

FILED

OCT 23 2003

DEPARTMENT OF REAL ESTATE

By Laurie G. Z...

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-7683 SF
)	
RICHARD ANTHONY MEYER,)	
)	
Respondent.)	

ORDER SUSPENDING RESTRICTED REAL ESTATE LICENSE

TO: Respondent RICHARD ANTHONY MEYER (herein "Respondent"):

At all times mentioned herein since September 30, 1999, Respondent has been and now is licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the Business and Professions Code (hereinafter "Code") as real estate salesperson whose salesperson license was and now is restricted subject to the provisions of Section 10156.7 of the Code and to enumerated additional terms, conditions and restrictions imposed under authority of Section 10156.6 of the Code.

On October 3, 2003, in Case No. H-8543 SF, an Accusation (hereinafter "Accusation") by a Deputy Real Estate

1 Commissioner of the State of California was filed alleging cause
2 as to Respondent under Sections 490 and 10177(b) of the
3 California Business and Professions Code (herein "the Code") for
4 the suspension or revocation of all licenses and license rights
5 of Respondent under the Real Estate Law.

6 NOW, THEREFORE, IT IS ORDERED under authority of
7 Section 10156.7 of the Business and Professions Code of the State
8 of California that any restricted real estate salesperson license
9 heretofore issued to Respondent RICHARD ANTHONY MEYER, and the
10 exercise of any privileges thereunder, be and hereby is suspended
11 pending final determination made after the hearing on the
12 aforesaid Accusation.

13 IT IS FURTHER ORDERED that all license certificates and
14 identification cards issued by the Department of Real Estate
15 which are in the possession of Respondent be immediately
16 surrendered by personal delivery or by mailing in the enclosed
17 self-addressed envelope to:

18 DEPARTMENT OF REAL ESTATE
19 Attention: Flag Section
20 P. O. Box 187000
21 Sacramento, CA 95818-7000

22 This Order shall be effective immediately.

23 DATED: October 15, 2003

24 PAULA REDDISH ZINNEMANN
25 Real Estate Commissioner
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FILED
SEP 23 1999

DEPARTMENT OF REAL ESTATE

By *Laurie A. Zain*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-7683 SF
)	
RONALD GUSTAV FAYE,)	OAH NO. N-1999040013
RICHARD A. MEYER,)	
ALDEN CLARKE THOMAS, and)	
JOSE CARLOS L. DE LA FUENTE,)	
)	
Respondents.)	

ORDER DENYING RECONSIDERATION

On August 2, 1999, a Decision was rendered in the above-entitled matter. The Decision is to become effective September 30, 1999.

On August 30, 1999, Respondents petitioned for reconsideration of the Decision of August 2, 1999.

I have given due consideration to the petition of Respondent. I find no good cause to reconsider the Decision of August 2, 1999, and reconsideration is hereby denied.

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IT IS HEREBY ORDERED September 22, 1999.

JOHN R. LIBERATOR
Acting Real Estate Commissioner

John R. Liberator

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FILED

AUG 30 1999

DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-7683	SF
)		
RONALD GUSTAV FAYE,)		
RICHARD A. MEYER,)		
ALDEN CLARKE THOMAS, and)		
JOSE CARLOS L. DE LA FUENTE,)		
)		
Respondents.)		

ORDER STAYING EFFECTIVE DATE

On August 2, 1999, a Decision and Order was rendered in the above-entitled matter to become effective as to Respondents RONALD GUSTAV FAYE, RICHARD A. MEYER, ALDEN CLARKE THOMAS, and JOSE CARLOS L. DE LA FUENTE on August 31, 1999.

On August 27, 1999, said Respondents filed a petition for reconsideration of the Decision and Order of August 2, 1999.

IT IS HEREBY ORDERED that the effective date of the Order of the Commissioner of August 2, 1999, is stayed for a period of thirty (30) days.

The Order of the Commissioner of August 2, 1999, shall become effective as to Respondents RONALD GUSTAV FAYE, RICHARD A.

MEYER, ALDEN CLARKE THOMAS, and JOSE CARLOS L. DE LA FUENTE at 12
o'clock noon on September 30, 1999.

