



# 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 2001

## Business, Transportation, & Housing Agency Preparing today

from Secretary Contreras-Sweet

Over the next decade California is expected to lead the nation in job, population and income growth. The Business, Transportation and Housing Agency is preparing today for the growth that will challenge all our infrastructure systems.

For the past two years, Lt. Governor Cruz Bustamante and I have co-chaired a commission charged by the Governor with developing an infrastructure investment strategy for California's future. The work of the 48-member Commission on Building for the 21<sup>st</sup> Century recently wrapped up and we'll be presenting a final report to the Governor later this summer. Our Agency will then conduct an aggressive educational effort to inform Californians on the state's infrastructure needs.

As the State Secretary for transportation, I can tell you that we are approaching California's transportation needs on many fronts: through highways, passenger rail, mass transit, improved land use planning and a concern for the environment we all share.

More than \$6.8 billion has been appropriated to relieve traffic congestion, improve goods movement and maintain local transportation systems. Of that total amount, \$5.3 billion is for

## DRE offices to remain open during temporary power interruptions

Due to the current statewide energy situation, it is possible that temporary power interruptions may occur in areas where Department of Real Estate (DRE) offices are located. In the event a temporary blackout should occur, the DRE has established procedures for all of its offices to remain open.

The DRE expects that its telephone systems should continue to function during a power outage, which will allow normal consumer and licensee inquiries to be handled. License, examination and subdivision applications, and other paper transactions will be accepted, receipted and subsequently processed once power is restored. However, the computer system may not be operational and as such, staff will not be able to access DRE license record information during a blackout period.

The Department will continue to assess its ability to function during power interruptions in order to minimize any inconvenience to the public. Your understanding is appreciated. 🏠

the Governor's Traffic Congestion Relief Program to cut congestion and facilitate growth. The CHP, DMV, Caltrans and the Office of Traffic Safety are working in a cross-cutting manner within our Agency to assist me in meeting the Administration's transportation objectives.

As the State Secretary for housing, my goal is to ensure that our economic prosperity is not derailed by a lack of housing for California's workforce. More than \$400 million has been added to the state's budget for housing. This augmentation – the first for housing in more than a decade – is being put to use

by me with assistance from the Department of Housing and Community Development, Department of Real Estate, and the California Housing Finance Agency.

Most of California's anticipated growth in housing is expected to take place in metropolitan areas where businesses share space with city neighborhoods. The Governor's new Downtown Rebound program encourages creative and innovative use of land in these areas, such as adapting non-residential buildings into safe housing mixed with

*Continued on page 8*

### In this issue ...

- DRE annual reports
- Late renewals
- Employment opportunities
- Fiduciary responsibilities



### Real Estate Commissioner Paula Reddish Zinnemann pledged to save energy. You can too!

California is facing an energy challenge, but we can save money and avoid outages by conserving energy whenever possible. Please join us in making a commitment to reduce the use of electricity by 20 percent or more and urge others to do the same.



Take the Save Energy Pledge at [www.flexyourpower.ca.gov](http://www.flexyourpower.ca.gov) or any DRE office.

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

**Real Estate Bulletin**

Thomas L. Pool, *Editor*  
Amy Edelen, *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  
John Sweeney, *Managing Deputy Commissioner II*  
Consumer Information .....
  - 1515 Clay Street, Suite 702, **Oakland**, 94612-1402  
Les R. Bettencourt, *Managing Deputy Commissioner III*  
Consumer Information .....
  - 2201 Broadway, **Sacramento**  
Mailing Address: P.O. Box 187000, Sacramento, 95818-7000  
Charles W. Koenig, *Managing Deputy Commissioner III*  
Consumer Information .....
  - 1350 Front Street, Suite 3064, **San Diego**, 92101-3687  
J. Chris Graves, *Managing Deputy Commissioner II*  
Consumer Information .....

**SOUTHERN ENFORCEMENT AREA — DISTRICT OFFICES**

- Dolores Ramos, *Managing Deputy Commissioner IV*
- 320 W. 4th Street, Suite 350, **Los Angeles**, 90013-1105  
Maria Suarez, *Managing Deputy Commissioner III*  
Consumer Information .....

**SUBDIVISIONS**

- Sam Perrotti, *Assistant Commissioner, Subdivisions*
- 2201 Broadway, **Sacramento**  
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Consumer Information .....

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**Correction****Asbestos in commercial structures**

We regret that the article titled “Asbestos in commercial structures” (summer 2001 issue) contained several errors. Both paragraphs following “What is friable and non friable asbestos?” stated “... material containing *less than* 1% asbestos ...” where they should have stated “... *more than* 1% asbestos.” The corrected paragraphs are reprinted below:

Friable is a term the EPA uses to describe material containing more than 1% asbestos that can be crumbled, pulverized, or reduced to powder, when dry, by hand pressure. Even in very small amounts, friable material may be regulated when it is removed due to the high probability that asbestos fibers will be released upon disturbance and breathed into the lungs. Some common examples of friable construction materials are: acoustic “popcorn” ceilings, HVAC duct wrap, paper backing of linoleum, wall texturing compounds, non-bituminous roofing felt, Sheetrock joint “mud” compound, and thermal insulation on pipes or boilers.

Non friable materials contain more than 1% asbestos but cannot be crumbled using hand pressure since they are typically mixed with vinyl, asphalt or cement. They are generally not regulated\* because they have less potential to release asbestos fibers into the air; however, during renovation or demolition the materials may become friable. A few examples of non friable asbestos building products include, but are not limited to: cement “transite” siding or pipe, stucco, plaster, vinyl floor tiles, asphalt roofing felts and mastics. *\*It is important to note that non friable asbestos materials, for example, asbestos containing plaster and stucco, may “become” friable (and regulated) depending on the method of removal and your local AQMD regulations.* 🏠

**Information Systems Section**

The Information Systems Section (ISS) spent the past year focusing on two major objectives — completing the Enterprise Information Systems (EIS) computer conversion project with the production release of the Licensing system and enhancing the DRE Web site.

It has taken more than a year’s time, but with the assistance of a systems’ integrator, the efforts of the ISS staff and a significant contingent of DRE Licensing technical experts, DRE now has a new Licensing system in place. It was no small undertaking. The Licensing system is composed of several hundred programs with well over a million lines of code. It is the department’s largest and most complicated computer system. With the successful completion of the Licensing system, the EIS

project formally comes to a close.

