

into file

FILED
JAN - 5 2009
DEPARTMENT OF REAL ESTATE
K. Medeiros

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) NO. H-24989 LA
THEODULE DELANO MARTIN,)
Respondent.)

ORDER DENYING REINSTATEMENT OF LICENSE

On September 18, 1992, a Decision was rendered herein revoking Respondent's real estate broker license, but granting Respondent the right to the issuance of a restricted real estate broker license. A restricted real estate broker license was issued to Respondent on December 11, 1992.

On January 20, 1998, Respondent petitioned for reinstatement of said license. An Order Denying Reinstatement of License was filed on September 11, 1998.

On or about August 27, 2007, Respondent again petitioned for reinstatement of said license and the Attorney General of the State of California has been given notice of the

1 filing of the petition.

2 I have considered Respondent's petition and
3 the evidence and arguments in support thereof. Respondent has
4 failed to demonstrate to my satisfaction that Respondent has
5 undergone sufficient rehabilitation to warrant the reinstatement
6 of Respondent's real estate broker license, in that:

7 I

8 On April 8, 1992, an Order to Desist and Refrain was
9 filed by the Department of Real Estate ("Department") in Case
10 No. H-24990 LA. A Department investigation of Respondent's
11 books and records had revealed numerous violations of the Real
12 Estate Law.
13

14 II

15 In the Decision in Case no. H-24989 LA which revoked
16 Respondent's real estate broker license, there were
17 Determination of Issues made that there was cause to revoke
18 Respondent's real estate license pursuant to Business and
19 Professions Code ("Code") Section 10177(h) for violation of Code
20 Section 10159.2.

21 A Department audit investigation of Professional
22 Lending Services, a California corporate broker ("PLS"), had
23 found numerous violations of the Real Estate Law. PLS was a
24 licensed real estate corporation for which Respondent was the
25 designated officer. Respondent failed to exercise the required
26 supervision and control of the activities of PLS.

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III

In the 1998 Order Denying Reinstatement of License, Respondent's petition for reinstatement was denied because a Department audit of Respondent's activities requiring a real estate license found violations of the Real Estate Law.

IV

The burden of proving rehabilitation rests with the petitioner (Feinstein v. State Bar (1952) 39 Cal. 2d 541). A petitioner is required to show greater proof of honesty and integrity than an applicant for first time licensure. The proof must be sufficient to overcome the prior adverse judgment on the applicant's character (Tardiff v. State Bar (1980) 27 Cal. 3d 395).

The Department has developed criteria in Section 2911, Title 10, Chapter 6, California Code of Regulations ("Regulations") to assist in evaluating the rehabilitation of an applicant for reinstatement of a license. Among the criteria relevant in this proceeding are:

2911(k) - Respondent has not shown that Respondent has corrected business practices resulting in injury to others, or with the potential to cause such injury.

A Department audit examination of Respondent's books and records was conducted as part of the petition application review process. The audit revealed violations of the Real Estate Law.

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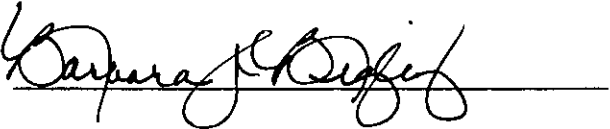
Given the fact that Respondent has not established that Respondent has complied with Regulation 2911(k), I am not satisfied that Respondent is sufficiently rehabilitated to receive a real estate broker license.

NOW, THEREFORE, IT IS ORDERED that Respondent's petition for reinstatement of Respondent's real estate broker license is denied.

This Order shall become effective at 12 o'clock noon
JAN 26 2009
on _____.

DATED: 12-29-08

JEFF DAVI
Real Estate Commissioner



BY: Barbara J. Bigby
Chief Deputy Commissioner

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FILED
SEP 11 1998
DEPARTMENT OF REAL ESTATE

By CB

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of) No. H-24989 LA
)
)
THEODULE DELANO MARTIN)
)
Respondent.)
)
_____)

ORDER DENYING REINSTATEMENT OF LICENSE

On September 18, 1992, a Decision was rendered herein revoking the real estate broker license of THEODULE DELANO MARTIN, (hereinafter referred to as Respondent), effective October 21, 1992. Respondent was given the right to apply for and receive a restricted real estate broker license which was issued to him on December 11, 1992.

On January 20, 1998, Respondent petitioned for reinstatement of said real estate broker license and the Attorney General of the State of California has been given notice of the filing of said Petition.

1 I have considered the petition of Respondent and the
2 evidence submitted in support thereof. Respondent has failed to
3 demonstrate to my satisfaction that he has undergone sufficient
4 rehabilitation to warrant the reinstatement of his real estate
5 broker license at this time. This determination has been made
6 in light of Respondent's history of acts and conduct which are
7 substantially related to the qualifications, functions and
8 duties of a real estate licensee. That history includes:
9

10 I

11 On or about May 11, 1998, an audit was completed by
12 the Department of Real Estate of Respondent's activities
13 requiring a real estate license from July 1, 1997, to April 30,
14 1998. Said audit revealed that Respondent was operating in
15 violation of Sections 2715 and 2752 of Chapter 6, Title 10,
16 California Code of Regulations and Section 10240 of the
17 California Business and Professions Code when he (1) failed to
18 notify the Department that he was no longer employing three
19 salespersons (2) failed to notify the Department that he was no
20 longer utilizing three branch offices and (3) failed to provide
21 three borrowers with a mortgage loan disclosure statement.

