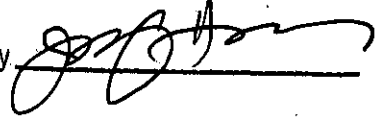


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FILED
DEC 01 2004

DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	NO. H-1894 SA
)	
JEFFREY PAUL FRIEDEN,)	
)	
Respondent.)	

ORDER GRANTING REINSTATEMENT OF LICENSE

On September 6, 1995, a Decision was rendered herein revoking the real estate salesperson license of Respondent, but granting Respondent the right to apply for and be issued a restricted real estate salesperson license. A restricted real estate salesperson license was issued to Respondent on October 13, 1995. Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent since that time.

On December 29, 2003, Respondent petitioned for reinstatement of said real estate salesperson license and the Attorney General of the State of California has been given notice of the filing of said petition.

1
2 I have considered the petition of Respondent and
3 the evidence and arguments in support thereof. Respondent
4 has demonstrated to my satisfaction that Respondent meets
5 the requirements of law for the issuance to Respondent of
6 an unrestricted real estate salesperson license and that
7 it would not be against the public interest to issue said
8 license to Respondent JEFFREY PAUL FRIEDEN.

9 NOW, THEREFORE, IT IS ORDERED that Respondent's
10 petition for reinstatement is granted and that a real estate
11 salesperson license be issued to Respondent, if Respondent
12 satisfies the following conditions within nine (9) months from
13 the date of this Order:

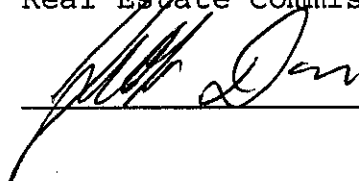
14 1. Submittal of a completed application and payment
15 of the fee for a real estate salesperson license.

16 2. Submittal of evidence of having, since the most
17 recent issuance of an original or renewal real estate license,
18 taken and successfully completed the continuing education
19 requirements of Article 2.5 of Chapter 3 of the Real Estate
20 Law for renewal of a real estate license.

21 This Order shall be effective immediately.

22 Dated: November 17 2004

23 JEFF DAVIS
24 Real Estate Commissioner

25 
26

27 cc: Jeffrey Paul Frieden
35331 Camino Capistrano
Dana Point, CA 92624

*Sect 1
page*

FILED
OCT - 3 1995
DEPARTMENT OF REAL ESTATE

By *George W. Wright*

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DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)
REAL ESTATE DISPOSITION)
CORPORATION and TIMOTHY)
EMMETT MORISSETTE, individually)
and as designated officer of)
Real Estate Disposition)
Corporation, and JEFFREY PAUL)
FRIEDEN,)
Respondents.)

No. H-1894 SA

ORDER STAYING EFFECTIVE DATE

On September 6, 1995, a Decision was rendered in the above-entitled matter to become effective October 3, 1995.

IT IS HEREBY ORDERED that the effective date of the Decision of September 6, 1995, is stayed for a period of ten (10) days.

/
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/

The Decision of September 6, 1995, shall become effective
at 12 o'clock noon on October 13, 1995.

DATED: 3 Oct. 1995

JIM ANTT, JR.
Real Estate Commissioner

By: Randolph Brendia
RANDOLPH BRENDIA
Regional Manager

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Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, California, 90012

Telephone: (213) 897-3937

FILED
SEP 11 1995
DEPARTMENT OF REAL ESTATE

By K. Kenedy

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)	No. H-1894 SA
REAL ESTATE DISPOSITION)	<u>STIPULATION AND AGREEMENT</u>
CORPORATION and TIMOTHY)	<u>IN SETTLEMENT AND ORDER</u>
EMMETT MORISSETTE, individually))	
and as designated officer of)	
Real Estate Disposition)	
Corporation, and JEFFREY PAUL)	
FRIEDEN,)	
Respondents.)	

