



REAL ESTATE BULLETIN

Gray Davis, Governor
Maria Contreras-Sweet, Secretary, Business, Transportation, & Housing Agency
Paula Reddish Zinnemann, Real Estate Commissioner

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

Department of Real Estate

Winter 2000

Message from the Commissioner

It's hard to believe that it has been a year since my appointment as Commissioner. They say time flies when you're having fun. It also flies by when you are very busy. For me, it has been a busy learning period, with a bit of fun thrown into the mix. One of the best parts of this past year has been to meet so many caring, professional people during my travels throughout the state. Maria Contreras-Sweet, Secretary of the Business, Transportation & Housing Agency, her staff and the other Department Directors under her aegis form a productive and innovative leadership team. It has been a rewarding and positive experience to work with them.



Paula Reddish Zinnemann

Let me tell you about some of the new programs we've instituted at the Department of Real Estate (DRE).

Continued on page .

In this issue:

- 2000 DRE Legislative Summary
- 2001 RE Law Book
- Web site addresses - When are they fictitious business names?
- Exam Application Processing
- Signed - As per telephone conversation
- Real estate educator conferences

Part II Ten Most Common Violations Found In DRE Audits

As the real estate industry moves into a new millennium, new things pop up everyday to change the way we do business. New terms, such as E-Loans, Internet Marketing, and E-Form have become jargons of the trade. Yet, certain things have not changed - the most common violations found in DRE Audits. In this regard, the second half of the top ten common violations are listed below. (Part I was printed in the Summer 2000 issue.) The purpose of this article is to call your attention to these common deficiencies and to provide you with procedures that you can follow to ensure compliance with these laws and regulations.

Regulation 2832.1 - Trust Fund Handling for Multiple Beneficiaries (Trust Fund Shortage)

Regulation 2832.1 requires the real estate broker to obtain written consent from every owner of the trust funds in the bank account prior to each disbursement if the disbursement will reduce the balance of the funds in the bank account to an amount less than the existing trust fund liability of the broker to all owners of the funds. A trust fund shortage therefore exists when the following conditions are present:

- 1.x The balance of the bank account is less than the total trust fund liability of the broker to all owners of the funds; and
- 2.x There is no written authorization from all owners of the trust funds allowing this.

The most obvious reason for a trust fund shortage is the intentional misuse (conversion) of trust funds. However, simple record keeping errors that remain undetected could result in trust fund shortages and an actual loss of funds. Failure to record a disbursement, or understating the amount of a check disbursed, or overstating the amount of a deposit to the beneficiary ledger/record will cause the beneficiary ledger to show a balance that is larger than the true amount owed to the individual beneficiary. This overstated balance on the ledger is more likely to be paid and, consequently, the beneficiary will be paid more than what is due. The end result is a trust fund shortage.

Performing the proper trust account reconciliation pursuant to Regulation 2831.2 should enable the broker to detect such causes of a trust fund shortage.

Regulation 2832 - Trust Fund Handling

The most common violations in this section found in audits relate to Commissioner's Regulation 2832(a), which requires that a broker place funds accepted on behalf of another into the hands of the owner of the funds, into a neutral escrow depository or into a trust fund account in the name of the broker, or in a fictitious name if the broker is the holder of a license bearing such fictitious name, as trustee at a bank or other financial institution not later than three

Continued on page 4.

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STATE OF CALIFORNIA
GRAY DAVIS, GovernorS

BUSINESS, TRANSPORTATION AND HOUSING AGENCY
MARIA CONTRERAS-SWEET, SecretaryS

DEPARTMENT OF REAL ESTATE
PAULA REDDISH ZINNEMANN, CommissionerS

PRINCIPAL OFFICE

We're located: 2201 Broadway, Sacramento, 95818-2500i
Mailing Address: P.O. Box 187000, Sacramento, 95818-7000i

Administration

- John R. Liberator, Chief Deputy Commissioner.
- Daniel M. Garrett, Asst. Comm., Legislation & Public Information Services
- Sam Perrotti, Assistant Commissioner, Subdivisions.
- Fa-Chi Lin, Chief Auditor.
- William E. Moran, Assistant Commissioner, Enforcement.
- Edward F. Quinteros, Jr., Asst. Commissioner, Administrative Services.
- Robin T. Wilson, Chief Legal Officer.
- Thomas R. Hensley, i. anaging DC IV, Licensing & Exams.
- Betty R. Ludeman, iManaging DC IV, Education.
- Thomas L. Pool, Managing DC III, . ortgage Lending.

Real Estate Bulletin

- Daniel M. Garrett, Editor
- Charlotte Bernardj Publications Deputy.
- Laura Curry, Production Editor.

Primary Telephone Numbers

- Consumer Informationii (916) 227-0864i
- Mortgage Loan Activitiesii (916) 227-0770i
- General Licensing Informationii (916) 227-0931i
- Broker Examinationsii (916) 227-0899i
- Salesperson Examinationsii (916) 227-0900i
- Original Licensing (sales/brokers)ii (916) 227-0904i

NORTHERN ENFORCEMENT AREA — DISTRICT OFFICES

- Steve Ellis, Managing Deputy Commissioner IV.
- i 2550 Mariposa Mall, Suite 3070, **Fresno**, 93721-2273i
M. Dolores Ramos, iManaging Deputy Commissioner II.
Consumer Informationii (559) 445-5009i
- i 1515 Clay Street, Suite 702, **Oakland**, 94612-1402i
Les R. Bettencourt, Managing Deputy Commissioner III.
Consumer Informationii (510) 622-2552i
- i 2201 Broadway, **Sacramento**
Mailing Address: P.O. Box 187000, Sacramento, 95818-7000i
Charles W. Koenig, Managing Deputy Commissioner III.
Consumer Informationii (916) 227-0864i
- i 1350 Front Street, Suite 3064, **San Diego**, 92101-3687i
J. Chris Graves, Managing Deputy Commissioner II.
Consumer Informationii (619) 525-4192i

SOUTHERN ENFORCEMENT AREA — DISTRICT OFFICES

- Randy Brenda, Managing Deputy Commissioner IV.
- i 320 W. 4th Street, Suite 350, **Los Angeles**, 90013-1105i
Thomas McCrady, iManaging Deputy Commissioner III.
Consumer Informationii (213) 620-2072i

SUBDIVISIONS

- Sam Perrotti, Assistant Commissioner, Subdivisions.
- i 2201 Broadway, **Sacramento**
Mailing Address: P.O. Box 187005, Sacramento, 95818-7005i
Margret Stroh, Managing Deputy Commissioner III.
Consumer Informationii (916) 227-0813i
- i 320 W. 4th Street, Suite 350, **Los Angeles**, 90013-1105i
Robert D. Gilmore, iManaging Deputy Commissioner III.
Consumer Informationii (213) 576-6983i

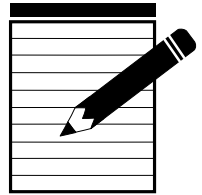
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Message from the Commissioner

Continued from page 1.