22 II

23 The violations set forth above indicate a lack of
24 rehabilitation and are cause to deny Respondent's petition
25 pursuant to Section 10177(d) of the Code.
26
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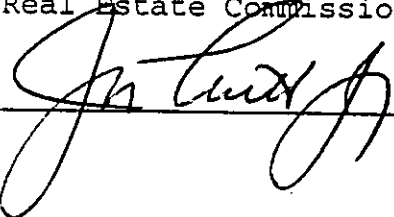


1 NOW, THEREFORE, IT IS ORDERED that Respondent's
2 petition for reinstatement of license is denied.

3 This Order shall become effective at 12 o'clock
4 noon on October 1, 1998.

5 _____
6 DATED; 9/8/98
7 _____

8
9 JIM ANTT, JR.
10 Real Estate Commissioner

11 
12 _____

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21 THEODULE DELANO MARTIN
22 701 West Avenue K, Suite 120
23 Lancaster, California 93534



JACO

FILED
 APR 27 1998
 DEPARTMENT OF REAL ESTATE
 By [Signature]

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DEPARTMENT OF REAL ESTATE
 STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) NO. H-24989 LA
)
 DEBORAH ANN RAHM)
)
 Respondent.)
 _____)

ORDER GRANTING REINSTATEMENT OF LICENSE

On September 18, 1992, a Decision was rendered herein revoking the real estate salesperson license of Respondent, DEBORAH ANN RAHM (hereinafter "Respondent"), effective October 21, 1992, but granting Respondent the right to apply for and be issued a restricted real estate salesperson license. Said restricted real estate salesperson license was issued to Respondent on October 21, 1992.

On December 27, 1997, 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 I have considered Respondent's petition and the
2 evidence and arguments in support thereof. Respondent has
3 demonstrated to my satisfaction that grounds do not presently
4 exist to deny the issuance of an unrestricted real estate
5 salesperson license to Respondent.

6 NOW, THEREFORE, IT IS ORDERED that Respondent's
7 petition for reinstatement is granted and that an
8 unrestricted real estate salesperson license be issued to
9 Respondent, DEBORAH ANN RAHM, after Respondent satisfies the
10 following conditions within one (1) year from the date of
11 this Order:

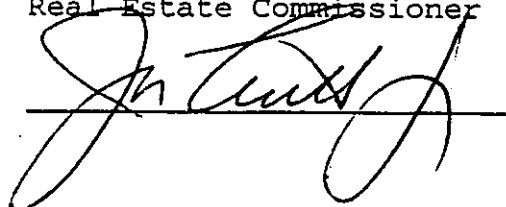
12 1. Submittal of a completed application and
13 payment of the fee for a real estate salesperson license.

14 2. Submittal of evidence satisfactory to the Real
15 Estate Commissioner that Respondent has, since her restricted
16 license was last renewed, taken and successfully completed
17 the 45 hours of education required in Section 10170.5 of the
18 Business and Professions Code.

19 This Order shall become effective immediately.

20
21 DATED: 4/23/98

22 JIM ANTT, JR.
23 Real Estate Commissioner

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DEBORAH ANN RAHM
28464 Renee Drive
Agoura Hills, California 91301



1 Department of Real Estate
2 107 South Broadway, Room 8107
3 Los Angeles, California 90012

4 Telephone: (213) 897-3937

FILED

OCT-1 1992

DEPARTMENT OF REAL ESTATE
BY *[Signature]*

8 DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * * * *

11 In the Matter of the Accusation of) No. H-24989 LA
12 PROFESSIONAL LENDING SERVICES,)
13 a California corporate broker;) STIPULATION AND
14 THEODULE DELANO MARTIN,) AGREEMENT IN
15 individually, dba Antelope) SETTLEMENT AND ORDER
16 Valley Rental Information)
17 Service Center, dba ERA)
18 Martin Real Estate and dba G I)
19 Real Estate, and as designated)
20 officer of Dynasty Mortgage Inc.,)
21 Grame Mergers & Acquisitions,)
22 Winsley Corporation and)
23 Professional Lending Services;)
24 and DEBORAH ANN RAHM,)
25 Respondents.)

21 It is hereby stipulated by and between THEODULE DELANO
22 MARTIN (sometimes referred to as "Respondent") and Lawrence Allen,
23 Esq. of Allen & Allen, his Counsel, and the Complainant, acting by
24 and through Sean Crahan, Counsel for the Department of Real
25 Estate, as follows for the purpose of settling and disposing of
26 the Accusation filed on April 1, 1992, in this matter:

27 /

1 1. All issues which were to be contested and all
2 evidence which was to be presented by Complainant and Respondent
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.

8 2. Respondent has received, read and understands 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 April 15, 1992, Respondent 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. Respondent hereby freely and voluntarily withdraws
16 said Notice of Defense. Respondent acknowledges that he
17 understands that by withdrawing said Notice of Defense, he will
18 thereby waive his right to require the Commissioner to prove the
19 allegations in the Accusation at a contested hearing held in
20 accordance with the provisions of the APA and that he will waive
21 other rights afforded to him in connection with the hearing such
22 as the right to present evidence in defense of the allegations in
23 the Accusation and the right to cross-examine witnesses.