It is hereby stipulated by and between REAL ESTATE DISPOSITION CORPORATION, TIMOTHY EMMETT MORISSETTE and JEFFREY PAUL FRIEDEN (sometimes referred to as "Respondents"), their attorney, Robert O. Smylie, and the Complainant, acting by and through George W. Wright, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on November 23, 1994, in this matter:

1. All issues which were to be contested and all evidence which was to be presented by Complainant and the Respondents at a formal hearing on the Accusation, which hearing was to be held in accordance with the provisions of the

1 Administrative Procedure Act ("APA"), shall instead and in place
2 thereof be submitted solely on the basis of the provisions of this
3 Stipulation.

4 2. Respondents have received, read and understand the
5 Statement to Respondent, the Discovery Provisions of the APA and
6 the Accusation, filed by the Department of Real Estate in this
7 proceeding.

8 3. On December 5, 1994, Respondents filed a Notice of
9 Defense pursuant to Section 11505 of the Government Code for the
10 purpose of requesting a hearing on the allegations in the
11 Accusation. Respondents hereby freely and voluntarily withdraw
12 said Notice of Defense. Respondents acknowledge that they
13 understand that by withdrawing said Notice of Defense, they will
14 thereby waive their right to require the Commissioner to prove the
15 allegations in the Accusation at a contested hearing held in
16 accordance with the provisions of the APA and that they will waive
17 other rights afforded to them in connection with the hearing such
18 as the right to present evidence in defense of the allegations in
19 the Accusation and the right to cross-examine witnesses.

20 4. Respondents, pursuant to the limitations set forth
21 below, does not contest the allegations in the Accusation filed on
22 November 23, 1994, but choose to remain silent and understand
23 that, as a result thereof, the Real Estate Commissioner may and
24 will, as a result of this Stipulation, find said allegations to be
25 true with the result that the Real Estate Commissioner may revoke
26 or suspend Respondents' real estate licenses and license rights.
27 It is understood between the parties that the Respondents have

1 voluntarily agreed to the revocation or suspension of their real
2 estate licenses.

3 5. It is understood by the parties that the Real
4 Estate Commissioner may adopt the Stipulation And Agreement In
5 Settlement and Order as his decision in this matter thereby
6 imposing the penalty and sanctions on Respondents' real estate
7 licenses and license rights as set forth in the below "Order". In
8 the event that the Commissioner in his discretion does not adopt
9 the Stipulation And Agreement In Settlement and Order, the
10 Stipulation And Agreement In Settlement and Order shall be void
11 and of no effect, and Respondents shall retain the right to a
12 hearing and proceeding on the Accusation under all the provisions
13 of the APA and shall not be bound by any admission or waiver made
14 herein.

15 6. The Order or any subsequent Order of the Real
16 Estate Commissioner made pursuant to this Stipulation shall not
17 constitute an estoppel, merger or bar to any further
18 administrative or civil proceedings by the Department of Real
19 Estate with respect to any matters which were not specifically
20 alleged to be causes for accusation in this proceeding. This
21 Stipulation and any Order made pursuant to this Stipulation shall
22 have no collateral estoppel or res judicata effect in any
23 proceedings in which the Respondent and the Department (or the
24 Department's representative) are not parties. However, no ruling
25 in any action brought by a party other than the Respondent or the
26 Department shall effect the finality of the Decision entered in
27 these proceedings pursuant to this Stipulation And Agreement In

1 Settlement And Order. This Stipulation is made by Respondents,
2 received by the Commissioner and the Department with the express
3 understanding and agreement that it is for the purpose of settling
4 these proceedings only and that this Stipulation is not intended
5 as, and shall not be deemed, used, or accepted as an
6 acknowledgment or admission in any other judicial or
7 administrative proceedings to which this Department is not a
8 party.

