



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

Fall 2000

Housing

A Foundation for Strong and Prosperous Communities

By Maria Contreras-Sweet, Secretary
State Business, Transportation and Housing Agency

These are very challenging times for those of us who care about housing. Increasingly the public, the press, the business community and government officials are recognizing the importance of an adequate supply of diverse housing choices.

Record-high job growth, economic prosperity and the beautiful resources of this State may lead us to think that all is well. In reality, California is suffering a chronic shortage of new housing, which has driven up housing costs and threatens California's economic prosperity and quality of life. Homeownership is the most enduring of our dreams. When people own their homes they take pride in the community, they are concerned about the neighborhood schools and parks and the safety of the community. They feel economically more secure and their quality of life is improved.

Governor Davis recognizes that not everyone is sharing in this prosperity. The California Housing Finance Agency has been providing below-market rate loans to create safe, decent, and affordable rental housing and to assist

first-time homebuyers in achieving the dream of homeownership.

Last year marked the ninth consecutive year of housing production at roughly fifty percent of what is needed statewide. In 1999, only 140,000 new homes were built, while the Department of Finance estimated the annual need to be between 230,000 and 250,000. And, in some of California's job centers, a professional's annual salary can be as much as \$100,000 short of what is needed to afford to buy the median-priced home.

The Davis Administration recognizes the importance of the State's role in addressing California's housing needs, after all Gray Davis is a former chairman of the Assembly Housing Committee and has always been an advocate for housing. To ensure that a lack of housing for California's work force does not derail our economic prosperity, the May Revision of the Governor's Budget added \$500 million in housing initiatives—the largest augmentation for State housing programs of any previous administration.

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Remodeled DRE Web Site

The Department recently completed phase one of its home page improvement project. We have added many new features to assist existing and prospective licensees in transacting business with the Department. The redesigned Web site includes the following new features:

Exam Scheduling Information

The new home page displays the scheduled dates of future examinations as well as the number of seats that are available in each examination. This information is intended to assist qualified individuals who need to reschedule an examination in selecting a date that is convenient when paying over the telephone by credit card. Please note that examinations are closed for scheduling two weeks before the examination date.

Examination Results

Examinees can now determine their scheduled examination date, and examination results, all from the convenience of a home computer. Individuals using this procedure will need to provide their date of birth and social security number in order to access the information.

On-line Mailing Address Changes

Are you tired of not getting DRE mailings because your correct mailing address is not on file with the Department? Licensees are now able to change their mailing addresses directly over the Internet. Again, individuals will need to provide their date of birth and

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REAL ESTATE BULLETIN

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STATE OF CALIFORNIA
GRAY DAVIS, *Governor*

BUSINESS, TRANSPORTATION AND HOUSING AGENCY
MARIA CONTRERAS-SWEET, *Secretary*

DEPARTMENT OF REAL ESTATE
PAULA REDDISH ZINNEMANN, *Commissioner*

PRINCIPAL OFFICE

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

Administration

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

Real Estate Bulletin

Daniel M. Garrett, *Editor*
Charlotte Bernard, *Publications Deputy*
Laura Curry, *Production Editor*

Primary Telephone Numbers

Consumer Information	(916) 227-0864
Mortgage Loan Activities	(916) 227-0770
General Licensing Information	(916) 227-0931
Broker Examinations	(916) 227-0899
Salesperson Examinations	(916) 227-0900
Original Licensing (sales/brokers)	(916) 227-0904

NORTHERN ENFORCEMENT AREA — DISTRICT OFFICES

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

SOUTHERN ENFORCEMENT AREA — DISTRICT OFFICES

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

SUBDIVISIONS

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

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Housing

Continued from page 1

This year's budget was a bipartisan collaboration of hard work and perseverance by key leaders in the Legislature. On June 30, Governor Davis signed the largest housing budget in the history of the state; \$570 million for housing programs to improve housing opportunities for all Californians. Key components include:

Homeownership: The California Housing Finance Agency will provide \$50 million for down payment assistance to low- and moderate-income first-time homebuyers. Additionally, the Department of Housing and Community Development will provide \$50 million for the new CalHome Program, which provides loans and grants to local governments for a variety of homeowner assistance programs.

Rental Housing: \$188 million for the Multifamily Housing Program for construction, conversion, acquisition and/or rehabilitation of affordable rental housing.

Jobs-Housing Balance: Includes \$25 million in continuing funding for the Downtown Rebound program, which aims to promote intelligent planning, housing closer to jobs and transit, infill housing and conversion of non-residential buildings into safe housing mixed with commercial uses.

Governor Davis' historic housing budget provides important leadership in meeting our state's diverse housing needs. We look forward to working with all of you to improve the quality of life for all Californians by making the dream of homeownership a reality for more Californians.

1999-2000**Financial Statement**

by *Connie Ruggiero, Senior Accounting Officer*

Last year during the preparation of DRE's budget, revenue for 1999/00 was projected to be \$19,538,000. However, actual revenue received totaled \$19,965,788.

DRE's actual expenditures for the Fiscal Year 1999/2000 totalled \$26,082,979, which was less than the \$28,196,000 that was authorized through the budget process. Expenditures increased in 1999/2000, as compared to 1998/1999, primarily due to costs associated with the Department's computer conversion project.

FISCAL YEAR 1999-2000**Revenue:**

Examinations	\$ 3,463,282
Licensing	\$ 7,372,246
Subdivisions	\$ 6,604,964
Other*	\$ 2,525,296
Total Revenue	\$ 19,965,788

- * Miscellaneous fees, fines, interest, sale of books.
- ** Recovery claims, education & research, and court costs.

Expenditure Comparison

FY 98-99	\$ 20,730,379
FY 99-00	\$ 26,082,979

Reserves Comparison

FY 98-99	\$ 25,034,767
FY 99-00	\$ 19,539,366

Expenditures:

Personnel	\$ 16,289,546
Facilities	\$ 8,477,864
Special Items**	\$ 2,049,450
Reimbursements	\$ <733,876>
Total Expenses	\$ 26,082,979

Announcing DRE Outreach Seminars

The Department of Real Estate is conducting two seminars in November 2000 to provide consumers with an overview of the home buying process, the services provided by real estate licensees, and the types of financing programs currently available for borrowers. The seminars are free to the public and will be limited only by the seating capacity of the seminar locations. The first seminar will be held on November 1, 2000 in Oakland at the State Office Building, 1515 Clay Street, Oakland. The second seminar will be held November 9, 2000 in Los Angeles at 320 W. 4th Street, Los Angeles. The morning sessions of each seminar (8:30 to 11:30 A.M.) will focus on the home buying process and the afternoon sessions (1:30 to 4:30 P.M.) will present financing and loan alternatives information.