24 4. Respondent, pursuant to the limitations set forth
25 below, hereby admits that the factual allegations in Paragraphs
26 one (1) through eight (8) and ten (10) of the Accusation filed in
27 this proceeding are true and correct and the Real Estate

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

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 Respondent's 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 Respondent 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 and
17 Agreement in Settlement shall not constitute an estoppel, merger
18 or bar to any further administrative or civil proceedings by the
19 Department of Real Estate with respect to any matters which were
20 not specifically alleged to be causes for accusation in this
21 proceeding.

22 DETERMINATION OF ISSUES

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

27 /

1 The conduct or omissions of Respondent THEODULE DELANO
2 MARTIN as set forth in paragraphs one (1) through eight (8) and
3 ten (10) of the Accusation constitute cause to suspend or revoke
4 his real estate licenses and license rights under the provisions
5 of Business and Professions Code Section 10177(d) for willful
6 violation of Code Section 10159.2.

7 ORDER

8 WHEREFORE, THE FOLLOWING ORDER is hereby made:

9 A. The licenses and license rights of THEODULE DELANO
10 MARTIN under Part 1 of Division 4 of the Business and Professions
11 Code are revoked.

12 B. However, Respondent shall be entitled to apply for
13 and be issued a restricted real estate broker license pursuant to
14 Section 10156.5 of the Code if Respondent makes application
15 therefor and pays to the Department of Real Estate the appropriate
16 fee for said license within ninety (90) days from the effective
17 date of the Order.

18 C. The restricted real estate broker license issued
19 pursuant to this Order shall be suspended for thirty (30) days
20 from the effective date of the restricted license.

21 D. However, if Respondent petitions, the thirty (30)-
22 day suspension of Respondent's restricted broker license shall be
23 permanently stayed upon condition that Respondent pay to the
24 Department's Recovery Account \$1,000 prior to the effective date
25 of this Order, pursuant to the provisions of Business and
26 Professions Code Section 10175.2.

27 /

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

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

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

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

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

25 (3) Respondent shall report in writing to the
26 Department of Real Estate as the Real Estate Commissioner shall
27 direct by his Decision herein or by separate written order issued

1 while Respondent holds a restricted license, such information
2 concerning Respondent's activities for which a real estate license
3 is required as the Commissioner shall deem to be appropriate to
4 protect the public interest.

5 (4) Respondent shall not, during the term of said
6 restricted license, be the designated officer of any corporate
7 real estate broker for which he does not hold a majority of the
8 stock in said corporation.

9 (5) Respondent shall, within nine (9) months from
10 the effective date of the restricted license, present evidence
11 satisfactory to the Real Estate Commissioner that he has, since
12 the most recent issuance of an original or renewal real estate
13 license, taken and successfully completed the continuing education
14 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
15 for renewal of a real estate license. If Respondent fails to
16 satisfy this condition, the Real Estate Commissioner may order the
17 suspension of the restricted license until Respondent presents
18 such evidence. The Real Estate Commissioner shall afford
19 Respondent the opportunity for a hearing pursuant to the APA to
20 present such evidence.

21 (6) Respondent shall, within six (6) months from
22 the effective date of the restricted license, take and pass the
23 Professional Responsibility Examination administered by the
24 Department, including the payment of the appropriate fee. If
25 Respondent fails to satisfy this condition, the Commissioner may
26 order suspension of the restricted license until Respondent passes
27 the examination.

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

I have read the Stipulation and Agreement in Settlement and Order 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.

DATED: 6-29-92

Theodule Delano Martin
THEODULE DELANO MARTIN, Respondent

DATED: 6-30-92

Lawrence Allen
LAWRENCE ALLEN, ESQ.
Allen & Allen
Attorneys for Respondent
Theodule Delano Martin

DATED: July 13, 1992

Sean Crahan
SEAN CRAHAN, Counsel

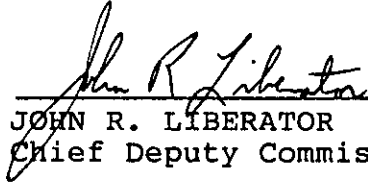
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The foregoing Stipulation and Agreement in Settlement is
hereby adopted as my Decision and Order in the above-entitled
matter as to Respondent THEODULE DELANO MARTIN and shall become
effective at 12 o'clock noon on October 21, 1992.

IT IS SO ORDERED September 18, 1992.

CLARK WALLACE
Real Estate Commissioner

By:



JOHN R. LIBERATOR
Chief Deputy Commissioner

sc

1 Department of Real Estate
2 107 South Broadway, Room 8107
3 Los Angeles, California 90012

4 Telephone: (213) 897-3937

FILED

OCT - 1 1992

DEPARTMENT OF REAL ESTATE

BY *[Signature]*

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * * *

11 In the Matter of the Accusation of) No. H-24989 LA
12 PROFESSIONAL LENDING SERVICES,)
13 a California corporate broker;) STIPULATION AND
14 THEODULE DELANO MARTIN,) AGREEMENT IN
15 individually, dba Antelope) SETTLEMENT AND ORDER
16 Valley Rental Information)
17 Service Center, dba ERA)
18 Martin Real Estate and dba G I)
19 Real Estate, and as designated)
20 officer of Dynasty Mortgage Inc.,)
21 Grame Mergers & Acquisitions,)
22 Winsley Corporation and)
23 Professional Lending Services;)
24 and DEBORAH ANN RAHM,)
25 Respondents.)
26)
27)

21 It is hereby stipulated by and between PROFESSIONAL
22 LENDING SERVICES (sometimes referred to as "Respondent"), and
23 Lawrence Allen, Esq. of Allen & Allen, its Counsel, and the
24 Complainant, acting by and through Sean Crahan, Counsel for the
25 Department of Real Estate, as follows for the purpose of settling
26 and disposing of the Accusation filed on April 1, 1992, in this
27 matter:

1 1. All issues which were to be contested and all
2 evidence which was to be presented by Complainant and Respondent
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.

