



REAL ESTATE BULLETIN

Arnold Schwarzenegger, Governor
Sunne Wright McPeak, Secretary, Business, Transportation, & Housing Agency
John R. Liberator, Acting Real Estate Commissioner

<http://www.dre.ca.gov>

Department of Real Estate

Spring 2004

Case study C.E. Fraud

In a recent case, the Department received a tip from an anonymous source alleging that a continuing education provider was providing full continuing education credit for license renewal, as well as credit for real estate principles for individuals wishing to obtain licenses, without requiring completed coursework.

In responding to this tip, the DRE sent investigators to the provider's offices to purchase credit for completing these education requirements without completing the courses. In the first instance, a Deputy Commissioner posing as an individual wishing to obtain a real estate principles certificate paid \$189 and received a certificate on the spot. The deputy was not offered any course materials, textbooks, or assignments. A few days later, a second Deputy went to the office of this provider posing as a real estate licensee wishing to obtain the necessary continuing education credits for license renewal. For a fee of \$289, the Deputy left the office with a certificate reflecting that he had completed 51 hours of continuing education, including the mandatory course hours in agency, ethics, trust fund handling and fair housing. Again, there were no course materials offered.

In a separate case involving a different continuing education provider, a Deputy Commissioner went to an office posing as a licensee wishing to obtain the credits necessary for license renewal and was immediately given the final examination, together with the answer key so that he wouldn't miss any of the questions. Upon completing

eLicensing Easy to use, paperless, & inter-active



Licensees are encouraged to use the eLicensing on-line system for **expedited processing** of license renewal and change transactions. It's *easy to use*, *paperless*, and *inter-active*.

Use eLicensing:

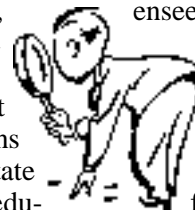
- ☐ To renew broker and salesperson licenses
- ☐ To request duplicate licenses (broker, salesperson, officer and branch offices)
- ☐ For salesperson requests to change employing broker
- ☐ For broker certification of salesperson employment
- ☐ For mailing address changes
- ☐ For broker main office address changes
- ☐ To receive the *Real Estate Bulletin* electronically

To use eLicensing for the first time, you need to **register** with the DRE to create a user name and password. Thereafter, you may simply click on the eLicensing graphic then enter your user name and password to sign in. A personalized menu of eLicensing options available to you will appear. 🏠

the examination, he was given a certificate for having completed the 45 hours of continuing education necessary for license renewal.



The DRE filed accusations against the course sponsors involved and disciplined the course offerings, as well as the individual real estate broker licenses of the school's owners. The story, however, goes beyond just one of unscrupulous course providers offering credit without education. The question remains open as to how many real estate licensees obtained credit for education that they did not complete and then submitted it to the DRE to either qualify for a license or renew an existing license. It is certain that any lic-



ensee who submitted fraudulent education credits to the DRE will face the possible revocation of their license.

In the future, the DRE will continue to monitor the offerings of education providers to weed out those that do not require licensees to complete education in order to receive credit. When these schools are discovered, the licensees who used the school will also be scrutinized and face disciplinary action if it is proven that they did not legitimately complete the education requirements. With this in mind, licensees should carefully assess the risk of possibly losing their license when attempting to avoid completing educational requirements. 🏠

REAL ESTATE BULLETIN

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STATE OF CALIFORNIA

Arnold Schwarzenegger, *Governor*

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Sunne Wright McPeak, *Secretary*

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John R. Liberato, *Acting Commissioner*

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Screening License Applicants

During the 2002–2003 fiscal year, the Department issued over 47,000 new original licenses. This was an increase of 44% over the prior fiscal year and a 95% increase over the number of new licenses issued in fiscal 2000–2001. This huge increase not only placed a burden on existing staff in the Licensing Section to handle the associated paperwork, but it also affected the Commissioner's responsibility to screen beyond the examination process the qualifications of new applicants. The Commissioner has a duty to enforce the Real Estate Law (Sections 10000 et seq., of the Business and Professions Code) and the Subdivided Lands Law (Sections 11000 et seq., of the B&P Code) "in a manner which achieves the maximum protection for the purchasers of real property and those persons dealing with real estate licensees" (Section 10050 of the B&P Code). This process begins prior to licensure. In addition to an applicant's truthfulness and honesty, the functions, duties and responsibilities of licensees require the Commissioner to also look at other characteristics that relate to one's qualifications for licensure. The primary tool used to screen an applicant's qualifications is to look into his or her criminal background and/or whether or not the applicant has had another license issued by the state or federal government suspended or revoked. This is done by asking specific questions in the license application and requiring the applicant to be fingerprinted. The fingerprints are then used to check criminal history, if any. If the answer or search reveals a criminal conviction, then the Department opens an investigation to learn more about the applicant. This is because the Commissioner can deny a license application if an applicant has been convicted of a crime involving moral turpitude and/or that crime is substantially related to licensed activity. This short article provides an example of how broadly the concepts of moral turpitude and "substantial relationship" apply to a criminal conviction when screening an applicant's qualifications.

