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FILED
MAR 22 2002

DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of))	
)	
)	
JUERGEN HELMUT STORK,)	NO. H-6102 SF
)	H-7206 SF
)	
Respondent.)	
)	

ORDER GRANTING REINSTATEMENT OF LICENSE

On August 23, 1989, in Case No. H-6102 SF, a Decision was rendered herein revoking the real estate salesperson license of Respondent, but granting Respondent the right to apply for a restricted real estate salesperson license. A restricted real estate salesperson license was issued to Respondent on October 2, 1989. On August 7, 1995, in Case No. H-7206 SF, a Decision was rendered revoking the restricted real estate salesperson license of Respondent. On November 18, 1998, a Decision was rendered in Case No. H-7585 SF, denying

1 the Respondent's application for a real estate broker license,
2 but granting Respondent the right to the issuance of a
3 restricted real estate salesperson license. A restricted real
4 estate salesperson license was issued to Respondent on
5 December 30, 1998, and Respondent has operated as a restricted
6 licensee without cause for disciplinary action against
7 Respondent.

8 On January 29, 2002, Respondent petitioned for
9 reinstatement of said real estate salesperson license, and the
10 Attorney General of the State of California has been given
11 notice of the filing of said petition.

12 I have considered the petition of Respondent and the
13 evidence and arguments in support thereof including
14 Respondent's record as a restricted licensee. Respondent has
15 demonstrated to my satisfaction that Respondent meets the
16 requirements of law for the issuance to Respondent of an
17 unrestricted real estate salesperson license and that it would
18 not be against the public interest to issue said license to
19 Respondent.

20 NOW, THEREFORE, IT IS ORDERED that Respondent's
21 petition for reinstatement is granted and that a real estate
22 salesperson license be issued to Respondent, if Respondent
23 satisfies the following conditions within nine months from the
24 date of this Order:

- 25 1. Submittal of a completed application and
26 payment of the fee for a real estate
27 salesperson license.

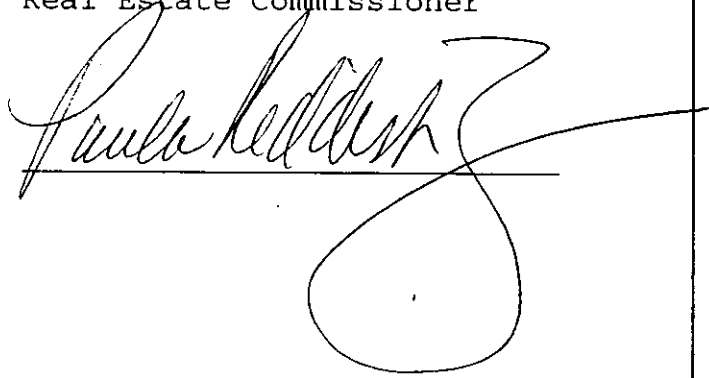
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2. Submittal of evidence of having, since the
most recent issuance of an original or
renewal real estate license, taken and
successfully completed the continuing
education requirements of Article 2.5 of
Chapter 3 of the Real Estate Law for renewal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

This Order shall be effective immediately.

DATED: March 18, 2002

PAULA REDDISH ZINNEMANN
Real Estate Commissioner

A large, stylized handwritten signature in cursive script, reading "Paula Reddish Zinnemann", is written over a horizontal line. The signature extends to the right of the line and has a large loop at the bottom.

DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of:
JUERGEN HELMUT STORK
Respondent.

Case No.: H-6102 SF
H-7206 SF

ORDER AFTER REMAND

On November 27, 2001 the Commissioner signed, and on January 8, 2001 filed, her Order Denying Reinstatement of License, effective February 7, 2001. Following the February 6, 2001 request for reconsideration by respondent, the Commissioner denied reconsideration on March 9, 2001. Respondent filed his Petition For Writ of Administrative Mandate in San Mateo County Superior Court, action number 416459, on April 9, 2001. By order of remand from the San Mateo County Superior Court, pursuant to the agreement of respondent and the Commissioner, this Order After Remand is made as set forth herein:

1. The Department's January 18, 2001 Order Denying Reinstatement of License is vacated.
2. Petitioner Stork will promptly file a complete and updated petition for reinstatement of his salesperson's license.
3. The Department will conduct a review of the new petition for reinstatement focusing only on the period from March 1, 2000 to the petition date. The license history of petitioner Stork will not be a factor in the review. The review will be expedited to be completed as soon as possible but in no event take longer than four months.
4. The Department will reinstate the salesperson's license of petitioner Stork provided that the new petition, and the Department's review of that petition, demonstrate no

FILED
JAN 18 2001

DEPARTMENT OF REAL ESTATE

By Shelley Ely

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
JUERGEN HELMUT STORK,)	No. H-6102 SF
Respondent.)	H-7206 SF
)	

ORDER DENYING REINSTATEMENT OF LICENSE

On August 23, 1989, in Case No. H-6102 SF, a Decision was rendered herein revoking the real estate salesperson license of Respondent but granting Respondent the right to apply for A restricted real estate salesperson license. A Restricted real estate salesperson license was issued to Respondent on October 2, 1989. On August 7, 1995, in Case No. H-7206 SF, a Decision was rendered revoking the restricted real estate salesperson license of Respondent. On November 18, 1998, a Decision was rendered in Case No. H-7585 SF denying the Respondent's application for a real estate broker license, but granting Respondent the right to the issuance of a restricted

///

1 real estate salesperson license. A restricted real estate
2 salesperson license was issued to Respondent on December 30,
3 1998, and Respondent has operated as a restricted licensee since
4 that time.