The second part of ISS’s focus is DRE’s continuing commitment to the expanded use of the Internet as a means to serve the public and the real estate industry. Key improvements to the DRE Web site included:

- On-line lists of DRE approved statutory pre-licensing courses and continuing education courses.
- Updated, fill-in versions of many DRE forms including complex, multi-page Subdivision applications.
- Announcements of DRE sponsored seminars for the industry and public.
- Solicitations of DRE procure-

*Continued on page 9*

## Mortgage Lending Activities Report

The Mortgage Lending Activities Section oversees a variety of functions associated with real estate brokers who are primarily engaged in mortgage loan activities. These functions include:

**Threshold and Multi-lender Broker Reports** — The Section tracks and monitors the activity of brokers who meet a prescribed level of activity in specified types of mortgage transactions. These brokers are required to submit quarterly and annual reports to the Department. There are currently 290 threshold brokers and 145 multi-lender brokers reporting to the Department.

**Mortgage Loan Bulletin** — The section prepares and publishes the *Mortgage Loan Bulletin* twice a year as an educational service to real estate licensees engaged in mortgage brokering and lending.

**Residential Mortgage Loan Reports** — The section collects data from specified lenders engaged in certain types of lending activity who report to the Department. The purpose is to monitor lending activity for any discriminatory practices.

**Mortgage Loan Advertising** — The section reviews mortgage loan advertisements submitted by brokers wishing to have their ads approved by the Department. Brokers may submit their advertisements on a specified form along with a fee for the review. Last year, approximately 110 advertising submissions and referrals were reviewed.

**Advance Fee Contract Reviews** — The use of advance fee agreements is not limited to brokers in the mortgage loan business. The section reviews the contracts of brokers who collect fees from principals in advance of performing a specified function or service(s). Approximately 50 proposed advance fee contracts were reviewed last year.

**Prepaid Rental Listing Contract Reviews** — The section reviews contracts submitted on a mandatory basis by pre-

## Late period allows licensees to renew expired licenses but renewing on time is the way to go!

A real estate licensee has the ability to renew his or her license during the two year period after the license has expired. It is critical to note that after the license has expired, and during the aforementioned two year period, no license activity is permitted until a renewed license has been issued.

Therefore, it is advisable to apply for renewal *prior* to the license expiration. As per Section 10156.2 of the Business and Professions Code, a licensee who files his/her renewal on time and satisfies the requirements for renewal, including good faith evidence of compliance with the continuing education requirements, can continue to operate under the existing license while they await their license renewal certificate. Normal processing of renewals takes approximately two to three weeks, but problems with renewal applications or continuing education courses can significantly delay processing.

However, if you use the late renewal provision to apply for renewal *after* your license expires, you must wait until you receive your license renewal certificate to perform activities which require a license. Otherwise, you risk disciplinary action by the Department.

To renew an expired license during the late renewal period, submit:

- a proper renewal application;

paid rental listing service (PRLS) providers. A prepaid rental listing service basically is in the business of supplying prospective tenants with listings of residential real property for rent for a fee prior to use. Approximately 31 PRLS contracts were reviewed last year.

Because of the complex nature of the laws and regulations pertaining to mortgage lending, whether you are a seasoned veteran or just getting started, we encourage you to call us at (916) 227-0770 with your questions. 🏠

- proof of legal presence (only if not previously submitted);
- late renewal fee; and
- evidence that required continuing education courses have been *completed within four years of the renewal application*.

The late renewal period is not available to a new salesperson whose initial conditional license has been suspended for failure to meet statutory educational course requirements. Unless the suspension is lifted prior to the end of the initial four-year license term, the salesperson must re-qualify for licensure through the examination process.

Unfortunately, some individuals forget to renew their licenses within the two-year late renewal period immediately following their license expiration date. These licensees have to re-qualify for licensure through the examination process and meet the educational and experience requirements in effect at the time of examination application.

The bottom line is: **Be careful not to let your license expire!** 🏠

### ADD VALUE

to the

### Real Estate Bulletin

**We want to know  
what you want to read.**

Tell us what topics interest you, what information you need and offer other ideas for improvement.

**Please submit your comments to:**

Department of Real Estate  
ATTN: Publications  
P.O. Box 187000  
Sacramento, CA 95818-7000

**Thank you for your input!**

# Licensing Annual Report

Thomas Hensley, Managing Deputy Commissioner IV, Licensing and Examinations

The Licensing Section is responsible for the administration of the real estate license examinations as well as the issuance and renewal of salesperson and broker licenses.

## Licensing & Exam Activity

Compared with last year, the number of salesperson examinations increased by 4% and the number of broker examinations increased by less than 1%. The issuance of new salesperson licenses declined by 2%, while the issuance of new broker licenses declined by 1%. License renewals rose overall as the total salesperson renewals increased by 5% and broker renewals increased by 11%. At the end of FY 2000–01 the

licensee population totaled 314,082, which included 107,745 brokers and 206,337 salespersons. This is an increase of 2% over the number of licensees at the end of last FY.

## Population

The number of licensees peaked in FY 1991–92 with a total of 376,064 on May 31, 1992. Thereafter, the number of licensees declined until September of 1998, when the number of licensees totaled 295,527. Since then the number of licensees has steadily increased to our current population of 314,082.

## Improvements

The Licensing Section converted its computer subsystem to the new En-

terprise Information System. The new system will streamline processing original and renewal applications, as well as requests for changes to license records. It will also allow for future enhancements.

Additionally, the Department initiated a procedure which allows for original and renewal license application fees to be paid by credit card.

Also, the Department contracted with Psychological Services, Inc. to conduct a study of its salesperson and broker examination program. The study should be concluded in FY 2001–02. The results will assist the Department in maintaining valid examinations for real estate licensure. 🏠

## Putting the “Public” in Publications

### What's new...

- *Reverse Mortgages – Is One Right For You?* is a new consumer guide all about reverse mortgages including pros, cons, availability, options and more. Numerous copies have been distributed to senior citizens, public libraries, agencies serving the aging, AARP and other consumer groups.
- *Instructions to License Applicants* was revised in July 2001.

### And exciting!

Many publications are now available on the DRE Web site. Go to [www.dre.ca.gov](http://www.dre.ca.gov) for:

- *Instructions to License Applicants*
- Regulations of the Real Estate Commissioner
- California Law including the Real Estate Law and applicable codes
- *Real Estate Bulletin*
- *Mortgage Loan Bulletin*
- *Broker Compliance Evaluation Manual*
- *Frequently Asked Questions – Mortgage Loan Brokering in California*
- *Trust Deed Investments – What You Should Know!!*
- *Using the Services of a Mortgage Broker*
- *Living in a California Common Interest Development*
- *A Guide to Mobilehome Park Purchases by Residents*
- *Reverse Mortgages – Is One Right for You?*
- *A Consumer Guide to Filing Real Estate Complaints*
- Publications Request form
- *Disclosures in Real Property Transactions*

## Legal & Recovery

Activity in the Department's Legal Section increased in most categories during fiscal year 2000–01 over fiscal year 1999–00. In 2000–01 the Legal Section received 1,298 investigative files recommending some kind of legal action. These referrals resulted in the Legal Section filing 404 Accusations initiating license disciplinary action and 321 Statements of Issues to deny applications or licensure. Disciplinary actions filed by the Legal Section resulted in the revocation of 424 licenses, the suspension of 131 licenses and the denial of 265 applications.