(It is also important to remember that a criminal conviction is not necessarily a barrier to licensure. Our laws and society recognize and encourage individuals to rehabilitate themselves, establish that they have done so, and are now eligible for licensure. Section 2911 of the Commissioner's Regulations establishes the Criteria of Rehabilitation applicable to evaluate rehabilitation for issuance of a license [Regulation Section 2912 governs the Criteria of Rehabilitation applicable to a license suspension or revocation based on a criminal conviction]. In the case described below, for reasons that are not relevant to this article, the administrative law judge hearing the case determined that the applicant did not establish sufficient evidence of rehabilitation and his application was denied.)

Every state licensing board or agency may issue criteria to assist it in determining if a crime is "substantially related" to its license qualifications, functions or duties. The Commissioner, in response to this authority, has adopted Regulation 2910, Title 10 of the Code of Regulations, known as "The Criteria of Substantial Relationship." Among the criteria listed, is one that covers crimes done "with the intent or threat of doing substantial injury to the person or property of another" (Regulation 2910(a)(8)). To assist in making a determination of whether or not a crime comes within this, or any of the other listed criteria, the Commissioner is authorized to look behind the conviction itself into the circumstances surrounding the crime (Section 493 of the Government Code). It is often such a look that provides the insight about whether or not to issue a

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Screening applicants

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license. This authority is relevant when the crime on its face does not appear to be related to the applicant's actual conduct resulting in the conviction. (In some situations the conviction on its face is a sufficient basis to establish its substantial relationship, i.e., a conviction for theft, burglary or robbery, all involving dishonesty.)

A recent Decision in a case involving an applicant convicted of a crime of violence provides a good analysis of how the concept of "moral turpitude," the "Criteria of Substantial Relationship," and the ability to look behind the face of the crime is applied. In this case the applicant had been convicted of violating Section 273.5(a) of the Penal Code (Inflicting Corporal Injury on Spouse or Cohabitant), a felony. He had gotten into a fight with his wife, grabbed her and threw her to the ground. When she tried to escape, he again threw her to the ground. He then got on top of her and hit her in the head with his closed fist two or three times. The wife, needless to say, suffered various injuries, including cuts and bruises.

Following an administrative hearing the administrative law judge presiding in the case found that the crime involved moral turpitude. The judge concluded that respondent's acts not only involved a serious breach of duty owed to another or to society (one of the tests for moral turpitude), but that it also involved acts demonstrating a "bad character" and "readiness to do evil" (another test of moral turpitude). As the judge noted, the use of force and violence on the body of another person, as the applicant did with his wife, showed a "bad character" and "readiness to do evil" and the beating of a woman constitutes a breach of duties owed to the victim and to society. You may ask what does this have to do with real estate license activity? This is where the substantial relationship criteria become involved.

The judge noted that the primary goal of licensing statutes is to protect the public from unscrupulous and irresponsible persons and that the Real

Instructor Qualifications


Commissioner's Regulations 3000 and 3006 were recently amended to include instructor qualifications for real estate schools providing the statutory college equivalent pre-license courses and for sponsors of continuing education offerings.

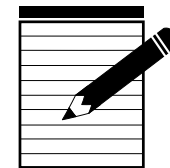
Regulation 3000 provides that instructors for the statutory college equivalent pre-license courses must have credentials issued by the Board of Governors of the California Community Colleges or by a comparable California teacher-credentialing agency, or meet the qualifications established in Sections 53400 et seq. of Title 5. Instructors can also qualify by education or experience or a combination of the two.