5 On March 1, 2000, Respondent petitioned for
6 reinstatement of said real estate salesperson license, and the
7 Attorney General of the State of California has been given notice
8 of the filing of said petition.

9 I have considered the petition of Respondent and the
10 evidence and arguments in support thereof. Respondent has failed
11 to demonstrate to my satisfaction that he has undergone
12 sufficient rehabilitation to warrant the reinstatement of his
13 real estate salesperson license. In response to a question in
14 the petition application, "Have you ever been a defendant in any
15 civil court litigation, including small claims court", Respondent
16 answered "Yes". Respondent failed to disclose in his petition
17 the following civil court litigation in which Respondent has been
18 a defendant: J&L Collection Services v. Stork, San Mateo County
19 Municipal Court No. C164209 and Payco General v. Stork, San Mateo
20 County Municipal Court No. CVC071180.

21 In view of Respondent's lack of candor in completing
22 his petition application and Respondent's history of license
23 disciplinary actions, Respondent has not established that he has
24 complied with Section 2911 (j), Title 10, California Code of
25 Regulations. Consequently, I am not satisfied that Respondent is
26 sufficiently rehabilitated to receive an unrestricted real estate

27 ///

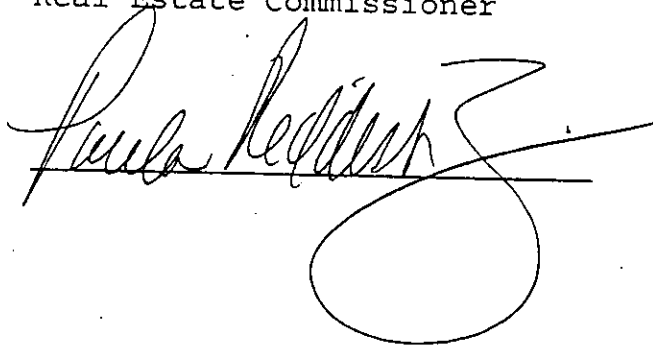
1 salesperson license. Additional time and evidence of correction
2 is necessary to establish that Respondent is rehabilitated.

3 NOW, THEREFORE, IT IS ORDERED that Respondent's
4 petition for reinstatement of his real estate salesperson license
5 is denied.

6 This Order shall become effective at 12 o'clock
7 noon on February 7, _____, 2001.

8 DATED: November 27, 2000.

9 PAULA REDDISH ZINNEMANN
10 Real Estate Commissioner

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FILED
JUL 18 1996
DEPARTMENT OF REAL ESTATE

By *Laurie A. Ziss*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
TERRY ALLEN MICHAUD,) No. H-6102 SF
Respondent.)
_____)

ORDER GRANTING REINSTATEMENT OF LICENSE

On August 23, 1989, a Decision was rendered herein revoking the real estate broker license of Respondent, 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 November 1, 1989.

On October 16, 1995, 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.

I have considered the petition of Respondent and the evidence and arguments in support thereof including Respondent's record as a restricted licensee. Respondent has demonstrated to

1 my satisfaction that Respondent meets the requirements of law for
2 the issuance to Respondent of an unrestricted real estate broker
3 license and that it would not be against the public interest to
4 issue said license to Respondent.

5 NOW, THEREFORE, IT IS ORDERED that Respondent's petition
6 for reinstatement is granted and that a real estate broker license
7 be issued to Respondent if Respondent satisfies the following
8 conditions within six (6) months from the date of this Order:

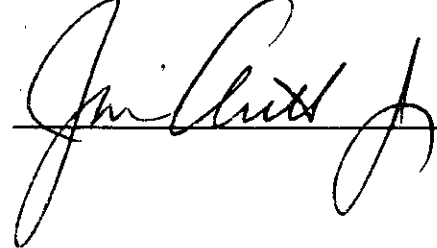
9 1. Submittal of a completed application and payment of
10 the fee for a real estate broker license.

11 2. Submittal of evidence of having, since the most
12 recent issuance of an original or renewal real estate license,
13 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.

16 This Order shall be effective immediately.

17 DATED: 7-11-96

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19 JIM ANTT, JR.
Real Estate Commissioner

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FILED
OCT 26 1995

DEPARTMENT OF REAL ESTATE

Lynda Montiel
Lynda Montiel

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
JUERGEN HELMUT STORK,)	No. H-6102 SF
Respondent.)	

ORDER DENYING REINSTATEMENT OF LICENSE

On August 23, 1989, a Decision was rendered herein revoking the real estate salesperson license of Respondent, but granting Respondent the right to the issuance of a restricted real estate salesperson license. A restricted real estate salesperson license was issued to Respondent on October 2, 1989.

On February 8, 1993, Respondent petitioned for reinstatement of said license and the Attorney General of the State of California has been given notice of the filing of said petition.