8 2. Respondent has received, read and understands 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 April 15, 1992, Respondent 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. Respondent hereby freely and voluntarily withdraws
16 said Notice of Defense. Respondent acknowledges that it
17 understands that by withdrawing said Notice of Defense, it will
18 thereby waive its right to require the Commissioner to prove the
19 allegations in the Accusation at a contested hearing held in
20 accordance with the provisions of the APA and that it will waive
21 other rights afforded to it in connection with the hearing such as
22 the right to present evidence in defense of the allegations in the
23 Accusation and the right to cross-examine witnesses.

24 4. Respondent, pursuant to the limitations set forth
25 below, hereby admits that the factual allegations in Paragraphs
26 one (1) through eight (8) and ten (10) of the Accusation filed in
27 this proceeding are true and correct and the Real Estate

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

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 Respondent's 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 Respondent 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 and
17 Agreement in Settlement shall not constitute an estoppel, merger
18 or bar to any further administrative or civil proceedings by the
19 Department of Real Estate with respect to any matters which were
20 not specifically alleged to be causes for accusation in this
21 proceeding.

22 DETERMINATION OF ISSUES

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

27 /

1 The conduct or omissions of Respondent PROFESSIONAL
2 LENDING SERVICES as set forth in paragraphs one (1) through eight
3 (8) and ten (10) of the Accusation constitute cause to suspend or
4 revoke its real estate licenses and license rights under the
5 provisions of Business and Professions Code Sections 10137 and
6 10177(d) for willful violations of Code Section 10240 and
7 Regulations 2725, 2831.2, 2834 and 2840 from Title 10, Chapter 6
8 of the California Code of Regulations.

9 ORDER

10 WHEREFORE, THE FOLLOWING ORDER is hereby made:

11 A. The licenses and license rights of PROFESSIONAL
12 LENDING SERVICES under Part 1 of Division 4 of the Business and
13 Professions Code are revoked.

14 B. However, Respondent shall be entitled to apply for
15 and be issued a restricted real estate corporate broker license
16 pursuant to Section 10156.5 of the Code if Respondent makes
17 application therefor and pays to the Department of Real Estate the
18 appropriate fee for said license within ninety (90) days from the
19 effective date of the Order.

20 C. The restricted real estate corporate broker license
21 issued pursuant to this Order shall be suspended for thirty (30)
22 days from the effective date of the restricted license.

23 D. However, if Respondent petitions, the thirty (30)-
24 day suspension of Respondent's restricted corporate broker license
25 shall be permanently stayed upon condition that Respondent pays to
26 the Department's Recovery Account \$2,500 prior to the effective
27 date of this Order, pursuant to the provisions of Business and

1 Professions Code Section 10175.2.

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

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

10 E. The restricted license issued to Respondent shall be
11 subject to all of the provisions of Section 10156.7 of the
12 Business and Professions Code and to the following limitations,
13 conditions and restrictions imposed under authority of Section
14 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.

26 (3) Respondent shall report in writing to the
27 Department of Real Estate as the Real Estate Commissioner shall

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

6 (4) Respondent shall not be eligible to apply for
7 the issuance of an unrestricted real estate license nor the
8 removal of any of the conditions, limitations or restrictions of a
9 restricted license until one (1) year has elapsed from the date of
10 issuance of the restricted license to Respondent.

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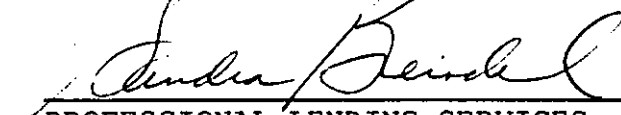
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I have read the Stipulation and Agreement in Settlement and Order and its terms are understood by me and are agreeable and acceptable to PROFESSIONAL LENDING SERVICES. I understand that PROFESSIONAL LENDING SERVICES is waiving rights given to it by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


DATED: 6/19/92


PROFESSIONAL LENDING SERVICES
Respondent, by Designated Officer

DATED: 6/19/92


PROFESSIONAL LENDING SERVICES
by Sandra Breindel, President

DATED: 6-30-92


LAWRENCE ALLEN, ESQ.
Allen & Allen
Attorneys for Respondent
Professional Lending Services

DATED: July 13, 1992

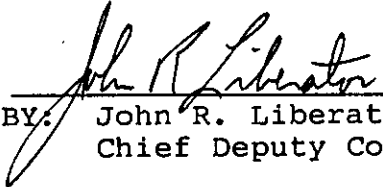

SEAN CRAHAN, Counsel

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The foregoing Stipulation and Agreement in Settlement is hereby adopted as my Decision and Order in the above-entitled matter as to Respondent PROFESSIONAL LENDING SERVICES and shall become effective at 12 o'clock noon on October 21, 1992.

IT IS SO ORDERED September 18, 1992.