Regulation 3006 provides that instructors, conference leaders, lecturers, and others who present a continuing education offering shall meet at least one of the following qualifications: (1) A bachelor's degree, from an institution of higher learning, in a related field to that in which the person is to teach; (2) A valid teaching credential or certificate issued by the Board of Governors of the California Community Colleges or by a comparable California teacher-credentialing agency authorizing the holder to teach in the

field of knowledge covered in the offering; (3) Three years full-time experience in the applicable field; (4) Any combination of at least three years of full-time experience and college level education in the applicable field.


Instructors of both pre-license courses and continuing education offerings shall not be qualified to teach if the instructor: (1) does not meet the instructor qualification criteria; (2) As a real estate licensee, has had that license suspended, revoked or restricted as a result of disciplinary action; (3) Acted or conducted himself or herself in a manner which would have warranted the denial of his or her application for a real estate license; (4) Has violated Regulations or engaged in conduct which would have warranted the denial of an application for approval, or withdrawal of approval, of a pre-license course or continuing education offering, as applicable.

In addition, effective January 1, 2004, schools and course sponsors are required to notify students that an on-line evaluation is available on the DRE's Web site for on-line evaluation of courses and instructors. The evaluation can be accessed at the DRE home page at www.dre.ca.gov. 



Estate Law is intended to protect the public when dealing with licensees. Moreover, that licensees are continuously interacting with members of the public and that those with complaints and demands, can be a source of frustration. The judge went on to conclude that a person who cannot control his or her temper and who has violently battered an individual is manifestly unfit for licensure as a real estate salesperson. Because of these factors, the judge found that the crime bore a substantial relationship to the qualifications, etc., of a real estate salesperson.

If you are a broker and are approached by a license applicant about whether or not a particular criminal conviction will disqualify the applicant

from licensure, you should advise the applicant to review the Department's "Criteria of Substantial Relationship" and to carefully consider all the facts surrounding the conviction to determine the conviction's impact on the ability to become licensed (of course, it goes without saying, the broker should advise the applicant not to hold back any information and to disclose all convictions suffered). A crime that on its face may not seem relevant may nevertheless be disqualifying. The Criteria of Substantial Relationship intentionally casts a wide net to effect the purpose of the Real Estate Law to protect persons dealing with real estate licensees by assisting the Commissioner to screen and prevent unfit persons from becoming licensees. 

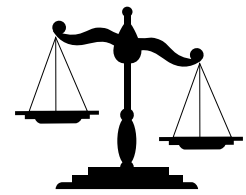
Disciplinary Action — Sept. to Nov. 2003

- ✓ 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 filed 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]

- ✓ Below are brief summaries of various regulations and code sections. The full text of the sections is found in the Business and Professions Code and the Regulations of the Real Estate Com-

missioner, 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 (see page 11 or DRE Web site). Disciplinary actions that are “stayed” means there is “a delay in carrying out” all or part of the recommended discipline.

Commissioner's Regulations

2715	Licensee's failure to maintain current business or mailing address with DRE
2725	Failure of broker to exercise reasonable supervision over the activities or his or her salespersons
2726	Failure to have broker-salesperson agreements
2731	Unauthorized use of fictitious business name
2752	Broker's failure to notify DRE of salesperson employment
2831	Failure to keep proper trust fund records
2831(a)(6)	Failure to keep records of trust funds not deposited in account
2831.1	Inadequate separate trust fund beneficiary records
2831.2	Failure to reconcile trust account
2832	Failure to comply with trust fund handling provisions
2832(a)	Failure of broker to place trust funds into hands of owner, into a neutral escrow depository or trust fund account within three business days of receipt
2832(e)	Failure of broker acting as escrow holder to deposit trust funds in trust account by next business day following receipt
2832.1	Failure to obtain permission to reduce trust fund balance in a multiple beneficiary account
2834	Trust account withdrawals by unauthorized or unbonded person
2835	Retention of broker funds in trust account
2840	Failure to give approved borrower disclosure
2950(d)	Failure of broker handling escrows to maintain records and accounts
2950(g)	Broker-handled escrow disbursement without written instructions
2950(h)	Failure by broker handling escrow to deposit trust funds in trust account
2951	Improper record keeping for broker handled escrows
2970	Failure to submit advance fee material for review
2972	Advance fee accounting

Business and Professions Code

490	Substantially related criminal conviction
498	License obtained by fraud or misrepresentation
10085	Failure to submit advance fee materials
10130	Acting without license
10137	Unlawful employment or payment of compensation
10145	Trust fund handling
10145(d)	Violation of interest bearing trust account requirements
10146	Advance fee handling
10148	Failure to retain records and make available for inspection
10159.2	Failure by designated officer to supervise licensed acts of corporation
10159.5	Failure to obtain license with fictitious business name
10160	Failure to maintain salesperson licenses in possession of broker
10161.8	Failure of broker to notify Commissioner of salesperson employment
10161.8(a)	Failure of broker to notify Commissioner of salesperson employment