DATED: August 30, 1999

JOHN R. LIBERATOR.
ACTING REAL ESTATE COMMISSIONER

John R. Liberator

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RECEIVED MAY 24 1999

1 Department of Real Estate
2 P. O. Box 187000
3 Sacramento, CA 95818-7000
4
5 Telephone: (916) 227-0789
6
7

FILED
AUG 10 1999

DEPARTMENT OF REAL ESTATE
Laurie A. Zain

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11	In the Matter of the Accusation of)	No. H-7683 SF
12	RONALD GUSTAV FAYE,)	OAH NO. N-1999040013
13	RICHARD A. MEYER,)	
14	ALDEN CLARKE THOMAS, and)	<u>STIPULATION AND AGREEMENT</u>
15	JOSE CARLOS L. DE LA FUENTE,)	
	Respondents.)	

16 It is hereby stipulated by and between Respondents
17 RONALD GUSTAV FAYE (hereinafter "FAYE"), RICHARD A. MEYER
18 (hereinafter "MEYER"), ALDEN CLARKE THOMAS (hereinafter "THOMAS")
19 and JOSE CARLOS L. DE LA FUENTE (hereinafter "DE LA FUENTE"),
20 individually and by and through Stephen Picone, Esq., attorney of
21 record herein for Respondents FAYE, MEYER, THOMAS and DE LA
22 FUENTE (hereinafter collectively "Respondents"), and the
23 Complainant, acting by and through James L. Beaver, Counsel for
24 the Department of Real Estate, as follows for the purpose of
25 settling and disposing of the Accusation filed on March 12, 1999
26 in this matter (hereinafter "the Accusation"):

27 ///

1 1. All issues which were to be contested and all
2 evidence which was to be presented by Complainant and Respondents
3 at a formal hearing on the Accusation, which hearing was to be
4 held in accordance with the provisions of the Administrative
5 Procedure Act (APA), shall instead and in place thereof be
6 submitted solely on the basis of the provisions of this
7 Stipulation and Agreement.

8 2. Respondents have received, read and understand the
9 Statement to Respondent, the Discovery Provisions of the APA and
10 the Accusation filed by the Department of Real Estate in this
11 proceeding.

12 3. On March 26, 1999, Respondents filed a Notice of
13 Defense pursuant to Section 11505 of the Government Code for the
14 purpose of requesting a hearing on the allegations in the
15 Accusation. Respondents hereby freely and voluntarily withdraw
16 said Notice of Defense. Respondents acknowledge that Respondents
17 understand that by withdrawing said Notice of Defense Respondents
18 will thereby waive Respondents' right to require the Commissioner
19 to prove the allegations in the Accusation at a contested hearing
20 held in accordance with the provisions of the APA and that
21 Respondents will waive other rights afforded to Respondents in
22 connection with the hearing such as the right to present evidence
23 in defense of the allegations in the Accusation and the right to
24 cross-examine witnesses.

25 4. Respondents, pursuant to the limitations set forth
26 below, hereby admit that the factual allegations pertaining to
27 Respondents in the Accusation are true and correct and agree that

1 the Real Estate Commissioner shall not be required to provide
2 further evidence of such allegations.

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

13 6. The Order or any subsequent Order of the Real
14 Estate Commissioner made pursuant to this Stipulation and
15 Agreement shall not constitute an estoppel, merger or bar to any
16 further administrative or civil proceedings by the Department of
17 Real Estate with respect to any matters which were not
18 specifically alleged to be causes for accusation in this
19 proceeding.

20 7. It is further stipulated that any Decision entered
21 pursuant to this Stipulation shall not be effective prior to
22 July 31, 1999.

23 DETERMINATION OF ISSUES

24 By reason of the foregoing stipulations, admissions and
25 waivers and solely for the purpose of settlement of the pending
26 Accusation without hearing, it is stipulated and agreed that the
27 following Determination of Issues shall be made:

I

The acts and omissions of Respondents as described in the Accusation are grounds for the suspension or revocation of the licenses and license rights of Respondents under the following provisions of the California Business and Professions Code (hereinafter "the Code"):

(a) As to Respondent FAYE under Section 10137 the Code in conjunction with Section 10177(d) of the Code; and

(b) As to Respondents MEYER, THOMAS and DE LA FUENTE under Section 10130 of the Code in conjunction with Section 10177(d) of the Code.

