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REAL ESTATE BULLETIN

Arnold Schwarzenegger, Governor

Dale Bonner, Secretary, Business, Transportation, & Housing Agency

Jeff Davi, Real Estate Commissioner

Department of Real Estate

Winter 2008

Advance fees and loan modifications

In recent months, a large number of individuals and companies have entered the loan modification business as a result of the increase in the number of homeowners who are experiencing difficulty making their existing mortgage payment. The purpose of this article is to clarify the licensing requirements for anyone engaged in this activity.

Negotiating loan modifications requires licensing as either a real estate broker, or as a salesperson properly licensed and working under the supervision of their broker. Attorneys rendering legal services to a client are exempt from the real estate licensing requirements, but this exemption may not be used as a means to circumvent the Real Estate Law. In addition to the general real estate licensing requirement, there are other requirements that must be met before a real estate broker can accept an advance fee for performing loan modifications or any other service that requires a real estate license.

The rules and regulations governing the collection of advance fees have been a part of Real Estate Law for many decades. In fact, Section 10085 of the Business and Professions Code (B&P) which requires the submission of an advance fee agreement to the DRE, was added to the law in 1958, as were Commissioner's Regulations 2970 and 2972. They were put in place to protect consumers from being victimized by real estate licensees

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Message from Commissioner Davi

Be warned and be skeptical...



With the downturn in our economy and the dropping real estate values, foreclosure rates are on the rise for the third consecutive year.

The California economy and some homeowners are experiencing tough financial times. Many California homeowners are now unable to keep up with their mortgage payments and have found themselves in desperate situations. This economic despair is compounded by even more homeowners who are also facing foreclosure due to personal or life related changes such as job losses.

Although the circumstances may cause desperate homeowners to believe they must jump at the first opportunity for a financial remedy, they must be cautioned to be skeptical of opportunistic predators who are looking to take advantage of the situation. It is important to consider all options when facing the difficulty of not being able to meet a mortgage obligation and a solution may not be easy to find. Because of this, people preying on homeowners in financial trouble have come up with schemes to coax homeowners out of more money with false promises of foreclosure avoidance.

Homeowners should be aware of the following information:

1. In California, it is generally against the law for any one to charge or require the payment of an advance fee to assist with a loan modification or workout after a Notice of Default has been recorded against your property.
2. If you have not had a Notice of Default recorded, then a licensed California real estate broker may collect an advance fee to assist you with a loan modification, but only if you have been given and signed an "advance fee agreement" previously reviewed by the Department of Real Estate.
3. If people are knocking on your door, soliciting you by mail, or contacting you by phone asking you to pay them a fee in order to have them negotiate with your lender, please STOP!

Go to our Department of Real Estate Web site, www.dre.ca.gov, to check out their license status and, even more importantly, to see if we've already reviewed their "advance fee agreement."

4. If they are not licensed or their advance fee agreement has not been reviewed by the Department of Real Estate, or if they are not lawyers offering legal services, you should NOT give them any money and consider looking for assistance elsewhere, or consult with an attorney.

Don't become a victim to any of these scams. Remember the old adage, if the offer sounds too good to be true, it probably is! 🏠

REAL ESTATE BULLETINOfficial Publication of the
California Department of Real Estate

Vol. 68, No. 4 Winter 2008

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From TDD phone 1-800-735-2929
From voice phone 1-800-735-2922

Summary of significant 2008 legislation



The following legislative summaries, from the legislative session that ended on August 31, 2008, contain pertinent information for real estate licensees and subdividers. These summaries are intended to alert you to noteworthy changes to the law. We encourage you to consult the statutes and/or for complete information. Copies of the bills can be obtained online at <http://www.leginfo.ca.gov/bilinfo.html>. Please note that "SB" refers to a Senate bill and "AB" to an Assembly bill and the Chapter number refers to the sequence that the bill was filed with the Secretary of State. The name appearing after the bill number is the name of the author. All statutes are effective January 1, 2009 unless otherwise noted.

AB 180 (Bass) Foreclosure Consultants (Chapter 278)

Foreclosure consultants are in the business of helping homeowners who are in default stop, delay or resolve a foreclosure action. Existing law sets forth to various consumer protections including, but not limited to, making it illegal for consultants to engage in certain deceitful practices, allowing consumers to rescind contracts entered into with a consultant up to three days after signing, and requiring representatives of a consultant to be bonded. AB 180 enhances consumer protections by, among other things, requiring foreclosure consultants to register with the Department of Justice and increase the bonding requirement for foreclosure consultants to \$100,000.

AB 2180 (Lieu) Solar Energy Systems in Common Interest Developments (Chapter 539)

AB 2180 requires a homeowners association (HOA) in a common interest development (CID) to respond to a request from a member to install a solar energy system in his/her separate interest within 60 days.

AB 2454 (Emmerson) Recovery Account Payout Limits Increased (Chapter 279)

Under the real estate law, the DRE administers a recovery account from which the DRE can pay the victims of fraud their actual and direct losses, if the fraud was committed by a real estate licensee while performing acts for which a license is required. The payout from the fund is generally limited by statute to \$20,000 for any one transaction and \$100,000 for any one licensee.

AB 2454 increased the payout limits to \$50,000 for any one transaction and \$250,000 per licensee for applications received after January 1, 2009. The Department of Real Estate sponsored AB 2454.

AB 2846 (Feuer) Homeowner Association; Disputed Assessments (Chapter 502)

AB 2846 provides that if a dispute arises between a homeowner and his or her HOA regarding any charge or sum, and the amount does not

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Legislative Summary

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exceed the jurisdictional limit for small claims court, the homeowner may, in addition to pursuing dispute resolution, pay the disputed amount under protest and commence an action in small claims court.

AB 2881 (Wolk) Disclosure of Farming Operations (Chapter 686)

AB 2881 requires developers and sellers of residential property to disclose to potential buyers if the property is within a mile of a farming operation, as set forth in the most current "Important Farmland Map" issued by the California Department of Conservation, Division of Land Resource Protection.

SB 1007 (Machado) 1031 Exchange Facilitators/Accommodators (Chapter 708)

Third-parties facilitators of tax deferred exchanges of real property are generally unregulated. SB 1007 requires facilitators to meet certain bonding or cash reserve minimums. The bill also sets forth acceptable and prohibited behavior by persons who facilitate tax deferred exchanges. The provisions of SB 1007 will remain in effect until January 1, 2014, after which they are repealed.

SB 1137 (Perata) Foreclosure Procedures (Chapter 69)

SB 1137, until January 1, 2013, changes the foreclosure requirements on loans that were originated on and between January 1, 2003 and December 31, 2007. Specifically, this bill requires lenders, prior to filing a notice of default, to contact or make a good faith attempts to contact borrowers to discuss their options. The bill also requires specific notices be given to the occupant of the property that the property is in foreclosure. And the bill would require the legal owner of a foreclosed, vacant property to maintain the property or be subject to fines. SB 1137 went into effect on 9/7/2008.

SB 1396 (Cox) Real Estate Fraud Prosecution Trust Fund (Chapter 405)

Existing law allows counties to impose an additional \$2 recording fee on real estate documents and put the money into a county Real Estate Fraud Prosecution Trust Fund. County officials must use the Fund to deter, investigate, and prosecute real estate fraud crimes. SB 1396 increased the number of documents on which the additional recording fee can be charged and it increased the additional recording fee to from \$2 to \$3.

SB 1448 (Scott) Fines for Unlicensed Activity (Chapter 156)

Existing law provides that any person acting as a real estate broker or real estate salesperson without a license is guilty of a public offense, punishable by a fine of up

to \$10,000, imprisonment in the county jail for up to six months, or by both a fine and imprisonment. In addition, the law provides that if the unlicensed entity violating the law is a corporation, a fine of up to \$50,000 may be imposed. SB 1448 increases the fines for unlicensed activity to twenty thousand dollars (\$20,000) or by imprisonment in the county jail for a term not to exceed six months or by both fine and imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars (\$60,000). This bill also requires any fines collected from a person in excess of \$10,000, and any fines collected from a corporation in excess of \$50,000, to be deposited into the county's Real Estate Fraud Prosecution Trust Fund, if such a trust fund exists in the county in which the person or corporation was prosecuted.