10161.8(b)	Failure of broker to notify commissioner of salesperson termination
10176(a)	Making any substantial misrepresentation
10176(c)	Continued and flagrant course of misrepresentations through salespersons
10176(e)	Commingling trust funds with brokers funds
10176(g)	Secret profit or undisclosed compensation
10176(i)	Fraud or dishonest dealing in licensed capacity
10176.5	Willful or repeated transfer disclosure statement violations
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 in performing licensed acts
10177(h)	Failure to supervise salespersons or licensed acts of corporation
10177(j)	Fraud or dishonest dealing as principal
10236.4	Failure to include license number or DRE license information telephone number in documents
10240	Failure to give mortgage loan disclosure statement
10240(a)	Failure to give mortgage loan disclosure statement

REVOKED LICENSES

Fresno Region

Oliver, Deana Darlene (REB)
63 W. Shaw Ave., Clovis
Effective: 10/30/03
Violation: 10176(a)(c)(g)(i),
10176.5, 10177(g)(h)(j)

Los Angeles Region

Chesnut, Daniel Mark (RES)
819 Robles Pl., Corona
Effective: 11/19/03
Violation: 10177(f)

Girardin, Christian S. (RES)
3005 S. Bristol, Santa Ana
Effective: 9/24/03
Violation: 490, 10177(b)

Gomez, Tranquilino Frank (RES)
2501 Cherry Ave., Ste. 100,
Signal Hill
Effective: 10/29/03
Violation: 490, 10177(b)

Gray, Ione Young (REB)
2265 Westwood Blvd., #337,
Los Angeles
Effective: 9/3/03
Violation: 10177(f)

Hubbard, Mike George (REB)
400 S. Sepulveda Blvd., Ste. 100,
Manhattan Beach
Effective: 9/25/03
Violation: 490, 10177(b)

Lankford, Patricia Ann (RES)
P.O. Box 1273, Gardena
Effective: 11/7/03
Violation: 490, 10177(b)(f)

Lopez, Francisco (RES)
6255 Baker St., Riverside
Effective: 11/10/03
Violation: 10176(a)(i),
10177(d)(g)

Mendez, Juan Manuel (RES)
6333 Tujunga Ave.,
North Hollywood
Effective: 10/7/03
Violation: 490, 10177(b)

Monge, Carlos (RES)
15149 Cerezo Rd., Victorville
Effective: 10/27/03
Violation: 490(b), 10177(b)

Murphy, Thomas Michael (REB)
1192 SE Bristol St., Santa Ana
Effective: 10/27/03
Violation: 490, 10177(b)

Padilla, Miguel R. (REB, REO)
P.O. Box 761122, Los Angeles
Effective: 9/29/03
Violation: 490, 10177(b)



RFG Group, Inc. (REC)
1522 East 4th St., Santa Ana
Effective: 10/14/03
Violation: 10177(g)

Rodriguez, Maricela (RES)
11644 Lakewood Blvd., Downey
Effective: 10/3/03
Violation: 490, 498, 10177(a)(b)

Root, Harrison Whitney (RES)
PO Box 4022, Balboa
Effective: 10/28/03
Violation: 490, 10177(b)

Steinheimer, Glen Allen (RES)
8794 19th St., Alta Loma
Effective: 10/27/03
Violation: 490, 10177(b)

Walker, Jeffrey James (REB)
67-708 E. Ramon Rd.,
Cathedral City
Effective: 9/17/03
Violation: 490, 10177(b)

Oakland Region

Dahl, Jay Edwin (REB)
1054 W. Riverside Way, San Jose
Effective: 9/10/03
Violation: 490, 10177(b)

Masini, Clarice Ann (RES)
914 Ripple Ave., Pacific Grove
Effective: 10/30/03
Violation: 490, 10177(b)

Pham, Loan (RES)
8841 Dakota Dr., Garden Grove
Effective: 10/22/03
Violation: 490, 10177(b)

Postelle, Ronald L. (RES)
1270 Echo Ridge Ct., San Jose
Effective: 11/6/03
Violation: 490, 10177(b)

Ward, William Francis (RES)
151 Village Court, #3,
Walnut Creek
Effective: 11/6/03
Violation: 490, 10177(b)