On February 24, 1995, an Order Denying Reinstatement of license was rendered in the above referenced matter because Respondent failed to demonstrate that he had undergone sufficient

1 rehabilitation to warrant the reinstatement of his real estate
2 salesperson license in that on January 24, 1995, in Case Number H-
3 7206 SF, an Accusation by a Deputy Real Estate Commissioner of the
4 State of California was filed charging Respondent with violation
5 of Section 10177.5 of the Business and Professions Code.

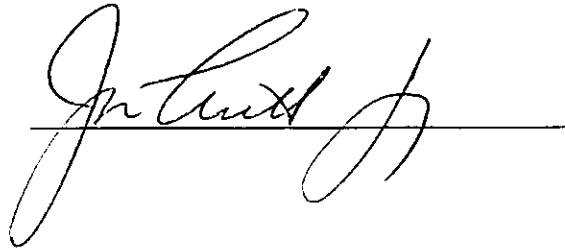
6 On May 1, 1995, an Order was rendered granting
7 reconsideration of the Order of February 24, 1995 for the limited
8 purpose of awaiting the disposition of the Accusation filed in
9 Case Number H-7206 SF. On August 7, 1995, becoming effective on
10 September 29, 1995, a Decision was rendered in Case Number H-7206
11 SF revoking the restricted real estate salesperson license of
12 Respondent.

13 NOW, THEREFORE, IT IS ORDERED that Respondent's petition
14 for reinstatement of his real estate salesperson license is
15 denied.

16 This Order shall be effective at 12 o'clock noon on
17 November 15th, 1995.

18 DATED: 10/25/95

19 JIM ANTT, JR.
20 Real Estate Commissioner

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MAY - 2 1995
DEPARTMENT OF REAL ESTATE

By *Laurie A. Zan*

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
)	No. H-6102 SF
JUERGEN HELMUT STORK,)	
)	
Respondent.)	

ORDER GRANTING RECONSIDERATION

On February 24, 1995, an Order Denying Reinstatement of License was rendered in the above-entitled matter. The Order is to become effective May 3, 1995.

On March 27, 1995, Respondent petitioned for reconsideration of the Order of February 24, 1995. I have considered said petition and said Order and have concluded that cause exists to grant Respondent's petition.

Reconsideration is hereby granted for the limited purpose of awaiting the disposition of the Accusation filed in Case No. H-7206 SF (Juergen Helmut Stork).

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IT IS HEREBY ORDERED May 1, 1995.

JOHN R. LIBERATOR
Interim Commissioner

John R. Liberator

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FILED
MAR 28 1995

DEPARTMENT OF REAL ESTATE

By Lynda Montiel
Lynda Montiel

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-6102 SF
)	
JUERGEN HELMUT STORK,)	
)	
Respondent.)	
)	

ORDER STAYING EFFECTIVE DATE

On February 24, 1995, an Order Denying Reinstatement of License was rendered in the above-entitled matter to become effective April 3, 1995.

IT IS HEREBY ORDERED that the effective date of the Order Denying Reinstatement of License of February 24, 1995, is stayed for a period of thirty (30) days.

The Decision of February 24, 1995, shall become effective at 12 o'clock noon on May 3, 1995.

DATED: March 28, 1995

JOHN R. LIBERATOR
Interim Commissioner

Les R. Bettencourt
BY: LES R. BETTENCOURT
Deputy Real Estate Commissioner

FILED
MAR 14 1995

DEPARTMENT OF REAL ESTATE

By *Lynne Morthel*
LYNNE MORTHEL

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
JUERGEN HELMUT STORK,)	No. H-6102 SF
Respondent.)	

ORDER DENYING REINSTATEMENT OF LICENSE

On August 23, 1989, a Decision was rendered herein revoking the real estate salesperson license of Respondent, but granting Respondent the right to the issuance of a restricted real estate salesperson license. A restricted real estate salesperson license was issued to Respondent on October 2, 1989.

On February 8, 1993, Respondent petitioned for reinstatement of said license and the Attorney General of the State of California has been given notice of the filing of said petition.

I have considered Respondent's petition and the evidence and arguments in support thereof.

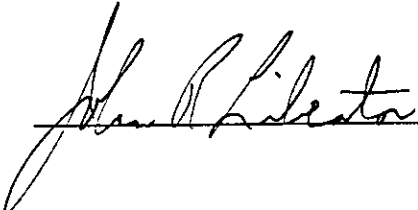
1 Respondent has failed to demonstrate to my satisfaction
2 that Respondent has undergone sufficient rehabilitation to warrant
3 the reinstatement of Respondent's real estate salesperson license
4 in that on January 24, 1995, in Case Number H-7206 SF, an
5 Accusation by a Deputy Real Estate Commissioner of the State of
6 California was filed charging Respondent with violation of Section
7 10177.5 of the Business and Professions Code of the State of
8 California.

9 NOW, THEREFORE, IT IS ORDERED that Respondent's petition
10 for reinstatement of his real estate salesperson license is
11 denied.

12 This Order shall be effective at 12 o'clock noon on
13 April 3, 1995.

14
15 DATED: February 24, 1995

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17 JOHN R. LIBERATOR
18 Interim Commissioner

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FILED
JUL 13 1994

DEPARTMENT OF REAL ESTATE

By *Victoria Dillon*
Victoria Dillon

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
TERRY ALLEN MICHAUD,)	No. H-6102 SF
Respondent.)	

ORDER DENYING RECONSIDERATION

On May 23, 1994, an Order Denying Reinstatement of License was rendered in the above-entitled matter. The Order is to become effective July 13, 1994.

