hills
 Mortgage Corporation
Violation: 10159.2, 10177(d)(h)
 Suspended for 90 days; stayed for
 1 year on terms and conditions.

Sacramento Region

Gold River Mortgage Inc. (REC)
 8300 Fair Oaks Blvd., Ste. 200,
 Carmichael
Effective: 7/22/93
Violation: 2831.2, 10145(a),
 10177(d), 10240(a)
 Suspended for 30 days; stayed for
 2 years on terms and conditions.

Mauer, Robert James (REB, REO)
 8300 Fair Oaks Blvd., Ste. 200,
 Carmichael
Effective: 7/22/93
Officer of: Gold River Mortgage
 Inc.
Violation: 2831.2, 10145(a),
 10177(d), 10240(a)
 Suspended for 30 days; stayed for
 1 year on terms and conditions.

San Diego Region

Cadena, Ray Charles (REB, REO)
 7676 Jackson Dr., #8, San Diego
Effective: 6/3/93
Officer of: T/C Financial
Violation: 10177(d)
 Suspended for 30 days; stayed for
 1 year on condition.

Olhasso, John Bernard II (RES)
 28465 Front St., Temecula
Effective: 8/17/93
Violation: 10137, 10177(d)
 Suspended for 150 days; all but
 75 days stayed for 1 year on terms
 and conditions.

T/C Financial (REC)
 7676 Jackson Dr., #8, San Diego
Effective: 6/3/93
Violation: 10177(d)
 Suspended for 30 days; stayed for
 1 year on condition.

San Francisco Region

Blakeman, Michael Denis (RES)
 835 Turk St., Ste. 101,
 San Francisco
Effective: 7/14/93
Violation: 10177(d)
 Suspended for 15 days; stayed for
 1 year on condition.

Lynch, Jerry (REB)
 340 Brannan St., #100,
 San Francisco
Effective: 7/14/93
Violation: 10177(d)
 Suspended for 15 days; stayed for
 1 year on condition.

**INDEFINITE SUSPENSIONS
 (under Recovery Acct.
 provisions)**

Los Angeles Region

Orduno, Daniel (REB)
 401 Marek Dr., Montebello
Effective: 8/10/93

Palmerin, Charles (REB)
 9219 Whittier Blvd., Pico Rivera
Effective: 8/16/93

Pond, Murray Douglas (REB)
 38233 17th St. East, Palmdale
Effective: 7/26/93

Professional VIP Investors Corp. (REC)
 9219 Whittier Blvd., Pico Rivera
Effective: 8/16/93

Zamora, Mary Elchammie (RES)
 14309 Sylvan St., Apt. 108,
 Van Nuys
Effective: 8/16/93

Sacramento Region

Hult, Norma Lousie (REB)
 P. O. Box 491558, Redding
Effective: 6/22/93

Socal Mortgage Corporation (REC)
 2143 Hurley Way, Ste. 200,
 Sacramento
Effective: 6/3/93

Santa Ana Region

Barclays Mortgage Corp. (REC)
 17702 Cowan St., Irvine
Effective: 7/6/93

Cal Pacific Home Loan Inc. (REC)
 P. O. Box 7000-302, Alta Loma
Effective: 8/16/93

Carson, Frederick Eugene (REB)
 22666 Pine Lake Lane,
 Lake Forest
Effective: 6/22/93

Kiefer, Orrin Otto Jr. (RES)
 8810 Strang Lane, Alta Loma
Effective: 8/10/93

Krupp, Cheryl Marie (REB)
 11501 Vista Mar Ct., Santa Ana
Effective: 7/12/93

Walls, Ronald Leroy (RES)
 8386 Lacolina Dr., Alta Loma
Effective: 8/16/93

San Diego Region

Investors First Bancorp (REC)
 3111 Camino Del Rio North,
 Ste. 902, San Diego
Effective: 7/29/93

Metro Financial Services (REC)
 7400 El Cajon Blvd., #202,
 La Mesa
Effective: 7/29/93