Licensees working with first time and low to moderate income buyers may wish to inform their clients of this opportunity to learn more about buying a home and the ways licensees can help them to make this happen. Announcements will be provided through the local and other real estate and loan oriented professional associations. Interested parties may call the Department for information at (916) 227-0782. 🏠

Mortgage Lending Activities Report

The Mortgage Lending Activities Section is responsible for a variety of activities associated with real estate brokers engaged mostly in the mortgage business. These activities include:

Advance Fee Contract Reviews -

The use of advance fee agreements is not limited to brokers in the mortgage business. We review the contracts of brokers who collect fees from principals in advance of performing a specified function or service(s). The mortgage lending section performed approximately 120 reviews of proposed advance fee materials last year.

Threshold and Multi-lender Broker Reports - We track and monitor the activities and reports of brokers who meet a prescribed level of mortgage activity. These brokers are required to submit quarterly and year-end reports to the Department. There are currently 284 *threshold* brokers and 136 *multi-lender* brokers reporting to the Department.

Mortgage Loan Bulletin - The mortgage section prepares and publishes a twice-yearly bulletin. The *Mortgage Loan Bulletin* is published as an educational service to real estate licensees engaged in mortgage lending activities. Approximately 35,000 bulletins are mailed each year.

Mortgage Lending Reports - The mortgage section is involved in a data collection process whereby specified lenders engaged in certain types of lending activity report to the Department. The purpose is to monitor lending activity for any discriminatory practices. This is similar to a federal requirement, but the emphasis is on lenders who are not required to report under the federal law.

Because the real estate law pertaining to mortgage lending is quite complex, and whether you are a seasoned pro or just getting started, we would encourage you to call us at (916) 227-0770 with your questions! 🏠

Remodeled Web Site (continued from page 1)

social security number in order to use this feature.

Fill In Forms

You asked for it, and we have listened. A number of licensing forms are now available for downloading which will provide users with the ability to "fill in the blanks" on their computer by using a free copy of Acrobat Reader, or if you need to save your completed forms, you can do so via Acrobat user tools. Once completed, the forms

Enforcement Section Report

Comprising almost 30% of the total authorized positions, the Enforcement Section is the largest program area in the Department. It is responsible for investigating consumer complaints against licensees and providing associated services to the public at our five district offices.

Fiscal year 1999-2000, like every other year, held no shortage of consumer complaints and inquiries for DRE.

Enforcement Workload Statistics for FY 1999-2000

6,935	Complaints received and reviewed
3,859	Complaints assigned for investigation
2,931	Complaints closed (no discipline recommended)
1,101	Complaints referred for disciplinary action
1,795	Cases pending as of 6/30/00

Near-Term Projects

- Review methods to enhance Internet oversight for Real Estate Law violations and real estate related scams.
- Establish a video training library to enhance staff training.
- Enhance case processing by improving communication between Enforcement and Legal Sections.



can then be printed, *signed*, and mailed in to the Department for processing. While it will take some time to offer all of our forms on-line, we think that you will be pleased with our first offerings: *Change Requests*, *Exams* and *Licensing* forms.

If you like these new features, keep coming back as we will be unveiling more in the not-too-distant future. 🏠

Information Systems Section

by Barbara Bigby, Manager, ISS

The Information Systems Section's (ISS) past year's efforts concentrated on the final phase of DRE's Enterprise Information Systems (EIS) project. Through our successful completion of major milestones of various projects including EIS, Licensing Masterfile Imaging, and Computer Maintenance, DRE has enhanced its technology environment to include:

- A department-wide EIS implementation for information sharing and distribution between the various operating sections of the Department.
- Re-design and re-engineering of program/business needs to provide Department staff with easy access to information and management of the data.
- A platform to improve the service levels of making information available more timely to DRE clients.
- Migration of all Department critical applications to a Y2K compliant platform.
- Placement of new workstations on employee desktops, thus empowering DRE staff with enhanced personal productivity tools.
- Expansion of internal electronic mail capabilities to all DRE staff.
- Replacing the updateable microfilm process for the storage and retrieval of real estate license application documentation with a LAN-based imaging system, consisting of scanners, key data entry, OCR software for data capture, and a relational database for indexing and retrieval.
- Increasing the functionality of the DRE Web site on the Internet as a client information platform.

ISS was pleased to have the opportunity to present the new DRE Web site prototype at the June, 2000 DRE Forum meeting in Sacramento. With the subsequent production release, DRE has:

- Remodeled the Web site to include

Legal Section Report

The Department's Legal Section was kept busy during fiscal year 1999-00. As the below table indicates, we received 1,101 investigative files recommending some kind of legal action. These referrals resulted in the Legal Section filing 446 Accusations initiating disciplinary action to suspend or revoke licenses, and 212 Statements of Issues to deny applications for licensure. Disciplinary actions prosecuted by the Legal Section resulted in the revocation of 346 licenses, the suspension of 127 licenses, and the denial of 159 applications. The impact of rising property values and the lure of real estate sales as a profession is reflected in an increase in the number of Statements of Issues filed to deny licensure, which actions are usually the result of a prior criminal conviction. The Legal Section filed 212 Statements of Issues in fiscal 1999-00. A 42% increase from fiscal year 1998-99.

Legal Section Statistics 1999-00

Activity	Cases Referred	Cases Filed	Orders Issued
Raps (<i>criminal history</i>)	451	408	
Accusation Cases	358	250	
Desist & Refrain Cases	83	84	84
Petitions for Reinstatement	209	207	207
License Revocations			396
License Suspensions			127
Dismissals (<i>accusations or statements of issues</i>)			49
Public Reprovals			5
License Denials			159
Totals	1101	949	1027

Recovery Account

Recovery Fund claims were down by over 50% in fiscal year 1999-00 compared to 1998-99. We anticipate that claim activity will remain at approximately this level in FY 2000-01.

	FY 98-99	FY 99-00
Claims Filed	154	75
Claims Paid	75	63
Amount Paid	\$1,533,989	\$1,714,030

many new features: such as, a menu that takes you directly to each subject, more interactive elements, and improved forms.

- Provided real estate salespersons and brokers with the ability to change their mailing addresses on line.
- Included several new interactive search capabilities such as the ability to check the pending dates of tests being scheduled and the capability for examinees to find out their scheduled examination date and/or test results.
- Incorporated fill-in forms as part of an ambitious project to convert its forms from hard copy versions to ones that can be filled in on-line.

Payment Methods

In order to enhance the payment options that are available to customers, the Department is now accepting Visa and MasterCard as payment in connection with all services that are offered. The Department is accepting credit card payment for original and renewal licensing fees, as well as for the purchase of all publications and for subdivision filing fees. The acceptance of credit card payment for examination fees will continue as it has since 1993.



The acceptance of credit cards for payment of all fees is another step in the Department's efforts to expand the services that are available to its customers.



Disciplinary Action — March to May 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; 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.