ORDER

I

All licenses and licensing rights of Respondent RONALD GUSTAV FAYE under the Real Estate Law are revoked; provided, however, a restricted real estate broker license shall be issued to said Respondent pursuant to Section 10156.5 of the Business and Professions Code if, within 90 days from the effective date of the Decision entered pursuant to this Order
Respondent:

(a) Pays a fine pursuant to Section 10139.5 of the Business and Professions Code in the sum of \$5,000.00 in the form of a cashier's check or certified check made payable to the Recovery Account of the Real Estate Fund; and

(b) Makes application for the restricted license and pays to the Department of Real Estate the appropriate fee therefor.

1 Any restricted real estate broker license issued to
2 Respondent FAYE under the Decision entered pursuant to this Order
3 shall be subject to all of the provisions of Section 10156.7 of
4 the Business and Professions Code and to the following
5 limitations, conditions and restrictions imposed under authority
6 of Section 10156.6 of that Code:

7 1. The restricted license issued to the Respondent may
8 be suspended prior to hearing by Order of the Real Estate
9 Commissioner in the event of the Respondent's conviction or plea of
10 nolo contendere to a crime which is substantially related to
11 Respondent's fitness or capacity as a real estate licensee.

12 2. The restricted license issued to the Respondent may
13 be suspended prior to hearing by Order of the Real Estate
14 Commissioner on evidence satisfactory to the Commissioner that the
15 Respondent has violated provisions of the California Real Estate
16 Law, the Subdivided Lands Law, Regulations of the Real Estate
17 Commissioner or conditions attaching to the restricted license.

18 3. The Respondent shall not be eligible to apply for
19 the issuance of an unrestricted real estate license nor for the
20 removal of any of the conditions, limitations or restrictions of
21 a restricted license until one (1) year has elapsed from the
22 effective date of this Decision.

23 4. The Respondent shall, within nine (9) months from
24 the effective date of the Decision, present evidence satisfactory
25 to the Real Estate Commissioner that the Respondent has, since
26 the most recent issuance of an original or renewal real estate
27 license, taken and successfully completed the continuing

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III

All licenses and licensing rights of Respondent ALDEN CLARKE THOMAS under the Real Estate Law are revoked; provided, however, a restricted real estate salesperson license shall be issued to said Respondent pursuant to Section 10156.5 of the Business and Professions Code if, within ninety (90) days from the effective date of the Decision entered pursuant to this Order Respondent makes application for the restricted license and pays to the Department of Real Estate the appropriate fee therefor.

IV

All licenses and licensing rights of Respondent JOSE CARLOS L. DE LA FUENTE under the Real Estate Law are revoked; provided, however, a restricted real estate salesperson license shall be issued to said Respondent pursuant to Section 10156.5 of the Business and Professions Code if, within ninety (90) days from the effective date of the Decision entered pursuant to this Order Respondent makes application for the restricted license and pays to the Department of Real Estate the appropriate fee therefor.

V

Any restricted real estate salesperson license issued to a Respondent under the Decision entered pursuant to Paragraphs II, III or IV of this Order shall be subject to all of the provisions of Section 10156.7 of the Business and Professions Code and to the following limitations, conditions and restrictions imposed under authority of Section 10156.6 of that Code:

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///

1 1. The restricted license issued to the Respondent may
2 be suspended prior to hearing by Order of the Real Estate
3 Commissioner in the event of the Respondent's conviction or plea of
4 nolo contendere to a crime which is substantially related to
5 Respondent's fitness or capacity as a real estate licensee.

6 2. The restricted license issued to the Respondent may
7 be suspended prior to hearing by Order of the Real Estate
8 Commissioner on evidence satisfactory to the Commissioner that the
9 Respondent has violated provisions of the California Real Estate
10 Law, the Subdivided Lands Law, Regulations of the Real Estate
11 Commissioner or conditions attaching to the restricted license.

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

17 4. The Respondent shall, within nine (9) months from
18 the effective date of the Decision, present evidence satisfactory
19 to the Real Estate Commissioner that the Respondent has, since
20 the most recent issuance of an original or renewal real estate
21 license, taken and successfully completed the continuing
22 education requirements of Article 2.5 of Chapter 3 of the Real
23 Estate Law for renewal of a real estate license. If the
24 Respondent fails to satisfy this condition, the Commissioner may
25 order the suspension of the restricted license until the
26 Respondent presents such evidence. The Commissioner shall afford

27 ///

1 the Respondent the opportunity for a hearing pursuant to the
2 Administrative Procedure Act to present such evidence.