Sacramento Region

Aberson, Kenneth Brian (RES)
113 Lakehurst Dr., Vacaville
Effective: 11/17/03
Violation: 490, 10177(b)

Braden, Alfred Milton (REB)
2815 Bechelli Ln., Redding
Effective: 9/19/03
Violation: 2831, 2831.1, 2831.2,
2832.1, 10177(d)

Eklund, William Francis (RES)
1140 Morse Ave., Sacramento
Effective: 10/31/03
Violation: 490, 10177(b)

San Diego Region

Belchar, Jason Paul (RES)
2730 Jefferson St., #17, Carlsbad
Effective: 9/10/03
Violation: 490, 10177(b)

McGinty, Richard E. (REB)
745 Roca Rd., Chula Vista
Effective: 11/11/03
Violation: 490, 10177

REVOKED WITH A RIGHT TO A RESTRICTED LICENSE

Fresno Region

Alford, Phyllis Janet (REB)
538 W. Tefft St., Nipomo
Effective: 11/6/03
Violation: 2725, 2731, 2752,
10159.5, 10161.8(a)(b),
10177(d)(h)
Right to RREB license on terms
and conditions

Costa, Chad Aaron (RES)
3425 Coffee Rd., 2C, Modesto
Effective: 11/4/03
Violation: 490, 10177(b)
Right to RRES license on terms
and conditions

Hartsell, Rickey Joe (REB)
2007 W. Sunnyside Ave., Visalia
Effective: 10/1/03
Violation: 2831, 2831.1, 2831.2,
2832, 2832.1, 10145, 10177(d)
Right to RREB license on terms
and conditions

Krikorian, John R. P. (REB)
5380 N. Fresno St., #103, Fresno
Effective: 5/9/03
Violation: 2831.1, 2831.2,
2832.1, 2834, 10145, 10177(d)
Right to RREB license on terms
and conditions

Sjoblom, Paul Leonard (REB, REO)
4100 Moorpark Ave., Ste. 219,
San Jose
Effective: 10/2/03
Officer of: Orchard Valley
Realtors
Violation: 10148, 10177(d)
Right to RRES license on terms
and conditions

Wessel, June Lorraine (RES)
3355 Camden St., Rosamond
Effective: 10/15/03
Violation: 490, 10177(b)
Right to RRES license on terms
and conditions

Wilson, Christina C. (RES)
2250 Newport Ct., Delano
Effective: 10/2/03
Violation: 10130, 10177(d)
Right to RRES license on terms
and conditions

Los Angeles Region

Bellamy, Leslie Gail (REB)
3734 W. Slauson Ave.,
Los Angeles
Effective: 11/3/03
Violation: 490, 10177(b)
Right to RREB license on terms
and conditions

Chang, Sonya C. (RES)
403 Medea Creek Ln., Oak Park
Effective: 11/4/03
Violation: 490, 10177(b)
Right to RRES license on terms
and conditions

Forte, John Robert (RES)
1955 Tamarind Ave., #11,
Los Angeles
Effective: 10/14/03
Violation: 10130, 10177(d)
Right to RRES license on terms
and conditions

Gallegos, Roberto F. (REB, REO)
1522 East 4th St., Santa Ana
Effective: 10/14/03
Officer of: RFG Group, Inc.
Violation: 10177(g)
Right to RRES license on terms
and conditions

Garcia, Gabriel (REB)
23181 Verdugo Dr., Ste. 103A,
Laguna Hills
Effective: 9/23/03
Violation: 490, 10177(b)
Right to RRES license on terms
and conditions

Gerales, Grace Z. (RES)
PO Box 3264, Santa Monica
Effective: 10/9/03
Violation: 490, 498, 10177(a)(b)
Right to RRES license on terms
and conditions

James, Ralph Martin (REB)
4311 Wilshire Blvd., #405,
Los Angeles
Effective: 9/17/03
Violation: 490, 498, 2715
Right to RREB license on terms
and conditions

Peart, Donald Robert Jr. (RES)
4051 Escudero Dr., Irvine
Effective: 10/9/03
Violation: 490, 10177(d)
Right to RRES license on terms
and conditions

Ray, Marie Sue Gabunillas (RES)
6371 Bellinger Dr.,
Huntington Beach
Effective: 11/26/03
Violation: 10177(j)
Right to RRES license on terms
and conditions