SB 1461 (Negrete McLeod) Disclosure of License Identification Number (Chapter 284)

Effective 7/1/2009, this bill requires a real estate licensee to place his or her license identification number on all first point of contact marketing materials and on home purchase agreements which they negotiate. First point of contact materials includes business cards, stationery, advertising fliers, and other materials designed to solicit the creation of a professional relationship between the licensee and a consumer. The Department of Real Estate (DRE) sponsored SB 1461.

SB 1511 (Ducheny) Foreclosure Sales in Common Interest Developments (Chapter 527)

This bill allows an HOA to record a notice against each of the units in its CID requiring a trustee to notify the HOA when a unit is foreclosed upon and to whom the property was sold.

SB 1737 (Machado) Bar Orders, Short Sales and Dual Agency Disclosures (Chapter 286)

SB 1737 makes three distinct changes to the Real Estate Law. First, the bill expands the DRE's regulatory authority to issue an order barring any individual from real estate related activity who has been found guilty of any offense involving fraud, dishonesty or deceit. Barred persons would also be prohibited from participating in any real estate activity of a finance lender, residential mortgage lender, bank, credit union, escrow company, or title company. Secondly, the bill expands the DRE's authority to discipline a licensee who generates an inaccurate opinion of value, requested in connection with a short sale, in order to acquire a financial or business advantage. Finally, the bill requires a licensee who represents a buyer or seller in a purchase/sale transaction and intends to arrange the financing in connection with the purchase of the property, to provide a written disclosure of his or her role as a mortgage broker to all parties to the sale of the property. 🏠

New and improved IVR system

The Department has deployed a new Interactive Voice Response (IVR) system utilizing toll free numbers that will have increased functionality over the former system. Licensees can now log into the phone system to obtain specific information pertaining to their license and exam applicants will be able to get information on the status of a pending application. The new toll free number, 1-877-DRE-4LIC (1-877-373-4542) will replace the old local numbers for licensing (916) 227-0931; broker exams (916) 227-0899; sales exams (916) 227-0900; and originals (916) 227-0904.

The system includes a separate toll free number for Spanish speaking consumers seeking only general information or a license look-up. The Spanish number is 1-877-DRE-4321(1-877-373-4321).

Consumer information that can be obtained through the toll free numbers include license status look-up, licensing requirements, exam availability, office locations, forms, and frequently asked questions.

The new IVR is self service, voice activated system; it also has touch

tone features for your convenience. To log into the system, licensees need their license ID number and the number on the back of the pocket ID card. If either of these items are not on

**Don't forget to
update your contacts
with Licensing's
new phone number:
1-877-DRE-4LIC
(1-877-373-4542)**

hand, you can identify yourself with your social security number(SSN) and date of birth (DOB). Examination applicants, or those who have passed the exam but do not yet have a license ID number,would need his/her exam ID number and a SSN and DOB to log in.

Once you log into the system, you will be offered a menu of options for information specific to you. For example, if you are a salesperson interested in getting a broker license, you will be able to hear a record of the pre-license qualification courses that the Department already has on file for you. If you are a broker and also a designated of-

ficer for one or more corporations, the system will recognize that fact and ask you which license you are calling about. In addition, if you are an exam or license applicant and have an application that is pending, will be advised of any deficiencies.



Some of the new features of the system include:

- ❖ Hear exam details if scheduled for an exam
- ❖ Schedule or reschedule an exam and hear available exam dates and locations
- ❖ Hear qualifications and/or deficiencies on existing exam, license or renewal application
- ❖ Request duplicate license or exam notice
- ❖ Pay for services with a credit card
- ❖ Update mailing information 🏠

Advance Fees

Continue from page 1

taking upfront money in return for promised services that are not performed. These rules are the same for any advance fee service.

The rules require a licensed broker to submit his or her advance fee agreement, accounting format, and any advertising or promotional materials to the DRE for review. The broker cannot use the agreement or collect any fees in advance until he or she receives a “no objection” letter from the DRE.

However, with regard to loan modifications, Civil Code Section 2945 generally prohibits the collection of fees in advance from consumers when a Notice of Default has been recorded against the property.

Additionally, advance fees must be placed in a broker’s trust account until specified services have been completed and the borrower (principal) must be given periodic accountings of their funds. There are many other rules that must be followed to ensure that the broker performs all of the promised services or makes appropriate refunds to the client (principal).

If approached for referrals by a company that purports to be in the loan modification business, licensees must be cautious. If a licensee makes such a referral and the consumer is victimized or harmed by that company, the licensee is at risk of being investigated by the DRE for negligence and other potential violations of the Real Estate Law. Additionally, the DRE has been advised by the Department of Housing and Urban Development (HUD) that referral fees paid or received in a loan modification transaction would constitute a violation of the Real Estate Settlement Procedures Act (RESPA). HUD can be contacted at (202) 708-0502 for more information on referral fees.

Licensees have a duty to determine that the company is properly licensed (or has a bona fide exemption) and, if charging advance fees, they have completed the review process with DRE. A list of those brokers who have completed the review process is available on the DRE Web site by clicking on [News Flash](#). Please direct any questions about this article to the Mortgage Loan Activities Unit at (916) 227-0770. 🏠

Disciplinary Action: June 08 - August 08

- 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 available on the DRE Web site www.dre.ca.gov under Real Estate Law and/or Regulations.
- Disciplinary actions that are “stayed” means there is “a delay in carrying out” all or part of the recommended discipline.



Commissioner's Regulations

2715	Licensee's failure to maintain current business or mailing address with DRE
2725	Failure of broker to exercise reasonable supervision over the activities of his or her salespersons
2726	Failure to have broker-salesperson agreements
2731	Unauthorized use of fictitious business name
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(a)	Failure of broker to place trust funds into hands of owner, into neutral escrow depository or trust fund account within three business days of receipt
2832(b)	Failure to comply with interest bearing trust account requirements
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
2834(a)	Unauthorized person making withdrawals from trust fund account
2950(d)	Failure of broker handling escrows to maintain records and accounts
2950(e)	Failure by broker to make escrow records available for inspection
2950(g)	Broker-handled escrow disbursement without written instructions
2950(h)	Failure to disclose interest in the agency holding the escrow
2951	Improper record keeping for broker handled escrows
2970	Failure to submit advance fee material for review

Business and Professions Code

490	Substantially related criminal conviction
498	License obtained by fraud or misrepresentation
10130	Acting without license
10137	Unlawful employment or payment of compensation
10145	Trust fund handling
10145(a)	Trust fund handling
10145(c)	Failure by salesperson to deliver trust funds to broker
10147.5	Notice regarding negotiability of commission
10148	Failure to retain records and make available for inspection
10148(a)	Failure to retain records and make available for inspection
10159.2	Failure by designated officer to supervise licensed acts of corporation
10159.5	Failure to obtain license with fictitious business name
10160	Failure to maintain salesperson licenses in possession of broker
10161.8	Failure of broker to notify Commissioner of salesperson employment
10162	Failure to maintain a place of business
10163	Failure to obtain a branch office license
10165	Failure to comply with specified B&P code sections
10176(a)	Making any substantial misrepresentation

10176(b)	Making false promise
10176(e)	Commingling trust funds with brokers funds
10176(g)	Secret profit or undisclosed compensation
10176(i)	Fraud or dishonest dealing in licensed capacity
10177(a)	Procuring a real estate license by misrepresentation or material false statement
10177(b)	Conviction of crime
10177(c)	False advertisement
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(k)	Violation of restricted license condition
10177.4	Acceptance of compensation for referral of customers to certain service providers.
10236.4	Failure to include license number or DRE license information telephone number in documents
10238(d)	Lien subordination
10238(f)	Violation of restriction to sell notes in excess of 10 to qualified persons
10240	Failure to provide mortgage loan disclosure statement
10241	Improper mortgage loan disclosure statement

Financial Code

4975 et seq. Violation of covered loan requirements

REVOKED LICENSES

FRESNO REGION

Agüero, Christina A. (RES)