On June 12, 1994, Respondent petitioned for reconsideration of the Order of May 23, 1994.

I have given due consideration to the petition of Respondent. I find no good cause to reconsider the Order of May 23, 1994 and reconsideration is hereby denied.

IT IS HEREBY ORDERED 7/11, 1994.

CLARK WALLACE
Real Estate Commissioner

Clark Wallace

glag

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FILED
JUN 13 1994

DEPARTMENT OF REAL ESTATE

By Lynda Montiel
Lynda Montiel

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	NO. H-6102 SF
)	
TERRY ALLEN MICHAUD,)	
)	
Respondent.)	

ORDER STAYING EFFECTIVE DATE

On May 23, 1994, an Order Denying Reinstatement of License was rendered in the above-entitled matter to become effective June 13, 1994.

IT IS HEREBY ORDERED that the effective date of the Order Denying Reinstatement of License of May 23, 1994, is stayed for a period of thirty (30) days.

The Decision of May 23, 1994, shall become effective at 12 o'clock noon on July 13, 1994.

DATED: June 13, 1994.

CLARK WALLACE
Real Estate Commissioner

Les R. Bettencourt
By: LES R. BETTENCOURT
Deputy Real Estate Commissioner

Mag. Sec

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FILED
MAY 24 1994

DEPARTMENT OF REAL ESTATE

By *Victoria Dillon*
Victoria Dillon

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
)	No. H-6102 SF
TERRY ALLEN MICHAUD,)	
)	
Respondent.)	
_____)	

ORDER DENYING REINSTATEMENT OF LICENSE

On August 23, 1989, a Decision was rendered herein revoking the real estate broker license of Respondent, 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 November 1, 1989.

On December 31, 1992, Respondent petitioned for reinstatement of said license and the Attorney General of the State of California has been given notice of the filing of the petition .

I have considered Respondent's petition and the evidence and arguments in support thereof. Respondent has failed to demonstrate to my satisfaction that he has undergone sufficient

1 rehabilitation to warrant the reinstatement of his real estate
2 broker license in that an audit conducted in November 1993
3 indicates that Respondent has been guilty of the following
4 violations:

5 a. Respondent's accounts holding trust funds were not
6 designated as trust accounts in the name of Respondent as trustee
7 (Section 2830, Title 10, California Code of Regulations,
8 hereinafter referred to as "Regulations").

9 b. Respondent allowed an unlicensed person to disburse
10 trust funds without having fidelity bond coverage equal to the
11 maximum amount of trust funds to which the employee has access at
12 any time (Regulations Section 2834).

13 c. Respondent failed to reconcile, at least monthly,
14 the balance of beneficiary or transaction records with the record
15 of trust funds received and disbursed (Regulation 2831.2).

16 d. Respondent allowed an employee to deposit that
17 employee's personal funds in Respondent's trust account (Section
18 10176(e) of the Business and Professions Code).

19 e. Respondent placed trust funds in an interest bearing
20 account without complying with Section 10145(d) of the Code.

21 f. Respondent failed to deliver the statements required
22 by Section 10240 of the Code.

23 The disciplinary action originally taken in this matter
24 was based upon Respondent's improper handling of trust funds and
25 upon Respondent's failure to exercise proper or reasonable
26 supervision over licensed acts performed on his behalf. The
27 November audit described above demonstrates that Respondent has
not corrected his business practices nor learned from the

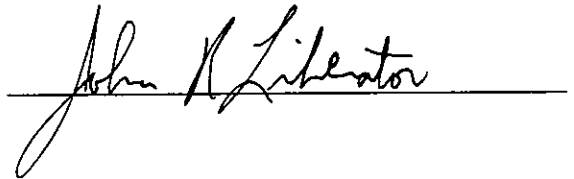
1 disciplinary action taken against his real estate broker license.
2 Additional time and evidence of correction is necessary to
3 establish that Respondent will conduct his real estate brokerage
4 business in accordance with the requirements of law.

5
6 NOW, THEREFORE, IT IS ORDERED that Respondent's petition
7 for reinstatement of his real estate broker license is denied.

8 This Order shall be effective at 12 o'clock noon on
9 June 13, 1994

10 DATED: May 23, 1994

11 CLARK WALLACE
12 Real Estate Commissioner

13 
14

15 **BY: John R. Liberator**
16 **Chief Deputy Commissioner**

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OCT 28 1991

DEPARTMENT OF REAL ESTATE

By Lynnda Montiel
Lynnda Montiel

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
TERRY ALLEN MICHAUD,)	NO. H-6102 SF
Respondent.)	

ORDER DENYING REINSTATEMENT OF LICENSE

On August 23, 1989, a Decision was rendered herein revoking the real estate broker license of Respondent.

On January 9, 1991, Respondent petitioned for reinstatement of said license and the Attorney General of the State of California has been given notice of the filing of the petition.

I have considered Respondent's petition and the evidence and arguments in support thereof. Respondent has failed to demonstrate to my satisfaction that he has undergone sufficient rehabilitation to warrant the reinstatement of his real estate broker license in that;

1. In the petition for reinstatement submitted by

1 Respondent on January 9, 1991, in response to Question #4, to
2 wit, "Have you ever been a defendant in any civil court
3 litigation, including small claims court?", Respondent answered
4 "yes" and identified two small claims court actions in which he
5 was a defendant.