- ✓ Disciplinary actions that are “stayed” means “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 of his or her salespersons
2726	Failure to have broker-salesperson agreements
2731	Unauthorized use of fictitious business name
2731(a)	Failure to obtain fictitious business name license
2746	Failure to file corporate background statement
2752	Broker’s failure to notify DRE of salesperson employment
2795(b)	Violation of preliminary public report requirements
2800	Failure to notify DRE of material change in subdivision
2831	Failure to keep proper trust fund records
2831.1	Inadequate separate trust fund beneficiary records
2831.2	Failure to reconcile trust account
2832	Failure to comply with trust fund handling provisions
2832.1	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
2847.3	Failure to properly disclose license status in mortgage loan advertising
2848(2), (7), (8), (9), (16)	Violation of mortgage loan advertising rules
2910	Criteria of substantial relationship
2950(h)	Failure to advise all parties of licensee’s interest in agency holding escrow
2950(i)	Failure to render written statement upon closing broker-handled escrow
2970	Failure to submit advance fee material for review
2972	Advance fee accounting

10167.11	False advertisement or statement or referral by licensee in PRLS business
10167.12	Violation of PRLS provisions
10176(a)	Making any substantial misrepresentation
10176(e)	Commingling trust funds with brokers funds
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
10177.5	Civil fraud judgment based on licensed acts
10229	Violation of multi-lender requirements
10232	Failure to notify DRE of threshold status
10232.2	Failure to file or maintain trust fund status
10232.25	Failure to file trust fund status reports
10232.4	Failure to give lender/purchaser disclosure
10234	Failure to broker negotiating mortgage loan to record or cause trust deed to be recorded
10235	False advertising in mortgage loan activities
10236.4	Failure to include license number or DRE license information telephone number in documents
10240	Failure to give mortgage loan disclosure statement
11012	Material change in subdivision offering without notifying DRE
11018.1	Failure to give public report
11018.2	Sale of subdivision lots without a public report

Business and Professions Code

480(a)	Denial of real estate license on grounds of conviction of crime, dishonest or fraudulent act, or act which would warrant suspension or revocation of license
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(c)	Failure by salesperson to deliver trust funds to broker
10146(d)	Failure to comply with interest bearing trust account rules
10148	Failure to retain records and make available for inspection
10159.2	Failure by designated officer to supervise licensed acts of corporation
10161.8	Failure of broker to notify Commissioner of salesperson employment/termination
10162	Failure to maintain a place of business
10163	Failure to obtain a branch office license
10167.2	Engaged in prepaid rental listing service without a PRLS license or a real estate license
10167.5	Failure to comply with PRLS supervision rules
10167.10	Failure of PRLS broker to refund fee paid

REVOKED LICENSES

Los Angeles Region

- Aceves, John (RES)**
 2570 N. Delta, Orange
Effective: 4/18/00
Violation: 10130, 10145(c), 10177(d)
- Altman, Lori Woodrow (REC)**
 1421 Rising Glen Rd., Los Angeles
Effective: 3/1/00
Violation: 498, 10177(a)
- American F G, Inc. (REC)**
 17561 East 17th St., Tustin
Effective: 4/18/00
Violation: 2731, 2832.1, 2834, 10130, 10137, 10145, 10177(d)
- Ameritop Real Estate Co. (REC)**
 4000 Barranca Pkwy, #250, Irvine
Effective: 3/1/00

Violation: 2731, 2831, 2831.1, 2831.2, 2832, 2834, 2840, 10145, 10176(e), 10177(d)(g), 10240

- Ayyar, Rajan Rama (REB)**
 711 E. Ocean Ave., Lompoc
Effective: 4/20/99
Violation: 10177(j)
- Barnes, Gustav S. (REB)**
 888 N. Arrowhead Ave., #102, San Bernardino
Effective: 3/28/00
Violation: 2715, 10148, 10162, 10177(d)
- Breazile, Tenaya D. (RES)**
 P.O. Box 1221, Running Springs
Effective: 5/23/00
Violation: 490, 10177(b)
- Brown, Spencer L. (REB)**
 1323 W. Colton Ave., Ste. 220, Redlands
Effective: 5/15/00
Violation: 10162, 10165



Caraballo, Nelson (RRES)
15342 Hawthorne Blvd., #103,
Lawndale

Effective: 5/24/00
Violation: 10130, 10177(d)

Chen, Robert (RES)
1439 Glenelder Ave.,
Hacienda Heights

Effective: 4/18/00
Violation: 490, 10177(b)

EIR Realty, Inc. (REC)
9065 Haven Ave., Ste. 110,
Rancho Cucamonga

Effective: 5/25/00
Violation: 10148, 10165,
10177(d)

Estrada, Fred (RES)
6648 Barela Ave., Arcadia
Effective: 5/22/00
Violation: 10176(a)(i)

Gaxiola, Jesus (REB)
16843 Valley Blvd., #501,
Fontana
Effective: 4/18/00
Violation: 10137

Gaxiola, Tirso Arturo (RES)
16843 Valley Blvd., #E-483,
Fontana
Effective: 4/18/00
Violation: 10137, 10176(a),
10177(g)

Hakimi, Parvin Hassid (RES)
18501 Wood Wind,
Anaheim Hills
Effective: 5/15/00
Violation: 490, 10177(b)

Harrison, Daciene Antionette (RES)
P.O. Box 4423, Diamond Bar
Effective: 5/2/00
Violation: 490, 10177(b)

Hwang, Chong Hee (RES)
2209 Wildflower Dr., Fullerton
Effective: 5/10/00
Violation: 490, 10177(b)

Kaul, Ellen Mark (RES)
21 - 7th Place, #510, Long Beach
Effective: 3/21/00
Violation: 10130, 10177(d)(g),
10176(e)(i)

Lamb, Ray Emery (REB)
3396 Willow Ln.,
Westlake Village
Effective: 3/27/00
Violation: 2910, 10177(b)

Leverett, Brandon D. (RES)
909 D St., #2, San Bernardino
Effective: 4/26/00
Violation: 498, 10177(a)

Luse, Elgie Vernon (RES)
1085 Densmore St., Pomona
Effective: 3/28/00
Violation: 490, 10177(b)

Mathews, Andrea Mae (REB)
3 Monte Diablo, Pomona
Effective: 5/4/00
Violation: 10177(j)

Nader, Edward A. (REB)
7702 Oakdale Ave., Winnetka
Effective: 3/16/00
Violation: 490(a), 10177(b)

Pham, Johnny Khoa (RES)
15701 Spar St., Garden Grove
Effective: 3/1/00
Violation: 490, 498, 10177(a)(b)

Thomas, Jeffery Earl (REB)
1214 E. Compton Blvd.,
Compton
Effective: 3/7/00
Violation: 2731, 2831, 2831.1,
2831.2, 2832, 2950(h), 10145,
10148, 10177(d)

Vaughan, Robert Ashley (RES)
125 Grand Ave., #301,
Long Beach
Effective: 5/2/00
Violation: 498, 10177(a)

Williams, Aubrey Faye (RES)
322 E. Hazel, Inglewood
Effective: 4/11/00
Violation: 480(a), 10177(a)(b)

Zia Mortgage Corporation (REC)
25411 Cabot Rd., Ste. 205,
Laguna Hills
Effective: 5/10/00
Violation: 2715, 10162, 10165,
10177(d)