Our Subdivision Section is doing its part to implement the Governor's housing policies. Staff now expects all qualified affordable housing projects. We have begun to review and revise the subdivision application forms to make them more comprehensive and user friendly. We continue to work closely with the California Building Industry Association (CBIA) to address industry concerns while being mindful of consumer protections.x



Seminars targeted to small and new developers took place in Los Angeles and Oakland. These were practical, hands-on, how-to seminars, intended to encourage the attendees to incrementally add to the housing stock in California. They were well attended and received favorable comments.x

We also offered outreach programs targeted to the inner city and minority communities regarding how to buy a home and what to expect and demand from one's real estate broker and mortgage lender. Resources for financing and counseling were also provided to attendees.x

By popular request, we will conduct more of these seminars and outreach programs next year. We plan to have a home-buying program presented in Spanish in the Central Valley, and possibly in Santa Ana and San Diego as well. Please check our new and improved Web site for dates, times and locations of the seminars (www.dre.ca.gov).x

Learning how the Department of Real Estate works has been an exciting and enlightening experience for me. I don't expect that excitement to fade. Each day, there is a new issue that must be addressed. Each time I meet with a new group, I leave with new and innovative ideas.x Please keep those ideas coming! Let's make the DRE work better for all of you — licensees and consumers!x🏠

Postal Statement

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2000 DRE Legislative Summary

By Dan Garrett, Manager, Legislation & Public Information

The brief descriptions below of 2000 legislation are intended to alert licensees to pertinent changes of the law. We encourage you to consult the statutes for complete information. Copies of the bills can be obtained from the authors' offices or on-line at <http://www.sen.ca.gov>. Note: All statutes are effective January 1, 2000, unless otherwise noted.

Bill/Author	Subject	Chapter
AB 2284 (Dutra)	Mortgage Loan Brokers	636
AB 2234 (Wiggins)	Prepaid Rental Listing Services	473
AB 860 (Thomson)	Common Interest Developments—Pets	551
SB 1395 (Monteith)	Subdivision Sales	279
AB 935 (Brewer)	Time-shares	522
AB 1823 (Dutra)	Common Interest Developments—Discipline	257

AB 2284 (Dutra) Real Estate-Escrow

This bill contains Department-sponsored provisions to authorize the Commissioner to deny, suspend, or revoke a real estate license in cases of non-payment of charges for audit and preparation of delinquent reports. Also, it amends the required report format for multi-lender transactions to include the broker's identification number, telephone number, fiscal year, loan servicing volume, the servicing agent's address and telephone number, if applicable, and the extent of multi-lender transaction activity. This bill also includes some technical changes and other provisions not sponsored by the Department.

AB 2234 (Wiggins) Prepaid Rental Listing Service License (PRLS)

Makes various changes to the PRLS law. It enables e-commerce, increases bonding amounts and doubles the amount which the licensee may retain as a service charge when a refund is demanded.

AB 860 (Thomson) Common Interest Developments (CIDs) — Pets

Would allow CID and mobilehome residents to have domestic pets subject to reasonable rules. Although the bill is

law January 1, 2001, the bill's provisions would only be effective for new subdivisions or governing documents entered into or amended after that date.

SB 1395 (Monteith) Bulk Subdivision Sales

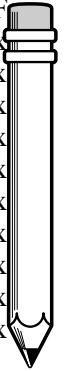
This bill provides that a developer need not apply and qualify for a subdivision public report if: (a) the units are being offered to another developer/builder, and (b) the sales contract includes a statement that the purchasing developer/builder will comply with the qualification requirements and obtain a public report when ultimately selling to the consumer/buyer. It also establishes a new service whereby the Department, for a fee, would review and approve common interest development management documents voluntarily submitted by developers without their having to submit them as part of a complete application for a public report.

AB 935 (Brewer) Time-shares

This bill: (1) Clarifies the law relating to projects with affiliated sites which are controlled through a mandatory reservation system. The affiliated site need not be individually qualified so long as a priority window for making reservations and a clear, one page, State disclosure is provided which outlines the rights which the purchaser is acquiring. (2) Provides reasonable procedures by

Reference Book Corrections

or those who purchased the Reference Book. Since July 2000, there are a few errors in Chapter 5, "Mortgage Loans" as listed below. Owners of the Reference Book are encouraged to make these corrections in their copies of the book. Bulk purchasers may request copies of an errata sufficient to update the stock they hold by calling the Publication Unit at (916) 227-0938.



- Page 308 — Under Threshold Criteria, subsection "1" the number of transactions should be changed from 20 to 10 or more" and the dollar amount from \$2,000,000 to \$1,000,000. In subsection "2" the dollar amount should be changed from \$500,000 to \$250,000. In subsection "3" the dollar amount should be \$250,000 not \$500,000.
- Page 309 — Under Retention of Funds, a broker may not retain funds for more than 25 days, not 60 days as shown.

which homeowners associations could terminate a mandatory reservation system. (3) Places a 10% per year limit which increases in the cost of a mandatory reservation system.

AB 1823 Common Interest Developments (CIDs) - Discipline

This bill requires: (a) Homeowner association boards to provide more thorough notice procedures when attempting to impose discipline upon homeowners, and (b) requires sellers of CID units to disclose to prospective purchasers the existence of any unpaid fines or assessments or pending rule violations.

Ten most common violations found in DRE audits

Continued from page 1.

business days following receipt of the funds by the broker or by the broker's salesperson. Two of the most common problems related to this regulation are:

- 1.x A broker's failure to designate accounts receiving trust funds as *trust fund accounts* in the name of the broker or broker's dba as trustee, and
- 2.x Failure to deposit trust funds received by a broker or broker's employee into a trust fund account within three business days of receipt.

Other violations of this section relate to a broker's use of an improper interest-bearing account (Regulation 2832(b)), a broker's failure to place checks received from an offeror into a neutral escrow depository or trust fund account in a timely manner following acceptance of an offer (Regulations 2832(c & d)) and failure of a broker acting as an escrow holder in a transaction in which the broker is performing acts for which a real estate license is required to place trust funds received as required not later than the next business day following receipt of the funds (Regulation 2832(e)).

Regulation 2834 – Trust Account Withdrawals

Commissioner's Regulation 2834(a) states that withdrawals may be made from a trust fund account of an individual broker only upon the signature of the broker or one or more of the following persons if specifically authorized in writing by the broker:

- 1.x A salesperson licensed to the broker.
- 2.x A person licensed as a broker who has entered into a written agreement pursuant to Section 2726 with the broker.
- 3.x An unlicensed employee of the broker with fidelity bond coverage at least equal to the maximum amount of trust funds which the employee has access at any time.

Regulation 2834(b) also states that withdrawals may be made from a trust fund account of a corporate broker only upon the signature of:

- 1.x An officer through whom the corporation is licensed pursuant to Section 10158 or 10211 of the Code; or
- 2.x One of the persons enumerated in paragraph (1), (2) or (3) of Regulation 2834(a), provided that specific authorization in writing is given by the officer through whom the corporation is licensed and the officer is an authorized signatory of the trust fund account.

Regulation 2834(c) states that a broker or broker-officer is responsible or liable for the handling of trust funds regardless of the existence of any authorization given regarding signature authority.

The most common violations found in audits related to Regulation 2834 are:

- 1.x The failure of the broker or designated officer to be a signatory of the trust account (this may indicate a supervision problem).
- 2.x Presence of an unlicensed signatory of the trust account who does not have fidelity bond coverage.
- 3.x Fidelity bond coverage in an inadequate amount and/or has a deductible.
- 4.x The failure of the broker or designated officer to give specific written authorization permitting a salesperson, broker or unlicensed person to sign on the trust account.