3 5. The Respondent shall, within six (6) months from
4 the issuance of the restricted license, take and pass the
5 Professional Responsibility Examination administered by the
6 Department including the payment of the appropriate examination
7 fee. If the Respondent fails to satisfy this condition, the
8 Commissioner may order the suspension of the restricted license
9 until the Respondent passes the examination.

10 6. The Respondent shall submit with any application
11 for license under an employing broker, or any application for
12 transfer to a new employing broker, a statement signed by the
13 prospective employing real estate broker on a form approved by the
14 Department of Real Estate which shall certify:

15 (a) That the employing broker has read the Decision of
16 the Commissioner which granted the right to a
17 restricted license; and

18 (b) That the employing broker will exercise close
19 supervision over the performance by the restricted
20 licensee relating to activities for which a real
21 estate license is required.

22 7. Any restricted real estate salesperson license
23 issued to the Respondent may be suspended or revoked for a
24 violation by the Respondent of any of the conditions attaching to
25 the restricted license.

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6-28-99

DATED


JAMES L. BEAVER, Counsel
DEPARTMENT OF REAL ESTATE
* * *

I have read the Stipulation and Agreement, have discussed its terms with my attorney and its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509, and 11513 of the Government Code), and I willingly, intelligently, and voluntarily waive those rights, including the right of requiring the Commissioner to prove the allegations in the Accusation at a hearing at which I would have the right to cross-examine witnesses against me and to present evidence in defense and mitigation of the charges.

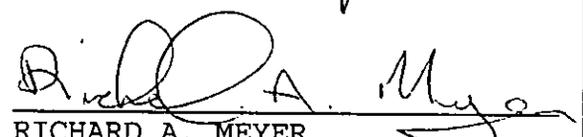
6-14-99

DATED


RONALD GUSTAV FAYE
Respondent

6-14-99

DATED


RICHARD A. MEYER
Respondent

6-14-99

DATED


ALDEN CLARKE THOMAS
Respondent

DATED

JOSE CARLOS L. DE LA FUENTE
Respondent

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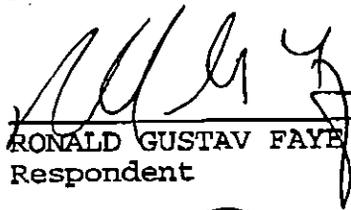
JAMES L. BEAVER, Counsel
DEPARTMENT OF REAL ESTATE

* * *

I have read the Stipulation and Agreement, have discussed its terms with my attorney and its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509, and 11513 of the Government Code), and I willingly, intelligently, and voluntarily waive those rights, including the right of requiring the Commissioner to prove the allegations in the Accusation at a hearing at which I would have the right to cross-examine witnesses against me and to present evidence in defense and mitigation of the charges.

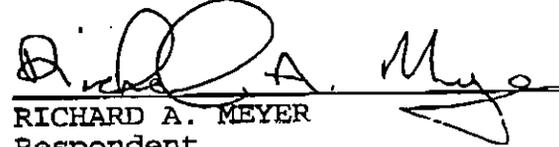
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DATED


RONALD GUSTAV FAYE
Respondent

6-14-99

DATED


RICHARD A. MEYER
Respondent

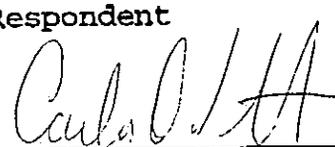
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DATED


ALDEN CLARKE THOMAS
Respondent

6-14-99

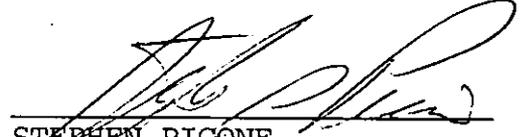
DATED


JOSE CARLOS L. DE LA FUENTE
Respondent

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I have reviewed the Stipulation and Agreement as to form and content and have advised my clients accordingly.