Sacramento Region

Doherty, Christopher A. (RES)
5142 Vale Dr., Carmichael
Effective: 5/11/00
Violation: 490, 10177(b)

Eddy, Wayne George (RES)
690 E. Tabor, Ste. E, Fairfield
Effective: 5/9/00
Violation: 490, 10177(b)

Horizon Residential Lending, Inc. (REC)
10680 Gold Center Dr., Ste. 180,
Rancho Cordova
Effective: 3/1/00
Violation: 10165, 10177(d)

Kang, Sukhwinder (RES)
1568 Torry Pine Dr., Yuba City
Effective: 4/20/00
Violation: 490, 10177(b)

Shepherd, Brian Neil (RES)
8216 Hegseth Ct., Fair Oaks
Effective: 3/2/00
Violation: 490, 10177(b)

Thomas, Sherrie Lynn (RES)
15609 Penna Way,
Rough and Ready
Effective: 5/9/00
Violation: 490, 10177(a)(b)

San Diego Region

Baran, Andrea Shu (RES)
21221 Sutherland Dam Rd.,
Ramona
Effective: 5/11/00
Violation: 498, 10177(a)

Executive Mtg Funding, Inc. (REC)
2810 Camino Del Rio South, Ste.
101, San Diego
Effective: 5/16/00
Violation: 10176(a), 10177(d),
10240

Oakland Region

Agle, Mark J. (REB)
92 Tamalpais Ave., Livermore
Effective: 5/16/00
Violation: 10165, 10177(d)

Mills, Raymond Douglas (RES)
692 Azule Ave., San Jose
Effective: 4/4/00
Violation: 498, 10177(a)

Montenegro, Frank E. (RES)
2698 Berryessa Rd., San Jose
Effective: 4/6/00
Violation: 490, 10177(b)

Revelez, Rebecca (RES)
1140 Palm St., San Jose
Effective: 3/1/00
Violation: 10145(c), 10176(a)
(e)(i), 10177(d)

Terry L. Wecker Real Estate, Inc. (REC)
473 Webster St., Monterey
Effective: 3/29/00
Violation: 2831.1, 2831.2,
2832.1, 10145, 10177(d)

Wecker, Terry Lindsay (REB, REO)
473 Webster St., Monterey
Effective: 3/29/00
Officer of: Terry L. Wecker Real
Estate, Inc.
Violation: 2831.1, 2831.2,
2832.1, 10145, 10177(d)(h)

REVOKED WITH A RIGHT TO A RESTRICTED LICENSE

Los Angeles Region

Beihaghi, Mohamed Reza (REB, REO)
2502 Artesia Blvd.,
Redondo Beach
Effective: 3/9/00
Violation: 10177(h)
Right to RREB license on terms
and conditions; RREB license
suspended for 30 days

Bixby, David Parker (REB)
375 Redondo Ave., #A,
Long Beach
Effective: 3/1/00
Violation: 2731, 2831, 2831.1,
2831.2, 2832, 2832.1, 2834,
10145, 10148, 10177(d)(g)
Right to RREB license on terms
and conditions

Celusta, Roman W. (REB, REO)
20720 Ventura Blvd., #260,
Woodland Hills
Effective: 4/4/00
Officer of: Track Mortgage
Group, Inc.
Violation: 10159.2, 10177(h)
Right to RREB license on terms
and conditions

Chang, Jack C. (RREB)
14902 Laurel Grove Cir., Irvine
Effective: 3/1/00
Officer of: Ameritop Real Estate
Co.
Violation: 10159.2, 10177(h)
Right to RREB license on terms
and conditions

Daughtry, James Hill (REB)
78-060 Calle Estado, Ste. 3,
La Quinta
Effective: 3/29/00
Violation: 2832.1, 10145,
10177(d), 10229, 10232,
10232.2, 10232.25, 10232.4,
10234
Right to RREB license on terms
and conditions

Gayles Resort Rentals, Inc. (REC)
40019 Big Bear Blvd.,
Big Bear Lake
Effective: 3/23/00
Violation: 2715, 2831, 2831.1,
2831.2, 2832.1, 2834, 10177(d)
Right to RREB license on terms
and conditions

Gerbasi, Suzanne Frank (RES)
1615 Crescent Pl., Venice
Effective: 5/16/00
Formerly: Frank-Gerbasi,
Suzanne
Violation: 490, 10177(b)
Right to RRES license on terms
and conditions

Harris, Hendon Mason (REB)
187 E. Wilbur Rd., #12,
Thousand Oaks
Effective: 5/30/00
Officer of: Sentry Home Loans
Violation: 10177(h)
Right to RREB license on terms
and conditions; RREB license
suspended for 45 days

Lee, David Chein (RES)
2593 Sunnysdale Dr., Duarte
Effective: 3/7/00
Violation: 490, 10177(b)
Right to RRES license on terms
and conditions

Mendoza, Genaro Jerry (RES)
15330 Green Valley, Chino Hills
Effective: 3/14/00
Violation: 10176(i), 10177(j)
Right to RRES license on terms
and conditions; RRES license to
be suspended for 60 days

Miller, Billy Leroy (REB)
1891 Freeman Ave., Signal Hill
Effective: 3/21/00
Violation: 2715, 2726, 2830.1,
2831, 2831.1, 2831.2, 2832,
2832.1, 2834, 10145, 10148,
10162, 10177(d)(g)(h)
Right to RRES license on terms
and conditions

Nguyen, Anthony L. (RES)
8722 Bermuda Ave., Westminster
Effective: 5/16/00
Violation: 490, 10177(b)
Right to RRES license on terms
and conditions

Owen, Larry Kelly (RES)
81412 Palmwood Dr., Indio
Effective: 3/2/00
Violation: 10177(a)
Right to RRES license on terms
and conditions

Pickrell, Barbara Lee (REB, REO)
39515 Big Bear Blvd.,
Big Bear Lake
Effective: 3/23/00
Officer of: Gayles Resort
Rentals, Inc.

Violation: 2715, 2831, 2831.1, 2831.2, 2832.1, 2834, 10145, 10177(d)(h)
Right to RREB license on terms and conditions

Real Estate Plus, Inc. (REC)

2502 Artesia Blvd.,
Redondo Beach
Effective: 3/9/00
Violation: 2831.2, 2832, 2832.1, 2834, 10177(d)(g)
Right to RREC license on terms and conditions

Sadaka, Raja Zaki (REB)

1850 E. 17th St., #114, Santa Ana
Effective: 5/31/00
Violation: 2725, 2726, 2752, 2840, 2847.3, 2848(2)(7)(8)(9)(16), 10137, 10161.8, 10177(c)(d)(h), 10235, 10236.4, 10240
Right to RREB license on terms and conditions

Sentry Home Loans (REC)

187 E. Wilbur Rd., #12,
Thousand Oaks
Effective: 5/30/00
Violation: 2731, 2950(h)(i), 10145(d), 10177(d)(g), 10234
Right to RREC license on terms and conditions; RREC license suspended for 45 days

Track Mortgage Group, Inc. (REC)