B & P Code Section 10145/ Regulation 2835 – Commingling

A broker shall not commingle with his or her own money or property the money or property of others which he or she receives and holds. Common causes of this violation are the deposit of trust funds received into the broker's general business account or maintenance of over \$200 in broker funds in a trust account holding trust funds.

A common example of this violation is when a broker deposits credit report fees and/or appraisal fees received into his or her general bank account instead of a trust account when he or she has not yet paid the bill. Often, the reason for this violation is that the broker does not maintain a trust account or the broker was not aware that credit report fees and appraisal fees are trust funds.

B & P Code Section 10240 – Written Disclosure Statement

Another often-cited violation is Section 10240 of the code which requires brokers to provide a borrower with a mortgage loan disclosure statement within three business days after receipt of a completed loan application or before the borrower becomes obligated on the note, whichever is earlier. Real estate brokers often fail to provide the Mortgage Loan Disclosure Statement (Borrower) or, in a federally regulated residential mortgage loan transaction, fail to comply with Section 10240(c). Other brokers fail to maintain completed copies for their files.

In conclusion, as you race to keep up with the ever-changing opportunities that present themselves in business today, take a moment to stop and ensure that your business is operating in compliance with these and other critical real estate laws.

Just a reminder

To keep your license records up to date, please:

- Submit renewal documents at least 30 days before your expiration date.
- Submit address and employment changes in a timely manner.

Renewal forms and change applications are available at each District Office and from our Web site at www.dre.ca.gov

Disciplinary Action — June to August 2000



- ✓ 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; 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 Commission.

missioner, 2 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. Disciplinary actions that are “stayed” means “a delay in carrying out” all or part of the recommended discipline.

Commissioner's Regulations

- 2715n Licensee's failure to maintain current business or mailing address with DREn
- 2725n Failure of broker to exercise reasonable supervision over the activities of his or her salespersons
- 2726n Failure to have broker-salesperson agreements
- 2731n Unauthorized use of fictitious business names
- 2752n Broker's failure to notify DRE of salesperson employment
- 2753n Broker's failure to retain salesperson's license at main office or return the license at termination of employment
- 2831n Failure to keep proper trust fund records
- 2831.1n Inadequate separate trust fund beneficiary records
- 2831.2n Failure to reconcile trust accounts
- 2832n Failure to comply with trust fund handling provisions
- 2832(a)n 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
- 2832.1n Failure to obtain permission to reduce trust fund balance in multiple beneficiary accounts
- 2834n Trust account withdrawals by unauthorized or unbonded person
- 2835n Retention of broker funds in trust accounts
- 2840n Failure to give approved borrower disclosures
- 2970n Failure to submit advance fee material for review
- 2972n Advance fee accounting

Business and Professions Code

- 490n Denial of license based upon certain grounds
- 498n Substantially related criminal conviction
- 10085n License obtained by fraud or misrepresentation
- 10130n Failure to submit advance fee materials
- 10137n Acting without license
- 10145n Unlawful employment or payment of compensation
- 10145n Trust fund handling
- 10145(a)n Trust fund handling
- 10145(c)n Failure by salesperson to deliver trust funds to broker
- 10146n Advance fee handling
- 10148n Failure to retain records and make available for inspection
- 10159.2n Failure by designated officer to supervise licensed acts of corporation
- 10159.5n Failure to obtain license with fictitious business names
- 10161.8n Failure of broker to notify Commissioner of salesperson employment/termination
- 10161.8(a)n Failure of broker to notify Commissioner of salesperson employment
- 10161.8(b)n Failure of broker to notify Commissioner of salesperson termination
- 10162n Failure to maintain a place of business
- 10163n Failure to obtain a branch office license
- 10176(a)n Making any substantial misrepresentation
- 10176(e)n Commingling trust funds with brokers funds
- 10176(i)n Fraud or dishonest dealing in licensed capacity
- 10177(a)n Procuring a real estate license by misrepresentation or material false statement
- 10177(b)n Conviction of crimes
- 10177(d)n Violation of real estate law or regulations
- 10177(f)n Conduct that would have warranted denial of a license

- 10177(g)n Negligence or incompetence in performing licensed acts
- 10177(h)n Failure to supervise salespersons or licensed acts of corporation
- 10177(j)n Fraud or dishonest dealing as principal
- 10177(k)n Violation of restricted license condition
- 10177.4n Acceptance of compensation for referral of customers to certain service providers
- 10177.5n Civil fraud judgment based on licensed acts
- 10234n Failure to broker negotiating mortgage loan to record or cause trust deed to be recorded
- 10236.4n Failure to include license number or DRE license information telephone number in documents
- 10240n Failure to give mortgage loan disclosure statements

REVOKED LICENSES

Fresno Region

- Burrus, Bette (RREB)J**
1665 W. Shaw, #104, Fresno
Effective: 8/10/00
Violation: 10130, 10131(a)(b), 10177(d)n
- Lockhart, Tessa Anne (RES)J**
1814 June Ave., Bakersfield
Effective: 7/10/00
Violation: 498, 10177(a)n

Los Angeles Region

- Adam, Jessica M. (RES)J**
13921 Tustin E Dr., #62, Tustin
Effective: 8/28/00
Violation: 480, 498, 10177(a)n
- Apex Property Mgmt., Inc. (REC)J**
5200 Warner Ave., #105, Huntington Beach
Effective: 8/22/00
Violation: 10176(e)(i), 10177(d)(g)n
- Ayoade, Tubosun Toyese (RES)J**
206 Long Beach Blvd., #217, Long Beach
Effective: 7/19/00
Violation: 490, 10177(b)n
- Beardslee, Clark Smith (REB, REO)**
5200 Warner Ave., #105, Huntington Beach
Effective: 8/22/00
Officer of: Apex Property Management, Inc.n
Violation: 10176(e)(i), 10177(d)(h)n

Berdugo, Henry Lisandro (RES)J
2168 S. Atlantic Blvd., PMB #485, Monterey Park
Effective: 6/14/00
Violation: 490, 10177(a)(b)n

Berumen, Alonso Rivera (RES)J
2515 Mathews, Apt. C, Redondo Beach
Effective: 7/11/00
Violation: 10177(j)n

Brumbaugh, Temra Lorraine (RES)J
632 C El Camino Real, Tustin
Effective: 8/3/00
Violation: 490, 10177(b)n

Brunette, Danial Marc (RES)J
1273 Sheffield, Thousand Oaks
Effective: 6/22/00
Violation: 498, 10177(a)n

Bugna, Randolph Charles (REB)J
P.O. Box 17718, Irvin
5200 Warner Ave., #105, Huntington Beach
Effective: 8/22/00
Violation: 2715, 10162, 10165, 10177(d)n

Coastland Mortgage Corporation (REC)J
One Civic Plaza, Ste. 875, Carson
Effective: 8/2/00
Violation: 10137n

Corella, Juan Alberto (RES)J
8124 San Carlos Ave., South Gate
Effective: 7/18/00
Violation: 10177(g)n

Debose, Carmen (RES)J
14431 Ventura Blvd., #359, Sherman Oaks
Effective: 7/19/00
Violation: 10177(f)(j)n



Duwaik, Ahmad Salah (RES)J
119 27th St., Newport Beachn
Effective: 8/10/00n
Violation: 490, 498, 10177(a)(b)n