Recovery Fund claims were down by over 8.5% in fiscal year 2000–01 compared to 1999–00. We anticipate that claim activity will remain at approximately this level in FY 2001–02.

### Recovery Section Statistics

	Claims		Amount Paid
	Filed	Paid	
99–00	75	63	\$1,714,030
00–01	69	83	\$1,294,745

# Disciplinary Action — March 2001 to May 2001



- ✓ 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
2731	Unauthorized use of fictitious business name
2746	Failure to file corporate background statement
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
2834(b)	Unauthorized or unbonded person making withdrawals form corporate trust fund account
2840	Failure to give approved borrower disclosure
2950(g)	Broker-handled escrow disbursement without written instructions
2951	Improper record keeping for broker handled escrows

## 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
10130	Acting without license
10137	Unlawful employment or payment of compensation
10138	Payment of compensation to unlicensed person
10139	Acting as real estate broker without having a broker license
10145	Trust fund handling
10145(a)	Trust fund handling
10145(c)	Failure by salesperson to deliver trust funds to broker
10148	Failure to retain records and make available for inspection
10159.2	Failure by designated officer to supervise licensed acts of corporation
10159.5	Failure to obtain license with fictitious business name
10162	Failure to maintain a place of business
10176(a)	Making any substantial misrepresentation
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
10177.2(b)	Failure to deliver properly endorsed mobilehome ownership certificate
10177.5	Civil fraud judgment based on licensed acts

10229(a)	Violation of multi-lender requirement
10231.1	Retaining lender's funds for more than 25 days without a written agreement with the lender
10232.2(b)	Failure to file statement regarding loan servicing
10232.2(a)	Failure to provide independent audit reports
10232.5	Failure to provide required information in lender disclosure statement
10233.1	Failure of broker to notify mortgage lender that payments were made from funds other than those of the borrowers
10234	Failure to broker negotiating mortgage loan to record or cause trust deed to be recorded
10234.4	Failing to timely record trust deed in name of the beneficiary
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

## Financial Code

17403.4	Failure to disclose license under which a broker exempt escrow is operated
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## REVOKED LICENSES

### Fresno Region

- Bohigian, Nora Donelle (RES)**  
P.O. Box 27084, Fresno  
*Effective:* 5/10/01  
*Violation:* 10177(a)(b)
- Byland, Michael O. (RES)**  
1435 Longbranch Ave., Unit G, Grover Beach  
*Effective:* 3/14/01  
*Violation:* 498, 10177(a)
- Cruz, Margarita (RES)**  
1100 Montavenia Dr., Modesto  
*Effective:* 4/13/01  
*Violation:* 498, 10177(a)
- Figueroa, Ruben (REB)**  
808 W. Main, Ste. E, Visalia  
*Effective:* 9/29/98  
*Violation:* 10145, 10176(a)(e)(i), 10177(d)
- Monji, Marcel Jerome (RES)**  
P.O. Box 1558, Bakersfield  
*Effective:* 5/7/01  
*Violation:* 10177

### Los Angeles Region

- Anderson, Mark R. (REB)**  
1505 Crenshaw Blvd., Ste. 103, Torrance  
*Effective:* 3/29/01  
*Violation:* 490, 10177(b)

- Barrios, Sindy Ruby (RES)**  
8443 Evergreen Ave., South Gate  
*Effective:* 5/10/01  
*Violation:* 490, 10177(b)
- Batiste, Kenneth Dwayne (RES)**  
3956 Via Valmonte, Palos Verdes Estates  
*Effective:* 5/9/01  
*Violation:* 490, 10177(b)
- Booth, David Bryon (RES)**  
18627 Brookhurst St., #421, Fountain Valley  
*Effective:* 3/1/01  
*Violation:* 498, 10177(a)
- Brodsky, Yan (RRES)**  
920 N. Stanley Ave., #203, Los Angeles  
*Effective:* 5/10/01  
*Violation:* 490, 10177(b)(k)
- Cabrera, Dale Lyn (RES)**  
6712 Palma Cir., Yorba Linda  
*Effective:* 4/5/01  
*Violation:* 490, 10177(b)
- Chau, Paulina T. (REB)**  
12912 Brookhurst St., #400B, Garden Grove  
*Effective:* 4/11/01  
*Violation:* 490, 498, 10177(a)(b)
- Connolly, Jean (RES)**  
455 E. Francis Dr., Palm Springs  
*Effective:* 4/11/01  
*Violation:* 10130, 10177(d)

**Cuevas, Maggie (RES)**

5815 Whittier Blvd., Los Angeles  
Effective: 5/8/01  
Violation: 490, 10177(b)

**Derbogossian, Hovsep (REB)**

641 W. California Ave., Glendale  
Effective: 5/8/01  
Violation: 10148, 10162, 10165,  
10177(d)

**Drewry, Michelle (RES)**

324 Myrtlewood Dr., Calimesa  
Effective: 3/14/01  
Violation: 490, 10177(b)

**Dubon, Edna T. (RES)**

2041 Woods Ave., Monterey Park  
Effective: 3/15/01  
Violation: 490, 10177(b)

**Fellows, Jeffrey Dee (RES)**

7815 Foftail Pl., Highland  
Effective: 4/23/01  
Violation: 490, 498, 10177(a)(b)

**Galeano, Anthony S. (RES)**

292 S. La Cienga Blvd., #205,  
Beverly Hills  
Effective: 3/26/01  
Violation: 498, 10177(a)

**Garcia, Elizabeth (RES)**

1702 East 64<sup>th</sup> St., Los Angeles  
Effective: 4/19/01  
Violation: 498, 10177(a)

**Grim, Janet Lynn (RES)**

1403 N. Tustin Ave., Santa Ana  
Effective: 3/12/01  
Violation: 490, 10177(b)

**Hernandez, Javier (RES)**

625 S. Wabash Ave., #1,  
Glendora  
Effective: 5/7/01  
Violation: 498, 10177(a)

**Horn, Jay Michael (RES)**

227 Chiquita St., Laguna Beach  
Effective: 3/13/01  
Violation: 490, 10177(b)

**Hosseini, Mehrdad (RES)**

3 Belcanto, Irvine  
Effective: 5/8/01  
Violation: 490, 10177(b)

**Ivy, William Mell Jr. (RES)**

P.O. Box 3395, Newport Beach  
Effective: 4/30/01  
Violation: 490, 10177(b)