20720 Ventura Blvd., #260,
Woodland Hills
Effective: 4/4/00
Violation: 2950(h), 10145, 10177(d)
Right to RREC license on terms and conditions

Twohig, Dana John (REB)

2377 Orchard Ln., Corona
Effective: 5/18/00
Violation: 10137
Right to RREB license on terms and conditions

Vaughan, Jordie Kay (RES)

P.O. Box 3023, Big Bear City
Effective: 4/20/00
Violation: 498, 10177(a)
Right to RRES license on terms and conditions

Sacramento Region**Alby-Coles, Ruby (RES)**

102 Sanborn Ct., Folsom
Effective: 4/21/00
Violation: 2795(b), 2800, 10177(d), 11012, 11018.1, 11018.2
Right to RRES license on terms and conditions

Barraza, Joseph Richard (REB)

2721 C Aborn Rd., San Jose
Effective: 4/20/00
Violation: 10167.2, 10167.5, 10167.10, 10167.11, 10167.12
Right to RRES license on terms and conditions

Basso, Robert Clyde (REB)

5405 N. Pershing Ave., Ste. C-1,
Stockton
Effective: 5/11/00
Officer of: Century 21 Exchange Realtors, Inc.

Violation: 10177(h)
Right to RREB license on terms and conditions

Bowman, Michael Lloyd (RES)

4531 American River Dr.,
Sacramento
Effective: 5/11/00
Violation: 10130, 10177(d)
Right to RRES license on terms and conditions

Century 21 Exchange Realtors, Inc. (REC)

5405 N. Pershing Ave., Ste. C-1,
Stockton
Effective: 5/11/00
Violation: 2831, 2831.2, 2832, 2832.1, 2834, 10145, 10148, 10176(e), 10177(d)
Right to RREC license on terms and conditions

ERA Phoenix Realty, Incorporated (REC)

4064 Flying C Rd., Ste. 1,
Cameron Park
Effective: 4/17/00
Violation: 10177(d), 11018.2
Right to RREC license on terms and conditions; RREC license suspended for 30 days

Grant, Robert Irvin (REB, REO)

4064 Flying C Rd., Ste. 1,
Cameron Park
Effective: 4/17/00
Officer of: ERA Phoenix Realty, Incorporated
Violation: 10177(h)
Right to RREB license on terms and conditions; RREB license suspended for 10 days

Lennar Renaissance, Inc. (REC)

2240 Douglas Blvd., Ste. 250,
Roseville
Effective: 4/21/00
Violation: 2731(a), 2795(b), 2800, 10159.5, 10177(d), 11012, 11018.1, 11018.2
Right to RREC license on terms and conditions

Lund, Bradley Grant (REB)

199 Cirby Way, Ste. 7, Roseville
Effective: 5/11/00
Violation: 2830, 2832, 2832.1, 2834, 10145, 10176(e)(i), 10177(d)
Right to RRES license on terms and conditions

Riley, Linda Sue (RES)

3025 Molinger Dr.,
Cameron Park
Effective: 5/17/00
Violation: 10177(d), 11018.2
Right to RRES license on terms and conditions

Seymour, Bruce Allen (RES)

5201 Arden Way, Carmichael
Effective: 3/23/00
Violation: 10137, 10176(a)(i), 10177(d)
Right to RRES license on terms and conditions

Spitzer, Guylon Lewis (REB, REO)

2240 Douglas Blvd., Ste. 250,
Roseville
Effective: 4/21/00
Officer of: Lennar Renaissance, Inc.

Violation: 2795(b), 2800, 10159.2, 10177(d)(g), 11012
Right to RREB license on terms and conditions

Wold, Deborah (RES)

100 Denure Court, Folsom
Effective: 4/21/00
Formerly: Wilson, Deborah
Wold
Violation: 2795(b), 2800, 10177(d), 11012, 11018.1, 11018.2
Right to RRES license on terms and conditions

San Diego Region**Berkson, Cheryl Rosella (REB)**

9666 Business Park Ave., #101,
San Diego
Effective: 3/23/00
Violation: 2831, 2831.1, 2831.2, 2832.1, 2834, 10145, 10177(d)
Right to RREB license on terms and conditions

Jeldy, Frank Everett Jr. (REB, REO)

4660 La Jolla Village Dr.,
Ste. 800, San Diego
Effective: 4/20/00
Officer of: Executive Mortgage Funding, Inc.
Violation: 10159.2, 10177(d)(g)(h)
Right to RREB license on terms and conditions

Wolf, Walter Elwood (REB)

3400 Fourth Ave., San Diego
Effective: 3/27/00
Violation: 10137
Right to RREB license on terms and conditions

Oakland Region**Cessna, Phil Anthony (REB)**

188 North St., Willits
Effective: 3/23/00
Violation: 10177(d)
Right to RREB license on terms and conditions

Fernandez, Robert J. (REB, REO)

2680 S. White Rd., #150,
San Jose
Effective: 5/11/00
Violation: 10177.5
Right to RREB license on terms and conditions

Gardner, Kenneth Lee (REB, REO)

1200 Gough St., San Francisco
Effective: 4/20/00
Officer of: Lord Financial Services, Inc.
Violation: 2831, 2831.2, 10145, 10132.4, 10177(d)
Right to RREB license on terms and conditions

Hancock, Gaye Elizabeth (REB)

407 1/2 McCormick Ave.,
Capitola
Effective: 3/6/00
Violation: 490, 10177(b)
Right to RREB license on terms and conditions

Kamp, Robert William (RREB)

14895 East 14th St., Ste. 455,
San Leandro
Effective: 3/23/00
Violation: 2831, 2831.1, 2831.2, 2832, 10145, 10176(a), 10177(d)(g), 10232, 10232.4, 10234
Right to RRES license on terms and conditions

Lord Financial Services, Inc. (REC)

1200 Gough St., San Francisco
Effective: 4/20/00
Violation: 2831, 2831.2, 10145, 10132.4, 10177(d)
Right to RREC license on terms and conditions

Paik, Casey (RREB)

319 - 14th St., #C, Oakland
Effective: 5/11/00
Violation: 2970, 2972, 10085, 10146, 10176(e), 10177(d)
Right to RREB license on terms and conditions

Smithton, Zoya Lee (REB, REO)

2800 Van Ness Ave.,
San Francisco
Effective: 4/17/00
Officer of: American Marketing Systems, Inc.
Violation: 10176(e), 10177(d)
Right to RREB license on terms and conditions

SUSPENDED WITH STAY**Los Angeles Region****American Funding Alliance Corporation (REC)**

27727 Jefferson Ave., #110,
Temecula
Effective: 5/30/00
Violation: 2831, 2831.1, 2831.2, 2834, 2840, 10163, 10177(d), 10240
Suspended for 90 days-stayed for 2 years on terms and conditions

AWJ Investment Group, Inc. (REC)

17561 East 17th St., Tustin
Effective: 4/18/00
Violation: 2832.1, 2834, 10145, 10177(d)
Suspended for 60 days-stayed for 2 years on terms and conditions