CLARK WALLACE
Real Estate Commissioner


BY: John R. Liberator
Chief Deputy Commissioner

sc

1 Department of Real Estate
2 107 South Broadway, Room 8107
3 Los Angeles, California 90012

4 Telephone: (213) 897-3937

FILED

OCT 1 1992

DEPARTMENT OF REAL ESTATE
BY *[Signature]*

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * * *

11	In the Matter of the Accusation of)	No. H-24989 LA
12	PROFESSIONAL LENDING SERVICES,)	
13	a California corporate broker;)	<u>STIPULATION AND</u>
14	THEODULE DELANO MARTIN,)	<u>AGREEMENT IN</u>
15	individually, dba Antelope)	
16	Valley Rental Information)	<u>SETTLEMENT AND ORDER</u>
17	Service Center, dba ERA)	
18	Martin Real Estate and dba G I)	
19	Real Estate, and as designated)	
20	officer of Dynasty Mortgage Inc.,)	
	Grame Mergers & Acquisitions,)	
	Winsley Corporation and)	
	Professional Lending Services;)	
	and DEBORAH ANN RAHM,)	
)	
	Respondents.)	

21 It is hereby stipulated by and between DEBORAH ANN RAHM
22 (sometimes referred to as "Respondent"), and Lawrence Allen, Esq.
23 of Allen & Allen, her Counsel, and the Complainant, acting by and
24 through Sean Crahan, Counsel for the Department of Real Estate, as
25 follows for the purpose of settling and disposing of the
26 Accusation filed on April 1, 1992, in this matter:

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

2. Respondent has received, read and understands the Statement to Respondent, the Discovery Provisions of the APA and the Accusation, filed by the Department of Real Estate in this proceeding.

3. On April 15, 1992, Respondent filed a Notice of Defense pursuant to Section 11505 of the Government Code for the purpose of requesting a hearing on the allegations in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent acknowledges that she understands that by withdrawing said Notice of Defense, she will thereby waive her right to require the Commissioner to prove the allegations in the Accusation at a contested hearing held in accordance with the provisions of the APA and that she will waive other rights afforded to her in connection with the hearing such as the right to present evidence in defense of the allegations in the Accusation and the right to cross-examine witnesses.

4. Respondent, pursuant to the limitations set forth below, hereby admits that the factual allegations in Paragraphs one (1), two (2), four (4) [of which paragraphs 4(c) and 4(d) are deemed stricken], six (6) and nine (9) of the Accusation filed in

1 this proceeding are true and correct and the Real Estate
2 Commissioner shall not be required to provide further evidence of
3 such allegations.

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

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

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 a hearing, it is stipulated and agreed that the
27 following determination of issues shall be made:

1 (2) Said restricted license may be suspended prior
2 to hearing by Order of the Real Estate Commissioner on evidence
3 satisfactory to the Commissioner that Respondent has violated
4 provisions of the California Real Estate Law, the Subdivided Lands
5 Law, Regulations of the Real Estate Commissioner, or the
6 conditions attaching to this restricted license.

7 (3) Respondent shall not be eligible to apply for
8 the issuance of an unrestricted real estate license nor the
9 removal of any of the conditions, limitations or restrictions of a
10 restricted license until one (1) year has elapsed from the date of
11 issuance of the restricted license to Respondent.

12 (4) The restricted license issued pursuant to this
13 Order shall be deemed to be the first renewal of respondent's real
14 estate salesperson license for the purpose of applying the
15 provisions of Code Section 10153.4. Within nine (9) months from
16 the date of the restricted license, respondent shall:

17 (a) Submit evidence of having taken and
18 successfully completed the courses specified in subdivisions (a)
19 and (b) [Ethics and Agency] of Code Section 10170.5 for renewal of
20 a real estate license.

21 (b) Upon renewal of the license issued
22 pursuant to this Order, respondent shall submit evidence of having
23 taken and successfully completed the continuing education
24 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
25 for renewal of a real estate license.

26 (5) Respondent shall submit to the Real Estate
27 Commissioner, as a condition to the employment by or transfer to a

1 new employing broker with said applications for license or
2 transfer, a statement signed by the employing broker which shall
3 certify:

4 (a) That the prospective employing broker has
5 read this Order of the Commissioner, and the
6 Accusation to which it refers, which granted the
7 right to a restricted license;

8 (b) That, as employing broker, he or she will
9 carefully review all transactions and documents
10 prepared by the restricted licensee and otherwise
11 exercise close supervision over the restricted
12 licensee.

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I have read the Stipulation and Agreement in Settlement and Order 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.

DATED: 6/29/92 Deborah Ann Rahm
DEBORAH ANN RAHM, Respondent

DATED: 6/30/92 Lawrence Allen
LAWRENCE ALLEN, ESQ.
Allen & Allen
Attorneys for Respondent
Deborah Ann Rahm

DATED: July 13, 1992 Sean Crahan
SEAN CRAHAN, Counsel

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The foregoing Stipulation and Agreement in Settlement is hereby adopted by my Decision and Order in the above-entitled matter as to Respondent DEBORAH ANN RAHM and shall become effective at 12 o'clock noon on October 21, 1992.

IT IS SO ORDERED September 18, 1992.