Rayburn, Carol Elaine (REB)
11365 183rd St., Cerritos
Effective: 10/22/03
Violation: 10130, 10177(d)
Right to RREB license on terms
and conditions

**Rosenkranz, Walter Louis (REB,
REO)**
11365 183rd St., Cerritos
Effective: 10/22/03
Violation: 2731, 2831, 2831.1,
2831.2, 2832.1, 2832(e), 2834,
2835, 2950(d)(g)(h), 10145,
10177(d)(g)(h)
Right to RREB license on terms
and conditions

Schmidt, April Christine (RES)
32353 Circle Terrace Dr.,
Redlands
Effective: 11/25/03
Violation: 490, 10177(b)
Right to RRES license on terms
and conditions

**Wright, John Francis Christopher
(REB)**
2640 E. Garvey Avenue South,
Ste. 205, West Covina

Effective: 9/30/03
Violation: 2831.2, 2832(a),
2832.1, 2834, 10145, 10176(e),
10177(d)(g)
Right to RREB license on terms
and conditions

Oakland Region

**Golden State Mortgage Corpora-
tion (REC)**
1625 The Alameda, #500,
San Jose
Effective: 9/3/03
Violation: 2831, 2831.1, 2831.2,
2835, 2970, 2972, 10085, 10146,
10177(d)(e)
Right to RREC license on terms
and conditions

Han, Henry Y. (RES)
680 Ann Place, Milpitas
Effective: 9/23/03
Violation: 10177(j)
Right to RRES license on terms
and conditions

Jensen, Stan (REB)
20630 Redwood Rd.,
Castro Valley
Effective: 10/7/03
Violation: 2831(a)(6), 2831.1,
2831.2, 10145, 10176(a),
10176.5, 10177(d)(g)
Right to RREB license on terms
and conditions

Orchard Valley Realtors (REC)
4100 Moorpark Ave., Ste. 219,
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Effective: 10/2/03
Violation: 10148, 10177(d)
Right to RREC license on terms
and conditions

Reguzzoni, Enrico (REB)
22151 Redwood Rd.,
Castro Valley
Effective: 9/26/03
Violation: 2831.2, 2832.1,
10145, 10177(d)
Right to RRES license on terms
and conditions

Stanley, Clifford Edward (REB)
1625 The Alameda, #500,
San Jose
Effective: 9/3/03
Officer of: Golden State
Mortgage Corporation
Violation: 2831, 2831.1, 2831.2,
2835, 2970, 2972, 10085, 10146,
10177(d)(e)
Right to RREB license on terms
and conditions

Sacramento Region

Benjamin, Anita Joanne (RES)
7220 Greenhaven Dr., #5,
Sacramento
Effective: 10/15/03
Violation: 10130, 10177(d)
Right to RRES license on terms
and conditions

Chang, Ching-Yin (REB)
522 G St., Davis
Effective: 9/8/03
Violation: 10145, 10177(d)
Right to RREB license on terms
and conditions

Cirimele and Associates, Inc. (REC)
1132 Tennessee St., Vallejo
Effective: 9/8/03
Violation: 2831.2, 2832.1, 2834, 10145, 10145(d), 10160, 10165, 10177(d)
Right to RREC license on terms and conditions

Cirimele, Thomas E. (RES)
1132 Tennessee St., Vallejo
Effective: 9/8/03
Violation: 2831.2, 2832.1, 2834, 10145, 10145(d), 10160, 10165, 10177(d)
Right to RRES license on terms and conditions

Hoover, Delvita Natalie (REB, REO)
1132 Tennessee St., Vallejo
Effective: 9/8/03
Officer of: Cirimele and Associates, Inc.
Violation: 10159.2, 10177(d)(g)(h)
Right to RREB license on terms and conditions

LaBella, Robert Charles (REO)
7220 Greenhaven Dr., Ste. 5, Sacramento
Effective: 11/24/03
Officer of: Real Estate Center of Sacramento, Inc.
Violation: 2831, 2831.1, 2831.2, 10137, 10145, 10159.2, 10177(d)(g)(h)
Right to RREO license on terms and conditions

Real Estate Center of Sacramento, Inc. (REC)
7220 Greenhaven Dr., Ste. 5, Sacramento
Effective: 11/24/03
Violation: 2831, 2831.1, 2831.2, 10137, 10145, 10177(d)
Right to RREC license on terms and conditions

Sumpter, Luis Lee (RES)
3180 Carly Way, Sacramento
Effective: 10/8/03
Violation: 490, 10177(b)
Right to RRES license on terms and conditions