2117 ½ S. Dairy Ave., Corcoran
Effective: 7/28/08
Violation: 490, 10177(b)

Canalez, James B. (REB)

4233 W. Sierra Madre, Ste. 203,
 Fresno
Effective: 7/29/08
Violation: 10176(i), 10177(f)(g)(j)

Gelegan, Jacob Aaron (RES)

6442 N. Maroa Ave., Fresno
Effective: 7/9/08
Violation: 490, 10177(b)

Howell, Isaiah Mark (RES)

PO Box 1467, Tehachapi
Effective: 7/9/08
Violation: 490, 10177(b)

Mohammadi, Sneha (REB)

11713 Covent Gardens Dr.,

Bakersfield

Effective: 8/12/08

Violation: 10176(a)(i), 10177(d)(g)(j)

Peterson, Damon Law (RES)

PO Box 222771, Carmel
Effective: 8/6/08
Violation: 490, 10177(b)

Sidow, James O. (REB)

4928 E. Clinton Way, Ste. 201,
 Fresno
Effective: 8/28/08
Violation: 2831, 2831.1, 2831.2,
 2832, 2832.1, 2834,
 10130, 10145,
 10176(e)(g), 10177(d)

LOS ANGELES REGION

Aguilera, Kurt (RES)

1403 N. Tustin Ave., Santa Ana
Effective: 7/30/08
Violation: 490, 10177(b)

Aguirre, Victoria Louise (RES)

11825 E. Imperial Hwy., Norwalk

<i>Effective:</i> 7/23/08 <i>Violation:</i> 490, 10177(b)	Hernandez, Pedro (REB) 4220 Firestone Blvd., South Gate <i>Effective:</i> 6/23/08 <i>Violation:</i> 490, 10177(b)	<i>Effective:</i> 6/30/08 <i>Violation:</i> 490, 10177(b)	U S A Financial Services, Inc. (REC) 14540 Victory Blvd., Ste. 212, Van Nuys <i>Effective:</i> 7/30/08 <i>Violation:</i> 2742, 10177(d)
Alexander, Stephen J. (REB) 617 S. Olive St., Ste. 511, Pasadena <i>Effective:</i> 7/14/08 <i>Violation:</i> 490, 10177(b)	Hosea, Catherine Ann (RES) 38625 Sumac St., Palmdale <i>Effective:</i> 6/9/08 <i>Violation:</i> 490, 10177(b)	Park, Diana Heejin (RES) 300 E. Tujunga Ave. #309, Burbank <i>Effective:</i> 6/9/08 <i>Violation:</i> 490, 10177(b)	Villapudua, Alejandro Americo (REB) 5812 Temple City Blvd. #201, Temple City <i>Effective:</i> 7/28/08 <i>Violation:</i> 10162, 10165
Alonzo, Seir (RES) c/o Century City Mortgage, 1801 Century Park East #450, Los Angeles <i>Effective:</i> 7/31/08 <i>Violation:</i> 490, 10177(b)	Istidjab, Martin Mulyadi (REB) 18760 E. Amar Rd. #133, Walnut <i>Effective:</i> 7/14/08 <i>Violation:</i> 490, 10177(b)	Plata Financing, Inc. (REC) 14112 ½ Firestone Blvd., Santa Fe Springs <i>Effective:</i> 6/5/08 <i>Violation:</i> 2715, 10148, 10162, 10165, 10177(d)(g)	Weaver, Nelson Lyle (RES) 1403 N. Tustin Ave., Ste. 380, Santa Ana <i>Effective:</i> 7/15/08 <i>Violation:</i> 490, 10177(b)
Baiocchi, Alan Brian (RES) 78 S. La Senda Dr., Laguna Beach <i>Effective:</i> 7/14/08 <i>Violation:</i> 490, 10177(b)	Jackson, Sherry Delores (REB) 42913 Staffordshire Dr., Lancaster <i>Effective:</i> 7/30/08 <i>Violation:</i> 490, 10177(b)	Premier Financial Network Group, Inc. (REC) 1801 Excise Ave., Ste. 113, Ontario <i>Effective:</i> 7/21/08 <i>Violation:</i> 10177(f)	<hr/> OAKLAND REGION
Carroll, Shawna Marie (RES) 226 E. Whitcomb Ave., Glendora <i>Effective:</i> 8/26/08 <i>Violation:</i> 490, 10177(b)	Jones, Robert Lawrence (RES) 2824 Fort Silver Dr., Bullhead City, AZ <i>Effective:</i> 7/14/08 <i>Violation:</i> 10130, 10177(d)(j)	Quiambao, Romeo Maclang (REB) 230 W. Foothill Blvd., Claremont <i>Effective:</i> 8/27/08 <i>Violation:</i> 10176(a), 10177(d) (g)(h)(j)	A & A Lending Mortgage & Real Estate Company (REC) 950 Tower Ln., Ste. 730, Foster City <i>Effective:</i> 7/29/08 <i>Violation:</i> 10165, 10177(d)
Clark, Kristopher Brian (RES) 11796 Dellwood, Victorville <i>Effective:</i> 8/12/08 <i>Violation:</i> 490, 10177(b)	Laureano, Ronald (REB) 19301 Plummer St., Northridge <i>Effective:</i> 8/12/08 <i>Violation:</i> 2715, 2832(b), 2832.1, 2950(g), 2951, 10145(a), 10176(i), 10177(d)	Raicevic, Danka (RES) 7931 Holder St., Buena Park <i>Effective:</i> 7/21/08 <i>Violation:</i> 490, 10177(b)	ACR Investments International, Inc. (REC) 6155 Almaden Expressway, Ste. 400, San Jose <i>Effective:</i> 7/7/08 <i>Violation:</i> 10176(b)
Czech, Edward Frank (RES) 31472 Yucaipa Blvd. #2, Yucaipa <i>Effective:</i> 7/28/08 <i>Violation:</i> 10130, 10145(c), 10176(i), 10177(d)	Long, Jonathan Derek (RES) 1627 E. Brockton Ave., Redlands <i>Effective:</i> 6/9/08 <i>Violation:</i> 10177(j)	Reeder, Lyshone Lenee (RES) 58 Rolling Ridge Dr., Pomona <i>Effective:</i> 8/18/08 <i>Violation:</i> 490, 10177(b)	Akbar, Tariq (RES) 3064 Dickens Ct., Fremont <i>Effective:</i> 7/9/08 <i>Violation:</i> 490, 10177(b)
Demarest, Joshua Michael (RES) 312 S. Walker Ave., San Pedro <i>Effective:</i> 8/7/08 <i>Violation:</i> 490, 10177(b)	Lucero, Daniel Tolano (REB) 791 E Foothill Blvd., Ste. K, Upland <i>Effective:</i> 6/18/08 <i>Violation:</i> 490, 10177(b)	Robertson, Lisa K. (RES) 1026 Calle Ortega, San Dimas <i>Effective:</i> 6/30/08 <i>Violation:</i> 490, 10177(b)	Avila, Maria Eugenia (RES) 8930 Leavesly Rd., Gilroy <i>Effective:</i> 7/7/08 <i>Violation:</i> 10176(b)
Fairon, Patrick Michelle (REB) 2010 Main St., Ste. 500, Irvine <i>Effective:</i> 6/9/08 <i>Violation:</i> 10177(k)	Lucero, Mary Marlene (RES) PO Box 5884, Buena Park <i>Effective:</i> 7/15/08 <i>Violation:</i> 490, 10177(b)	Rodriguez, Patricia (RES) 23828 Daisetta Rd., Newhall <i>Effective:</i> 6/12/08 <i>Violation:</i> 490, 10177(b)	Blickman, Birgitta Ingrid (REB) 27 Sienna Way, San Rafael <i>Effective:</i> 7/8/08 <i>Violation:</i> 2725, 2726, 2831, 2831.1, 2831.2, 2832, 2834, 10145, 10159.2(a), 10177(d)(h)
First Fidelity Credit Corporation (REC) PO Box 90955, Los Angeles <i>Effective:</i> 6/30/08 <i>Violation:</i> 2742, 10177(d)	Martinez, Leticia (RES) 10071 Claremont Ave., Bloomington <i>Effective:</i> 8/7/08 <i>Violation:</i> 490, 10177(b)	Romero, Emerson Noel (RES) 1063 N. Evaline Ct., Rialto <i>Effective:</i> 6/2/08 <i>Violation:</i> 490, 10177(b)	Bye, Lori Jo (RES) 356 Arabian Way, Healdsburg <i>Effective:</i> 7/28/08 <i>Violation:</i> 490, 10177(b)
First Gibraltar Mortgage Banc (REC) 44238 Division St., Lancaster <i>Effective:</i> 7/28/08 <i>Violation:</i> 2742, 10177(d)	Murphy, Michael Carl (RES) 12404 Weddington #12, North Hollywood <i>Effective:</i> 6/2/08 <i>Violation:</i> 490, 10177(b)	Ruiz, Sandra (RES) 19401 Cleveland Bay Ln., Yorba Linda <i>Effective:</i> 6/2/08 <i>Violation:</i> 490, 498, 10177(a)(b)	Camat, Klifford A. (RES) 30664 Ratekin Dr., Union City <i>Effective:</i> 7/29/08 <i>Violation:</i> 490, 10177(b)
First Golden Mortgage Services, Inc. (REC) 3255 Wilshire Blvd., Ste 1734, Los Angeles <i>Effective:</i> 7/1/08 <i>Violation:</i> 2742, 10177(d)	New Century Home Loan Corp. (REC) 21032 Devonshire St., Ste. 217, Chatsworth <i>Effective:</i> 8/12/08 <i>Violation:</i> 2715, 2832(b), 2932.1, 2950(g), 2951, 10145(a), 10176(i), 10177(d)	Sanford, Joni Ann (RES) 3156 Foothill Blvd., La Crescenta <i>Effective:</i> 6/18/08 <i>Violation:</i> 490, 10177(b)	Colorado, Diego Enrique (RES) 407 Marino Rd., Bay Point <i>Effective:</i> 7/31/08 <i>Violation:</i> 490, 10177(b)
Fletcher, Anthony Charles (RES) 26951 La Alameda #1202, Mission Viejo <i>Effective:</i> 6/18/08 <i>Violation:</i> 490, 10177(b)	Overby, Douglas Richard (RES) PO Box 9472, Newport Beach <i>Effective:</i> 7/10/08 <i>Violation:</i> 490, 10177(b)	Schultz, Harry Robert (REB) 139 N. Highland Ave., Los Angeles <i>Effective:</i> 7/30/08 <i>Violation:</i> 490, 10177(b)	Denton, Christopher Paul (RES) 2209 S. Bascom Ave., Campbell <i>Effective:</i> 7/24/08 <i>Violation:</i> 490, 10177(b)
Frederick, Reginald II (RES) 6338 S. Arlington Ave., Los Angeles <i>Effective:</i> 7/15/08 <i>Violation:</i> 490, 10177(b)	Pak, Lucia S. (RES) 400 S. Norton Ave. #C, Los Angeles <i>Effective:</i> 6/2/08 <i>Violation:</i> 490, 10177(b)	Serrano, Jade P. (RES) 6802 S. Vanport Ave., Whittier <i>Effective:</i> 6/18/08 <i>Violation:</i> 490, 10177(b)	Do, Huy Duc (RES) 1677 Nobili Ave., Santa Clara <i>Effective:</i> 7/30/08 <i>Violation:</i> 490, 10177(b)
Garrett, Terri Marie (RES) 1905 Alsuna Ln, Huntington Beach <i>Effective:</i> 8/18/08 <i>Violation:</i> 490, 10177(b)	Parada, Luis Alonso (RES) c/o Tarbell, 1403 N. Tustin Ave., Ste. 380, Santa Ana	Sochon, Jose Ronulfo (RES) 1700 W. Cameron Ave., Ste. 210, West Covina <i>Effective:</i> 8/11/08 <i>Violation:</i> 490, 10177(b)	Duque, Mildred R. (RES) 292 Stoakes Ave., San Leandro <i>Effective:</i> 8/28/08 <i>Violation:</i> 490, 10177(b)
Guyette, Robert Darrell (REB) 2643 E. Grove Ave., Orange <i>Effective:</i> 8/18/08 <i>Violation:</i> 10177(f)(g)		Stewart, Maria De Jesus (RES) 14233 Dillerdale Ave., La Puente <i>Effective:</i> 6/30/08 <i>Violation:</i> 490, 498, 10177(a)(b)	Harris, Prince Walter (RES) 5125 Hayward Ct., Antioch <i>Effective:</i> 8/25/08 <i>Violation:</i> 490, 10177(b)