CLARK WALLACE
Real Estate Commissioner

By: John R. Liberator
JOHN R. LIBERATOR
Chief Deputy Commissioner

sc

SACTO.
Flag

1 SEAN CRAHAN, Counsel
2 Department of Real Estate
3 107 South Broadway, Room 8107
4 Los Angeles, California 90012
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8 (213) 897-3937

FILED

APR - 1 1992

DEPARTMENT OF REAL ESTATE
BY *[Signature]*

9 DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * * * *

11	In the Matter of the Accusation of)	No. H-24989 LA
12	PROFESSIONAL LENDING SERVICES, a)	
13	California corporate broker;)	A C C U S A T I O N
14	THEODULE DELANO MARTIN, individually,)	
15	dba Antelope Valley Rental)	
16	Information Service Center, dba)	
17	ERA Martin Real Estate and dba)	
18	G I Real Estate, and as designated)	
19	officer of Dynasty Mortgage Inc.,)	
20	Grame Mergers & Acquisitions,)	
21	Winsley Corporation and)	
22	Professional Lending Services; and)	
23	DEBORAH ANN RAHM,)	
24)	
25	Respondents.)	

26 The Complainant, Steven J. Ellis, a Deputy Real Estate
27 Commissioner of the State of California, for cause of accusation
28 against PROFESSIONAL LENDING SERVICES, a California corporate
29 broker; THEODULE DELANO MARTIN, individually, dba Antelope Valley
30 Rental Information Service Center, dba ERA Martin Real Estate and
31 dba G I Real Estate, and as designated officer of Dynasty Mortgage
32 Inc., Grame Mergers & Acquisitions, Winsley Corporation and
33 Professional Lending Services; and DEBORAH ANN RAHM alleges as

1 follows:

2 1.

3 The Complainant, Steven J. Ellis, a deputy real estate
4 commissioner, brings this Accusation in his official capacity.

5 2.

6 PROFESSIONAL LENDING SERVICES (hereafter respondent PLS)
7 is presently licensed and/or has license rights under the Real
8 Estate Law, Part 1 of Division 4 of the California Business and
9 Professions Code (hereafter cited as the Code). At all times
10 herein mentioned, respondent PLS was and is licensed by the
11 Department of Real Estate of the State of California (hereafter the
12 Department) as a corporate real estate broker. Sandra Breindel was
13 at all times herein mentioned president and sole shareholder of
14 respondent PLS.

15 3.

16 THEODULE DELANO MARTIN (hereafter respondent MARTIN) is
17 presently licensed and/or has license rights under the Real Estate
18 Law.

19 (a) At all times herein mentioned, respondent MARTIN was
20 licensed by the Department of Real Estate of the State of
21 California (hereafter the Department) as a real estate broker,
22 individually, dba Antelope Valley Rental Information Service
23 Center, dba ERA Martin Real Estate and dba G I Real Estate and as
24 designated officer of Dynasty Mortgage Inc., Grame Mergers &
25 Acquisitions, Winsley Corporation and, since January 2, 1990, of
26 respondent PLS.

27 /

1 (b) Pursuant to Code Section 10159.2, respondent MARTIN
2 was responsible for the supervision of the officers, agents and
3 employees of respondent PLS for which a real estate license was
4 required.

5 4.

6 DEBORAH ANN RAHM (hereafter respondent RAHM) is presently
7 licensed and/or has license rights under the Real Estate Law.

8 (a) From May 24, 1990 to November 25, 1991, respondent
9 RAHM was licensed by the Department as a real estate salesperson
10 under conditions set forth in Code Section 10153.4.

11 (b) Between May 25, 1990 to November 25, 1991,
12 respondent RAHM was licensed as a salesperson to respondent PLS.

13 (c) On November 26, 1991 the Department suspended
14 respondent RAHM's conditional sales license because she failed to
15 complete the courses required by Code Section 10153.4.

16 (d) Respondent RAHM retains the right to present
17 evidence of course completion sufficient to remove the suspension.

18 5.

19 At no time herein mentioned was Sandra Breindel
20 (hereafter S. Breindel), William Breindel, who is the son of S.
21 Breindel, (hereafter W. Breindel) or Linda Fox (hereafter Fox)
22 licensed by the Department as real estate brokers or salespersons.

23 6.

24 At all times herein mentioned, respondent PLS was engaged
25 in the mortgage loan brokerage business as defined by Code Section
26 10131(d) in that respondent PLS, for or in expectation of
27 compensation, solicited and negotiated with borrowers for loans

1 from third-party lenders secured by real property (secured loans).

2 7.

3 In the course of its business, respondent PLS employed
4 and/or compensated unlicensed persons, S. Breindel, W. Breindel
5 and Fox to solicit and negotiate with borrowers in the following
6 secured loan transactions:

7 (a) In or about April, 1990, Fox, acting for respondent
8 PLS, solicited and negotiated the terms of a loan from Royalty
9 Pacific Mortgage to Kelly and Teresa Spencer secured by
10 13041 Shenley Street, Sylmar, California. Said secured loan was
11 funded on or about May 31, 1990 and respondent PLS compensated Fox
12 on June 7, 1990 in the amount of \$1,213.16.

13 (b) In or about February, 1990, Fox, acting for
14 respondent PLS, solicited and negotiated the terms of a loan from
15 United California Savings Bank to Mark Selkirk secured by
16 22908 Vose Street, Canoga Park, California. Said secured loan was
17 funded on or about July 12, 1990 and respondent PLS compensated Fox
18 on July 18, 1990 in the amount of \$1,980.00.