San Diego Region

Ladewig, William James (REB, REO)
504 W. Mission Ave., #102, Escondido
Effective: 9/23/03
Officer of: Malan Financial Alliance
Violation: 2726, 2731, 2752, 2831, 2831.2, 2832.1, 2834, 2951, 2970, 10085, 10145, 10159.5, 10161.8, 10177(d), 10236.4, 10240(a)
Right to RREB license on terms and conditions

Lewallen, William Edgar (REB)
264 E St., Chula Vista
Effective: 10/6/03
Violation: 2831, 2832, 2832.1, 10145, 10176(i), 10177(d)
Right to RREB license on terms and conditions

Malan Financial Alliance (REC)
504 W. Mission Ave., #102, Escondido
Effective: 9/23/03
Violation: 2726, 2731, 2752, 2831, 2831.2, 2832.1, 2834, 2951, 2970, 10085, 10145, 10159.5, 10161.8, 10177(d), 10236.4, 10240(a)
Right to RREC license on terms and conditions

Scott, Mark A. (RES)
1349 Lucero Ct., Chula Vista
Effective: 9/23/03
Violation: 490, 10177(b)
Right to RRES license on terms and conditions

SUSPENDED WITH STAY

Los Angeles Region

Calstar Financial Services Corporation (REC)
5442 E. Beverly Blvd., Los Angeles
Effective: 10/6/03
Violation: 10177(d)(g), 10236.4, 10240
Suspended for 90 days-stayed for 2 years on terms and conditions

Johnson, Junius Jr. (REB)
124 N. Market St., Inglewood
Effective: 9/1/03
Violation: 2726, 2831, 2831.1, 2831.2, 2832, 2832.1, 10145, 10177(g)
Suspended for 30 days-stayed for 1 year on terms and conditions

Ramljak, John B. (REB, REO)
12100 Wilshire Blvd., Ste. 200, Los Angeles
Effective: 10/14/03
Officer of: William Gregory Mortgage, Inc.
Violation: 10159.2, 10177(h)
Suspended for 60 days-stayed for 2 years

Robles, Daniel C. Jr. (REB, REO)
5442 E. Beverly Blvd., Los Angeles
Effective: 10/6/03
Officer of: Calstar Financial Services
Violation: 10159.2, 10177(h)
Suspended for 90 days-stayed for 2 years on terms and conditions

William Gregory Mortgage, Inc. (REC)
12100 Wilshire Blvd., Ste. 200, Los Angeles
Effective: 10/14/03
Violation: 2840, 10137, 10177(d), 10240
Suspended for 60 days-stayed for 2 years

Oakland Region

Attarha Investment Corp. (REC)
1430 Leimert Blvd., Oakland
Effective: 10/28/03
Violation: 10137, 10159.5, 10177(d)
Suspended for 100 days-stayed for 2 years on terms and conditions

Attarha, M. M. (REO)
1430 Leimert Blvd., Oakland
Effective: 10/28/03
Officer of: Attarha Investment Corporation
Violation: 10177(h)
Suspended for 100 days-stayed for 2 years on terms and conditions

San Diego Region

American Internet Mortgage, Inc. (REC)
4241 Jutland Dr., Ste. 305, San Diego
Effective: 10/7/03
Violation: 2731, 2752, 2831, 2831.1, 2831.2, 2832, 2970, 2972, 10145, 10146, 10161.8, 10177(d), 10236.4, 10240
Suspended for 60 days-stayed for 1 year on terms and conditions

Kasperick, Vincent J. (REB, REO)
4241 Jutland Dr., Ste. 305, San Diego
Effective: 10/7/03
Officer of: American Internet Mortgage, Inc.
Violation: 10177(h)
Suspended for 60 days-stayed for 1 year on terms and conditions

Lancaster Properties, Inc. (REC)
6965 El Camino Real, Ste. 202, Carlsbad
Effective: 10/1/03
Violation: 10137
Suspended for 90 days-stayed for 1 year

Waite, Eric L. Jr. (REB, REO)
6965 El Camino Real, Ste. 202, La Costa
Effective: 10/1/03
Officer of: Lancaster Properties, Inc.
Violation: 10177(h)
Suspended for 90 days-stayed for 1 year

LICENSE SURRENDERED

(Licenses voluntarily surrendered per B&P Code §10100.2 during an administrative action/investigation)