Campbell, Barry Evan (REB, REO)

231 E. Alessandro Blvd., #A-461,
Riverside
Effective: 5/30/00
Officer of: American Funding Alliance Corporation
Violation: 2831, 2831.1, 2831.2, 2834, 2840, 10159.2, 10163, 10177(d), 10240
Suspended for 90 days-stayed for 2 years on terms and conditions



Canutt, Bernice Powell (REO)

3771 W. Sierra Hwy, Acton

Effective: 4/19/00*Officer of:* Country Place Homes, Inc.*Violation:* 10177(e)

Suspended for 60 days-stayed for 2 years on terms and conditions

Country Place Homes, Inc. (REC)

3771 W. Sierra Hwy, Acton

Effective: 4/19/00*Violation:* 10177(e)

Suspended for 60 days-stayed for 2 years on terms and conditions

Crossmark Mortgage Corp. (REC)

642 S. Second Ave., Ste. A, Covina

Effective: 4/12/00*Violation:* 10177(d)

Suspended for 60 days-stayed for 2 years on terms and conditions

Liu, Anthony C. (REB, REO)

17561 East 17th St., #8, Tustin

Effective: 4/18/00*Officer of:* AWJ Investment Group, Inc. & American F G, Inc.*Violation:* 2832.1, 2834, 10145, 10177(d)(h)

Suspended for 60 days-stayed for 2 years on terms and conditions

Pena, Andy Alexander (REB)

643 S. Second Ave., Ste. A, Covina

Effective: 4/12/00*Officer of:* Crossmark Mortgage Corporation*Violation:* 10177(d)(g)(h)

Suspended for 60 days-stayed for 2 years on terms and conditions

Smith, Luverious Annette (REB, REO)

500 Carson Plaza Dr., Ste. 113, Carson

Effective: 4/13/00*Violation:* 2731, 2752, 2831, 2831.1, 2832, 2834, 2842.5, 10145, 10177(d), 10240

Suspended for 60 days-stayed for 2 years on terms and conditions

Villaume, Walter Francois III (REB)

2101 East Fourth St., #260, Santa Ana

Effective: 5/4/00*Violation:* 10177(g)

Suspended for 10 days-stayed for 1 year on terms and conditions

Sacramento Region**Guemmer, Joanna Diane (REB, REO)**

11768 Atwood Rd., Ste. 212, Auburn

Effective: 5/15/00*Officer of:* First Western Financial, Inc.*Violation:* 2746, 10177(a)(d)

Suspended for 60 days-all but 30 days stayed for 1 year on terms and conditions

San Diego Region**Altinger, Michael (REB)**

1555 Vista De Montemar, El Cajon

Effective: 4/3/00*Violation:* 10176.5

Suspended for 5 days-stayed for 1 year on conditions

Perkins, Jennifer Louise (RES)

2350 Shaylene Way, Alpine

Effective: 4/17/00*Violation:* 10177(f)

Suspended for 30 days-stayed for 2 years on terms and conditions

Sedehi, Eric A. (REB, REO)

16466 Bernardo Center Dr., Ste. 270, San Diego

Effective: 3/2/00*Officer of:* Terra Capital Investments, Inc.*Violation:* 10177(h)

Suspended for 45 days-stayed for 2 years on terms and conditions

Terra Capital Inv., Inc. (REC)

16466 Bernardo Center Dr., Ste. 270, San Diego

Effective: 3/2/00*Violation:* 10177(d)

Suspended for 45 days-stayed for 2 years on terms and conditions

Oakland Region**Amaya, Michael J. (REB, REO)**

12124 Saratoga-Sunnyvale Rd., Saratoga

Effective: 5/10/00*Officer of:* Rosenthal Enterprises, Inc.*Violation:* 10177(h)

Suspended for 10 days-stayed for 1 year on conditions

Behling and Associates (REC)

251 Park Rd., #600, Burlingame

Effective: 3/28/00*Violation:* 2831.2, 10145, 10145(d), 10176(f), 10177(d)

Suspended for 60 days-stayed for 2 years on terms and conditions

Behling, David Ralph (REO)

251 Park Rd., #600, Burlingame

Effective: 3/28/00*Officer of:* Behling and Associates*Violation:* 10177(h)

Suspended for 60 days-stayed for 2 years on terms and conditions

Livengood, Lori Lee (RES)

364 Devonshire Blvd., San Carlos

Effective: 3/7/00*Violation:* 10177(g)

Suspended for 60 days-30 days stayed for 1 year on terms and conditions

Miller, Robert Lee (REB)

1999 S. Bascom Ave., Ste. 745, Campbell

Effective: 4/20/00*Violation:* 2831, 2831.1, 2831.2, 2832, 10145, 10176(e), 10177(d), 10240

Suspended for 90 days-stayed for 2 years on terms and conditions

National Financial Investment Corp. (REC)

277 South B St., San Mateo

Effective: 3/7/00*Violation:* 10177(g)

Suspended for 20 days-stayed for 1 year on terms and conditions

Owens Financial Group, Inc. (REC)

2221 Olympic Blvd., Walnut Creek

Effective: 3/29/00*Violation:* 2831, 2831.1, 2831.2, 2832, 2832.1, 2834, 2835, 10145, 10148, 10177(d), 10234

Suspended for 60 days-stayed for 2 years on terms and conditions

Owens, William Curtis (REB, REO)

5335 Hilltop Crescent, Oakland

Effective: 3/29/00*Officer of:* Owens Financial Group, Inc.*Violation:* 10177(h)

Suspended for 60 days-stayed for 2 years on terms and conditions

Rogers, Helena W. (RES)

2263 Armada Way, San Mateo

Effective: 3/7/00*Violation:* 10177(g)

Suspended for 60 days-stayed for 1 year on terms and conditions

Rosenthal Enterprises, Inc. (REC)

12124 Saratoga-Sunnyvale Rd., Saratoga

Effective: 5/10/00*Violation:* 10137, 10177(d)

Suspended for 10 days-stayed for 1 year on conditions

Trotter-Vogel Realty, Inc. (REC)

180 El Camino Real, San Bruno

Effective: 3/31/00*Violation:* 2831.2, 2832, 2832.1, 10145, 10177(d)

Suspended for 40 days-stayed for 2 years on conditions

LICENSE SURRENDERED*(Licenses voluntarily**surrendered per B&P Code**§10100.2 during an**administrative action or investigation)***Los Angeles Region****Harmatz, Louis (RREB)**

1421 N. Sunrise Way, #29, Palm Springs

Effective: 3/22/00**Nemsgern, Joan Rose (REB)**

308 S. San Vicente Ln., Anaheim Hills

Effective: 3/1/00**Sacramento Region****Ezray, Mervin Louis (RRES)**

7 Park Sierra Ln., Sacramento

Effective: 5/15/00**First Western Financial, Inc. (REC)**

1401 El Camino Ave., Sacramento

Effective: 5/15/00**San Diego Region****Bajet, Carlita Velasco (RRES)**

8031 Montara Ave., San Diego

Effective: 4/6/00**SUSPENDED****Los Angeles Region****Alvarez, Jaime (REB)**

201 North E St., Ste. 202, San Bernardino

Effective: 3/2/00*Violation:* 10177(g)