19 (c) In or about July, 1990, Fox, acting for respondent
20 PLS, solicited and negotiated the terms of a loan from Long Beach
21 Bank to Mark and Cindy Sincomb secured by 28054 Lakehurst Avenue,
22 Canyon Country, California. Said secured loan was funded on or
23 about September 26, 1990 and respondent PLS compensated Fox on
24 October 1, 1990 in the amount of \$950.13.

25 (d) In or about June, 1990, W. Breindel, acting for
26 respondent PLS, solicited and negotiated the terms of a loan from
27 S. C. S. Mortgage to James and Robin Babuscio secured by

1 13331 Moorpark Street, #335, Sherman Oaks, California. Said
2 secured loan was funded on or about March 15, 1990 and respondent
3 PLS compensated W. Breindel on April 13, 1990 in the amount of
4 \$1,782.00.

5 (e) In or about January, 1991, W. Breindel, acting for
6 respondent PLS, solicited and negotiated the terms of a loan from
7 Metropolitan Service Corporation to David and Sherry Tucker secured
8 by 3735 West 139th Street, Hawthorne, California. Said secured
9 loan was funded on or about March 8, 1991 and respondent PLS
10 compensated S. Breindel on March 13, 1991 in the amount of
11 \$3,702.60.

12 (f) In or about June, 1990, W. Breindel, acting for
13 respondent PLS, solicited and negotiated the terms of a loan from
14 Bank of America to James Babuscio secured by 6416 Demsey Avenue,
15 Van Nuys, California. Said secured loan was funded on or about
16 June 25, 1990 and respondent PLS compensated S. Breindel on
17 August 31, 1990 in the amount of \$2,167.00.

18 (g) In or about September, 1990, W. Breindel, acting for
19 respondent PLS, solicited and negotiated the terms of a loan from
20 Plaza Savings and Loan Association to James Babuscio secured by
21 5652 Halbrent Avenue, Van Nuys, California. Said secured loan was
22 funded on or about October 1, 1990 and respondent PLS compensated
23 S. Breindel on October 4, 1990 in the amount of \$1,903.00.

24 8.

25 Between March 11, 1991 through March 22, 1991, auditors
26 from the Department examined the books and records of respondent
27 PLS covering a period of time from January 1, 1990 through

1 February 28, 1991 (hereafter the "audit period"). That audit
2 revealed that respondents PLS and MARTIN, during the audit period,
3 violated the following Code Sections and Regulations from Title 10,
4 Chapter 6, California Code of Regulations (hereafter Regulations):

5 (a) Neither respondents PLS nor MARTIN reviewed,
6 initialed or dated documents prepared by employees of respondent
7 PLS which would have a bearing on the rights of parties to the
8 loans, including but not limited to loan applications or good-faith
9 estimates in willful violation of Regulation 2725.

10 (b) In the course of soliciting borrowers, respondent
11 PLS collected funds in advance for the purpose of providing credit
12 and appraisal reports. These were trust funds. Respondents were
13 required to maintain columnar and separate records and to reconcile
14 those records with each other on a monthly basis. Respondents PLS
15 and MARTIN failed to monthly reconcile the columnar and separate
16 records in willful violation of Regulation 2831.2.

17 (c) Said trust funds were deposited into a trust account
18 maintained at City National Bank, account number 098 018-154722.
19 S. Breindel, who was unlicensed and unbonded, was a signatory and
20 could withdraw funds from the trust account in willful violation of
21 Regulation 2834.

22 (d) Code Section 10240 requires a mortgage loan broker
23 to provide a disclosure statement to borrowers on loans secured by
24 real property, as prescribed by Regulation 2840. Respondent PLS
25 failed to provide statements to borrowers from lenders described in
26 Code Section 10133.1(1)(a), where PLS received in excess of
27 2% of said loans, in the following loan transactions:

	<u>Borrower</u>	<u>Property</u>	<u>Close of Loan</u>
1			
2	1. David & Sherry Tucker	3735 W. 139th St.	3-08-91
3	2. William A. Towers	23028 Wremcrest Dr.	6-15-90
4	3. James Babuscio	6416 Demsey Ave.	6-25-90
5	4. James Babuscio	5652 Halbrent Ave.	10-01-90
6	5. James & Robin Babuscio	13331 Moorpark St.#335	3-15-90
7	6. Yakov Dina, et al.	6037 Ensign Ave.	2-11-91
8	7. Mark Selkirk	22908 Vose St.	7-12-90
9	8. Brian Uhl	25008 Sargasso Ct.	1-30-91

10 (e) There was an overage in PLS' trust account of
 11 \$785.00 as of February 28, 1990 in violation of Code Section
 12 10176(e) due to the deposit of PLS' funds into the trust account.

13 9.

14 At all times mentioned in this paragraph, respondent RAHM
 15 was acting as an employee of respondent PLS. Respondents RAHM and
 16 PLS acted to submit to lenders loan applications which falsely
 17 stated that respondent RAHM had taken the loan application by
 18 face-to-face interviews, by mail or by telephone in the following
 19 loan transactions:

20 (a) On or about April 4, 1990 on a loan application by
 21 Kelly and Teresa Spencer submitted to Royalty Pacific Mortgage to
 22 be secured by 13041 Shenley Street, Sylmar, California, respondents
 23 PLS and RAHM represented that respondent RAHM had taken the loan
 24 application during a face-to-face interview. Said loan application
 25 was not taken by respondent RAHM. Said secured loan was funded on
 26 or about May 31, 1990 by Royalty Pacific Mortgage.