Saria, Cesar Navarro (REB)
 9023 Amberly Cir., San Diego
Effective: 7/19/93

San Francisco Region

Dagdigan, James Joseph (RES)
 713 Airport Rd., Monterey
Effective: 7/19/93

Johnson, Earl Blair (REB)
 1354 Dale Ave., #3,
 Mountain View
Effective: 8/18/93

**SUSPENDED
 INDEFINITELY**

Los Angeles Region

Vanoy, Stanley Tyrone (REB)
 647 E. Carson St., Carson
Effective: 6/9/93
Violation: 2731, 10162, 10165,
 10177(d)
 Suspended indefinitely.

Sacramento Region

Rohner, Eric Davis (REB)
 5829 San Juan Ave., #33,
 Citrus Heights
Effective: 8/26/93
Violation: 10162, 10165,
 10177(d)
 Suspended indefinitely.

PUBLIC REPROVALS

Sacramento Region

Pletcher, Barbara Alice (REB)
 2607 Latham Dr., Sacramento
Effective: 6/25/93
Violation: 10085, 10146,
 10177(d)

Outreach Activities

continued from page 4

Industry Outreach activities included the presentation of DRE sponsored seminars designed to stop problems before they occur, such as "How to Operate a Real Estate Business in Compliance with the Real Estate Law." These seminars were offered in eight locations throughout the state.

The ICL also made numerous presentations to the membership of various Boards of Realtors on the subject of "How to Prepare for a DRE Visit". These programs were designed to let brokers know what DRE does when it comes to audit books and records. The ICL also conducted Broker Office Surveys of many licensees' business operations to test compliance with the Real Estate Law.

Through these Outreach Programs, DRE has continued to serve, and develop better communication with, both Industry and Consumer groups.



POSTAL STATEMENT

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Guidelines

continued from page 3

Communicating With the Public

Providing factual information to others from writings prepared by the licensee. A non-licensee may not communicate with the public in a manner which is used, designed or structured for solicitation purposes with respect to a specific property, transaction or product.

Arranging Appointments

Making or scheduling appointments for licensees to meet with a principal or party to the transaction. As directed by the licensee to whom the broker has delegated such authority, arranging for and ordering reports and services from a third party in connection with the transaction, or for the provision of services in connection with the transaction, such as a pest control inspection and report, a roof inspection and report, a title inspection and/or a preliminary report, an appraisal and report, a credit check and report, or repair or other work to be performed to the property as a part of the sale.

Access to Property

With the principal's consent, being present to let into the property a person who is either to inspect a portion or all of the property for the purpose of preparing a report or issuing a clearance, or who is to perform repair work or other work to the property in connection with the transac-

tion. Information about the real property which is needed by the person making the inspection for the purpose of completing his or her report must be provided by the broker or associate licensee, unless it comes from a data sheet prepared by the broker, associate licensee or principal, and that fact is made clear to the person requesting the information.

Advertising

Preparing and designing advertising relating to the transaction for which the broker was employed, if the advertising is reviewed and approved by the broker or associate licensee prior to its publication.

Preparation of Documents

Preparing and completing documents and instruments under the supervision and direction of the licensee if the final documents or instruments will be or have been reviewed or approved by the licensee prior to the documents or instruments being presented, given or delivered to a principal or party to the transaction.

Delivery and Signing Documents

Mailing, delivering, picking up, or arranging the mailing, delivery, or picking up of documents or instruments related to the transaction, including obtaining signatures to the documents or instruments from principals, parties or service providers in con-

nection with the transaction. Such activity shall not include a discussion of the content, relevance, importance or significance of the document, or instrument or any portion thereof, with a principal or party to the transaction.

Trust Funds

Accepting, accounting for or providing a receipt for trust funds received from a principal or a party to the transaction.

Communicating With Principals, etc.

Communicating with a principal, party or service provider in connection with a transaction about when reports or other information needed concerning any aspect of the transaction will be delivered, or when certain services will be performed or completed, or if the services have been completed.