**Kassler, Donna Spring (REB)**

1729 E. Palm Canyon Dr.,  
Ste. 109, Palm Springs  
Effective: 3/21/01  
Violation: 2831, 2831.1, 2831.2,  
2832.1, 10145, 10176(e)(i),  
10177(d), 10177.5

**Ledesma, Michael C. (RES)**

239 N. Morada Ave.,  
West Covina  
Effective: 5/8/01  
Violation: 490, 10177(b)

**Martirosian, Erich (RES)**

1714 W. Mountain St., Glendale  
Effective: 4/19/01  
Violation: 10177(f)

**Miller, Eve Allison (RES)**

23515 Lyons, #107, Valencia  
Effective: 4/16/01  
Violation: 490, 10177(b)

**Moldt, Gordon Edward (RES)**

10073 Hidden Village Rd.,  
Garden Grove  
Effective: 5/9/01  
Violation: 10177.5

**Murphy, Keyawn Littleton (RES)**

16815 Kingsbury St., #201,  
Granada Hills  
Effective: 3/13/01  
Violation: 490, 10177(b)

**Pasori, Ned (RES)**

PO Box 14081, Goleta  
Effective: 3/13/01  
Violation: 498, 10177(a)

**Pavelcik, Vlado (RES)**

16435 Everetts Way, Riverside  
Effective: 5/10/01  
Violation: 490, 10177(b)

**Perez-Raymondo-Bruner, Vincent**

**Joel (RES)**  
31566 Railroad Canyon Rd.,  
Canyon Lake  
Effective: 3/13/01  
Violation: 498, 10177(a)

**Ramirez, Esau Garcia (RES)**

762 Pamela Kay Ln., Whittier  
Effective: 5/3/01  
Violation: 10145(c), 10176(i),  
10177(d)(G)(j)

**Riebe, Charles Duffy (RRS)**

5299 Alton Pky, Irvine  
Effective: 3/26/01  
Violation: 10176(a),  
10177(d)(g)(k)

**Romando, George Perez (RES)**

41689 Enterprise Circle,  
Ste. 120, Temecula  
Effective: 5/3/01  
Violation: 10177(j)

**Sanchez, Isabel (REB)**

4040 Temple City Blvd., Ste. A,  
Rosemead  
Effective: 4/25/01  
Violation: 2731, 2831, 2831.2,  
2832, 2832.1, 2834, 10145,  
10159.5, 10177.5

**Sandin, Matt Roger (RES)**

18555 Collins St., #C30, Tarzana  
Effective: 3/15/01  
Violation: 498, 10177(a)

**Sealy, Vincent Jr. (RES)**

300 E. Victoria St., Rialto  
Effective: 5/29/01  
Violation: 10137, 10145(c),  
10176(g)(i), 10177(c)(d),  
10177.2(b)

**Theriault, Janice Lee (RES)**

25909 Pala Dr., Ste. 100,  
Mission Viejo  
Effective: 5/8/01  
Violation: 490, 10177(b)

**Thomas, Leslie Bradshaw (REB)**

P.O. Box 259, Long Beach  
Effective: 5/9/01  
Violation: 10177.5

**Yagmourian, Caroline (RES)**

12423 Kittridge St.,  
North Hollywood  
Effective: 3/26/01  
Violation: 498, 10177(a)

**Oakland Region****Choy, Jackson Keung (RES)**

2934 Archwood Circle, San Jose  
Effective: 3/6/01  
Violation: 490, 10177(b)

**Feliciano, Mila Bautista (RES)**

400 S. El Camino Real,  
San Mateo  
Effective: 3/1/01  
Violation: 10177.5

**Hoffman, Rick John (REB)**

496 Dorothy Ave., San Jose  
Effective: 3/2/01  
Violation: 2725, 2830, 2831,  
2831.1, 2831.2, 2832.1, 2834,  
10177(d)(g)(h), 10232.5,  
10233.1, 10234.4, 12031.1

**Johnson, Debora Louise (RES)**

2609 Willowbrook Ln., #65,  
Aptos  
Effective: 5/7/01  
Violation: 480(a), 10177(b)

**Parkinson, Michael William (REB)**

2939 Old Almaden Rd., #14,  
San Jose  
Effective: 3/12/01  
Violation: 2715, 2731, 2831,  
2832, 10145, 10148, 10159.5,  
10177(d), 10231.2(a)(b), 10234

**Portuondo, Ralph (REB)**

64 W. Alisal St., Salinas  
Effective: 5/21/01  
Violation: 2831, 2832, 2834,  
10145, 10176(e), 10177(d)

**Sacramento Region****Brown, Bobbie (REB)**

21270 Placer Hills Rd., Colfax  
Effective: 4/24/01  
Violation: 10148, 10177(d)

**Buesse, Dennis Lee (RES)**

816 Corvey Circle, Galt  
Effective: 4/23/01  
Violation: 490, 10177(b)

**Coffey, Michael C. (REB)**

P.O. Box 2027, Grass Valley  
Effective: 5/10/01  
Violation: 490, 10177(b)

**San Diego Region****Amisra Bancorp Co. (REC)**

6920 Miramar Rd., Ste. 301,  
San Diego  
Effective: 3/8/01  
Violation: 2746, 10177(a)(d)

## REVOKED WITH A RIGHT TO A RESTRICTED LICENSE

**Fresno Region****Floyd, Donald La Rue (REB, REO)**

128 N. Gateway Dr., Madera  
Effective: 5/2/01  
Violation: 2725, 10177(d)(h),  
11012

Right to RREB license on terms  
and conditions; RREB license  
suspended for 70 days-all but 30  
days stayed

**Land, Buford Earl (REB)**

9433 California City Blvd.,  
California City  
Effective: 5/8/01  
Violation: 2831, 2831.1, 2831.2,  
2832.1, 2834, 10145, 10148  
Right to RREB license on terms  
and conditions

**Los Angeles Region****Allied Development Corp. (REC)**

811 N. Central Ave., Glendale  
Effective: 3/15/01  
Violation: 2831, 2831.1, 10145,  
10177(d)

Right to RREB license on terms  
and conditions

**Anuluoha, Okwudili Tony (RES)**

5516 S. Holt Ave, Los Angeles  
Effective: 4/23/01  
Violation: 10177(d)(g)  
Right to RRES license on terms  
and conditions