Hernandez, Emily Marie (RES)

952 Commercial Ave.,
South San Francisco
Effective: 7/28/08
Violation: 490, 10177(b)

Hodgen, Ralph Earl (REB)

3080 Landess Ave., San Jose
Effective: 7/7/08
Violation: 2715, 2726, 10148(a),
10159.5, 10160,
10161.8, 10163,
10165, 10177(d),
10240(a)(c),
10236.4(b)

Mendoza, Laureano Jr. (RES)

2059 Mandelay Pl., San Jose
Effective: 7/28/08
Violation: 490, 10177(b)

Montoya, Mauricio Javier (RES)

7157 Via Carmela, San Jose
Effective: 7/28/08
Violation: 490, 10177(b)

Qureishy, Ayaz Hussain (RES)

40795 La Palmas Ave., Fremont
Effective: 7/28/08
Violation: 10130, 10137,
10177(d)

Smith, Samantha (RES)

22200 Mt. Eden Rd., Saratoga
Effective: 7/9/08
Violation: 490, 10177(b)

SACRAMENTO REGION**Casillas, Reuben R. (RES)**

PO Box 1739, Fort Bragg
Effective: 7/28/08
Violation: 490, 10177(b)

Ferrero, Candace U. (RES)

17 Hacienda Dr., Napa
Effective: 8/6/08
Violation: 490, 10177(b)

Johnson, Angela R. (RES)

2017 Cliffwood Dr., Fairfield
Effective: 8/6/08
Violation: 10130, 10137,
10177(d)

Kharod, Harchand Singh (RES)

1571 Riverview Ave., Tracy
Effective: 6/5/08
Violation: 490, 10177(b)

Maduro, D'Arcy Ann (RES)

865 Dover Cir., Benicia
Effective: 7/9/08
Violation: 490, 10177(b)

Malone, Tamara Lynn (RES)

3071 Helena Way, Chico
Effective: 7/10/08
Violation: 490, 10177(b)

McElroy, LaJaune Jerel (RES)

3522 Deer Park Dr., Ste. B,
Stockton
Effective: 8/6/08
Violation: 490, 10177(b)

Nunes, Sharon Marie (REB)

1295 Horizon Dr., Ste. C,
Fairfield
Effective: 8/6/08
Violation: 10130, 10137,
10177(d)

Ramirez, Benigno Gaytan (RES)

659 Rio Vista Dr., Napa
Effective: 7/9/08
Violation: 490, 10177(b)

Whaley, Daniel Patrick (REB)

PO Box 128, Hood
Effective: 6/27/08
Violation: 10177(f)(g)(j)

SAN DIEGO REGION**Amon, Debra Jean (RES)**

5233 Quapaw Way, Riverside
Effective: 8/4/08
Violation: 490, 10177(b)

Barr, Fernando G. (RES)

3534 Lynch Ln., San Diego
Effective: 7/14/08
Violation: 490, 10177(b)

Barraza, Rosa Amelia (RES)

312 Bonair St., La Jolla
Effective: 6/25/08
Violation: 490, 10177(b)

Conery, Stacy Lyn (RES)

5885 Nagel St., La Mesa
Effective: 7/28/08
Violation: 490, 10177(b)

Holmes, Kimberly Dominique (RES)

3875 37th St., San Diego
Effective: 7/28/08
Violation: 490, 10177(b)

Job, Justin (RES)

1626 Corte de las Piedras,
El Cajon
Effective: 8/25/08
Violation: 490, 10177(b)

Malone, Sean Michael (RES)