Document Review

Reviewing, as instructed by the licensee, transaction documentation for completeness or compliance, providing the final determination as to completeness or compliance is made by the broker or associate licensee.

Reviewing transaction documentation for the purpose of making recommendations to the broker on a course of action with respect to the transaction.



* These "Guidelines", when strictly followed, will assist licensees and their employees to comply with the license requirements of the Real Estate Law. They present specific scenarios which allow brokers to organize their business practices in a manner that will contribute to compliance with the Real Estate Law. As such, they were drafted to serve the interests of both licensees and the public they serve. Nothing in them is intended to limit, add to or supersede any provision of law relating to the duties and obligations of real estate licensees, the consequences of violations of law or licensing requirements.

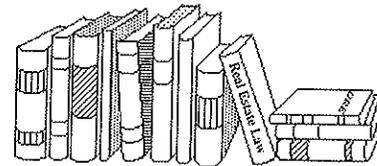
Licensees should take heed that because of the limiting nature of guidelines, as opposed to a statute or regulation, that they will not bind or obligate, nor are they intended to bind and obligate courts or others to follow or adhere to their provisions in civil proceedings or litigation involving conduct for which a real estate license may or may not be required.

Brokers and others who may refer to these "Guidelines" from time to time should be aware that it does not take very much to go from unlicensed to licensed activity. For example, it is a commonly held belief and understanding among licensees and others that participation in "negotiations" is somehow limited to the actual bargaining over terms and conditions of a sale or loan, when in fact the courts in this state have given much broader application to this term to include activity which may directly assist or aid in the negotiations or closing of a transaction.

** The term "associate licensee" means and refers to either a salesperson employed by the listing or selling broker in the transaction, or a broker who has entered into a written contract with a broker to act as the broker's agent in transactions requiring a real estate license.

*** Hereafter, the term "licensee" means "broker" or "associate licensee".

Real Estate Publications



- To order one or more of DRE's publications, photocopy or remove this page from your *Bulletin*. Complete and submit all information requested.
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	2	1991 Real Estate Law Book	\$15.00		
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	4	Instructions to License Applicants (<i>brochure</i>)	<i>free</i>		
	6	Disclosures in Real Property Transactions (1993; <i>booklet</i>)	\$2.00		
	14	Mortgage Financing for the Elderly (1990; <i>report</i>)	\$9.00		
	15	Fixed Rate/Adjustable Rate Mortgages: Availability and ... Preferences (1990; <i>report</i>)	\$9.00		
	16	Study of the Future Outlook of California Common Interest Developments (1991; <i>report</i>)	\$9.00		
	17	Feasibility of a State Sponsored Mortgage Insurance Program for Low and Moderate Income Home Buyers (1992; <i>report</i>)	\$9.00		
	20	Evaluating the Availability of Mortgage Credit in the Inner-Cities (1992)	\$9.00		
	21	Job Analysis and Examination Specifications (1993; <i>report</i>)	\$9.00		
	28	Supervision of the Real Estate Office (1987; <i>video</i>)	\$25.00		
	29	Trust Funds (1987; <i>video</i>)	\$25.00		
	31	An Assessment of Foreign Investment in California Real Estate (1991; <i>report</i>)	\$9.00		
	32	Compliance with the Real Estate Transfer Disclosure Law (1988; <i>video</i>)	\$25.00		
	33	Agency Disclosures in Residential Real Estate Transactions (1988; <i>video</i>)	\$25.00		
	35	Trust Deed Investments — What You Should Know (<i>brochure</i>) and	\$2.00		
	35A	Using the Services of a Mortgage Broker (<i>brochure</i>) (35 & 35A are a set)	<i>per set</i>		
	37	Reserve Study Guidelines for Homeowner Association Budgets (1990; <i>report</i>)	\$9.00		
	39	Common Interest Development Brochure (<i>brochure</i>)	<i>free</i>		
	40	Study of Home Equity Lending by Mortgage Loan Brokers (1989; <i>report</i>)	\$9.00		
	41	The Effects of California's Residential R.E. Transfer Disclosure Requirements (1989; <i>report</i>)	\$9.00		
	42	Study of Use of Computers by R.E. Licensees for Mortgage Loan Services (1989; <i>report</i>)	\$9.00		
	43	A Review of Secondary Mortgage Market Activities (1990; <i>report</i>)	\$9.00		
	44	Role of Licensees in Assisting First-Time Buyers: What Can Be Done? (1991; <i>report</i>)	\$9.00		
	45	The Need for Specialized Licensure and Education of Non-Residential Real Estate Licensees (1991; <i>report</i>)	\$9.00		
	46	The Impacts of Tax Reform on Real Estate Investment in California (1991; <i>report</i>)	\$9.00		
	47	Understanding the Affordability Issue: California Real Estate (1992; <i>report</i>)	\$9.00		