6 The true facts are that in addition to the two civil
7 actions revealed by Respondent in Question #4 of the petition,
8 he has also been a defendant in at least fourteen other civil
9 actions including five in San Mateo County Superior Court.

10 2. A Broker Office Survey of Respondent's real estate
11 office activities conducted by Department of Real Estate
12 personnel on or about June 6, 1991, revealed the following
13 discrepancies in Respondent's brokerage operations:

14 a) Respondent was operating under a DBA which was not
15 formally registered with the Department of Real Estate under his
16 broker license.

17 b) Respondent had failed to properly delegate
18 authority to review written instruments, as prescribed under
19 Section 2725(b)(2) of the California Code of Regulations
20 (Regulations).

21 c) Respondent had employed under his real estate
22 broker license two real estate salespersons who were not
23 properly registered with the Department of Real Estate.

24 In light of the fact that Respondent's real estate
25 broker license was revoked because of his failure to exercise
26 reasonable supervision over the licensed activities of a
27 salesperson in his employ, the actions of Respondent as set out

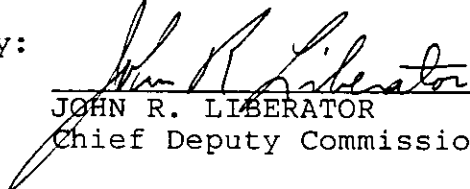
1 above in this Order indicate to me that sufficient grounds exist
2 under Sections 2911(j) and 2911(m) of the Regulations to deny
3 Respondent's petition for reinstatement of his real estate
4 broker license.

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

8 This Order shall be effective at 12 o'clock noon on
9 November 17th, 1991.

10 DATED: October 2, 1991.

11 CLARK WALLACE
12 Real Estate Commissioner

13 By: 
14 JOHN R. LIBERATOR
15 Chief Deputy Commissioner

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FILED
JUL 01 1991
DEPARTMENT OF REAL ESTATE

By Lynda Montiel
Lynda Montiel

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
JUERGEN HELMUT STORK,)	NO. H-6102 SF
Respondent.)	

ORDER DENYING REINSTATEMENT OF LICENSE

On August 23, 1989, a Decision was rendered herein revoking the real estate salesperson license of Respondent.

On October 10, 1990, 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.

I have considered Respondent's petition and the evidence and arguments in support thereof. Respondent has failed to demonstrate to my satisfaction that he has undergone sufficient rehabilitation to warrant the reinstatement of his real estate salesperson license in that:

////////

1 A. On October 10, 1990, Respondent filed RE Form 506
 2 (Rev. 8/85) "Petition to Real Estate Commissioner" (Petition).
 3 In response to question #8 of the Petition to wit: "Explain
 4 efforts to discharge adjudicated debts or monetary obligations
 5 to others, if any", Respondent wrote "none". Respondent's
 6 answer to said question was untrue and inaccurate for the true
 7 facts were that San Mateo Court records indicate that Respondent
 8 had at least the following outstanding, unsatisfied judgements:

<u>Case #</u>	<u>Plaintiff(s)</u>	<u>Amount</u>
1. 87 140 SM	Merchants Collection Assoc.	Undetermined
2. CVL 073010	W.L. Hudson	\$3296.38
3. 74974	Reliance Mrtg. Co.	\$1280.00
4. CVC 071180	Payco General	\$1204.35

15 B. During the petition process, on February 5, 1991,
 16 Respondent executed Real Estate Form 515 (Rev. 8/86)
 17 "Confidential Report of Interview" (The Report). In response to
 18 question #15 of The Report, to wit: "Civil Court: Have you ever
 19 been a defendant in a civil court action?", Respondent checked
 20 the "NO" box. Respondent's answer to question #15 of the Report
 21 was untrue and inaccurate, for the true facts were that
 22 Respondent had been a defendant in at least the following civil
 23 lawsuits:

24 1. San Mateo County Superior Court

<u>Case #</u>	<u>Date of Judgment</u>	<u>Plaintiff(s)</u>
a) 339622 (Cross Defendant)	November 7, 1990 (Settlement)	Ana Murillo, et als

1 2. San Mateo County Municipal Court

2	<u>Case #</u>	<u>Date of Judgment</u>	<u>Plaintiff(s)</u>
3	a) 87 140 SM	May 2, 1989	Merchants Collection Associates
4			
5	b) C 82588	March 29, 1990	Wells Fargo Bank
6	c) CVL 073010	Sept. 12, 1989	W.L. Hudson & Sons
7	d) 74974	May 16, 1988	Reliance Mrtg. Co.
8	e) CVC 071180	August 28, 1987	Payco-General American Credits, Inc.
9			

10 3. San Mateo County Small Claims Court

11	<u>Case #</u>	<u>Date of Judgement</u>	<u>Plaintiff(s)</u>
12	a) SCS 83811	October 11, 1988	Barbara Dodds
13	b) SCS 82375	January 28, 1988	Household Finance Corp
14	c) SCC 68082	October 5, 1987	Telecheck Golden Gate, Inc.
15			
16	d) SCC 65744	October 9, 1990 (Satisfaction)	Monaco, Anderlini, etc

17 C. During a personal interview on February 5, 1991
18 with the deputy commissioner assigned to process Respondent's
19 petition, Respondent failed to indicate any remorse for the acts
20 which were the basis for the revocation of his real estate
21 salesperson license.