6/15/99
DATED


STEPHEN PICONE
Attorney for Respondents

* * *

The foregoing Stipulation and Agreement for Settlement
is hereby adopted by the Real Estate Commissioner as his Decision
and Order and shall become effective at 12 o'clock noon on
August 31, 1999

IT IS SO ORDERED August 2, 1999

JOHN R. LIBERATOR
Acting Real Estate Commissioner



FILED
APR 16 1999

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

By Laurie A. Zim

In the Matter of the Accusation of

RONALD GUSTAV FAYE,
RICHARD A. MEYER,
ALDEN CLARKE THOMAS, and
JOSE CARLOS L. DE LA FUENTE,

}

Case No. H-7683 SF

OAH No. N-1999040013

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 the
Office of Administrative Hearings, 1515 Clay Street, Suite 206,
Oakland, CA 94612

on June 28 - 30, 1999 (3 Days), at the hour of 9:00 AM,
or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

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 and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

Dated: March 16, 1999

DEPARTMENT OF REAL ESTATE

By James L. Beaver
JAMES L. BEAVER Counsel

1 JAMES L. BEAVER, Counsel (SBN 60543)
2 Department of Real Estate
3 P. O. Box 187000
4 Sacramento, CA 95818-7000

5 Telephone: (916) 227-0789
6 -or- (916) 227-0788 (Direct)

FILED
MAR 12 1999

DEPARTMENT OF REAL ESTATE
By *Laurie A. Zin*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11	In the Matter of the Accusation of)	No. H-7683 SF
12	RONALD GUSTAV FAYE,)	<u>ACCUSATION</u>
13	RICHARD A. MEYER,)	
14	ALDEN CLARKE THOMAS, and)	
15	JOSE CARLOS L. DE LA FUENTE,)	
	Respondents.)	

16 The Complainant, Les R. Bettencourt, a Deputy Real
17 Estate Commissioner of the State of California, for cause of
18 Accusation against RONALD GUSTAV FAYE, RICHARD A. MEYER, ALDEN
19 CLARKE THOMAS, and JOSE CARLOS L. DE LA FUENTE (hereinafter
20 "Respondents"), is informed and alleges as follows:

21 I

22 Respondents are presently licensed and/or have license
23 rights under the Real Estate Law, Part 1 of Division 4 of the
24 Business and Professions Code (hereinafter "Code").

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II

The Complainant, Les R. Bettencourt, a Deputy Real Estate Commissioner of the State of California, makes this Accusation against Respondents in his official capacity.

III

At all times herein mentioned, Respondent RONALD GUSTAV FAYE (hereinafter "FAYE") was and now is licensed by the Department of Real Estate of the State of California (hereinafter "the Department") as a real estate broker.

IV

At all times herein mentioned between July 20, 1996 and August 4, 1998, the real estate salesperson license of Respondent RICHARD A. MEYER (hereinafter "MEYER") was suspended pursuant to the provisions of Section 10153.4 of the California Business and Professions Code (hereinafter "the Code"). At no time herein mentioned from July 20, 1996 through August 4, 1998 was Respondent MEYER qualified by licensure as a real estate broker or as a real estate salesperson to engage in activities for which a real estate license is required. At all times herein mentioned from and after August 4, 1998, Respondent MEYER was and now is licensed by the Department as a real estate salesperson.

V

On May 10, 1997, the real estate salesperson license of Respondent ALDEN CLARKE THOMAS (hereinafter "THOMAS") expired and was not renewed until on and after April 8, 1998. At no time herein mentioned from May 10, 1997 through April 8, 1998 was Respondent THOMAS licensed by the Department as either a real

1 estate broker or as a real estate salesperson. At all times
2 herein mentioned from and after April 8, 1998, Respondent THOMAS
3 was and now is licensed by the Department as a real estate
4 salesperson.

5 VI

6 At no time herein mentioned prior to December 30, 1998
7 was Respondent JOSE CARLOS L. DE LA FUENTE (hereinafter "DE LA
8 FUENTE") licensed by the Department as either a real estate broker
9 or as a real estate salesperson. At all times herein mentioned
10 from and after December 30, 1998, Respondent DE LA FUENTE was and
11 now is licensed by the Department as a real estate salesperson.

12 VII

13 At no time herein mentioned was Greg Whitlock
14 (hereinafter "Whitlock") licensed by the Department as either a
15 real estate broker or as a real estate salesperson.