**Bittner, John William Von (RES)**

4015 Higuera Highlands,  
San Jose  
Effective: 4/18/01  
Violation: 10176(a)(i)  
Right to RRES license on terms  
and conditions

**Caraballo, Nelson (RES)**

5623 Edgemere Dr., Torrance  
Effective: 3/14/01  
Violation: 10130, 10177(d)  
Right to RRES license on terms  
and conditions

**Diaz, Isauro (RES)**

303 N. Herbert Ave., Los Angeles  
Effective: 4/10/01  
Violation: 10177(f)  
Right to RRES license on terms  
and conditions

**Gaetaniello, Arthur R. (RES)**

78106 Jalousie Dr., Palm Desert  
Effective: 3/8/01  
Violation: 10177(f)  
Right to RREB license on terms  
and conditions

**Gribble, Luther Edward (RES)**

PO Box 984, San Clemente  
Effective: 3/13/01  
Violation: 490, 498, 10177(a)(b)  
Right to RRES license on terms  
and conditions

**Grosso, Gerald Joseph (REB)**

950 E. Katella Ave., Ste. 1,  
Orange  
Effective: 3/5/01  
Officer of: Nornel Corporation  
Violation: 10159.2, 10177(d)  
Right to RREB license on terms  
and conditions

**Haritunians, Ara Tatavous (REB)**

1484 Third St., Unit A, La Verne  
Effective: 3/12/01  
Violation: 2725, 10177(d)  
Right to RRES license on terms  
and conditions

**Kang, Hee Young (RES)**

611 S. Wilton Pl., Los Angeles  
*Effective:* 3/26/01  
*Violation:* 498, 10177(a)  
 Right to RRES license on terms and conditions

**Levin, Mark Hassel (RES)**

23401 Park Sorrento 9, Calabasas  
*Effective:* 4/4/01  
*Violation:* 10130, 10137, 10145(c), 10177(d)  
 Right to RRES license on terms and conditions

**Matti, Matus Younan (REB, REO)**

811 N. Central Ave., Glendale  
*Effective:* 3/15/01  
*Officer of:* Allied Development Corporation  
*Violation:* 2831, 2831.1, 10145, 10177(d)  
 Right to RRES license on terms and conditions

**Nornel Corporation (REC)**

950 E. Katella Ave., Ste. 1, Orange  
*Effective:* 3/5/01  
*Violation:* 2831.2, 2832.1, 10145, 10148, 10177(d)  
 Right to RREC license on terms and conditions

**Petrusan, Viorel Alexandru (REB, REO)**

14620 Lakewood Blvd., Bellflower  
*Effective:* 5/23/01  
*Violation:* 2831.2, 2832, 2832.1, 2950(g), 2951, 10145, 10177(d)(g)  
 Right to RREB license on terms and conditions; RREB license suspended for 120 days

**Sumner, James Robert (REB)**

41899 Corte Valentine, Temecula  
*Effective:* 3/20/01  
*Violation:* 490, 10177(b)  
 Right to RREB license on terms and conditions

**Thomas, Tena S. (REB)**

4312 Don Luis Dr., Los Angeles  
*Effective:* 5/3/01  
*Violation:* 10177(g)  
 Right to RRES license on terms and conditions

**Oakland Region****Alevizos, Timothy C. (RES)**

27 West 37<sup>th</sup> Ave., San Mateo  
*Effective:* 4/10/01  
*Violation:* 490, 10177(b)  
 Right to RRES license on terms and conditions

**Baynet & Company, Inc. (REC)**

200 Taraval St., San Francisco  
*Effective:* 3/15/01  
*Violation:* 10137, 10138, 10177(d)  
 Right to RREC license on terms and conditions

**Brennan, William Patrick (REB)**

3704 Mt. Diablo Blvd., #132, Lafayette  
*Effective:* 3/15/01  
*Violation:* 2831, 2831.1, 2832.2, 2832, 2832.1, 2834, 10145, 10177(d)

Right to RREB license on terms and conditions

**Courtney, William Eugene (RES)**

P.O. Box 1431, San Ramon  
*Effective:* 5/7/01  
*Violation:* 10137, 10139, 10176(a)(i), 10177(d)(j)  
 Right to RRES license on terms and conditions

**Engstrom, Clayton Morris Jr. (REB)**

125 Jessie Ln., Petaluma  
*Effective:* 3/28/01  
*Violation:* 10177(d), 11018.1, 11018.2

Right to RREB license on terms and conditions

**Engstrom, Mary C. (REB)**

125 Jessie Ln., Petaluma  
*Effective:* 3/28/01  
*Violation:* 10177(d), 11018.1, 11018.2

Right to RRES license on terms and conditions

**Liu, David Jia-Ling (REB, REO)**

200 Taraval St., San Francisco  
*Effective:* 3/15/01  
*Officer of:* Baynet & Company, Inc.

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

**Sayed, Gary Nicholas (REB)**

1480 Alvarado Ave., Burlingame  
*Effective:* 4/17/01  
*Violation:* 490, 10177(b)  
 Right to RREB license on terms and conditions

**San Diego Region****Canto, Steven Michael (REB, REO)**

704 Begonia, Corona Del Mar  
*Effective:* 4/5/01  
*Officer of:* Financial Services Mortgage Corp.  
*Violation:* 2715, 2832, 2832.1, 2840, 2840.1, 10145, 10176(a)(b)(e)(i), 10177(d)(g)(h)  
 Right to RRES license on terms and conditions

**Chance, Charlie Joseph (REB)**

3089C Clairemont Dr., Ste. 293, San Diego  
*Effective:* 3/26/01  
*Violation:* 490, 10177(b)  
 Right to RRES license on terms and conditions

**SUSPENDED INDEFINITELY****Los Angeles Region****Alfonso, Cesar Silvosa II (REB)**

3075 Elm Ave., Long Beach  
*Effective:* 5/14/01  
*Violation:* 10177(g)(h)

**Da-Silva, Oluwatoyin (RES)**

3605 Long Beach Blvd., Long Beach  
*Effective:* 5/14/01  
*Violation:* 10130, 10177(d)

**SUSPENDED WITH STAY****Los Angeles Region****Bohan, Thomas Dennis (REB)**

11760 Central Ave., Ste. 204, Chino  
*Effective:* 3/19/01  
*Violation:* 2831, 10145  
 Suspended for 60 days-stayed for 2 years on terms and conditions