9 *****

10 DETERMINATION OF ISSUES

11 By reason of the foregoing stipulations and waivers and
12 solely for the purpose of settlement of the pending Accusation
13 without a hearing, it is stipulated and agreed that the following
14 Determination of Issues shall be made:

15 (a) The conduct, acts or omissions of Respondent REAL
16 ESTATE DISPOSITION CORPORATION, as set forth in the Accusation,
17 constitutes cause to suspend or revoke Respondent's real estate
18 license and license rights under the provisions of Business and
19 Professions Code (the "Code") Section 10137 for violations of the
20 Real Estate Law.

21 (b) The conduct, acts or omissions of Respondent
22 TIMOTHY EMMETT MORISSETTE, as set forth in the Accusation,
23 constitutes cause to suspend or revoke Respondent's real estate
24 license and license rights under the provisions of Code Section
25 10137 and 10177(h) for violations of the Real Estate Law.

26 (c) The conduct, acts or omissions of Respondent
27 JEFFREY PAUL FRIEDEN, as set forth in the Accusation, constitutes

1 cause to suspend or revoke Respondent's real estate license and
2 license rights under the provisions of Code Sections 10177(d) and
3 10177(f) for violations of the Real Estate Law.

4 *****

5 ORDER

6 WHEREFORE, THE FOLLOWING ORDER is hereby made:

7 I.

8 A. The licenses and license rights of REAL ESTATE
9 DISPOSITION CORPORATION under Part 1 of Division 4 of the Business
10 and Professions Code shall be suspended for sixty (60) days from
11 the effective date of the Decision.

12 B. However, if Respondent petitions, thirty (30) days
13 of the suspension of Respondent's broker license shall be
14 permanently stayed if, prior to the effective date of the Decision
15 herein, Respondent petitions pursuant to Section 10175.2 of the
16 Code and upon condition that Respondent pay to the Department's
17 Real Estate Recovery Account the sum of one thousand five hundred
18 dollars (\$1,500.00).

19 (1) Payment of the aforementioned monetary penalty
20 shall be in the form of a cashier's check or certified check, made
21 payable to the Recovery Account of the Real Estate Fund. Payment
22 must be made prior to the effective date of this Decision.

23 (2) The Commissioner, in exercising his discretion
24 under Code Section 10175.2, agrees by adopting this Order that it
25 would not be against the public interest to permit such
26 petitioning Respondent to pay the aforesaid monetary penalty.

27

1 C. The final thirty (30) day portion of the suspension
2 shall be permanently stayed on the condition that no further cause
3 for discipline of the license and license rights of the Respondent
4 occur within one (1) year from the effective date of the Decision
5 herein, and upon the following terms and conditions:

6 (1) Respondent shall obey all laws of the United
7 States, the State of California and all its political subdivision
8 and all the rules and regulations of the Real Estate Commissioner.

9 (2) Respondent shall not engage in conduct that
10 would be a cause for a disciplinary action by the Department
11 during the period of probation.

12 (3) If the Commissioner determines, after giving
13 Respondent notice and an opportunity to be heard, that a violation
14 of the conditions has occurred, the Commissioner may terminate the
15 stay and impose the stayed portion or otherwise modify the Order.
16 If Respondent successfully completes the terms and conditions of
17 the probation, the stay shall be permanent.

18 II.

19 A. The licenses and license rights of TIMOTHY EMMETT
20 MORISSETTE, under Part 1 of Division 4 of the Business and
21 Professions Code shall be suspended for sixty (60) days from the
22 effective date of the Decision.

23 B. However, if Respondent petitions, thirty (30) days
24 of the suspension of Respondent's broker license shall be
25 permanently stayed if, prior to the effective date of the Decision
26 herein, Respondent petitions pursuant to Section 10175.2 of the
27 Code and upon condition that Respondent pay to the Department's

1 Real Estate Recovery Account the sum of one thousand five hundred
2 dollars (\$1,500.00).

3 (1) Payment of the aforementioned monetary penalty
4 shall be in the form of a cashier's check or certified check, made
5 payable to the Recovery Account of the Real Estate Fund. Payment
6 must be made prior to the effective date of this Decision.