22 The acts and/or omissions of Respondent as set out
23 above form the basis for the denial of Respondent's petition for
24 reinstatement of his real estate salesperson license under the
25 provision of Sections 2911(i), 2911(j) and 2911(m)(1) of Title
26 10, California Code of Regulations.

27 // // // // //

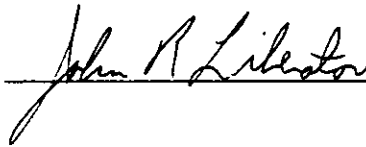
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NOW, THEREFORE, IT IS ORDERED that Respondent's
petition for reinstatement of his real estate salesperson
license is denied.

This Order shall be effective at 12 o'clock noon on
July 22nd, 1991.

DATED: June 4, 1991

JOHN R. LIBERATOR
Chief Deputy Real Estate Commissioner



COPY

FILED
SEP 26 1989

DEPARTMENT OF REAL ESTATE

By C. Westbrook

C. Westbrook

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of)	
)	No. H-6102 SF
JUERGEN HELMUT STORK and)	
TERRY ALLEN MICHAUD,)	OAH NO. N-33443
)	
Respondents.)	

ORDER STAYING EFFECTIVE DATE

On August 23, 1989, a Decision was rendered in the above-entitled matter to become effective October 2, 1989.

IT IS HEREBY ORDERED that the effective date of the Decision of August 23, 1989, is stayed for a period of 30 days, as to Terry Allen Michaud only.

The Decision of August 23, 1989 shall become effective at 12 o'clock noon on November 1, 1989.

DATED: September 26, 1989

JAMES A. EDMONDS, JR.
Real Estate Commissioner

Edward V. Chiolo

By:

EDWARD V. CHIOLO
Real Estate Manager III

II

At all times mentioned below, Juergen Helmut Stork (hereinafter "respondent Stork") and Terry Allen Michaud (hereinafter "respondent Michaud") were and are presently licensed and/or have license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code).

III

At all times mentioned below, respondent Stork was licensed as a real estate salesperson acting in the employ of respondent Michaud. His license will expire on September 6, 1992, unless renewed.

IV

At all times mentioned below, respondent Michaud was licensed as a real estate broker and his license will expire on November 15, 1989, unless renewed.

V

At all times mentioned below, David Lee McKeever and Lynn Carol Malvino (hereinafter "sellers") were the owners of the real property located at 1808-1810 Roosevelt Avenue, Redwood City, California (hereinafter "the property"). On or about May 21, 1986, the property was listed for sale with Malvino who, at all times mentioned below, was and is a licensed real estate salesperson in the employ of Fox and Carskadon, Inc.

VI

On October 30, 1986, Stork, while licensed and acting in the capacity of a real estate salesperson, prepared a Residential Purchase Agreement and Deposit Receipt (hereinafter "Deposit Receipt") that contained an offer by Roger Wilhelm and Patricia Wilhelm (hereinafter "buyers") to purchase the property. The Deposit Receipt contained representations that respondent Stork had received from the buyers the sum of \$1,000 (hereinafter "deposit") in the form of a personal check to be "held uncashed until acceptance and one day thereafter deposited into escrow with Founders Title Co." as deposit on the purchase price.

VII

On October 31, 1986, sellers executed a counteroffer which was accepted by the buyers on November 2, 1986.

VIII

Respondent Stork failed to place the deposit into a neutral escrow depository or into the hands of his principal or into a trust account, but instead held the check uncashed until he returned it to buyers on or about November 26, 1986, in violation of Business and Professions Code section 10145.

IX

Respondent Stork opened an escrow in connection with the offer to purchase the property, and he thereafter assured Malvino on several occasions that the transaction was proceeding smoothly. Likewise, respondent Stork discussed the transaction with respondent Michaud and gave him similar assurances.

On or about November 26, 1986, respondent Stork mailed a rescission of the transaction to sellers, which came to the attention of Malvino on November 28, 1986. Malvino contacted the title company and learned that the deposit had not been placed in escrow. After unsuccessful attempts to contact respondent Stork by telephone concerning the transaction, Malvino wrote a letter to respondent Stork dated December 3, 1986, with a copy to respondent Michaud. This letter was the first information respondent Michaud had that respondent Stork had not placed the deposit into escrow.

X

At all times mentioned above, respondent Michaud failed to exercise reasonable supervision over the licensed activities of respondent Stork in that respondent Michaud was unaware of respondent Stork's mishandling of the deposit until on or about December 3, 1986.

Respondent Michaud reviewed the deposit receipt in the transaction herein within a day after its acceptance by the sellers; respondent Michaud's failure to initial and date the deposit receipt was an oversight and contrary to his usual practice. Respondent Michaud admitted that he did not follow up at that time to make sure the deposit was placed in escrow; he knew that respondent Stork had opened an escrow for the property and relied on representations by Stork in assuming that the deposit was in escrow.

The procedures which respondent Michaud had in place in November, 1986 to track transactions and to monitor deposit funds were inadequate; respondent Michaud has subsequently modified his

practices to require that records be maintained of all funds coming into the office, regardless of whether the check is for an accepted contract. Respondent reviews the log weekly.