**Desert Empire Mortgage Corporation, Inc. (REC)**

1111 E. Tahquitz Canyon Way, #121, Palm Springs  
*Effective:* 4/23/01  
*Violation:* 2831.2, 2832, 2832.1, 2834, 10145, 10177(d)  
 Suspended for 90 days-stayed for 2 years on terms and conditions

**Dorn, Eugene Richard (REB, REO)**

950 E. Katella Ave., #7, Orange  
*Effective:* 3/19/01  
*Officer of:* South Coast Holding, Inc.  
*Violation:* 10159.2, 10177(d)  
 Suspended for 60 days-stayed for 2 years on terms and conditions

**Masters Realty Services, Inc. (REC)**

20803 Valley Blvd., Ste. 206, Walnut  
*Effective:* 3/1/01  
*Violation:* 2831.2, 2832.1, 2834, 10145(a), 10176(e), 10177(d)(g), 17403.4  
 Suspended for 90 days-stayed for 2 years on terms and conditions

**Schwartz, Neil Martin (REB, REO)**

20803 Valley Blvd., #206, Walnut  
*Effective:* 3/1/01  
*Officer of:* Masters Realty Services, Inc.  
*Violation:* 2831.2, 2832.1, 2834, 10145(a), 10176(e), 10177(d)(g), 17403.4  
 Suspended for 90 days-stayed for 2 years on terms and conditions

**Simmons, Scott J. (REB, REO)**

1111 E. Tahquitz Canyon Way, #121, Palm Springs  
*Effective:* 4/23/01  
*Officer of:* Desert Empire Mortgage Corporation, Inc.  
*Violation:* 10177(d)(h)  
 Suspended for 90 days-stayed for 2 years on terms and conditions

**South Coast Holdings, Inc. (REC)**

950 E. Katella Ave., #7, Orange  
*Effective:* 3/19/01  
*Violation:* 2831.1, 10177(d), 10229(a)  
 Suspended for 60 days-stayed for 2 years on terms and conditions

**Wong, Paul Orgong (RES)**

16221 Cordovan Ct., Chino Hills  
*Effective:* 3/15/01  
*Violation:* 10177(g)  
 Suspended for 60 days-stayed for 1 year on terms and conditions

**Oakland Region****Heathcote, Bruce Gerald (REB)**

1601 Bayshore Hwy, Ste. 315, Burlingame  
*Effective:* 5/14/01  
*Violation:* 2831.1, 2832, 2832.1, 10145(a)(d), 10177(d)(h)  
 Suspended for 90 days-stayed for 2 years on terms and conditions

**Krogstad, Steven Alan (REB)**

1410 Guerneville Rd., Ste. 1, Santa Rosa  
*Effective:* 3/9/01  
*Violation:* 10177(g)  
 Suspended for 60 days-stayed for 1 year on terms and conditions

**Piazza, Anthony Phillip (REB)**

1100 Coddington Center, #1, Santa Rosa  
*Effective:* 3/9/01  
*Violation:* 10177(d), 10240  
 Suspended for 60 days-stayed for 1 year on terms and conditions

**San Diego Region****Gallegos, Frederick Anthony (REB, REO)**

15412 El Capitan Real Ln., El Cajon  
*Effective:* 3/26/01  
*Officer of:* VPM Funding, Inc.  
*Violation:* 10177(h)  
 Suspended for 60 days-stayed for 2 years on terms and conditions

**Games, Stephen Charles (REB, REO)**

3790 Via De La Valle, #311, Del Mar  
*Effective:* 5/11/01  
*Violation:* 10177(g)  
 Suspended for 90 days-stayed for 1 year on terms and conditions

**Greer, Daniel M. (RES)**

4874 Alberson Ct., San Diego  
*Effective:* 5/11/01  
*Violation:* 10130, 10177(d)  
 Suspended for 90 days-stayed for 2 years on terms and conditions

**Pickford Realty, Inc. (REC)**

3790 Via De La Valle, Ste. 311, Del Mar  
*Effective:* 5/11/01  
*Violation:* 10137  
 Suspended for 90 days-stayed for 1 year on terms and conditions

**VPM Funding Company (REC)**

15412 El Capitan Real Ln., El Cajon  
*Effective:* 3/26/01  
*Violation:* 10177(g)  
 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 or investigation)

**Los Angeles Region**

**Aguerre, Marie A. (RES)**  
15995 Ranch House Rd., Chino Hills  
Effective: 5/15/01

**Gans, Thomas Andrew (RES)**  
5648 Campo Walk, Long Beach  
Effective: 3/22/01

**Grigsby, Marsha Rose (RES)**  
P.O. Box 78426, Los Angeles  
Effective: 5/7/01

**McDowell, JoAnn (RRES)**  
201 Foggy River Rd., Hollister  
Effective: 3/13/01

**Union Capital Funding, Inc. (REC)**  
695 S. Harvard Blvd., Los Angeles  
Effective: 4/11/01

**Youhne, Young (REB, REO)**  
3540 Wilshire Blvd., Ste. 1101, Los Angeles  
Effective: 4/11/01

**Oakland Region**

**Del Carlo, Melissa (RES)**  
772 Terrazzo Dr., San Jose  
Effective: 5/2/01

**Sacramento Region**

**Murphy, Evelyn (REB)**  
14831 Main St., Markleeville  
Effective: 3/7/01

**San Diego Region**

**Havmann, Jorn (REB, REO)**  
Solystvej 9, 9370 Hals, Denmark  
Effective: 3/8/01  
Officer of: Amisra Bancorp Co.

**INDEFINITE SUSPENSIONS**

(under Recovery Acct. provisions)

**Alvarez, Jesus (REB)**  
15310 Barnwall St., La Mirada  
Effective: 4/26/01

**Elante of California, Inc. (REC)**  
1911 Commercenter East, #409, San Bernardino  
Effective: 4/26/01

**Fong, Peter Wayne (REB)**  
1319 Travis Blvd., Ste. D, Fairfield  
Effective: 4/26/01

**Gomez, Edgar Anibal (REB)**  
4221 Mission St., San Francisco  
Effective: 5/11/01

**Ho, Edwin W. (REB)**  
2525 Walnut Ave., Ste. 100, Carmichael  
Effective: 5/9/01

**Isquierdo, Gus Escamitta (RES)**  
155 North K St., #B, Dinuba  
Effective: 5/3/01

## Career Opportunities for Real Estate Professionals

Protect the public interest, increase consumer awareness and assist the real estate industry as part of the DRE in Fresno, Los Angeles, Oakland, Sacramento or San Diego.