Suspended for 365 days

Labastida, Elena Antonia (RES)

13210 Northstar Ave., Victorville

Effective: 3/2/00*Violation:* 10177(g)

Suspended for 365 days

Labastida, Marisela (REB)

12515 High Desert Rd., Victorville

Effective: 3/2/00*Violation:* 10177(g)

Suspended for 365 days

Oakland Region**Hancock, Randall Lowell (RES)**

12124 Saratoga-Sunnyvale Rd., Saratoga

Effective: 5/10/00*Violation:* 10130, 10177(d)

Suspended for 10 days

INDEFINITE SUSPENSIONS*(under Recovery Acct.**provisions)***Arrese, Michael Garrett Martin (REB)**

PO Box 2911, San Anselmo

Effective: 4/4/00**Carreras, William (REB)**

177 Riverside Ave., Newport Beach

Effective: 3/29/00**Charter Funding (REC) & Martin A. Jackson (REB)**

530 Wilshire Blvd., Ste. 101, Santa Monica

Effective: 4/4/00**Cuesta Equities, Inc. (REC)**

7635 El Camino Real, Ste. 6, Atascadero

Effective: 3/15/00**Dhami, Balbir S. (REB)**

1055 N. Capitol Ave., #124, San Jose

Effective: 4/24/00**Gomez, Ivan Danilo (REB)**

26 Ardendale Dr., Daly City

Effective: 3/29/00**Jaspersen, John Douglas (REB)**

37449 Montezumo Valley Rd., Ranchita

Effective: 3/29/00**Laas, Ronald Emil (RES)**

4385 Cochran St., Simi Valley

Effective: 4/4/00**Phan, Linda (RES)**

15361 Brookhurst, #104, Westminster

Effective: 3/29/00

Commissioner to address community college real estate educators

Real Estate Commissioner Paula Reddish Zinnemann will be the luncheon speaker at the annual fall California Community Colleges Real Estate Educators' Conference on Friday, October 27th in Orange County. The conference will be held at the Westin South Coast Plaza located at 686 Anton Boulevard in Costa Mesa.

The conference is open to public and private school educators and others interested in real estate education.

Commissioner Reddish Zinnemann, who has had experience as an attorney and a broker, was appointed by Governor Davis last November. She will speak at a 12:30 P.M. luncheon. The conference will begin at 9 A.M.

Advance registration is \$25 for educators who are affiliated with a community college and \$30 for noncommunity college persons. After October 18th, registration is \$35 for educators affiliated with a community college and \$40 for noncommunity college persons. Participants may also register at the door.

Other speakers include: California Department of Real Estate Deputy Commissioner Janice Waddell; College of

San Mateo instructor, syndicated columnist Robert Bruss; and California Office of Real Estate Appraisers Licensing and Enforcement Division Chief John renan.

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, "Power Point Presentation for Real Estate," will be offered from 2 to 5 P.M. The seminar is sponsored by the California Real Estate Education Association. There is an additional \$45 seminar fee for nonmembers, \$15 for members.

The California Community Colleges 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.

Additional information may be obtained from the California Community Colleges Real Estate Education Center, Yosemite College District, PO box 4065, Modesto CA 95352, telephone (209) 575-6965, fax (209) 575-6516.



Subdivisions Report

The Subdivision Lands Law helps ensure that subdividers deliver to buyers what was agreed upon at the time of sale. The law covers most lot subdivisions and various types of common interest developments (five or more lots or units), time-shares, certain undivided interests, and out-of-state in-country subdivisions offered for sale to California residents. Before a subdivision can be marketed in California, the subdivider must obtain a public report (California project), permit (out-of-state timeshare) or confirmation of their registration (non-California project located within the United States) from the Department. The public report/permit discloses to prospective buyers pertinent information about the subdivision. Prior to issuance of a public report or permit, the subdivider must file an application along with documents supporting the representations made in the application. If improvements to the subdivision are not complete at the time of filing the application, the subdivider must also submit evidence to the Department that adequate financial arrangements have been made for completion. Registrations are simply qualified without issuance of a disclosure docu-

ment if the subdivision has been approved for sales in its home state.

Near Term Plans

The Department plans to sponsor seminars for new and small builders. The purpose of the seminars will be to demystify the residential development process. By providing speakers who are knowledgeable in all facets of development from land acquisition to marketing, we intend to encourage the attendees to either enter the housing market or increase production from previous years.

In the near future, our Internet Web site will be expanded to include additional information pertinent to subdivisions such as various publications to assist in filing applications and a list of "common errors to avoid" during the public report process. In addition, it is intended to eventually install all subdivision applications forms on our Web page in a format designed for on-line completion once downloaded to the user's computer. The availability of the subdivision forms on our Web site will be phased in over the next year with the first group having been released in July 2000.

Continued from page 8

Redwood Empire Mortgage Company, Inc. (REC)

725 Farmers Ln., Ste. 9, Santa Rosa
Effective: 5/10/00

Robert, Barbara (REB)

155 N. Santa Cruz Ave., #A, Los Gatos
Effective: 4/24/00

Rogers, John Dennis Jr. (REB)

200 Clock Tower Pl., #208D, Carmel
Effective: 5/25/00

Sanchez, Isabel (REB)

4040 Temple City Blvd., Ste. A, Rosemead
Effective: 4/4/00

Smith, Owen Joseph (REB)

7635 El Camino Real, Ste. 6, Atascadero
Effective: 3/15/00

Starr, Robert Edwin II (REB)

333n Junipero Ave., 1-C, Long Beach
Effective: 4/24/00

Weismann, Paul Michael (RES)

177 Riverside Dr., Newport Beach
Effective: 3/29/00

Whalen, David Owen (REB)

221 N. Central, #B90, Medford, OR
Effective: 3/29/00

A Reminder: Prohibitions Against Discrimination in Housing

The Department recently received a complaint from a woman whose application to lease a unit in a duplex was denied because she was pregnant. The unit had been listed for lease with a notation in the listing agreement that it was only available for two adults (the unit contained three bedrooms and two baths). The prospective tenant was a professional single woman who assured the listing agent that only she and the baby would occupy the premises; the baby's father would not live on the premises, and a care taker for the baby would not occupy the premises. Nevertheless, the listing agent refused to present the lease application by explaining that the landlord would not lease to a family with children. As a result of that position, the landlord may be investigated for violating California's Fair Employment and Housing Act, Section 12900 et seq. of the Government Code ("FEHA"). The list-

ing agent may also be investigated for violating the Department's regulation (Section 2780 Title 10 of the California Code of Regulations) prohibiting licensees from engaging in discriminatory housing practices. The listing agent's participation in assisting the landlord to enforce an unlawful "adults only" policy could lead to disciplinary action against that licensee.