7 (2) The Commissioner, in exercising his discretion
8 under Code Section 10175.2, agrees by adopting this Order that it
9 would not be against the public interest to permit such
10 petitioning Respondent to pay the aforesaid monetary penalty.

11 C. The final thirty (30) day portion of the suspension
12 shall be permanently stayed on the condition that no further cause
13 for discipline of the license and license rights of the Respondent
14 occur within one (1) year from the effective date of the Decision
15 herein, and upon the following terms and conditions:

16 (1) Respondent shall obey all laws of the United
17 States, the State of California and all its political subdivision
18 and all the rules and regulations of the Real Estate Commissioner.

19 (2) Respondent shall not engage in conduct that
20 would be a cause for a disciplinary action by the Department
21 during the period of probation.

22 (3) If the Commissioner determines, after giving
23 Respondent notice and an opportunity to be heard, that a violation
24 of the conditions has occurred, the Commissioner may terminate the
25 stay and impose the stayed portion or otherwise modify the Order.
26 If Respondent successfully completes the terms and conditions of
27 the probation, the stay shall be permanent.

III.

1
2 A. The licenses and license rights of JEFFREY PAUL
3 FRIEDEN under Part 1 of Division 4 of the Business and Professions
4 Code are revoked.

5 B. However, Respondent shall be entitled to apply for
6 and will be issued a restricted real estate salesperson license
7 pursuant to Section 10156.5 of the Code if Respondent makes
8 application therefor and pays to the Department of Real Estate the
9 appropriate fee for said license within one hundred twenty (120)
10 days from the effective date of the Decision.

11 C. The restricted license issued to Respondent shall be
12 subject to all of the provisions of Section 10156.7 of the Code
13 and to the following limitations, conditions and restrictions
14 imposed under authority of Section 10156.6 of said Code:

15 (1) Said restricted license may be suspended prior
16 to hearing by order of the Real Estate Commissioner in the event
17 of Respondent's conviction or plea of nolo contendere to a crime
18 which bears a significant relation to Respondent's qualifications,
19 duties or functions as a real estate licensee.

20 (2) Said restricted license may be suspended prior
21 to hearing by Order of the Real Estate Commissioner on evidence
22 satisfactory to the Commissioner that Respondent has violated
23 provisions of the California Real Estate Law, the Subdivided Lands
24 Law, Regulations of the Real Estate Commissioner, or the
25 conditions attaching to this restricted license.

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(3) Respondent's original real estate salesperson

license was issued subject to the provisions of Section 10153.4 of the Code, and the restricted real estate salesperson license issued to Respondent shall be similarly limited, to wit: Respondent shall within eighteen (18) months of the issuance of Respondent's original real estate salesperson license under the provisions of Section 10153.4 of the Business and Professions Code, submit evidence satisfactory to the Commissioner of successful completion of two of the courses listed in Section 10153.2 of the Business and Professions Code, other than real estate principles, advanced legal aspects of real estate, advanced real estate finance or advanced real estate appraisal. If Respondent fails to present satisfactory evidence of successful completion of said courses, the restricted license shall be automatically suspended effective eighteen (18) months after the issuance of Respondent's original real estate salesperson license. Said suspension shall not be lifted until Respondent has submitted the required evidence of course completion and the Commissioner has given written notice to the Respondent of lifting of the suspension.

(4) Respondent shall report in writing to the

Department of Real Estate as the Real Estate Commissioner shall direct by his Decision herein or by separate written order issued while Respondent holds a restricted license, such information concerning Respondent's activities for which a real estate license is required as the Commissioner shall deem to be appropriate to protect the public interest.