Gonzalez, Marybel (RES)J
P.O. Box 1287, Montebellon
Effective: 8/8/00n
Violation: 490, 498, 10177(a)(b)n

Grimes, Elizabeth (RES)J
8841 Orion Ave., #3, North Hillsn
Effective: 7/19/00n
Violation: 490, 498, 10177(a)(b)n

Hallock, Braven Scott (RES)J
1344 Brookside Ct., Uplandn
Effective: 8/7/00n
Violation: 10130, 10177(d)(j)n

Hawkins, Anita (RES)J
P.O. Box 400468, Hesperian
Effective: 7/5/00n
Violation: 490, 10177(b)n

Hernandez, Myriam (RES)J
609 Lantana St., #10, Camarillon
Effective: 7/5/00n
Violation: 490, 10177(b)n

J. Diamond & Asso., Inc. (REC)J
818 N. Mountain Ave., Ste. 205,n
Uplandn
Effective: 8/3/00n
Violation: 10145(a), 10177(d)n

Kim, Daniel Taerim (RES)J
2440 Micheltorena St.,n
Los Angelesn
Effective: 8/1/00n
Violation: 498, 10177(a)n

Laas, Ronald Emil (RES)J
4385 Cochran St., Simi Valleyn
Effective: 8/1/00n
Violation: 10177.5n

Lanza Investment Corp. (REC)J
123 West E St., Ontarion
Effective: 8/10/00n
Violation: 10177(f)n

Medina, Frank B. (RES)J
1801 W. Garvey Ave., #319,n
Alhambran
Effective: 8/1/00n
Violation: 490, 10177(b)n

Michalec, Timothy A. (RREB)J
68007 Lakeland Dr.,n
Cathedral Cityn
Effective: 6/7/00n
Violation: 2725, 2726, 2753,n
2831, 2831.1, 2831.2, 2832.1,n
10145, 10148, 10177(d)n

Morris, Peter Gregory (RES)J
6869 Indiana Ave., Riversiden
Effective: 7/31/00n
Violation: 490, 10177(b)n

Renaissance Financial Group, Inc. (REC)J
3 Hutton Centre Dr., Ste. 150,n
Santa Anan
Effective: 7/5/00n
Violation: 2715, 10162, 10165,n
10177(d)n

Reycraft, Richard Miller (RES)J
207 - 2nd St., Newport Beachn
Effective: 7/25/00n
Violation: 498, 10177(a)n

Rubi, Ruben (RES)J
15214 Whittier Blvd., #C,n
Whittiern
Effective: 8/1/00n
Violation: 10177.5n

Schelhorn, Vern Nadine (RES)J
1623 Benbow St., San Dimasn
Effective: 8/30/00n
Violation: 490, 10177(b)n

Shindler, Jeffry Jamieson (RES)J
514 Baywood Dr.,n
Newport Beachn
Effective: 8/17/00n
Violation: 498, 10177(a)n

Stapp, Alan Lee (REB)J
350 Broadway, Laguna Beachn
Effective: 7/19/00n
Violation: 10177.5n

Williams, Donald Hill Jr. (RES)J
26342 Forest Ridge Dr., #1B,n
Lake Forestn
Effective: 7/5/00n
Violation: 490, 10177(b)n

Wong, Tony (REB)J
690 E. Green St., Los Angelesn
Effective: 7/5/00n
Violation: 10177.5n

Yen, Dat (RREB)J
2708 W. Alhambra Rd.,n
Alhambran
Effective: 8/1/00n
Violation: 2831.2, 2832, 2834,n
2840, 10145, 10177(d), 10234n

Oakland Region

Akeson, Glenn C. (RREB)J
320 Brookside Dr., Antiochn
Effective: 6/8/00n
Violation: 2831, 2831.1, 2831.2,n
2832.1, 10145, 10177(d)n

Beerbower, Albert James (REB)J
400 College Ave., Santa Rosan
Effective: 8/16/00n
Violation: 490, 10177(b)n

Jan, Daniel Thomas (RES)J
6062 Mt. Rushmore Cir.,n
Castro Valleyn
Effective: 8/3/00n
Violation: 490, 498, 10177(a)(b)n

Kroff, Steven (REB)J
549 Magdalena Ave., Los Altosn
Effective: 7/3/00n
Violation: 10177(f)n

Martin, Genevieve Lucinda (RES)J
17220 Phillips Ave., Los Gatosn
Effective: 8/14/00n
Violation: 490, 10177(b)n

Mason, Perry A. (RES)J
106 N. Bayshore, #38, San Mateon
Effective: 7/13/00n
Violation: 490, 10177(b)n

Offutt, Valerie Ruth (RRES)J
14244 Saratoga Ave., Saratogan
Effective: 7/7/00n
Violation: 490, 10177(b)n

Pengilly, Mindy Kay (RREB)J
1321 Laurel St., San Carlosn
Effective: 7/7/00n
Violation: 10177(k)n

Sutherland, Richard Rogers (REB)J
10600 N. DeAnza Blvd., #120,n
Cupertino
Effective: 6/6/00n
Violation: 490, 10177(b)n

Webster, Lauretta Elaine (RES)J
P.O. Box 413, Bethel Islandn
Effective: 7/26/00n
Violation: 490, 10177(b)n

Williams, Gail Elaine (RES)J
32019 Carroll Ave., Haywardn
Effective: 6/20/00n
Violation: 490, 10177(b)n

Sacramento Region

Fleming, Mattie Ruth (RES)J
513 Georgia St., Vallejon
Effective: 7/12/00n
Violation: 10130, 10137,n
10176(a)(i), 10177(d)(j)n

Lok, Stephen S. (RES)J
P.O. Box 189371, Sacramenton
Effective: 6/7/00n
Violation: 10176(a)(i)n

Villanueva, Joseph George (RES)J
P.O. Box 991, Lodin
Effective: 7/6/00n
Violation: 490, 498, 10177(a)(b)n

Wong, Hardy (RES)J
8568 Charente Way, Elk Groven
Effective: 8/15/00n
Violation: 2731, 10130,n
10177(d)(j)

San Diego Region

Bonventre, Ann Marie (RES)J
12140 Wintergreen Dr., #3,n
Lakesiden
Effective: 8/25/00n
Violation: 490, 10177(b)n

Brandenburg, Buddy Wallace (RES)J
8417 Broadway, Unit 211, Lemon
Groven
Effective: 6/27/00n
Violation: 498, 10177(a)n

Young, Donna R. (RES)J
2134 Foster St., Oceansiden
Effective: 6/29/00n
Violation: 490, 10177(b)n

REVOKED WITH A RIGHT TO AI RESTRICTED LICENSEI

Fresno Region

Fisher, William Thomas (REB)J
3454 W. Roberts Ave., Fresno
Effective: 7/7/00n
Violation: 2831, 2831.1, 2831.2,n
2832(a), 2832.1, 10145, 10177(d)n
Right to RREB license on termsn
and conditionsn

Los Angeles Region

Ahmed, Syed Anis (RES)J
63 Kazan St., Irvinen
Effective: 6/30/00n
Violation: 10130, 10177(d)n
Right to RRES license on termsn
and conditionsn