The purpose of this article is to remind licensees that regardless of instructions received from principals, they may not engage in, participate in or assist any person to engage or participate in a discriminatory housing practice and also, to point out that the scope and breadth of prohibited discriminatory practices is indeed quite broad.

Source of State Prohibitions on Housing Discrimination

There are two primary sources of

California law prohibiting discriminatory housing practices. The first is Section 51 of the Civil Code, which is known as the Unruh Civil Rights Act ("Unruh Act"). The Unruh Act applies to any and all discriminatory acts or practices by a business establishment, not just housing. The other is the Fair Employment and Housing Act. *(Because of the similarity between federal and state anti-discrimination laws in housing, the federal law will not be discussed herein. Nevertheless, it is also a primary source of law prohibiting discriminatory housing practices.)*

FEHA applies to any "owner" of a "housing accommodation." An "owner" is defined as "any lessee, sublessee, assignee, managing agent, real estate broker or salesperson, or any person having any legal or equitable right of ownership or possession or the right to rent or lease housing accommodations." Licensees should take note that not only are they included within the definition of "owner," but as defined, the term "owner" includes almost anyone who can effect the transfer of interest in real property which can be used for residential purposes.

Protected Characteristics

FEHA implements fair housing provisions by making specific conduct unlawful when that conduct is based on certain personal characteristics. The characteristics which may not be considered are: (1) race; (2) color; (3) religion; (4) sex; (5) sexual orientation; (6) marital status, (7) national origin; (8) ancestry; (9) familial status; (10) source of income; or (11) disability. For ease of reference, these will be called the "enumerated characteristics." Some of them are further defined by statute. For example, each includes the perception that the person has one or more of these characteristics or that he or she is associated with a person who has or is perceived to have any of these characteristics. For example, "sex" includes pregnancy, childbirth or medical conditions related to either of these conditions, and "sexual orientation" means heterosexuality, homosexuality, and bisexuality. Also "familial sta-

Audit Program Report

The mission of the Audit Program is to protect the consumer through financial compliance audits of real estate licensees and subdivision developments. The primary focus of the DRE audits is on the handling of trust funds by licensees and subdividers.

Projects Accomplished

Computerized Property Management Audit Program — As a part of the Department's strategic planning, the Audit Section has been in the process of standardizing its policies and procedures. By utilizing personal computers and available software, the Audit Section has developed a computerized Prop-

erty Management Audit Program with related working papers. This computerized program will ensure thorough and uniform examinations of property management brokers and provide a vehicle for the audit staff to further enhance the efficiency of the audit production.

2000-01 Goals

Standardization — The Audit Program will continue the process of standardizing policies and procedures by:

- Revising the Audit Staff Training Manual;
- Standardizing and computerizing the Broker Escrow Audit Program and Working Papers. 🏠

Audits performed	932	
Audit results		
• Major violations	287	31%
• Corrective Action Letters	226	24%
• Minor or no violations	419	45%
Audits found with trust fund shortages	157	17%
Total amount of trust fund shortages		\$3,373,297
Shortages cured during or soon after the audit	111	\$1,262,640

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
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- Prices are subject to change.
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- **Minimum requirements for Windows** —
 386 DX2/33Mhz IBM compatible personal computer; 4MB physical RAM; 8MB available hard disk space; Windows version 3.11 or later; diskette or CD drive as applicable. 
- **Minimum requirements for Macintosh** —
 8MB physical RAM; Macintosh System 7; 8MB available hard disk space; diskette or CD drive as applicable. 

Miscellaneous

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

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DRE	RE#	Title of Publication	Cost	Quantity	Your Cost
	1	Reference Book (<i>revised 2000</i>)	\$20		
	2	2000 Real Estate Law Book	\$20		
	2C	2000 Real Estate Law Book (CD - contains both versions) <i>Refer to system requirements above.</i>	\$20		
	2A	2000 Real Estate Law Book (diskette - Windows version) <i>Refer to system requirements above.</i>	\$20		
	2B	2000 Real Estate Law Book (diskette - Macintosh version) <i>Refer to system requirements above.</i>	\$20		
		2000 Real Estate Law Book — Paper copy AND <input type="checkbox"/> CD (contains Windows & Macintosh) <input type="checkbox"/> Windows diskette <input type="checkbox"/> Macintosh diskette	\$35		
	4	Instructions to License Applicants (<i>brochure</i>)	<i>free</i>		
	6	Disclosures in Real Property Transactions (<i>booklet</i>)	\$2		
	8	Operating Cost Manual for Homeowner Associations	\$10		
	13	Trust Funds (<i>booklet</i>)	<i>free</i>		
	25	Reserve Study Guidelines for Homeowner Association Budgets (<i>revised 2000</i>)	\$10		
	34	A Guide to Mobilehome Park Purchases by Residents (<i>booklet</i>)	\$2		
	35	Trust Deed Investments — What You Should Know (<i>brochure</i>) and	\$2		
	35A	Using the Services of a Mortgage Broker (<i>brochure</i>) (35 & 35A are a set)	<i>per set</i>		
	39	Common Interest Development Brochure (<i>brochure</i>)	<i>free</i>		

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Real Estate Bulletin — Fall 2000

Placing Pressure on Appraisers

Many licensed real estate appraisers are concerned that they are sometimes “pressured” into performing appraisals for a minimum value specified by a broker in a transaction. In an attempt to increase awareness of this issue, the Office of Real Estate Appraisers provides the following article:

When working with an appraiser, a broker may tell the appraiser that he or she needs to “hit the sale price” or make a certain value in order for the client to qualify for a loan. Although the broker may not intend to be creating a problem for the appraiser, he or she may be unaware that just by accepting the assignment under those conditions, the appraiser is at risk for disciplinary action against his or her license.

All licensed appraisers are required to conform to the requirements of the Uniform Standards of Professional Appraisal Practice (USPAP). The Conduct section of the Ethics Rule in USPAP states:

“An appraiser must not accept an assignment that includes the reporting of predetermined opinions and conclusions.”

In addition, each appraisal report must contain a certification signed by the appraiser, stating that his or her compensation for completing the assignment is not contingent upon “the development or reporting of a predetermined value or direction in value that favors the cause of the client.”

Many appraisers feel that they must comply with these “minimum value” requests from brokers or face the prospect of receiving no additional work in the future. As a result, they are performing a balancing act between keeping their license in good standing and keeping their client satisfied. The Office of Real Estate Appraisers encourages all appraisers to provide the best possible service to their clients. However, the appraiser must ensure that this is being accomplished within the framework of USPAP. 🏠

Discrimination

Continued from page 10

tus” includes a single or married woman who is pregnant as well as other situations.

It can be easily seen from the above that the agent and landlord’s refusal to lease to the pregnant applicant because of her condition was unlawful under FEHA. Licensees are strongly encouraged to become familiar with all aspects of the State’s fair housing laws prohibiting discrimination in housing and to advise their principals about the requirements of these laws. Good faith participation in advancing landlord rules which are discriminatory under FEHA is not a defense to civil or administrative liability or to a license disciplinary proceeding. 🏠