1 (5) Respondent shall submit with any application for
2 license under an employing broker, or any application for transfer
3 to a new employing broker, a statement signed by the prospective
4 employing real estate broker on a form approved by the Department
5 of Real Estate which shall certify:

6 (a) That the employing broker has read the
7 Decision of the Commissioner which granted the
8 right to a restricted license; and

9 (b) That the employing broker will exercise close
10 supervision over the performance by the
11 restricted licensee relating to activities for
12 which a real estate license is required.

13 (6) Respondent shall not be eligible to apply for the
14 issuance of an unrestricted real estate license nor the removal of
15 any of the conditions, limitations or restrictions of a restricted
16 license until one (1) year has elapsed from the date of issuance
17 of the restricted license to Respondent.

18 We have read the Stipulation And Agreement In Settlement
19 And Order, and its terms are understood by and are agreeable and
20 acceptable to us. We understand that we are waiving rights given
21 to us by the California Administrative Procedure Act (including
22 but not limited to Sections 11506, 11508, 11509 and 11513 of the
23 Government Code), and we willingly, intelligently and voluntarily
24 waive those rights, including the right of requiring the
25 Commissioner to prove the allegations in the Accusation at a
26 hearing at which we would have the right to cross-examine
27 witnesses against us and to present evidence in defense and

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mitigation of the charges.

DATED: 6/20/95


REAL ESTATE DISPOSITION CORPORATION,
Respondent

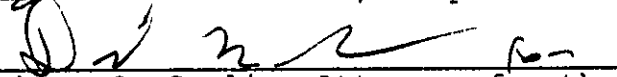
DATED: 6/20/95


TIMOTHY EMMETT MORISSETTE,
Respondent

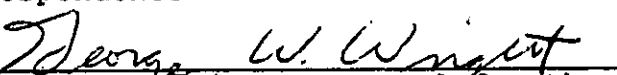
DATED: 6/20/95


JEFFREY PAUL EZEDEDEN, Respondent

DATED: 8/14/95

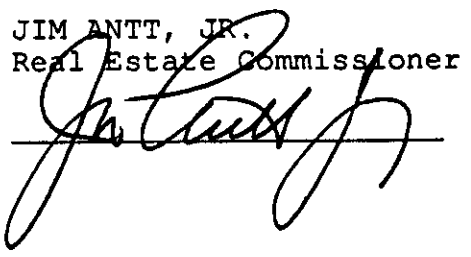

Robert O. Smylie, Attorney for the
Respondents

DATED: 8/18/95


George W. Wright, Counsel for the
Complainant

The foregoing Stipulation and Agreement In Settlement in
Case No. H-1894 SA, is hereby adopted as my Order and shall become
effective at 12 o'clock noon on October 3, 1995

IT IS SO ORDERED 9/6, 1995.

JIM ANTT, JR.
Real Estate Commissioner


Wright

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George W. Wright, Counsel
Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, California, 90012

Telephone: (213) 897-3937

FILED
MAY 16 1995
DEPARTMENT OF REAL ESTATE

By *K. Krieger*

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of)	No. H-1894 SA
REAL ESTATE DISPOSITION)	A M E N D E D
CORPORATION and TIMOTHY)	A C C U S A T I O N
EMMETT MORISSETTE, individually)	
and as designated officer of)	
Real Estate Disposition)	
Corporation, and JEFFREY PAUL)	
FRIEDEN,)	
Respondents.)	

The Accusation filed heretofore on November 23, 1994, and amended on March 22, 1995, in the above-entitled matter, is hereby amended as follows:

I

By amending page 2, Paragraph IV in the Accusation to read:

"At no time mentioned herein was JEFFREY PAUL FRIEDEN ("FRIEDEN") licensed by the Department as a real estate broker or as a real estate salesperson employed by a real estate broker. Nevertheless, in the transaction described below, FRIEDEN may have

1 conducted activities requiring a real estate license as an
2 Executive Vice President and shareholder of the CORPORATION. At
3 all times herein mentioned, FRIEDEN was an Executive Vice
4 President of CORPORATION."