XI

Respondent Michaud violated the requirements of Title 10, California Code of Regulations section 2725 by failing to initial and date the deposit receipt. However, as set forth in Finding X above, respondent Michaud's conduct was inadvertent. Therefore, it was not established by clear and convincing evidence to a reasonable certainty that respondent Michaud "willfully" disregarded or violated the rules and regulations of the Department of Real Estate.

XII

All evidence in mitigation and/or rehabilitation was considered in making the Determination of Issues and Order herein.

DETERMINATION OF ISSUES

I

Clear and convincing evidence to a reasonable certainty established cause for discipline of respondent Stork pursuant to Business and Professions Code section 10177(d) for violation of Business and Professions Code section 10145 by reason of Finding VIII.

II

Clear and convincing evidence to a reasonable certainty established cause for discipline of respondent Michaud pursuant to Business and Professions Code section 10177(h) by reason of Finding X.

III

No cause for discipline of respondent Michaud was established pursuant to Business and Professions Code section 10177(d) by reason of Findings X and XI.

ORDER

I

All licenses and license rights of respondent Juergen Helmut Stork under the Real Estate Law (Part 1 of Division 4

of the Business and Professions Code) are revoked pursuant to Determination of Issues I. However, a restricted real estate salesperson license shall be issued to respondent Stork pursuant to section 10156.5 of the Business and Professions Code if respondent Stork makes application therefor and pays to the Department of Real Estate the appropriate fee within ninety (90) days of the effective date of this decision. The restricted license issued to respondent Stork shall be subject to all the provisions of section 10156.7 of the Business and Professions Code and to the following restrictions imposed under authority of section 10156.6 of said Code:

A. The restricted license may be suspended prior to hearing by order of the Real Estate Commissioner in the event of respondent Stork's conviction or plea of nolo contendere to a crime which bears a substantial relationship to respondent Stork's fitness or capacity as a real estate licensee, or upon evidence satisfactory to the Commissioner that respondent Stork has violated the provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to this restricted license.

B. Respondent Stork shall submit with his application for license under an employing broker or his application for a transfer to a new employing broker a statement signed by the prospective employing broker which shall certify:

1. That the decision of the Commissioner which granted the right to a restricted license has been read;
2. That close supervision will be exercised over the licensee of activities for which a real estate license is required.

C. Respondent Stork shall, within nine (9) months from the effective date of this decision, present evidence satisfactory to the Real Estate Commissioner that he has, since the most recent issuance of an original or renewal real estate license, taken and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate license. If respondent Stork fails to satisfy this condition, the Commissioner may order the suspension of the restricted license until respondent Stork presents such evidence. The Commissioner shall afford respondent Stork the opportunity for hearing pursuant to the Administrative Procedure Act to present such evidence.

D. Respondent Stork shall, within nine (9) months from the effective date of the restricted license, take and pass the

Professional Responsibility Examination administered by the Department including the payment of the appropriate examination fee. If respondent Stork fails to satisfy this condition, the Commissioner may order suspension of the restricted license until respondent Stork passes the examination.

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

II

All licenses and license rights of respondent Terry Allen Michaud under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) are revoked pursuant to Determination of Issues II. However, a restricted real estate broker license shall be issued to respondent Michaud pursuant to section 10156.5 of the Business and Professions Code if respondent Michaud makes application therefor and pays to the Department of Real Estate the appropriate fee within ninety (90) days of the effective date of this decision. The restricted license issued to respondent Michaud shall be subject to all the provisions of section 10156.7 of the Business and Professions Code and to the following restrictions imposed under authority of section 10156.6 of said Code:

A. The restricted license may be suspended prior to hearing by order of the Real Estate Commissioner in the event of respondent Michaud's conviction or plea of nolo contendere to a crime which bears a substantial relationship to respondent Michaud's fitness or capacity as a real estate licensee, or upon evidence satisfactory to the Commissioner that respondent Michaud has violated the provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to this restricted license.

B. Respondent Michaud shall, within six (6) months from the effective date of this decision, present evidence satisfactory to the Real Estate Commissioner that he has, since the most recent issuance of an original or renewal real estate license, taken and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate license. If respondent Michaud fails to satisfy this condition, the Commissioner may order the suspension of the restricted license until respondent Michaud presents such evidence. The Commissioner shall afford respondent Michaud the opportunity for hearing pursuant to the Administrative Procedure Act to present such evidence.

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

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

DATED: August 7, 1989

Catherine B. Frink
CATHERINE B. FRINK
Administrative Law Judge

CBF:jat

COPY

FILED
MAY 16 1989

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

By C. Westbrook
C. Westbrook

In the Matter of the Accusation of

JUERGEN HELMUT STORK and
TERRY ALLEN MICHAUD,

}

Case No. H-6102 SF

OAH No. N 33443

Respondent(s)

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, State Bldg., Rm 2248, 455 Golden Gate Ave., San Francisco, CA 94102
(one day hearing)
on the 7th day of July, 19 89, at the hour of 9:00 a.m., or as soon thereafter
as the matter can be heard, upon the charges made in the Accusation served upon you.

You may be present at the hearing, and you may be represented by counsel, but you are neither required to be present at the hearing nor to be represented by counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you upon any express admissions, 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 hearing officer 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 hearing officer directs otherwise.