**Deputy Commissioner**

Interact with real estate brokers and salespersons, government agencies, subdividers, escrow companies, banks and consumers as you ensure compliance with the Real Estate Law and Commissioner's Regulations. Monthly salary and benefits.

Range A: \$2642–\$3007

Range B: \$3078–\$3532

Range C: \$3437–\$4143

Range D: \$3775–\$4546

**Auditor I**

Perform routine/investigative audits of real estate licensees or subdividers. Earn \$2903–3361 per month salary plus benefits. Promotional opportunities include General Auditor II and III positions.

**How to apply:**

Submit Examination/Employment Application (Std. 678) to Department of Real Estate, P.O. Box 187000, Sacramento, CA 95818-7000. The State of California is an Equal Opportunity Employer.

**For more information:**

Go to [www.dre.ca.gov](http://www.dre.ca.gov) or call (916) 227-0802. *Note:* Real Estate licensees must put their license on inactive government status if they accept employment with the DRE.

**Leo, Hugh Francis (REB)**  
21580 Stevens Creek Blvd., #104, Cupertino  
Effective: 5/9/01

**Litton/Fuller Group of Cupertino (REC)**  
10020 N. De Anza Blvd., #120, Cupertino  
Effective: 5/9/01

**Mohammed, Raja Firoz (RES)**  
1765 S. Starshine Rd., Walnut  
Effective: 4/26/01

**Moldt, Gordon Edward (RES)**  
10073 Hidden Village Rd., Garden Grove  
Effective: 3/5/01

**Morote, Zoila E. (RES)**  
9027 Florence Ave., Ste. C., Downey  
Effective: 3/21/01

**Nabrit, Henry Clarke Jr. (REB)**  
3742 W. Martin Luther King Jr. Blvd., #201, Los Angeles  
Effective: 3/5/01

**Rodriguez, Erasmo Jose (RRES)**  
7850 Baysinger St., Downey  
Effective: 4/26/01

**Rubi, Ruben (RES)**  
P.O. Box 2007, Pico Rivera  
Effective: 3/15/01

**BT&H**

*Continued from page 1*

commercial uses. As the State Secretary for business regulation, I take pride in protecting the people who live in these communities. We are protecting them through the business regulation efforts of our departments – the Department of Real Estate, Department of Alcoholic Beverage Control, Department of Corporations, Department of Financial Institutions, Department of Managed Health Care, the Office of Patient Advocate, and the Office of Real Estate Appraisers.

The 47,000-plus employees of the Business, Transportation and Housing Agency are to be commended for helping us take the steps that will improve the daily lives of all Californians. Through our efforts, traffic on freeways will move faster, water and energy will be more plentiful, schools will be better, and more residents will be able to afford a home. That's what I call a Golden State. 🏠

**Saba, Alan (RES)**  
22631 Cavalier St., Woodland Hills  
Effective: 4/26/01

**Starr, Robert Edwin II (REB)**  
425 Atlantic Ave., Long Beach  
Effective: 4/26/01

**Thomas, Leslie Bradshaw (REB)**  
1015 E. Ocean Blvd., #6, Long Beach  
Effective: 3/5/01

**Traboulay, Eric Ashton Jr. (REB)**  
164 W. Hospitality Ln., #3, San Bernardino  
Effective: 4/26/01



## Dual role

# Enforce laws and educate industry & consumers

The Enforcement Section plays a vital role in the Department's overall mission to enforce the provisions of the Real Estate Law and the Subdivided Lands Law in a manner which provides protection for purchasers of real property and those persons conducting business with real estate licensees. In this regard, one of the main functions of the Enforcement Section is to investigate consumer complaints filed against real estate licensees, subdividers, and unlicensed persons who have performed acts that require a real estate license. The number of these consumer complaints assigned for investigation, and the results of those investigations, are outlined in the chart below.

### Broker office survey program designed to educate licensees.

A second function of the Enforcement Section is to provide for consumer protection through preventative enforcement measures. Preventative enforcement measures include both industry and consumer education so that problems that may result from negligence on the part of real estate licensees, or a lack of knowledge on the part of consumers, can be minimized. This approach includes outreach efforts to educate licensees and consumers on real estate issues through seminars and publications. Last fiscal year, the Enforcement Section developed and participated in several seminars on the home buying and financing process to educate consumers in these areas. One of the seminars was

offered for consumers in Spanish.

In addition to the above, the Enforcement Section has initiated a broker office survey program that is designed to educate licensees and assist them in complying with the Real Estate Law. In the upcoming year, it is anticipated that enforcement staff will visit the offices of over 750 brokers and review their books and records for compliance with the Real Estate Law. If a minor violation is found, it will be treated as a compliance item and looked upon as an opportunity to correct a small problem before it grows into a larger one. Also, in the upcoming year, the Enforcement Section will continue searching for more ways to reach out and educate both consumers and the industry. 🏠

#### Enforcement Statistics: (Fiscal Year 2000-01)

- Complaints received and screened: ..... 6,801
- Complaints assigned for investigation: ..... 3,400
- Complaints referred for disciplinary action: ..... 1,298
- Corrective Action Letters issued: ..... 83

## Audit Program

The mission of the audit program is to protect the consumer through financial compliance audits of real estate licensees and subdivision developments. DRE audits primarily focus on the handling of trust funds by licensees and purchase money/assessment obligation payments by subdividers. Through the audit program, Department staff determines if the operations of real estate brokers or subdividers, as reflected in their business records, comply with the requirements of the Real Estate Law and the Subdivided Lands Law. 🏠

#### Audit Statistics Fiscal Year 2000-2001

Audits performed .....	769	
Audit results		
• Major violations .....	233	30%
• Corrective Action Letters .....	176	23%
• Minor or no violations .....	360	47%
Audits found with trust fund shortages .....	124	16%
Total amount of trust fund shortages .....		\$ 11,702,327
Shortages cured during or soon after the audit .....	72	\$ 1,181,714

## ISS

Continued from page 2

- DRE employment listings and career opportunities.
- Spanish and Chinese versions of consumer complaint forms.
- Proposed and adopted Regulations of the Real Estate Commissioner.
- Listings of Prepaid Rental Listing Service agents and Mineral, Oil, and Gas broker licenses.
- Publication of a variety of consumer guides.
- A Consumer Help Directory which offers a reference list of agencies and the laws they are charged with enforcing.
- A Kids Korner with over 450 links to existing sites of interest to children at various ages. The Kids Korner also has links to the board game Monopoly® which can be a means for children to learn about owning real estate, economics, and the value of money.
- Information on energy challenges facing California. 🏠

# Subdivisions Report

Before a subdivision can be marketed in California, the subdivider must obtain a subdivision 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 pertinent information about the subdivision to prospective purchasers. Prior to issuance of a public report/permit, 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 report if the subdivision has been approved for sales in its home state.