5 WHEREFORE, Complainant prays that a hearing be conducted
6 on the allegations made by the Accusation and that upon proof
7 thereof, a decision be rendered imposing disciplinary action
8 against all licenses and license rights of Respondents REAL ESTATE
9 DISPOSITION CORPORATION and TIMOTHY EMMETT MORISSETTE and JEFFREY
10 PAUL FRIEDEN under the Real Estate Law and for such other and
11 further relief as may be proper under other applicable provisions
12 of law.

13 Dated at Santa Ana, California
14 this 16th day of May , 1995.

15
16 THOMAS MC CRADY

17 Deputy Real Estate Commissioner
18
19
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25 cc: Real Estate Disposition Corporation
26 Timothy Emmett Morissette
27 Sacto
SR
Jeffrey Paul Frieden

George Wright, Counsel
Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, CA 90012

FILED
MAR 22 1995
DEPARTMENT OF REAL ESTATE

By K. Wiedeholt

(213) 897-3937

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of)	No. H-1894 SA
REAL ESTATE DISPOSITION)	A M E N D E D
CORPORATION and TIMOTHY)	A C C U S A T I O N
EMMETT MORISSETTE, individually)	
and as designated officer of)	
Real Estate Disposition)	
Corporation, and JEFFREY PAUL)	
FRIEDEN,)	
Respondents.)	

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, for cause of accusation against REAL ESTATE DISPOSITION CORPORATION, TIMOTHY EMMETT MORISSETTE, individually and as designated officer of Real Estate Disposition Corporation, and JEFFREY PAUL FRIEDEN, is informed and alleges in his official capacity as follows:

I

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, makes this Accusation in his official capacity.

1 II

2 At all times mentioned herein, REAL ESTATE DISPOSITION
3 CORPORATION ("CORPORATION") was and still is licensed by the
4 Department of Real Estate of the State of California
5 ("Department") as a corporate real estate broker.

6 III

7 At all times herein mentioned, TIMOTHY EMMETT
8 MORISSETTE, ("MORISSETTE") was and still is licensed by the
9 Department as a real estate broker in his individual capacity and
10 as the designated officer of CORPORATION. As the designated
11 officer of CORPORATION, MORISSETTE, was and still is responsible
12 for the supervision and control of the activities conducted on
13 behalf of CORPORATION by its officers and employees as necessary
14 to secure full compliance with the Real Estate Law as set forth in
15 Section 10159.2 of the Code.

16 IV

17 At no time mentioned herein was JEFFREY PAUL FRIEDEN
18 ("FRIEDEN") licensed by the Department as a real estate broker or
19 as a real estate salesperson employed by a real estate broker.
20 Nevertheless, in the transaction described below, FRIEDEN was
21 employed by CORPORATION and MORISSETTE to conduct activities
22 requiring a real estate license. At all time sherein mentioned,
23 FRIEDEN was an Executive Vice president of CORPORATION.

24 V

25 All further references to the "Code" are to the
26 California Business and Professions Code, and all further
27 references to the "Regulations" are to Chapter 6, Title 10,

1 California Code of Regulations.

2 VI

3 On or about July 24, 1992, CORPORATION received a
4 listing to sell via an auction approximately fifteen (15)
5 residential properties on 15th and 16th Streets in Costa Mesa,
6 California. On that date, an Auction Marketing Agreement was
7 executed between CORPORATION and Tom M. Djokovich. The Agreement
8 provided for a 3.4% of the gross purchase price as a commission
9 for the sale of said properties. FRIEDEN executed the Agreement on
10 behalf of the CORPORATION. FRIEDEN solicited for and thereafter
11 concluded negotiations resulting in the execution of the
12 Agreement. Said activities by FRIEDEN were undertaken for or in
13 expectation of compensation.