27 /

1 (b) On or about February 28, 1990, on a loan
2 application by Mark Selkirk submitted to United California Savings
3 Bank to be secured by 22908 Vose Street, Canoga Park, California,
4 respondents PLS and RAHM represented that respondent RAHM took said
5 loan application by a face-to-face interview. Respondent RAHM did
6 not take said loan application. Said secured loan was funded on or
7 about July 12, 1990 by United California Savings Bank.

8 (c) In or about July, 1990, on a loan application by
9 Mark and Cindy Sincomb to Long Beach Bank to be secured by
10 28054 Lakehurst Avenue, Canyon Country, California, respondents PLS
11 and RAHM represented that respondent RAHM took said loan
12 application by a face-to-face interview. Respondent RAHM did not
13 take said loan application. Said secured loan was funded on or
14 about September 26, 1990 by Long Beach Bank.

15 (d) Respondent RAHM was not licensed by the Department
16 until May 25, 1990.

17 10.

18 Respondent MARTIN knew or should have known that the
19 above violations occurred or were occurring. Respondent MARTIN
20 failed to exercise reasonable supervision over the activities of
21 officers and employees of respondent PLS for which a real estate
22 license was required so as to prevent the violations.

23 11.

24 The conduct or omissions of respondent PLS as set forth
25 above subject its real estate license and license rights to
26 suspension or revocation under the following Code Sections:

27 /

1 (a) Code Sections 10137 and 10138 for employing or
2 compensating unlicensed persons, as set forth in paragraphs 7, 9,
3 9(a) and 9(b) above.

4 (b) Code Sections 10176(a) or 10176(i) for substantial
5 misrepresentations or dishonest dealing in connection with the
6 making of false statements on loan applications as set forth in
7 paragraph 9 above.

8 (c) Code Sections 10176(e) for commingling of trust
9 funds as set forth in paragraph 8(e) above.

10 (d) Code Section 10177(d) for willful violations of the
11 following Code Sections and Regulations:

12 (i) Regulation 2725 for failing to review,
13 initial and date documents prepared by employees of respondent PLS,
14 as set forth in paragraph 8(a) above.

15 (ii) Regulation 2831.2 for failing to monthly
16 reconcile the columnar and separate records as set forth in
17 paragraph 8(b) above.

18 (iii) Regulation 2834 for allowing an unlicensed
19 and unbonded person authority to withdraw funds from the trust
20 account as set forth in paragraph 8(c) above.

21 (iv) Code Section 10240 and Regulation 2840 for
22 failure to provide mortgage loan disclosure statements to
23 borrowers, as set forth in paragraph 8(d) above.

24 12.

25 The conduct or omissions of respondent MARTIN as set
26 forth above subject his real estate licenses and license rights to
27 suspension or revocation under the following Code Sections:

1 (a) Code Sections 10137 and 10138 for employing or
2 compensating unlicensed persons, as set forth in paragraphs 7, 9,
3 9(a) and 9(b) above.

4 (b) Code Section 10177(d) for willful violations of the
5 following Code Sections and Regulations:

6 (i) Regulation 2725 for failing to review,
7 initial and date documents prepared by employees of respondent PLS,
8 as set forth in paragraph 8(a) above.

9 (ii) Regulation 2831.2 for failing to monthly
10 reconcile the columnar and separate records as set forth in
11 paragraph 8(b) above.

12 (iii) Regulation 2834 for allowing an unlicensed
13 and unbonded person authority to withdraw funds from the trust
14 account as set forth in paragraph 8(c) above.

15 (iv) Code Section 10240 and Regulation 2840 for
16 failure to provide mortgage loan disclosure statements to
17 borrowers, as set forth in paragraph 8(d) above.

18 (c) Code Section 10177(d) for willful violation of Code
19 Sections 10159.2 and/or 10177(h) for failure to supervise the
20 employees of respondent PLS as set forth in paragraph 10 above.

21 13.

22 The conduct or omissions of respondent RAHM as set forth
23 above in paragraph 9 subject her real estate license and license
24 rights to suspension or revocation under the following Code
25 Sections:

26 (i) Code Section 10177(f) for conduct which would
27 have warranted the denial of an application for a real estate

1 license for conduct occurring prior to her obtaining a real estate
2 license.

3 (ii) Code Sections 10176(i) and/or 10177(j) for
4 dishonest dealing in making false statements on loan applications.

5 WHEREFORE, Complainant prays that a hearing be conducted
6 on the allegations of this Accusation and, that upon proof thereof,
7 a decision be rendered imposing disciplinary action against all
8 licenses and license rights of Respondents PROFESSIONAL LENDING
9 SERVICES, a California corporate broker; THEODULE DELANO MARTIN,
10 individually, dba Antelope Valley Rental Information Service
11 Center, dba ERA Martin Real Estate and dba G I Real Estate, and as
12 designated officer of Dynasty Mortgage Inc., Grame Mergers &
13 Acquisitions, Winsley Corporation and Professional Lending
14 Services; and DEBORAH ANN RAHM under the Real Estate Law (Part 1 of
15 Division 4 of the Business and Professions Code) and for such other
16 and further relief as may be proper under other applicable
17 provisions of law.

18 Dated at Los Angeles, California
19 this 1st day of April, 1992.

20
21 
22 Deputy Real Estate Commissioner

23
24 cc: Professional Lending Services
25 Theodule Delano Martin
26 Deborah Ann Rahm
Sacto
MJ

27 SC/sc:vj