In addition to issuing public reports/permits, the Department's Subdivisions Section plans to:

**Reformat the Subdivision Public Report** — The Department plans to revise the public report format to be streamlined, reader-friendly and less complicated. Once the revision is completed, various forms and applications will also need review and revision.

**Revise the SPRAG manual** — The Subdivision Public Report Application Guide (SPRAG) manual was developed for use by subdividers and their agents (title companies, attorneys, etc.) who prepare Notices of Intention for Subdivision Public Reports. Its purpose is to provide instruction and explanation of what is needed to properly comply with Notice of Intention requirements. The last revision to the manual was completed in 1997. Due to numerous changes that have occurred since, the Department will be revising this manual.

**Conduct assisted living care facilities research** — Recent seminars concerning assisted living care facilities and discussions with knowledgeable consultants in this field indicate that the Department's current regula-

*Continued on page 12*

# Education and Research Section

The Education and Research Section is responsible for review and approval of all continuing education course offerings as well as the pre-license qualification courses offered by private schools. The section also administers a research program authorized under Section 10451.5 of the Business and Professions Code which makes funds available to be used by the Real Estate Commissioner in the advancement of education and research in the field of real estate.

## 2000-01 Fiscal Year Accomplishments

- Approved 461 continuing education course offerings and 17 pre-license qualification courses.
- As part of the Department's ongoing efforts to improve its Web site, the lists of providers offering continuing education courses and pre-license qualification courses were made available on-line.
- Completed a research project on reverse mortgages, resulting in a booklet designed to assist seniors who may be considering a reverse mortgage.

## Projects in Process

- The Department commissioned a new examination study which is currently underway. The study will include a review of the test specifications used by the Department;

the adequacy of the Department's test development procedures including the validation process for new test questions; the method for determining the appropriateness of passing scores and levels of difficulty of the examinations; and the Department's test administration procedures.

- As part of DRE's Education & Research Program, the Department has agreed to provide funding to the California Community Colleges for the development and updating of college level instructor/student guides to be used by real estate course instructors and students.
- Real Estate Commissioner Reddish Zinnemann has formed an Education Study Group whose focus is to assist her in evaluating the effectiveness of the current real estate license continuing education and pre-license course requirements.

# Financial Statement

Last year during the preparation of DRE's budget, revenue for 2000-01 was projected to be \$19,249,000. However, actual revenue received totaled \$20,049,361.

DRE's actual expenditures for the fiscal year 2000-01 were \$27,578,971. With revenue totaling \$20,049,361, DRE had a net result of (\$7,529,610). Also in 2000-01, DRE received the last of the repayments (\$2,329,036) of the reserves transferred to the State's General Fund in the early 1990's.

## Expenditure Comparison

Actual FY 99-00	Actual 00-01	Projected 01-02
\$26,082,979	\$27,578,971	\$27,998,000

## Revenue Comparison

Actual FY 99-00	Actual 00-01	Projected 01-02
\$19,928,353	\$20,049,361	\$27,698,000

**Did you know...**

One percent of Californians are licensed real estate brokers or salespersons.



# Real Estate Publications

## Ordering Information

- To order one or more of DRE's publications, photocopy or remove this page from your *Bulletin*. Complete and submit all information requested.
- Prices are subject to change.
- Orders originating in California and over-the-counter sales must include the state sales tax (7.75% for mail orders). Requests and fees will be returned if the appropriate sales tax is not included.
- Orders received with incorrect amounts will be returned.
- Volume discounts are available. Contact DRE prior to ordering.
- Please **do not** send cash. **Make check or money order payable to:** Department of Real Estate or complete credit card information below.
- **Mail To:**  
 Department of Real Estate  
 Book Orders  
 P.O. Box 187006  
 Sacramento, CA 95818-7006.

- Allow 4–6 weeks for delivery.
- DRE cannot accept returns or make refunds.

## Electronic Law Book — System Requirements

- **Minimum requirements for Windows** — IBM compatible personal computer; 486x or higher processor; 16MB available RAM; 30MB available hard disk space; mouse or compatible pointing device; color SVGA monitor (640x480, 256 color) or better; Windows 95/98/NT or higher; CD drive. 
- **Minimum requirements for Macintosh** — 16MB physical RAM; Macintosh System 7.5 or higher; 30MB available hard disk space; CD drive. 

## Miscellaneous

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

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

DRE	RE#	Title of Publication	Cost	Quantity	Your Cost
	1	Reference Book — A Real Estate Guide	\$20		
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## Being an agent means never having to say you're sorry

In most settings, an agent should not have to apologize for not presenting an offer or showing property. That is because, in most settings, the agent should not refuse to do those things. "As a fiduciary, the real estate agent has the same obligation of undivided service and loyalty that the law imposes on a trustee in favor of a beneficiary and as such he is required to give diligent and faithful service to his principal." (Miller & Starr *California Real Estate 2d* Section 3:16). In the case of a listing agent, the obligation to give diligent and faithful service includes trying to obtain the best possible price and terms for the seller. The obligation to give diligent and faithful service also includes presenting to the seller all offers to purchase the property. Unless specifically authorized by the seller, an agent may not refuse to present an offer to the seller. "If he fails to do so it is equiva-

lent to an affirmative representation by the licensee that no other offers exist. The broker must disclose to his principal-seller all offers that have been made by any person, whether the offer is only oral or in writing, and even though the principal has accepted another offer." (Miller & Starr Section 3:18).

A real estate agent's fiduciary duty encompasses more than just presenting all offers to the seller. "The general fiduciary duty owed by the agent to his principal includes the duty to make a full and complete disclosure to him of all material facts which the agent knows and which might influence the principal with respect to the transaction and to his willingness to enter into it."



## Subdivisions

*Continued from page 10*

tions may not be suitable for this field. The Department will research the need for separate regulations and new policies and procedures. 🏠

(Miller & Starr Section 3:18). If an agent decides to limit his or her marketing efforts, the agent may have an obligation to disclose that fact to the principal. Where those limitations are material, the agent must disclose them to the principal. For example, if an agent intends to show the property only to potential buyers represented by agents from certain real estate brokerage firms and the seller believes that the property will be shown to all potential buyers, that fact must be disclosed to the seller.

It is important for agents to recognize and fulfill their fiduciary obligations. That is the surest way to avoid having to say "I'm sorry." 🏠