16 VIII

17 At all times herein mentioned, Respondents engaged in
18 the business of, acted in the capacity of, advertised and assumed
19 to act as real estate brokers in the State of California within
20 the meaning of Section 10131(d) of the Code, including the
21 operation and conduct of a mortgage loan brokerage business with
22 the public wherein, on behalf of others, for compensation or in
23 expectation of compensation, Respondents solicited lenders and
24 borrowers for loans secured directly or collaterally by liens on
25 real property, and wherein Respondents arranged, negotiated, and
26 processed such loans.

27 ///

IX

At all times mentioned herein from on or about September 1, 1997 through on or about December 31, 1997, Respondent FAYE employed Whitlock and Respondents MEYER, THOMAS, and DE LA FUENTE to perform the acts and conduct the activities described in Paragraph VIII, above, and compensated Whitlock and Respondents MEYER, THOMAS, and DE LA FUENTE for such activities and employment.

X

Between on or about September 1, 1997 and on or about December 31, 1997, on or about the dates tabulated below, in the course of the activities and employment described in Paragraphs VIII and IX, above, Whitlock and Respondents MEYER, THOMAS, and DE LA FUENTE solicited and obtained applications, as set forth below, from prospective borrowers for loans secured by deeds of trust encumbering real property within the State of California, and thereafter Respondent FAYE compensated Whitlock and Respondents MEYER, THOMAS, and DE LA FUENTE for such activities and employment:

(a) On or about September 1, 1997, Respondent MEYER solicited and obtained an application from Carlos and Janet Mangrobang for a mortgage loan to be secured by real property at 312 Merlin Court, Fremont, California;

(b) On or about October 9, 1997, Respondent DE LA FUENTE solicited and obtained an application from William and Kathleen Jones for a mortgage loan to be secured by real property at 334 Channing Way, Pacifica, California;

1 (c) On or about October 24, 1997, Respondent THOMAS
2 solicited and obtained an application from Phuong Quoa Nguyen and
3 Thu Ngoc Cao for a mortgage loan to be secured by real property at
4 327 Avenida Arboles, San Jose, California;

5 (d) On or about November 7, 1997, Respondent MEYER
6 solicited and obtained an application from Carlos and Janet
7 Mangrobang for an additional mortgage loan to be secured by real
8 property at 312 Merlin Court, Fremont, California;

9 (e) On or about November 17, 1997, Whitlock solicited
10 and obtained an application from Bruce F. Smith for a mortgage
11 loan to be secured by real property at 52 Tamalpais Terrace, San
12 Francisco, California; and

13 (f) On or about December 12, 1997, Respondent MEYER
14 solicited an application from Bruce F. Smith for an additional
15 mortgage loan to be secured by real property at 52 Tamalpais
16 Terrace, San Francisco, California.

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18 XI

19 In acting as described in Paragraphs IX and X, above,
20 Respondent FAYE violated Section 10137 of the Code.

21 XII

22 In acting as described in Paragraphs IX and X, above,
23 above, Respondents MEYER, DE LA FUENTE and THOMAS violated Section
24 10130 of the Code.

25 XIII

26 The acts and omissions of Respondents alleged above
27 constitute cause for the suspension or revocation of the licenses

1 and license rights of Respondents under the following provisions
2 of the Code:

3 (a) As to Respondent FAYE, under Section 10137 the Code
4 in conjunction with Section 10177(d) of the Code; and

5 (b) As to Respondents MEYER, DE LA FUENTE and THOMAS,
6 under Section 10130 the Code in conjunction with Section 10177(d)
7 of the Code.

8 WHEREFORE, Complainant prays that a hearing be conducted
9 on the allegations of this Accusation and that upon proof thereof,
10 a decision be rendered imposing disciplinary action against all
11 licenses and license rights of Respondents under the Real Estate
12 Law (Part 1 of Division 4 of the Business and Professions Code),
13 and for such other and further relief as may be proper under other
14 provisions of law, including the imposition of a fine of up to
15 \$10,000 pursuant to the provisions of Section 10139.5 of the
16 Business and Professions Code.

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19 LES R. BETTENCOURT
Deputy Real Estate Commissioner

20 Dated at Oakland, California,
21 this 19th day of February, 1999.

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