Blanks, Sharon Kay (RES)J
P.O. Box 233, Hermosa Beachn
Effective: 8/2/00n
Violation: 10130, 10177(d)n
Right to RRES license on termsn
and conditionsn

Darwal Corporation (REC)J
556 South C St., Oxnardn
Effective: 8/24/00n
Violation: 2831, 2832,n
10131(a)(d), 10137, 10145(a),n
10176(e), 10177(d)(g), 10240n
Right to RREC license on termsn
and conditionsn

Dean, Owen Riley (REB, REO)J
2565 E. Chapman Ave., #200,n
Fullerton
Effective: 8/18/00n
Officer of: PDQ Financial, Inc.n
Violation: 2831.1, 2831.2, 2834,n
10137, 10145, 10159.2, 10177(d)n
Right to RREB license on termsn
and conditionsn

Dunn, Dana Lynn (RES)J
27095 Lamdin Ave., Menifeen
Effective: 8/2/00n
Violation: 490, 10177(b)n
Right to RRES license on termsn
and conditionsn

Evans, Michelle Renee (RES)J
P.O. Box 55387, Riversiden
Effective: 8/29/00n
Violation: 490, 10177(b)n
Right to RRES license on termsn
and conditionsn

Franco, Miguel (REB)J
P.O. Box 4440, Tustin
Effective: 8/22/00n
Violation: 490, 10177(b)n
Right to RRES license on termsn
and conditionsn

Garcia, Maria Delcarmen (RES)J
827 W. Dike St., Glendoran
Effective: 7/31/00n
Violation: 490, 10177(b)n
Right to RRES license on termsn
and conditionsn

Gilbert, Daniel Armand (RES)J
14622 Ventura Blvd., #497,
Sherman Oaksn
Effective: 8/30/00n
Violation: 490, 10177(b)n
Right to RRES license on termsn
and conditionsn

Haid, Billie Gorman (RES)J
27 Nopalitos Way, Aliso Viejon
Effective: 8/22/00n
Violation: 490, 10177(b)n
Right to RRES license on termsn
and conditionsn

Hannan, Jerome B. (RES)J
190 Arroyo Terrace, #309,n
Pasadenan
Effective: 8/2/00n
Violation: 10177.5n
Right to RRES license on termsn
and conditionsn

Henry, Ernest William (REB)J
233 S. Fremont, Alhambran
Effective: 7/7/00n
Violation: 2831, 2831.2, 10145,n
10148, 10177(d)(g)n
Right to RREB license on termsn
and conditionsn

Jones, Robert Woodrow (REB)J
28410 Old Town Front St., #101,n
Temeculan
Effective: 7/19/00n
Violation: 2715, 2725, 2726,
2731, 2753, 10145(a), 10177(d)(g)
Right to RREB license on terms
and conditionsn

Loterina, Renee Bibal (RREB)J
18911 S. Rochelle Ave., Cerritosn
Effective: 8/2/00n
Officer of: Coastland Mortgage
Corporation
Violation: 10137, r10159.2,n
10177(h)n
Right to RRES license on terms
and conditionsn

McGookin, Jon Maxwell (RES)J
5510 Wentworth Dr., Riversiden
Effective: 8/1/00n
Violation: 10130, r10177(d)n
Right to RRES license on terms
and conditions; RRES licensen
suspended for 80 daysn

**O'Connor, John Joseph (REB, J
REO)J**
13624 Hornbrook Rd., Hornbrookn
Effective: 8/24/00n
Officer of: Darwal Corporation
Violation: 2831, 2832,n
10131(a)(d), 10137, 10145(a),n
10176(e), 10177(d)(h), 10240n
Right to RREB license on terms
and conditionsn

Oxx, May Isobel (REB)J
8205 Santa Monica Blvd., #491,n
West Hollywoodn
Effective: 8/31/00n
Violation: 490, 10177(b)n
Right to RREB license on terms
and conditionsn

PDQ Financial, Inc. (REC)J
2565 E. Chapman Ave., #200,n
Fullerton
Effective: 8/18/00n
Violation: 2831.1, 2831.2, 2834,n
10137, 10145, 10177(d)n
Right to RREC license on terms
and conditionsn

Rivera, German Alfonso (RES)J
1850 East 17th St., Santa Anan
Effective: 7/20/00n
Violation: 10130, 10177(g)n
Right to RRES license on terms
and conditionsn

**Security Pacific Mortgage J
Corporation (REC)J**
42149 Big Bear Blvd.,n
Big Bear Laken
Effective: 6/1/00n
Violation: 2726, 2731, 2834,n
10145, 10177(d), 10240n
Right to RREC license on terms
and conditionsn

Tamplin, Richard Leslie (RES)J
22192 Caminito Arroyo Seco,n
Laguna Hillsn
Effective: 7/5/00n
Violation: 498, 10177(a)n
Right to RRES license on terms
and conditionsn

Thomas, Denis Ray (REB, REO)J
42149 Big Bear Blvd.,n
Big Bear Laken
Effective: 6/1/00n

Violation: 10145, r10177(h),n
10240n
Right to RREB license on terms
and conditionsn

Oakland Region

**Badagliacco, Dennis John (REB, J
REO)J**
1124 Meridian Ave., San Josen
Effective: 7/7/00n
Officer of: Willow Creek
Investments, Inc.n
Violation: 2831.2, r2832.1,n
10145, r10177(d)n
Right to RREB license on terms
and conditionsn

Gioseffi, Thomas Michael (REB)J
38 Twin Oaks Ave., San Rafaeln
Effective: 8/30/00n
Violation: 2831, 2831.1, 2831.2,n
2832, 2834, 2970, 2972, 10085,n
10137, 10145(a)(d), 10146,n
10159.5, 10176(e), 10177(d)n
Right to RRES license on terms
and conditionsn

Hong, Anna Sayoung (RES)J
34276 Eucalyptus Terrace,n
Fremontn
Effective: 8/22/00n
Violation: 10130, r10177(d)n
Right to RRES license on terms
and conditionsn

Low, Lester Chew (REB)J
3639 Lincoln Way, San Franciscon
Effective: 6/16/00n
Violation: 490, r10177(b)n
Right to RRES license on terms
and conditionsn

Ryan, Leslie Eugene (REB)J
495A E. Perkins St., Ukiahn
Effective: 7/11/00n
Violation: 2831.2, r2832.1,n
1, 10145, 10177(d)(h)n
Right to RREB license on terms
and conditionsn

Saltnes, Inge (REB)J
355 Northumberland Ave.,n
Redwood Cityn
Effective: 7/5/00n
Violation: 490, r10177(b)n
Right to RREB license on terms
and conditionsn

Tow, Russ (RES)J
495 E. Perkins, Ukiahn
Effective: 7/11/00n
Violation: 10176(a)n
Right to RRES license on terms
and conditionsn

Travassos, Richard Henry (RES)J
660 Bair Island Rd., #30,n
Redwood Cityn
Effective: 7/3/00n
Violation: 10176(a), r10177(g)n
Right to RRES license on terms
and conditions; RRES licensen
suspended for 15 daysn

**Willow J reek Investments, Inc. J
(REC)J**
1124 Meridian Ave., San Josen
Effective: 7/7/00n
Violation: 2831.2, r2832.1,n
10145, r10177(d)n
Right to RREC license on terms
and conditionsn