SHIPPING INFORMATION

SHIPPING NAME			SUBTOTAL	
SHIPPING ADDRESS				
CITY	STATE	ZIP CODE	+ SALES TAX	
			TOTAL ENCLOSED	\$

Guilty Knowledge Not Required to Discipline Broker for Fraudulent Acts of Salesperson

By Deidre L. Johnson, Real Estate Counsel

A real estate broker may face disciplinary action against his or her license as a result of a civil judgment based on fraud, misrepresentation or deceit while acting as a licensee. The acts of fraud may have been done by the broker, or by the broker's sales staff, and with the broker having no guilty knowledge of those acts.

If you are an individual or corporate broker who employs real estate salespersons or other brokers, *you* may be held civilly liable for *their* conduct under the theory of vicarious liability or "respondeat superior." That theory holds that the employee is the agent of the employing broker, who is responsible for the conduct of the agent for purposes of liability to third parties. This is true whether the agent is labeled an employee or an independent contractor. An employing broker's vicarious liability may extend to the fraud, misrepresentation or deceit of the employee. If a civil judgment is rendered against the broker on any of these grounds, disciplinary action may be taken.

The Department's authority to file dis-

ciplinary charges based on a civil judgment is Section 10177.5 of the Business and Professions Code, which provides: "When a final judgment is obtained in a civil action against any real estate licensee upon grounds of fraud, misrepresentation, or deceit with reference to any transaction for which a license is required...the commissioner may...suspend or revoke the license of such real estate licensee."

The following, based on a recent case, is an example of how Section 10177.5 works in this context. Salesperson Doe was licensed under corporate real estate broker EZ Inc. Doe was the only person who dealt with the Joneses, buyers of residential property who asked EZ Inc. to obtain a purchase money loan for them. Doe breached fiduciary duties to the Joneses, failed to disclose material information, and made misrepresentations. The Joneses sued EZ Inc. and Doe based on these acts, and the court entered a judgment against both of them. The Department filed an accusation against both Doe and EZ Inc., and the administrative law judge found that the judgment against the corporation, as well as against

the salesperson, was clearly based on fraud and that EZ Inc. and Doe were subject to disciplinary action under Section 10177.5.

EZ Inc. argued that the judgment was only based on "vicarious liability" and that because EZ Inc. did not have "guilty knowledge" (Business and Professions Code Section 10179) of Doe's acts, it could not be disciplined. The argument failed, both at hearing and at the Court of Appeal, because disciplinary action based on a "fraud judgment" under Section 10177.5 is completely separate from, and is not limited by, Section 10179.

An action under Section 10177.5 is not based on a violation of the Real Estate Law, as is Section 10179. It is based on a final civil judgment. After there is a final civil judgment, the licensee cannot try to relitigate the entire case at the administrative hearing. If the court records show that the judgment was based in whole or in part on fraud, misrepresentation, or deceit as a licensee, the fact that the employing broker's inclusion in the judgment was based on vicarious liability will not prevent the Department from imposing disciplinary action.



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