14 VII

15 On or about October 10, 1992, an Auction Marketing
16 Agreement was executed between CORPORATION and Daniel J. Ocelli,
17 Vice President and Manager of First Interstate Bank. The Agreement
18 provided for 3% of the gross purchase price as a commission for
19 the sale of commercial and residential properties located
20 throughout Southern California. FRIEDEN executed the Agreement on
21 behalf of the CORPORATION. FRIEDEN solicited for and thereafter
22 concluded negotiations resulting in the execution of the
23 Agreement. Said activities by FRIEDEN were undertaken for or in
24 expectation of compensation.

25 VIII

26 The activities of FRIEDEN, as set forth above, are those
27 of a real estate broker as described in Section 10131(a) of the

1 Code. In conducting said activities without a real estate license
2 FRIEDEN violated Section 10130 of the Code. On or about October 7,
3 1994, an Order to Desist and Refrain was issued to FRIEDEN for
4 violating Section 10130 of the Code. This Order was acknowledged
5 by FRIEDEN on October 24, 1994. The activities of FRIEDEN
6 constitute cause to suspend or revoke the license and/or licensing
7 rights of FRIEDEN under Section 10177(d) and 10177(f) of the
8 Code.

9 IX

10 By employing and/or compensating FRIEDEN to conduct the
11 acts set forth above, CORPORATION and MORISSETTE violated Section
12 10137 of the Code. Said conduct is cause under Section 10137 of
13 the Code for the suspension or revocation of all licenses and/or
14 license rights of CORPORATION and MORISSETTE under the Real Estate
15 Law (Part 1 of Division 4 of the Business and Professions Code).

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WHEREFORE, Complainant prays that a hearing be conducted on the allegations made by the Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against all licenses and license rights of Respondents REAL ESTATE DISPOSITION CORPORATION and TIMOTHY EMMETT MORISSETTE and JEFFREY PAUL FRIEDEN under the Real Estate Law and for such other and further relief as may be proper under other applicable provisions of law.

Dated at Los Angeles, California

this 22nd day of March , 1995.

THOMAS MC CRADY

Deputy Real Estate Commissioner

cc: Real Estate Disposition Corporation
Timothy Emmett Morissette
Sacto
SR
Jeffrey Paul Frieden

Sacto 2/15

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
FEB 14 1995
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of

REAL ESTATE DISPOSITION CORP.,
et al.,

}

Case No. H-1894 SA By K. Kneiderholt

OAH No. L-9412171

Respondent

NOTICE OF HEARING ON ACCUSATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at _____
Office of Administrative Hearings 314 West First Street, Los Angeles

on June 21, 1995, at the hour of 9:00 a.m.
or as soon thereafter as the matter can be heard, upon the Accusation served upon you.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter. The interpreter must be approved by the Administrative Law Judge conducting the hearing as someone who is proficient in both English and the language in which the witness will testify. You are required to pay the costs of the interpreter unless the Administrative Law Judge directs otherwise.

DEPARTMENT OF REAL ESTATE

Dated: February 14, 1995

By George W. Winget
Counsel

cc: Real Estate Disposition Corp.
Timothy Emmett Morrisette

Sacto

OAH

SR

David M. Grey, Esq.

RE 501 (1/92)

kw

George Wright, Counsel
Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, CA 90012

(213) 897-3937

FILED
NOV 23 1994
DEPARTMENT OF REAL ESTATE

By K. Fredericks

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of)	No. H-1894 SA
REAL ESTATE DISPOSITION)	A C C U S A T I O N
CORPORATION and TIMOTHY)	
EMMETT MORISSETTE, individually)	
and as designated officer of)	
Real Estate Disposition)	
Corporation,)	
Respondents.)	

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, for cause of accusation against REAL ESTATE DISPOSITION CORPORATION and TIMOTHY EMMETT MORISSETTE, individually and as designated officer of Real Estate Disposition Corporation, is informed and alleges in his official capacity as follows:

I

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, makes this Accusation in his official capacity.