Sacramento Region

Bredy, Steven J. (RES)J
P.O. Box 1387, Fair Oaksn
Effective: 5/5/00n
Violation: 10130, r10137,n
10145(c), 10176(e), 10177(d)n
Right to RRES license on terms
and conditionsn

Clark, Shannon Sue (RES)J
7142 Trousdale Pl., Stockton
Effective: 8/2/00n
Violation: 498, 10177(a)n
Right to RRES license on terms
and conditionsn

San Diego Region

Bloomington, Mary Ellen (RREB)J
8262 University Ave., La Mesan
Effective: 8/10/00n
Violation: 10130, r10148,n
10177(d)n
Right to RREB license on terms
and conditionsn

Kojac, Douglas Roy (REB)J
197 Mangano Circle, Encinitasn
Effective: 8/21/00n
Violation: 10176(i), r10177(j)n
Right to RREB license on terms
and conditionsn

Tacon, Daniel Anthony (RES)J
10040 Mapletree Rd., Santeen
Effective: 8/2/00n
Violation: 10176(a)(i)n
Right to RRES license on terms
and conditionsn

SUSPENDED WITH STAYi

Los Angeles Region

Alexander, Lillian (RES)J
6428 West View Dr., Orangen
Effective: 8/22/00n
Violation: 10130, r10177(d)n
Suspended for 180 days-stayed
for 1 year on terms and conditionsn

**All Homes & Investments, Inc. J
(REC)J**
27785 Santa Margarita Pkwy.,n
Mission Viejon
Effective: 8/29/00n
Violation: 10177.4, r10177(d)n
Suspended for 90 days-stayed for
2 years on terms and conditionsn

Boye, John (RES)J
1734 Ximeno Ave., Apt. 19,n
Long Beachn
Effective: 7/5/00n
Violation: 490, r10177(b)n
Suspended for 180 days-stayed
for 1 year on terms and conditionsn

Burd, Gene William (REB, REO)J
5003 Ball Rd., Cypressn
Effective: 6/1/00n
Officer of: Gene W. Burdn
Enterprises, Inc.n
Violation: 10159.2, r10177(h)n
Suspended for 90 days-stayed for
1 year on terms and conditionsn

Cruz, Julia (RES)J
2501 Cherry Ave., #150,n
Long Beachn
Effective: 8/1/00n
Violation: 10130, r10177(d)n
Suspended for 80 days-stayed for
1 year on terms and conditionsn

**Gene W. Burd Enterprises, Inc. J
(REC)J**
5003 Ball Rd., Cypressn
Effective: 6/1/00n
Violation: 2831.2, r2832.1,n
10145, r10177(d)n
Suspended for 90 days-stayed for
1 year on terms and conditionsn

Goliath, John Steven (REB)J
300 N. Tustin Ave., #200,n
Santa Anan
Effective: 7/20/00n
Violation: 10130, r10177(h)n
Suspended for 60 days-stayed for
2 years on terms and conditionsn

Hemet Mortgage, Inc. (REC)J
910 E. Florida Ave., Ste. A-3,n
Hemetn
Effective: 7/5/00n
Violation: 2726, r10161.8,n
10163, 10165, 10177(d)n
Suspended for 90 days commenc-n
ing 8/3/00-Stayed for 1 year on
conditionsn

**Hotel Timeshare Resales, Inc. J
(REC)J**
74-924 Country Club Dr.,n
Ste. 120, Palm Desertn
Effective: 7/20/00n
Violation: 2831, 2832, 10145,n
10177(d)n
Suspended for 60 days-stayed for
2 years on terms and conditionsn

Krasovec, Brenda Lee (REB, REO)J
28581 Front St., Ste. 210,n
Temeculan
Effective: 7/5/00n
Officer of: Hemet Mortgage, Inc.n
Violation: 2726, r10161.8(a),n
10163, 10165, 10177(d)(g)(h)n
Suspended for 90 days commenc-n
ing 8/3/00-Stayed for 1 year on
conditionsn

Noujaim, Nazih Emile (REB, REO)J
76-800 Queens Ct., Palm Desertn
Effective: 7/20/00n
Officer of: Hotel Timeshare
Resales, Inc.n
Violation: 2831, 2832, 10145,n
10177(h)n
Suspended for 60 days-stayed for
2 years on terms and conditionsn

Rey, Teresa M. (RES)J
P.O. Box 1195, Temple Cityn
Effective: 7/5/00n
Violation: 10176(a)n
Suspended for 80 days-stayed for
1 year on terms and conditionsn



Shim, Jong M. (REB)J

3700 Wilshire Blvd., #282,n
Los Angelesn
Effective: 8/22/00n
Violation: 2726, 2831, 2831.1,n
10137, 10177(d)(h), 10240n
Suspended for 90 days-stayed for
2 years on terms and conditionsn

Soni, Vijay (REB, REO)J

4662 Barranca Pkwy, Irvinen
Effective: 7/5/00n
Violation: 2831, 10130, 10163,n
10177(d), 10240n
Suspended for 60 days-stayed for
1 year on terms and conditionsn

Wilson, Gerald Anthony (REB)J

27785 Santa Margarita Pkwy.,n
Mission Viejon
Effective: 8/29/00n
Officer of: All Homes &n
Investments, Inc.n
Violation: 10177.4, 10177(d)n
Suspended for 90 days-stayed for
2 years on terms and conditionsn

Oakland Region**Magliano, Randall James (RES)J**

1600 S. Main St., Ste. 115,n
Walnut Creekn
Effective: 8/24/00n
Violation: 10130, 10176(f),n
10177(d)n
Suspended for 90 days-stayed for
1 year on conditionsn

Moynihan, Bryant R. (REB, REO)J

1241 N. McDowell Blvd.,n
Petaluman
Effective: 8/4/00n
Officer of: Nexus Realty Group,n
Inc.n
Violation: 10176(f)n
Suspended for 90 days-stayed for
1 year on terms and conditionsn

Nexus Realty Group, Inc. (REC)J

1241 N. McDowell Blvd.,n
Petaluman
Effective: 8/4/00n
Violation: 10176(f)n
Suspended for 90 days-stayed for
1 year on terms and conditionsn

Wood, Barry James (RES)J

P.O. Box 1194, San Ramon
Effective: 8/24/00n
Violation: 10130, 10176(f),n
10177(d)n
Suspended for 90 days-stayed for
1 year on conditionsn

San Diego Region**Flaherty, Gregory Shawn (REB, J REO)J**

4444 Mission Blvd., San Diegon
Effective: 7/11/00n
Officer of: Penny Realty, Inc.n
Violation: 2752, 2826, 2831,n
2831.1, 2832.1, 2834, 2835,n
10145, 10176(a)(e)(i), 10177(d)n
Suspended for 60 days-stayed for
1 year on terms and conditionsn

Penny Realty, Inc. (REC)J

4444 Mission Blvd., San Diegon
Effective: 7/11/00n
Violation: 2752, 2826, 2831,n
2831.1, 2832.1, 2834, 10145,n

10176(a)(i), 10177(d)n
Suspended for 60 days-stayed for
1 year on terms and conditionsn

Scholfield, Joseph Ray (REB, J REO)J

1507 Gold Rush Way, Oceansiden
Effective: 8/4/00n
Officer of: Home Buyers
Financial, Inc.n
Violation: 10148, 10161.8(b),n
10177(d)n
Suspended for 20 days-stayed for
1 year on terms and conditionsn