563 J Ave., Coronado
Effective: 8/28/08
Violation: 490, 10177(b)

Meza, Ray Alcalá (RES)

24760 Sunnymead Blvd., Ste. 100,
Moreno Valley
Effective: 7/24/08
Violation: 490, 10177(b)

Oh, Michael Jin (RES)

2220 Front St., San Diego
Effective: 8/6/08
Violation: 490, 10177(b)

Robles, Michael Ronn (RES)

8716 Production Ave., Ste. A,
San Diego
Effective: 7/29/08
Violation: 490, 10177(b)

Seiler, Damian Leonard (RES)

PO Box 1061, Solana Beach
Effective: 7/29/08
Violation: 490, 10177(b)

Sikes, William R III (RES)

9184 Canyon Park Terrace, Santee
Effective: 7/28/08
Violation: 490, 10177(b)

Sisselman, Barry Alan (REB)

33219 Puffin St., Temecula
Effective: 7/21/08
Violation: 10177(f)(g)(j)

Suleiman, Assad (RES)

548 Via Del Caballo, San Marcos
Effective: 6/25/08
Violation: 490, 10177(b)

Tirado, Felipe De Jesus Jr. (RES)

3604 Beyer Blvd. 15-202,
San Ysidro
Effective: 7/23/08
Violation: 490, 10177(b)

Vaughan, John Richard (RES)

29479 Rancho California Rd.

#490, Temecula

Effective: 6/9/08

Violation: 490, 10177(b)

**REVOKED WITH A RIGHT
TO A RESTRICTED
LICENSE****LOS ANGELES REGION****Carlin, Vito Arnold (RES)**

10524 Newville Ave., Downey
Effective: 6/26/08
Violation: 10137, 10177(g)
Right to RRES license on terms
and conditions

Chisholm, Cheryl Renee (RES)

5322 Deane Ave., Los Angeles
Effective: 7/3/08
Violation: 490, 10177(b)
Right to RRES license on terms
and conditions

Constantine, Richard D. (RES)

313 E. Birch St., Santa Ana
Effective: 7/10/08
Violation: 490, 10177(b)
Right to RRES license on terms
and conditions

Delius, Lilly S. (RES)

23252 Cheswald Dr.,
Laguna Niguel
Effective: 8/4/08
Violation: 10177(b)
Right to RRES license on terms
and conditions

Gonzalez, Ariel Reza (REB)

1551 Colorado Blvd. #204,
Los Angeles
Effective: 6/19/08
Violation: 490, 10177(b)
Right to RRES license on terms
and conditions

Haro, Mary (RES)

PO Box 4686, Downey
Effective: 6/9/08
Violation: 490, 10177(b)
Right to RRES license on terms
and conditions

Hernandez, Rafael (REB)

1608 N. Spurgeon St., Santa Ana
Effective: 6/11/08
Violation: 2731, 2831, 2831.1,
2831.2, 2832,
2834, 2950(b)(d)(e)
(h), 2951, 10137,
10145, 10147.5,
10159.5, 10177(g),
10236.4, 10240,
10241

Right to RRES license on terms
and conditions

Jackson, William Lee (RES)

12601 Edgemont Ln. #38,
Garden Grove
Effective: 6/2/08
Violation: 490, 10177(b)
Right to RRES license on terms
and conditions

Keshishyan, Vahe Dante (RES)

300 N. Isabel #12, Glendale
Effective: 7/14/08
Violation: 490, 10177(b)

Right to RRES license on terms
and conditions

Kim, Michael D. (REB)

3731 Wilshire Blvd., Ste. 502,
Los Angeles
Effective: 8/12/08
Violation: 490, 10177(b)
Right to RRES license on terms
and conditions

Lansford, Kenneth Alan (RES)

PO Box 720634, Pinon Hills
Effective: 6/19/08
Violation: 490, 10177(b)
Right to RRES license on terms
and conditions

Nguyen, Peter (RES)

4165 Oakcliff Dr., Moorpark
Effective: 7/30/08
Violation: 490, 10177(b)
Right to RRES license on terms
and conditions

Pitt, Jack (REB)

6282 Santa Ynez Dr.,
Huntington Beach
Effective: 7/31/08
Violation: 490, 10177(b)
Right to RRES license on terms
and conditions

Sanchez, Rafael Sandoval (RES)

2026 Madeira Ave., Mentone
Effective: 6/2/08
Violation: 490, 10177(b)
Right to RRES license on terms
and conditions

Smith, Julie Ann (RES)

1978 Tustin Ave., Costa Mesa
Effective: 8/26/08
Violation: 490, 10177(b)
Right to RRES license on terms
and conditions

Taylor, Gilbert Jesus (REB)

8050 Florence Ave., Ste. 22,
Downey
Effective: 6/11/08
Violation: 10177(b)
Right to RRES license on terms
and conditions

Zanjani, Hamid (REB)

419 S. Windmill Ln.,
Anaheim Hills
Effective: 8/5/08
Violation: 490, 10177(b)
Right to RRES license on terms
and conditions

OAKLAND REGION**Dzhebissov, Igor George (RES)**

7012 Brighton Dr., Dublin
Effective: 6/19/08
Violation: 490, 10177(b)
Right to RRES license on terms
and conditions

Huffman, Randall Alan (RES)

PO Box 2168, Morgan Hill
Effective: 7/31/08
Violation: 490, 10177(b)
Right to RRES license on terms
and conditions

Sung, Lop Choi (REB)

1496 39th Ave., San Francisco
Effective: 8/1/08
Violation: 10177(c)(j)
Right to RRES license on terms
and conditions

Thomas, Tina Louise (REB)
405 14th St., Ste. 815, Oakland
Effective: 7/24/08
Violation: 10137, 10177(d)
Right to RREB license on terms and conditions

Tullis, Sanford Lamar (REB)
318 Diablo Rd., Danville
Effective: 7/7/08
Violation: 10177(h)
Right to RRES license on terms and conditions

Weide, Scott H. (RES)
2812 Hawthorne Dr., Brentwood
Effective: 8/21/08
Violation: 490, 10177(b)
Right to RRES license on terms and conditions

SACRAMENTO REGION

Lee, Ze Max (REB)
9381 E. Stockton Blvd., Ste. 200
R#2, Elk Grove
Effective: 8/18/08
Violation: 10176(a)(i), 10177(g)
Right to RREB license on terms and conditions

Miller Property Management, Inc. (REC)
5530 Garfield Ave., Sacramento
Effective: 7/29/08
Violation: 2831.1, 2832.1, 10145, 10148, 10177(d)
Right to RREC license on terms and conditions

Miller, Murray Lee (REB)
5530 Garfield Ave., Sacramento
Effective: 7/29/08
Violation: 10159.2, 10177(d)(g)(h)
Right to RREB license on terms and conditions

SAN DIEGO REGION

Davis, Tabatha Lavette (RES)
409 Roosevelt St., Corona
Effective: 7/7/08
Violation: 490, 10177(b)
Right to RRES license on terms and conditions

Escobar, Hermes David (RES)
25304 Brodiaea Ave.,
Moreno Valley
Effective: 6/23/08
Violation: 490, 10177(b)
Right to RRES license on terms and conditions

Ghaffari, Shahnaz (RES)
716 Via Cafetal, San Marcos
Effective: 7/14/08
Violation: 490, 10177(a)(b)
Right to RRES license on terms and conditions
RRES license suspended for 60 days

Quispe, Wilson Obed (RES)
16145 Reiner Circle, Riverside
Effective: 8/4/08
Violation: 10177(b)
Right to RRES license on terms and conditions.
RRES suspended for 14 days

Sayd, Linda (RES)
1031 Burga Loop, Chula Vista
Effective: 8/5/08

Violation: 490, 10177(b)
Right to RRES license on terms and conditions

SUSPENDED

LOS ANGELES REGION

Binder, Barry Charles (REB, REO)
10791 Los Alamitos Blvd.,
Los Alamitos
Effective: 8/21/08
Officer of: College Park Realty, Inc.
Violation: 10177(h)
Suspended for 90 days from effective date of renewal or original license