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II

At all times mentioned herein, REAL ESTATE DISPOSITION CORPORATION ("CORPORATION") was and still is licensed by the Department of Real Estate of the State of California ("Department") as a corporate real estate broker.

III

At all times herein mentioned, TIMOTHY EMMETT MORISSETTE, ("MORISSETTE") was and still is licensed by the Department as a real estate broker in his individual capacity and as the designated officer of CORPORATION. As the designated officer of CORPORATION, MORISSETTE was and still is responsible for the supervision and control of the activities conducted on behalf of CORPORATION by its officers and employees as necessary to secure full compliance with the Real Estate Law as set forth in Section 10159.2 of the Code.

IV

At no time mentioned herein was Jeffrey Frieden ("Frieden") licensed by the Department as a real estate broker or as a real estate salesperson employed by a real estate broker. Nevertheless, in the transaction described below, Frieden was employed by CORPORATION and MORISSETTE to conduct activities requiring a real estate license. At all times herein mentioned, Frieden was an Executive Vice president of CORPORATION.

V

All further references to the "Code" are to the California Business and Professions Code, and all further references to the "Regulations" are to Chapter 6, Title 10,

1 California Code of Regulations.

2 VI

3 On or about July 24, 1992, CORPORATION received a
4 listing to sell via an auction approximately fifteen (15)
5 residential properties on 15th and 16th Streets in Costa Mesa,
6 California. On that date, an Auction Marketing Agreement was
7 executed between CORPORATION and Tom M. Djokovich. The Agreement
8 provided for a 3.4% of the gross purchase price as a commission
9 for the sale of said properties. Frieden executed the Agreement on
10 behalf of the CORPORATION. Frieden solicited for and thereafter
11 concluded negotiations resulting in the execution of the
12 Agreement. Said activities by Frieden were undertaken for or in
13 expectation of compensation.

14 VII

15 On or about October 10, 1992, an Auction Marketing
16 Agreement was executed between CORPORATION and Daniel J. Occelli,
17 Vice President and Manager of First Interstate Bank. The Agreement
18 provided for 3% of the gross purchase price as a commission for
19 the sale of commercial and residential properties located
20 throughout Southern California. Frieden executed the Agreement on
21 behalf of the CORPORATION. Frieden solicited for and thereafter
22 concluded negotiations resulting in the execution of the
23 Agreement. Said activities by Frieden were undertaken for or in
24 expectation of compensation.

25 VIII

26 The activities of Frieden, as set forth above, are those
27 of a real estate broker as described in Section 10131 (a) of the

1 Code. In conducting said activities without a real estate license
2 Dulay violated Section 10130 of the Code. On or about October 7,
3 1994, an Order to Desist and Refrain was issued to Frieden for
4 violating Section 10130 of the Code. This Order was acknowledged
5 by Frieden on October 24, 1994.

6 IX

7 By employing and/or compensating Frieden to conduct the
8 acts set forth above, CORPORATION and MORISSETTE violated Section
9 10137 of the Code. Said conduct is cause under Section 10137 of
10 the Code for the suspension or revocation of all licenses and/or
11 license rights of CORPORATION and MORISSETTE under the Real Estate
12 Law (Part 1 of Division 4 of the Business and Professions Code).

13 WHEREFORE, Complainant prays that a hearing be
14 conducted on the allegations made by the Accusation and, that
15 upon proof thereof, a decision be rendered imposing
16 disciplinary action against all licenses and license rights
17 of Respondents REAL ESTATE DISPOSITION CORPORATION and
18 TIMOTHY EMMETT MORISSETTE under the Real Estate Law and for
19 such other and further relief as may be proper under other
20 applicable provisions of law.

21 Dated at Santa Ana , California
22 this 23rd day of November , 1994.

23 THOMAS MC CRADY

24 Deputy Real Estate Commissioner

25 cc: Real Estate Disposition Corporation
26 Timothy Emmett Morisette
27 Sacto
SR