LICENSE SURRENDERED

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

Los Angeles Region**Caley, Shawn (REB)J**

901 S. Lone Pine Ln.,n
Anaheim Hillsn
Effective: 8/1/00

Jansen, Diana Lee (REB)J

11 Vista Del Ponto, San Clementen
Effective: 6/7/00n

Rubow, Terre Lynne (RES)J

1455 Via Vallarta, Riversiden
Effective: 7/25/00n

Secured Investment Capital (REC)J

7434 Vantage Ave.,n
North Hollywoodn
Effective: 8/10/00n

Oakland Region**Miller, Mark Anthony (RES)J**

1172 S. Main St., #230, Salinasn
Effective: 6/12/00n

Sacramento Region**Whittle, Jennifer (RES)J**

P.O. Box 8229, Woodlandn
Effective: 7/19/00n

San Diego Region**Combs, Joe (REB)J**

10789 Cariuto Ct., San Diegon
Effective: 6/12/00n

Home Buyers Financial, Inc. (REC)J

1507 Gold Rush Way, Oceansiden
Effective: 8/4/00n

INDEFINITE SUSPENSIONS

(under Recovery Acct.
provisions)

Los Angeles Region**Ahn, John (REB)J**

1136 Flanders Rd., La Canada-n
Flintridge
Effective: 7/17/00n

Diaz, Arthur (RES)J

908 Calle Primavera, San Dimasn
Effective: 8/22/00n

Greenly, Jack R. (REB)J

121 W. Coast Hwy., #402,n
Newport Beachn
Effective: 8/22/00n

**Available in January
2001 Real Estate Law Book**

The Department anticipates availability of the 2001 *Real Estate Law Book* in January of 2001. The Law Book contains the Real Estate Law (from the Business and Professions Code), the Regulations of the Real Estate Commissioner (from the California Code of Regulations), portions of the Administrative Procedures Act, and pertinent excerpts from various California Codes.

Electronic version

The electronic version of the 2001 Law Book will be available on CD (Windows and Macintosh) and diskette (Windows only) in a Folio VIEWS information processing program providing users with powerful search, bookmarking and annotation features.

Ordering

Purchasers should delay sending orders for the Law Book until early January of 2001. This applies to both the paper and electronic versions of the book.

Cost

The price of the book will remain \$20, plus sales tax. We will also continue the discounted price of \$35 (plus tax) for the purchase of a paper book and an electronic version (CD or diskette).

Johnson, George Albert (REB)J

816 North O St., #55, Lompocn
Effective: 8/1/00n

Kaneshiro, Russ Alan (REB)J

20311 Valley Blvd., Ste. A,n
Hacienda Heightsn
Effective: 8/22/00n

Lopez, Alexander Portillo (REB)J

5315 E. Beverly Blvd., Ste. n,n
Los Angelesn
Effective: 8/31/00n

Miller, Stephen Catter (REB)J

Bansa Corporation (REC)J
11150 W. Olympic Blvd., #860,n
Los Angelesn
Effective: 7/17/00n

Riedy, Gerald Allen (REB)J

1411 W. 190th St., Ste. 200,n
Gardenan
Effective: 6/27/00n

Rocco, Gianni (RES)J

9831 Cabanas Ave., Tujungan
Effective: 6/27/00n

Watson, Wayne Hayes Jr. (REB)J

10245-B La Hacienda,n
Fountain Valleyn
Effective: 8/2/00n

Oakland Region**Baseline Capital, Inc. (REC)J**

15951 Los Gatos Blvd., #11A,n
Los Gatosn
Effective: 8/1/00n

Parkinson, Michael William (REB)J

2939 Old Almaden Rd., #14,n
San Josen
Effective: 8/1/00n

Redwood Empire Mortgage Company, Inc. (REC)J

725 Farmers Ln., Ste. 9,n
Santa Rosan
Effective: 6/27/00n

Santiago, Rudolph (REB)J

19195 Bellinzona Ave., Salinasn
Effective: 6/27/00n

SUSPENDED**Los Angeles Region****Glendora Mortgage, Inc. (REC)J**

1920 E. Alosta Ave., Glendoran
Effective: 8/23/00n
Violation: 2715, 10162, 10165,n
10177(d)n

Image Mortgage, Inc. (REC)J

28751 Rancho California Rd.,n
Ste. 201, Temeculan
Violation: 2715, 10162, 10165,n
10177(d)n

Mortgage Lenders Acceptance Corporation (REC)J

211 E. Imperial Hwy, Ste. 211,n
Fullerton
Effective: 8/29/00n
Violation: 2715, 10162, 10165,n
10177(d)n

Web Site Addresses When are they fictitious business names?


The use of an Internet Web site by real estate brokers in connection with marketing efforts and customer support is becoming a standard practice in the real estate industry. This article will present general guidelines as to when the use of a Web site will simply be considered an address by the Department, and when it will be considered a fictitious business name.

The determination as to whether or not a Web site address used by a real estate broker needs to be filed with the Department as a fictitious business name depends primarily on how the address appears when it is displayed in advertisements. A Web site address will not be considered to be a fictitious business name by the Department if it is clear when it is displayed that it is only a Web site address, and not the name of the business that will be reached when the site is accessed. In order to comply with

this requirement, the following criteria should be met:

- The Web site address should be set forth in full wherever it is displayed. An example of this would be *www.daytimerealty.com*. Any abbreviations of the address, such as *daytimerealty.com* or some other variation, may be considered fictitious and therefore would require the broker to obtain a license to use the name.
- Any advertisement that displays the Web site address should include the licensee's actual name, and/or licensed fictitious business name if applicable, so that the public will know the name of the business that is being contacted when the site is accessed.
- There should be information or use of the Web site address on the

Web site itself that will mislead the public as to the name of the business that they have contacted.

Although the licensing of a Web site address as a fictitious business name will not be required by the Department in cases where the above-referenced criteria is met, there is nothing in the Real Estate Law that would prevent a licensed real estate broker from doing so. A good practice for a broker would be to file a fictitious business name with the Department if there is any question with respect to compliance in this area. In order to accomplish this, a Broker Change Application (RE 204) will need to be filed with the Department, along with a copy of the fictitious business name statement that was filed with the county clerk in the county where the broker's main office is located. 

Examination Application Processing

The Examination Unit in the Licensing Section receives a high volume of examination applications. Over the past four years, there has been a 76% increase in the number of salesperson examination applications filed. Processing times are increased when examination applications are not properly completed. The remainder of this article will cover some of the common problems that are found in documents submitted to the Examination Unit for processing.

Incomplete Applications

One common problem that causes delays in processing is the submission of incomplete or unsigned application forms. To avoid delays, examinees should carefully read the instructions that accompany the examination forms, and

ensure that the form is completed in full, including a signature. Applicants should ensure that all qualifying documentation is submitted with the application. The best way to cut processing time is by carefully including all of the required information the first time that the application is submitted. When it becomes necessary to submit additional qualifying information at the request of the Department, applicants should include a copy of DRE's correspondence with their reply. This will assist the Department in matching the information with the previously submitted application.