SUSPENDED WITH STAY

FRESNO REGION

Martin Mortgage Corporation (REC)
1520 H Street, Modesto
Effective: 7/23/08
Violation: 2831, 2831.1, 2831.2, 2832.1, 10145, 10177(d)
Suspended for 60 days—stayed for 2 years on terms and conditions

Martin, Beverly Louise (REB)
1520 H Street, Modesto
Effective: 7/23/08
Violation: 10159.2, 10177(d)(g)(h)
Suspended for 60 days—stayed for 2 years on terms and conditions

Pinheiro, Jill Louise (RES)
11702 Crabbet Park Dr.,
Bakersfield
Effective: 8/12/08
Violation: 10176(a)(i), 10177(d)(g)(j)
Suspended for 30 days—stayed for 2 years on terms and conditions

LOS ANGELES REGION

Baello, Claudia Evelyn (RES)
1598 Vista Dorada Pl.,
Chino Hills
Effective: 8/14/08
Violation: 10177(j)
Suspended for 180 days—150 days stayed for 2 years on terms and conditions

Christian, Nancy Eileen (REB, REO)
27112 Calle Caballero Unit A,
San Juan Capistrano
Effective: 8/7/08
Officer of: United Equity Partners, Inc.
Violation: 2831, 2831.1, 2832(a), 10145, 10159.2, 10177(d)(g)(h), 10240
Suspended for 60 days—30 days stayed for 2 years on terms and conditions

College Park Realty, Inc. (REC)
10791 Los Alamitos Blvd.,
Los Alamitos
Effective: 8/21/08
Violation: 10177(g)
Suspended for 40 days—stayed for 2 years on terms and conditions

Foster, Charlotte Yvonne (REB)
18026 Jonathan, Adelanto
Effective: 6/12/08
Violation: 2831, 2834, 10145, 10177(d)
Suspended for 60 days—stayed for 2 years on terms and conditions

Gerardo, Inc. (REC)
120 Magnolia Ave., 2nd Floor,
Oxnard
Effective: 6/17/08
Violation: 10137, 10177(d)
Suspended for 60 days—stayed for 2 years on terms and conditions

Joo, Sangjin (REB, REO)
3600 Wilshire Blvd., Ste. 2200,
Los Angeles
Effective: 6/2/08
Officer of: New York Financial, Inc.
Violation: 10137, 10177(d)
Suspended for 60 days—stayed for 2 years on terms and conditions

KMG Mortgage Services, Inc. (REC)
27782 Vista Del Lago, Ste. 29,
Mission Viejo
Effective: 6/17/08
Violation: 10177(d), 10177.4
Suspended for 90 days—stayed for 1 year on terms and conditions

La Peter, James Michael (REB)
1203 S. Euclid St., Anaheim
Effective: 7/16/08
Violation: 2831, 2831.1, 2831.2, 2832.1, 2834, 2950(d)(g), 2951, 10145, 10176(a)(g), 10177(d)(g)(h)
Suspended for 90 days—stayed for one year on terms and conditions

Manning, Aril Lee (REB)
685-A Del Amo Blvd., Carson
Effective: 8/20/08
Violation: 10137, 10177(d)
Suspended for 30 days—all 30 days stayed

MHP, Inc. (REC)
6105 Rosemead Blvd., Pico Rivera
Effective: 7/9/08
Violation: 2831, 2831.1, 2832, 2832.1, 10145(a), 10177(d)
Suspended for 60 days—stayed for 2 years on terms and conditions

Montelongo, Gerardo C. (REB, REO)
120 Magnolia Ave., Oxnard
Effective: 6/17/08
Officer of: Gerardo, Inc.
Violation: 10137, 10177(d)
Suspended for 60 days—stayed for 2 years on terms and conditions

New York Financial, Inc. (REC)
3600 Wilshire Blvd., Ste. 2200,
Los Angeles
Effective: 6/02/08
Violation: 10137, 10177(d)
Suspended for 60 days—stayed for 2 years on terms and conditions

Norcapital Funding Corporation (REC)
2100 Main St. #103, Irvine
Effective: 6/30/08
Violation: 2832.1, 2950(d), 10145, 10177(d)
Suspended for 60 days—30 days stayed for 2 years on terms and conditions

Nordstrom, Jeffrey Kendall (REB, REO)
2100 Main St. #103, Irvine
Effective: 6/30/08
Violation: 2832.1, 2950(d), 10145, 10159.2, 10177(d)(h)
Suspended for 60 days—30 days stayed for 2 years on terms and conditions

Ortiz, Aaron (REB)
11441 Mt. Johnson Ct.,
Rancho Cucamonga
Effective: 6/9/08
Violation: 2831.1, 2832.1, 2834, 10145, 10177(d)
Suspended for 60 days—30 days stayed for 2 years on terms and conditions

Ortiz, Carmen L. (RES)
215 North H St., Oxnard
Effective: 6/17/08
Violation: 10130, 10177(d)
Suspended for 60 days—30 days stayed for 2 years on terms and conditions

Prather, Jeffrey Louis (REB, REO)
24422 Avenida de la Carlota
#350, Laguna Hills
Effective: 6/11/08
Officer of: The FHL Financial Group
Violation: 2831, 2831.1, 2832.1, 2950(h), 10145, 10159.2, 10176(g), 10177(d)(g)(h), 10238(f)
Suspended for 60 days—stayed for 2 years on terms and conditions

Richco Real Estate Services (REC)
396 S. Euclid Ave., Upland
Effective: 6/11/08
Violation: 2831.2, 2832.1, 10145, 10177(d)
Suspended for 60 days—stayed for 2 years on terms and conditions

Smith, Bobby Warren (REB, REO)
396 S. Euclid Ave., Upland
Effective: 6/11/08
Officer of: Richco Real Estate Services
Violation: 2831.2, 2832.1, 10145, 10177(d)
Suspended for 60 days—30 days stayed for 2 years on terms and conditions

The FHL Financial Group (REC)
24422 Avenida de la Carlota
#350, Laguna Hills
Effective: 6/11/08
Violation: 2831, 2831.1, 2832.1, 2950(h), 10145, 10176(g),

- 10177(d)(g),
10238(f)
Suspended for 60 days—stayed
for 2 years on terms and
conditions
- Troystar Investments, Inc. (REC)**
1203 S. Euclid St., Anaheim
Effective: 7/16/08
Violation: 2831, 2831.1, 2831.2,
2832.1, 2834,
2950(d)(g), 2951,
10145, 10176(a)(g),
10177(d)(g)(h)
Suspended for 90 days—stayed
for one year on terms and
conditions
- Viteri, Raul Martin (RES)**
13363 Norton Ave., Chino
Effective: 8/4/08
Violation: 10130, 10177(d)
Suspended for 120 days—90 days
stayed for 2 years on terms and
conditions
- West, John Edgar (RES)**
27782 Vista Del Lago, Ste. 29,
Mission Viejo
Effective: 6/17/08
Violation: 10177(d), 10177.4
Suspended for 90 days—stayed
for one year on terms and
conditions
- Williams, Ronald Calvin (REB)**
633 Noble Rd., Simi Valley
Effective: 7/18/08
Violation: 10177(d), 10177.4
Suspended for 60 days—stayed
for 2 years on terms and
conditions

OAKLAND REGION

- Alton Management Corporation (REC)**
2934 Telegraph Ave., Oakland
Effective: 6/5/08
Violation: 2831, 2832, 2834,
10130, 10137, 10145,
10177(d)
Suspended for 60 days—stayed
for 2 years on terms and
conditions
- Breeden, Gerald William (REB)**
257 E. Campbell Ave., #3,
Campbell
Effective: 6/4/08
Violation: 10159.2, 10177(d)(g)(h)
Suspended for 60 days—stayed
for 2 years on terms and
conditions
- Burger, Eugene James (REB)**
6600 Hunter Dr., Rohnert Park
Effective: 8/14/08
Violation: 2831, 2831.1,
2832(a), 10145,
10148, 10159.2,
10177(d)(h)
Suspended for 5 days—stayed for
one year on terms and conditions

- Diversified Loan Services, Inc. (REC)**
257 E. Campbell Ave. #3,
Campbell
Effective: 6/4/08
Violation: 2726, 2834(a)(2),
10177(d)
Suspended for 60 days—stayed
for 2 years on terms and
conditions