Fresno Region

Corbin, Glenn Thomas (RES)
1540 Division, Nipomo
Effective: 11/6/03

Los Angeles Region

Amobi, Victor (RES)
5622 W. Pico Blvd., Los Angeles
Effective: 11/25/03

Berry, Jim F. (REB)
21 Brookline, Aliso Viejo
Effective: 11/3/03

Eghbal, Morteza (RES)
8023 Jennet St., Alta Loma
Effective: 9/23/03

Hernandez, Octavio Ramirez (REB)
10215 S. Atlantic Blvd., South Gate
Effective: 11/21/03

Macfarlane, Dana Lucile (RES)
11644 Montana Ave., #203, Los Angeles
Effective: 11/24/03

Medina, Steve (RES)
4132 Calico Ave., Pico Rivera
Effective: 10/29/03

Mould, Melvin Leroy (REB)
30100 Town Center Dr., Laguna Niguel
Effective: 9/9/03

Soni, Vijay (REB)
11 Rocky Point Rd., Corona Del Mar
Effective: 10/9/03

Oakland Region

Lael, David Joseph (REB, REO)
18726 E. Cavendish Dr., Castro Valley
Effective: 11/14/03

Watts, Lovie Elois (REB)
812 58th St., Oakland
Effective: 10/29/03

San Diego Region

Lowe, Michael Asbury (RES)
1525 Laurel Rd., Oceanside
Effective: 9/3/03

INDEFINITE SUSPENSIONS

(under Recovery Acct. provisions)

Los Angeles Region

Equity Funding Bancorp (REC)
719 Fremont Ave., #C, South Pasadena
Effective: 9/24/03

Ortiz, Daniel Jay (REB)
745 E. 5th St., #34, Azusa
Effective: 11/19/03

Silverstar Realty, Inc. (REC)
6356 Van Nuys Blvd., Ste. 200, Van Nuys
Effective: 10/28/03

Stern, Yoram (REB)
6360 Van Nuys Blvd., #200, Van Nuys
Effective: 10/28/03

Varela, Nancy (RES)
PO Box 1211, San Fernando
Effective: 10/28/03

Verdeja, Gilbert Alex (RES)
PO Box 2257, Fontana
Effective: 11/19/02

Oakland Region

Barber, George Albert (REB)
2050 Pioneer Ct., #204, San Mateo
Effective: 10/2/03

Skinner, Robert Lee (REB)
459 Bryant St., San Francisco
Effective: 10/22/03

Sacramento Region

Taylor, William Dezsomdi (RES)
1533 Zinfandel Dr., Lodi
Effective: 10/22/03

Real Estate Bulletin — Spring 2004

Working with out-of-state brokers

In recent years, California real estate brokers have increasingly become involved in real estate transactions wherein the buyer or the seller resides outside of the State of California and may have an affiliation with a broker who is licensed in another state. The property involved is often commercial or industrial and of substantial value, providing incentive for the out-of-state broker to stay involved. It is also not uncommon for this situation to arise in a residential transaction when the buyer is relocating as a result of a job transfer or for other reasons. In transactions such as these, the question is often asked whether the out-of-state-broker can share in a commission, and what role the out-of-state-broker can play in the transaction.

The Real Estate Law (Section 10000 et seq. of the Business and Professions Code) requires a person, including a corporation, to hold a real estate broker license when performing

certain acts within the state, for or in expectation of compensation. The most common acts that require a real estate broker license are set forth in Section 10131 of the Business and Professions Code and include any participation, in person, on telephones or other electronic means in arranging the sale of real property in California once the buyer and seller have been brought together. This means that there is little the out-of-state broker can do in California, unless or until he or she becomes licensed in the state. This does not mean, however, that the California broker can't share a commission with the out-of-state broker. While Section 10137 of the Business and Professions Code makes it unlawful for a California real estate broker to employ or compensate any person for performing acts that require a real estate license in California who is not also licensed as a California broker or is a salesperson employed by the broker, there is one exception.



If yes, please change your license mailing address; this address is used to mail the *Real Estate Bulletin* and renewal notices. Take advantage of *eLicensing* to make the change or use the appropriate "change" form.

The exception allows the broker to pay a commission to the out-of-state broker. The ability to pay the commission does not authorize the out-of-state broker to perform licensed acts, but to in essence, receive a referral fee.

Thus, California real estate brokers should exercise caution when dealing with brokers from another state to ensure that these individuals do not perform acts requiring a California real estate license. 🏠