DEPARTMENT OF REAL ESTATE

Dated: May 16, 1989

By [Signature]
VERA WINTER LEE, Counsel

COPY

FILED
JAN 31 1989

1 VERA WINTER LEE, Counsel
2 DEPARTMENT OF REAL ESTATE
185 Berry Street, Room 5816
San Francisco, CA 94107-1770

3 (415) 557-3220

DEPARTMENT OF REAL ESTATE

4 By C. Westbrook
5 C. Westbrook

6
7 BEFORE THE DEPARTMENT OF REAL ESTATE
8 STATE OF CALIFORNIA
9

10
11 In the Matter of the Accusation of)
12 JUERGEN HELMUT STORK)
and)
13 TERRY ALLEN MICHAUD,)
14 Respondents.)

No. H-6102 SF
ACCUSATION

15
16 The Complainant, EDWARD V. CHIOLO, a Deputy Real
17 Estate Commissioner of the State of California, for cause of
18 accusation against JUERGEN HELMUT STORK and TERRY ALLEN MICHAUD
19 (respondents), is informed and alleges as follows:

20 I

21 The Complainant, EDWARD V. CHIOLO, A Deputy Real
22 Estate Commissioner of the State of California, makes this
23 Accusation against respondents in his official capacity.

24 II

25 At all times mentioned below, respondents were and are
26 presently licensed and/or have license rights under the Real
27 Estate Law (Part 1 of Division 4 of the Business and Professions

1 Code (Code) .

2 III

3 At all times mentioned below, respondent JUERGEN
4 HELMUT STORK (STORK) was licensed as a real estate salesperson
5 acting in the employ of respondent TERRY ALLEN MICHAUD
6 (Michaud). His license will expire on September 6, 1992.

7 IV

8 At all times mentioned below, respondent Michaud was
9 licensed as a real estate broker and his license will expire
10 November 15, 1989.

11 V

12 At all times mentioned below, DAVID LEE MCKEEVER and
13 LYNN CAROL MALVINO (Sellers) were the owners of the real
14 property located at 1808 - 1810 Roosevelt Avenue, Redwood City,
15 California (the Property). On or about May 21, 1986, the
16 Property was listed with Malvino who, at all times mentioned
17 below, was and is a licensed real estate salesperson in the
18 employ of Fox and Carskadon, Inc.

19 VI

20 On or about October 30, 1986, Stork while licensed and
21 acting in the capacity of a real estate salesperson, prepared a
22 Residential Purchase Agreement and Deposit Receipt (Deposit
23 Receipt) that contained an offer by ROGER WILHELM and PATRICIA
24 WILHELM (Buyers) to purchase the Property. The Deposit Receipt
25 contained representations that respondent Stork had received
26 from the Buyers the sum of \$1,000 (Deposit) in the form of a
27 personal check to be "held uncashed until acceptance and one day

1 thereafter deposited into escrow with Founders Title Co." as
2 deposit on the purchase price.

3 VII

4 On or about October 31, 1986, Sellers executed a
5 counteroffer which was accepted by the Buyers on November 2,
6 1986.

7 VIII

8 Respondent Stork failed to place the Deposit into a
9 neutral escrow depository or into the hands of his principal or
10 into a trust account, but instead held the check uncashed until
11 he returned it to Buyers on or about November 26, 1986.

12 IX

13 The facts alleged above in Paragraph VIII violate
14 Section 10145 of the Code and constitute grounds for discipline
15 of respondent Stork's real estate license pursuant to Section
16 10177(d) of the Code.

17 SECOND CAUSE OF ACCUSATION

18 X

19 There is hereby incorporated in this second, separate
20 and distinct cause of Accusation, all of the allegations
21 contained in Paragraphs I through VIII of the First Cause of
22 Accusation with the same force and effect as if herein fully set
23 forth.

24 XI

25 At all times mentioned above, respondent Michaud
26 failed to exercise reasonable supervision over the licensed
27 activities of respondent Stork in that, among other acts or

1 omissions, respondent Michaud: 1) failed to review, initial,
2 and date the Deposit Receipt prepared by Stork within five
3 working days after its preparation or signing by Stork as
4 required by Section 2725 of the Title 10 of the California Code
5 of Regulations (Regulations), and 2) was unaware of Stork's
6 mishandling of the Deposit until on or about December 3, 1988.

7 XII

8 The facts alleged above in Paragraph XI violate
9 Section 2725 of the Regulations and constitute grounds for
10 disciplinary action against the real estate license of Michaud
11 pursuant to Section 10177(d) of the Code.

12 XIII

13 The facts alleged above in Paragraph XI constitute
14 grounds for disciplinary action against the real estate license
15 of Michaud pursuant to Section 10177(h) of the Code.

16 WHEREFORE, Complainant prays that a hearing be
17 conducted on the allegations of this Accusation and that upon
18 proof thereof, a decision be rendered imposing disciplinary
19 action against all licenses and license rights of respondent
20 under the Real Estate Law (Part 1 of Division 4 of the Business
21 and Professions Code), and for such other and further relief as
22 may be proper under other provisions of law.

23 *Edward V. Chiolo*

24 _____
EDWARD V. CHIOLO
25 Deputy Real Estate Commissioner

26 Dated at San Francisco, California

27 this *30th* day of *JANUARY*, 198*8*.