- Eugene Burger Management Corporation (REC)**
6600 Hunter Dr., Rohnert Park
Effective: 8/14/08
Violation: 2831, 2831.1,
2832(a), 10145,
10148, 10177(d)
Suspended for 5 days—stayed for
one year on terms and conditions
- Investment Grade Loans, Inc. (REC)**
475 S. San Antonio Rd., Los Altos
Effective: 6/11/08
Violation: 2831, 2831.1, 2831.2,
2832, 2970, 10085,
10145, 10177(d),
10238(d)
Suspended for 90 days—stayed
for 2 years on terms and
conditions
- Latu, Joan Elizabeth (RES)**
530 Oak Grove Ave., Ste. 101,
Menlo Park
Effective: 8/25/08
Violation: 2831, 2832(a), 2834,
10130, 10137, 10145,
10148, 10176(i),
10177(j)
Suspended for 90 days—stayed
for 2 years on terms and
conditions
- Lewis, Andrew A. (REB)**
475 S. San Antonio Rd., Los Altos
Effective: 6/11/08
Violation: 10159.2, 10177(d)(g)(h)
Suspended for 90 days—stayed
for 2 years on terms and
conditions

SACRAMENTO REGION

- Blackburne & Brown Mortgage Co. Inc. (REC)**
4811 Chippendale Dr., Ste. 101,
Sacramento
Effective: 07/30/08
Violation: 2832.1, 10145,
10177(d)
Suspended for 30 days—stayed
for 2 years on terms and
conditions
- Blackburne, George III (REB)**
4811 Chippendale Dr., Ste. 101,
Sacramento
Effective: 7/30/08
Violation: 10159.2, 10177(g)(h)
Suspended for 30 days—stayed
for 2 years on terms and
conditions
- Valdivia, Alexis Mae (REB)**
44 Foxridge Rd., Oroville
Effective: 6/5/08
Violation: 10159.2, 10177(d)(g)(h)
Suspended for 60 days—stayed
for 2 years on terms and
conditions

SAN DIEGO REGION

- Ayala, Henry Robert (REB, REO)**
13532 Duncan Dr., Moreno Valley
Effective: 7/9/08
Officer of: MHP, Inc.
Violation: 2831, 2831.1, 2832,
2832.1, 10145(a),
10159.2, 10177(d)
Suspended for 60 days—stayed
for 2 years on terms and
conditions

- Barry Estates, Inc. (REC)**
6033 Paseo Delicias, Ste. K,
Rancho Santa Fe
Effective: 7/16/08
Violation: 10137
Suspended for 50 days—stayed
for 2 years on terms and
conditions
- Barry, Daniel Joseph (REB)**
6033 Paseo Delicias, Ste. K,
Rancho Santa Fe
Effective: 7/16/08
Violation: 10159.2, 10177(h)
Suspended for 50 days—stayed
for 2 years on terms and
conditions
- Barry, Laura Ann (RES)**
PO Box 2813, Rancho Santa Fe
Effective: 7/16/08
Violation: 10130
Suspended for 50 days—stayed
for 2 years on terms and
conditions
- Cooper, Thomas Charles (REB)**
2845 3rd Ave., Ste. 3B, San Diego
Effective: 6/9/08
Violation: 2832.1, 10145,
10177(d)
Suspended for 90 days—60 days
stayed for 2 years on terms and
conditions

- Puhek, Louis John (REB, REO)**
1645 Capalina Rd., Ste. 800,
San Marcos
Effective: 7/10/08
Officer of: Zip Code Properties,
Inc.
Violation: 10159.2, 10177(d)(h)
, 10177.4
Suspended for 60 days—stayed
for 2 years on terms and
conditions
- Strange, Shannon Kay (REB, REO)**
76899 London Court, Palm Desert
Effective: 6/17/08
Officer of: KMG Mortgage
Services, Inc.
Violation: 10177(d), 10177.4
Suspended for 90 days—stayed
for 1 year on terms and conditions
- Zip Code Properties, Inc. (REC)**
1645 Capalina Rd., Ste. 800,
San Marcos
Effective: 7/10/08
Violation: 10177(d), 10177.4
Suspended for 60 days—stayed
for 2 years on terms and
conditions

LICENSE SURRENDERED

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

LOS ANGELES REGION

- American Dream Funding, Inc. (REC)**
18341 Sherman Way #204,
Reseda
Effective: 7/14/08
- Chadwick, Felipa Carlos (REB)**
20181 Mystic Ln.,

- Huntington Beach
Effective: 7/16/08
- Chang, Wonguen (REB)**
3660 Wilshire Blvd. #1008, Los
Angeles
Effective: 7/14/08
- Dana Capital Group, Inc. (REC)**
8001 Irvine Center Dr., Ste. 1200,
Irvine
Effective: 8/4/08
- Froehke, Douglas Ward (RES)**
2050 Carbon Canyon Rd.,
Chino Hills
Effective: 6/2/08
- Gelbart, Rinat (RES)**
5331 Coldwater Cyn. Ave. #C,
Sherman Oaks
Effective: 8/11/08
- Kamiab, Nezam-El-Dean (REB)**
3568 Agoura Rd., Unit 8,
Westlake Village
Effective: 8/19/08
- Pacific Financial Lending Corporation (REC)**
333 S. Anita Dr., Ste. 750, Orange
Effective: 8/18/08
- Pourian, Eliza (RES)**
151 N. Hamilton Dr., #1,
Beverly Hills
Effective: 7/7/08
- Roybal, Alfredo Perez (RES)**
13166 Ranchwood Rd., Tustin
Effective: 8/19/08
- Sotcher, Stanley William Jr. (REB)**
11410 Santa Gertrudes Ave. #231,
Whittier
Effective: 8/20/08
- United Equity Partners, Inc. (REC)**
27112A Calle Caballero,
San Juan Capistrano
Effective: 8/7/08
- Yonts, Ryan Thomas (RES)**
2829 Bowdoin St., La Verne
Effective: 7/14/08

OAKLAND REGION

- Censoprano, Salvatore (RES)**
957 Laguna Cir., Foster City
Effective: 7/7/08
- Lewis, Kevin Michael (RES)**
42 West 5th Ave., San Mateo
Effective: 7/31/08

SACRAMENTO REGION

- Ginter and Brown Realty (REC)**
930 W. Wood St., Willows
Effective: 6/11/08
- Lino, William Bettencourt (REB)**
220 N. Crawford Ave., Willows
Effective: 6/11/08

SAN DIEGO REGION

- Cheng Capital Investments (REC)**
2171 India St., Ste. Q, San Diego
Effective: 7/15/08
- Cheng, Willard Will (REB)**
3900 Fifth Ave., Ste. 340,
San Diego
Effective: 7/14/08 and 7/15/08

Continued on next page

Real estate auctions — licensing requirements and other matters

In today's housing market, auctions are increasingly being used to sell real property. An indication of their popularity is the number of radio, television, newspaper and Internet advertisements promoting real estate auctions. However, the use of auctions as a marketing and sales strategy is not new. Auctions have certain advantages such as bringing together multiple parties to compete for the property or properties, and the ability to set the terms and a date certain for the sale of the property or properties. But they do raise some issues related to the laws and regulations enforced by the Department of Real Estate (DRE).

License Requirements

A real estate broker license is not required for the people who simply "cry" or "call" an auction, unless they do more in connection with the sale and/or financing of the properties solicited for sale and then sold by auction.

Yet a California real estate license is required to solicit sellers and buyers of real property. In addition, a real estate license is required to negotiate the price that is established through the auction, the actual contract for the sale of the property, and other documents relating to the purchase of the real property after the bidding has been concluded. Consequently, a real estate licensee must be on site during the auction calling process.

Properties offered for sale at auctions are often made available for inspection by prospective buyers prior to the auction. Use of unlicensed assistants to sit at the properties during the inspections is allowed so long as they do not engage in any activity that would be considered soliciting or negotiating. For example, unlicensed assistants would be allowed to hand out pre-printed materials but not discuss the price or any features of the house.