Duplicate Paperwork

Examinees should avoid submitting the same examination application twice. In many cases, examinees sub-

mit an application by fax, and then mail the original application to the Department. In other cases, exam applicants fax the same application twice, sometimes days apart. When this happens, it can result in duplicate charges to an examinee's credit card and unwanted changes in a scheduled examination date. If it does become necessary to resubmit an application, the applicant should make a note on the application that it is a duplicate of a previously submitted application.

Processing Time

The processing time for examination applications can range from two to four weeks, depending on the workload in the Examination Section. Applicants should allow sufficient processing time before contacting the Department or submitting duplicate applications and fees.

STATE OF CALIFORNIA — DEPARTMENT OF REAL ESTATE
BROKER EXAMINATION APPLICATION
RE 400B (Rev. 7/00)

STATE OF CALIFORNIA — DEPARTMENT OF REAL ESTATE
SALESPERSON EXAMINATION APPLICATION
RE 400A (Rev. 7/00)

GENERAL INFORMATION

- Please read all information on this form before completing.
- Type or print in ink.
- This is an original examination application and should be submitted only if you have not applied for this examination within the past two years. You may not be scheduled for more than one salesperson examination date at a time; therefore, do not submit more than one application.
- If you are simultaneously making application for both the salesperson and broker examination, you must submit a separate package including qualifying documentation and fees for each examination to be scheduled. Fees are not transferable from one exam to another and will not be returned.
- If you electronically recreate this form to facilitate completion on a computer, please be advised that the form should not be altered in any manner. To do so, could result in disciplinary action. Also, please make certain you do not delete any pre-printed information and are using the latest version of the form.

• Please do not call in your application. Your examination will be held at the location of the examination in California Civil Code Section 4900.001. Please enter your personal information on the back of this form.

• The name you use on legal name. Clarify there are discrepancies and the name on your license.

• You may use a slash (/) which does not have a keyboard.

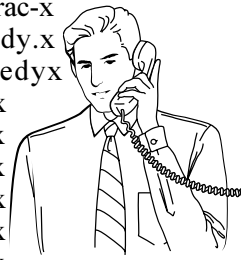
Signed ...**“As per telephone conversation”**

by Larry Alamao, Assistant Chief CounselS


In a fast paced market where multiple offers and counter offers appear to be flying past, there is often a temptation to cut corners or take shortcuts in order to keep up with the flow of business. Some shortcuts, however, should not be taken. A Southern California Real Estate Attorney advises that he is seeing an increasing number of offers, counter offers, requests for repairs, responses to requests for repairs, and other documents signed by real estate agents for their clients “as per telephone conversation.” The attorney expressed some concern about this practice and we share his concern.

California law on this subject is very basic and very clear: No contract for the sale of real property can be enforced unless it is signed by the person against whom enforcement is sought (Civil Code Section 1624). Under the legal doctrine known as the “equal dignities rule,” whenever a statute requires a contract to be in writing, the authority of an agent to sign that contract for the principal must be in writing also. The written authority usually is in the form of a power of attorney. Absent a written power of attorney or ratification by the client, a contract signed “as per telephone conversation” is not enforceable. The consequences to the parties of not having an enforceable contract are obvious. If one party decides not to proceed with the transaction, the other

party is left with practically no remedy. The only remedy available to the injured party is a possible civil action or license disciplinary action against the agent based upon negligence or misrepresentation.



An agent who receives a document from another agent “signed on behalf of the client” should ask the signing agent if that agent has written authority to sign for the client. If there is no written authority, the receiving agent should advise his or her client that the document is probably not enforceable. The receiving agent should continue to try and obtain a properly signed document.

Fax machines, email and courier services have made delivery of documents to clients even in remote locations relatively easy. Even if the client doesn't have a home fax machine or a computer, there are retail businesses that provide those services. Remember, a real estate agent should never sign contracts “on behalf of the client” without written authorization to do so from the client. The best advice we can give to a real estate agent tempted to sign documents on behalf of the client without written authority is don't do it. 

Transitions**Bob Baker**

Bob Baker, Assistant Chief Counsel, retired in November. Bob started with DRE in 1984 and has spent his entire career in the Los Angeles Legal Section. Replacing Bob will be Darlene Averetta. Darlene has been with the Legal Section for over eight years and has a wide variety of experience in handling Department related legal matters. She has also had experience as a Deputy Commissioner assigned to the Enforcement Section.

Dan Garrett


Dan Garrett, Assistant Commissioner for Legislation and Public Information, will be retiring in January. Dan has 26 years of State service, 20 of which were with DRE. As of press time, no successor has been named.

Exam Applications

Continued from page 9.

Mailing Address

The Department recommends that examinees use a personal mailing address when corresponding with the Department. The use of a real estate school, or business mailing address could cause a delay in mail delivery. It should be noted that examinees are able to determine their scheduled examination date, as well as their examination results, from the convenience of their home computer by accessing the Department's Web site at www.dre.ca.gov. By regularly checking this site, examinees will be able to determine their scheduled examination date or results without waiting for mail delivery.

The Department's staff makes every effort to ensure that the examination and original licensing process runs smoothly so that individuals entering the field of real estate do not incur unnecessary delays. Please help us help you by taking care with the applications that are submitted. 

Seasons Greetings
from the staff at
DRE

Real Estate Publications

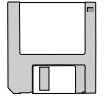
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 8MB physical RAM; Macintosh System 7; 8MB available hard disk space; CD drive.2



Miscellaneous

- 2 Refer to DRE's Web Site for downloadable forms and brochures.2

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

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	4d	Instructions to License Applicants (brochure)p	freep		
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	25d	Reserve Study Guidelines for Homeowner Association Budgets (revised 2000)p	\$10d		
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Real Estate Bulletin — Winter 2000

February and April conferences scheduled Real estate educators

The California Community Colleges Real Estate Education Center will sponsor a mid-winter Real Estate Educators' Conference on Friday, February 23rd in San Diego. Please contact the Center for the location of the conference.

The conference is open to public and private school educators and others interested in real estate education. Advance registration is \$25 for educators who are affiliated with a community college and \$30 for noncommunity college persons. After February 14th, registration is \$35 for educators affiliated with a community college and \$40 for noncommunity college persons. Participants may also register at the door. The conference will begin at 9 A.M.

Speakers include:

- ✓ Leslie Appleton-Young, Chief Economist and Vice President of

the California Association of Realtors;

- ✓ Syndicated columnist/instructor Robert Bruss of the College of San Mateo;
- ✓ California Department of Real Estate Deputy Commissioner Janice Waddell;
- ✓ California Office of Real Estate Appraisers Licensing and Enforcement Division Chief John Brennan.

Participants may earn Department of Real Estate and/or Office of Real Estate Appraisers continuing education credit towards license and certificate renewal at the conference. A three-hour seminar, "How to Use Real Estate for Retirement Planning," will be offered from 4 to 5 P.M. There is an additional \$15 seminar fee.

The California Community Col-

leges Chancellor's Office and the Real Estate Education Center in Modesto sponsor instructor workshops each semester that are funded by earnings from the Community Colleges Real Estate Education Advancement Endowment Fund. The fund was established in 1975 by a grant from the Department of Real Estate to the California Community Colleges Board of Governors.

The Center will also sponsor a spring conference on Friday, April 20th in Oakland. Additional information may be obtained from the California Community Colleges Real Estate Education Center, Yosemite Community College District, PO Box 4065, Modesto CA 95352, telephone (209) 575-6965, fax (209) 575-6306. 