To the extent that the property to be auctioned is promoted prior to the auction, a responsible real estate licensee is required to ensure compliance with the DRE's prohibition against false and misleading advertising. Furthermore, any dissemination of print, radio, Internet and/or television advertisements, or even "cold-calling" on the telephone, that is designed to cause someone to buy or sell a home through an auction

constitutes solicitation and requires a real estate license.

For a fuller understanding of the activities which require a real estate license, see Section 10131 of the California Business and Professions Code (B&P).

Internet Auctions

Real estate agents who participate in activities requiring a license in the context of an Internet auction are subject to the same licensing and other rules as "brick and mortar" brokerages. For instance, all brokers licensed by DRE are required to have a definite place of business within the State of California (B&P §10162). So brokers who conduct business over the Internet are required to have and maintain a definite place of business where the license is displayed and where consultations with clients are or can be held.

In California, Internet auctions of properties "being foreclosed" (under the power of sale in a deed of trust or mortgage) are not permitted. Sales of foreclosures via the auction process can only be consummated when bidders are present and bid in person in the county or counties where the properties are located. See California Civil Code §2924(g). Once the foreclosure is consummated the property can subsequently be sold via the Internet auction.

Section 2770 of the Real Estate Commissioner's Regulations provides information regarding advertising and the dissemination of information on the Internet.

Licensees from Other States

A real estate license issued by another State is not sufficient to conduct licensed real estate auction activity in California since California does not have reciprocity with any other State.


Property Disclosures

As with other real estate sales, all known defects affecting the value or desirability of the property to be auctioned must be disclosed. This includes disclosure of extrinsic facts not related to the physical condition of the property. For example, a death must be disclosed if it occurred on the property within 3 years of the date of the offer to purchase.

Subdivisions

A seller who sells real property located in a subdivision (as defined in B&P §11000, §11000.1 and §11004.5) through an auction is required to comply with the Subdivided Lands Law. That means a Public Report must be obtained and provided to prospective purchasers [B&P §11018.1 (a)].

Auction Parameters and Rules

In addition to all of the above, a seller using the auction process must clearly disclose to all potential buyers, among other things, the type of auction, bidding rules and methods, and qualifications, restrictions, and disclaimers being used for the sale. 

Disciplinary Action

Continued from page 9

Clark, Lawrence Patrick (RES)
33415 Megan Ct., Lake Elsinore
Effective: 6/3/08

Hansen, Peter Charles (RES)
44489 Town Center Way,
Palm Desert
Effective: 7/18/08

Yeomans, Zachary Michael (RES)
4378 Tuolumne Pl, Carlsbad
Effective: 8/20/08

INDEFINITE SUSPENSIONS

(under Recovery Acct. provisions)

Los Angeles Region

Helsing, Mark Alan (REB)
12341 Newport Avenue, Santa Ana
Effective: 7/18/08

Fresno Region

Mayer, Beth Ann (RES)
P.O. Box 2444, Paso Robles
Effective: 8/1/08

Oakland Region

Muhammad, Tirrell (RES)
1675 Quint Street, San Francisco
Effective: 7/18/08

Real estate publications

Ordering information

DRE publications are available:

On the Internet—All DRE publications are available free of charge on the DRE Web site at www.dre.ca.gov.

In person from District Offices — Complete Parts A, B, and C (if appropriate). Offices are located in Sacramento, Los Angeles, Oakland, Fresno, and San Diego.

By mail — Photocopy or remove this page from your *Bulletin*. Complete Parts A, B, and C (if appropriate). Mail it with the proper fee to:

Department of Real Estate
 Book Orders
 P.O. Box 187006
 Sacramento, CA 95818-7006

By fax — Complete Parts A, B, and C.

Fax form to (916) 227-0361.

By phone — Have credit card information ready, then call Book Order desk at (916) 227-0852.

Acceptable payment methods

- Personal check, cashier's check or money order should be made payable to: Department of Real Estate.
- VISA, MasterCard, and American Express credit cards may be used to purchase DRE publications.
- Cash is acceptable only if purchasing in person and only if it's the exact amount of purchase.

California sales tax

Use 7.25% tax rate, unless purchase location or delivery address is in the following counties: Alameda (8.25%),

Fresno (7.875%), Los Angeles (8.25%), Marin (7.75%), Sacramento (7.75%), and San Diego (7.75%). Requests and fees will be returned if the appropriate sales tax is not included.

Miscellaneous information

- **Publications noted as free are limited to one copy;** DRE grants requestor permission to reproduce these publications for complimentary distribution only.
- Prices are subject to change.
- Orders received with incorrect payments will be returned.
- **All sales are final — no refunds.**
- Allow 4–6 weeks for delivery.
- Volume discounts are available. Call DRE at (916) 227-0852 prior to ordering.

PART A PUBLICATIONS

DRE	RE#	Title of Publication	Cost	Quantity	Your Cost
	1	Reference Book — A Real Estate Guide (Rev. 2000)	\$20		
	2	2009 Real Estate Law Book & CD set (available February 1, 2009)	\$25		
	6	Disclosures in Real Property Transactions	\$10		
	8	Operating Cost Manual for Homeowner Associations	\$10		
	25	Reserve Study Guidelines for Homeowner Association Budgets	\$10		
	4	Instructions to License Applicants	free		
	13	Trust Funds	free		
	34	A Guide for Residents Purchasing Their Mobile Home Park	free		
	35	Trust Deed Investments — What You Should Know!!	free		
	35A	Using the Services of a Mortgage Broker	free		
	39	Living in a California Common Interest Development	free		
	51	A Consumer Guide to Filing Real Estate Complaints	free		
	52	Reverse Mortgages — Is One Right for You?	free		

PART B SHIPPING INFORMATION

SHIPPING NAME	LICENSE OR EXAM ID#	
SHIPPING ADDRESS		
CITY	STATE	ZIP CODE
		SUBTOTAL \$ _____ CA SALES TAX* \$ _____ (Tax rate used* _____ %) TOTAL ENCLOSED \$ _____

* See tax information above.

PART C CREDIT CARD PURCHASE

To purchase publication by credit card, complete the following:

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AMOUNT AUTHORIZED	SIGNATURE OF CARDHOLDER	DATE
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Official Publication
 CALIFORNIA DEPARTMENT OF REAL ESTATE
 P.O. Box 187000
 Sacramento, California 95818-7000


Real Estate Bulletin — Winter 2008

Real estate law book and cd

Each year, the Real Estate Law Book and CD is updated to reflect changes in laws and regulations.

The 2009 Real Estate Law Book and CD will be available online free of charge on January 1, 2009, and in print for purchase near late January 2009. This important reference for licensees contains:

- ❖ The Real Estate Law (from the Business and Professions Code);
- ❖ The Real Estate Commissioner's Regulations (from the California Code of Regulations);
- ❖ Portions of the Administrative Procedure Act (from the Government Code); and
- ❖ Pertinent excerpts from various California Codes.

The cost will be \$25, plus tax. Orders will be accepted after January 1, 2009. Use the order form on page 11 or submit a Publications Request (RE 350). (The RE 350 is available on the DRE Web site or from any District Office.) 



Moved or moving? New address? Use the *eLicensing* online system at www.dre.ca.gov to make the change or submit the appropriate "change" form: RE 214 for salespersons; RE 204 for brokers; RE 204A for corporations.

Job analysis and testing procedures study of 2008

The Department has entered into an Agreement with CPS Human Resource Services (CPS) to perform a reevaluation and update of the "Job Analysis and Testing Procedures Study". The purpose of this project is to identify the knowledge, skills and abilities (KSAs) that are a necessary part of the practice of real estate so they may be reflected in the real estate licensing examinations.

An important task of this project is to obtain the assistance of industry practitioners to help define the scope of the business to develop a current occupational analysis of KSAs. A survey is being developed as the first step in the process. Early next year, the survey will be posted on CPS's Web site. DRE's Web site, www.dre.ca.gov will also contain a link to the survey. We request your participation in completing the survey to ensure the study produces the most current and pertinent KSAs that are required of an individual entering the real estate field. An announcement will be posted on our Web site when the survey is available. 