

FLAG

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

FILED

JUL 05 2011

DEPARTMENT OF REAL ESTATE
By L. Frost

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

GABRIEL REYES,

Respondent.

No. H-7606 SF

ORDER GRANTING REINSTATEMENT OF LICENSE

On February 9, 1999, in Case No. H-7606 SF, a Decision was rendered revoking the real estate salesperson license of Respondent effective March 11, 1999, 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 March 11, 1999, and Respondent has operated as a restricted licensee since that time.

On December 10, 2010, Respondent petitioned for the removal of restrictions attaching to Respondent's real estate salesperson 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 demonstrated to my satisfaction that Respondent meets the

///

1 requirements of law for the issuance to Respondent of an unrestricted real estate salesperson
2 license and that it would not be against the public interest to issue said license to Respondent.

3 NOW, THEREFORE, IT IS ORDERED that Respondent's petition for
4 reinstatement is granted and that a real estate salesperson license be issued to Respondent if
5 Respondent satisfies the following requirements:

- 6 1. Submits a completed application and pays the fee for a real estate
7 salesperson license within the 12 month period following the date of this Order; and
- 8 2. Submits proof that Respondent has completed the continuing education
9 requirements for renewal of the license sought. The continuing education courses must be
10 completed either (i) within the 12 month period preceding the filing of the completed
11 application, or (ii) within the 12 month period following the date of this Order.

12 This Order shall become effective immediately.

13 DATED: 6/21/11

14 BARBARA J. BIGBY
15 Acting Real Estate Commissioner

16 
17
18
19
20
21
22
23
24
25
26
27

FRG

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

FILED

APR 19 2010

DEPARTMENT OF REAL ESTATE
By L. Frost

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of
WILLIAM MOLINA CARRILLO,
Respondent.

No. H-7606 SF

ORDER GRANTING REINSTATEMENT OF LICENSE

On February 9, 1999, in Case No. H-7606 SF, a Decision was rendered revoking the real estate broker license of Respondent effective March 11, 1999, 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 March 11, 1999, and Respondent has operated as a restricted licensee since that time.

On July 6, 2009, Respondent petitioned for the removal of restrictions attaching to Respondent's real estate broker 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 demonstrated to my satisfaction that Respondent meets the requirements of law for the issuance to Respondent of an unrestricted real estate broker license and that it would not be against the public interest to issue said license to Respondent.

1 NOW, THEREFORE, IT IS ORDERED that Respondent's petition for
2 reinstatement is granted and that a real estate broker license be issued to Respondent if
3 Respondent satisfies the following conditions within twelve (12) months from the date of this
4 order:

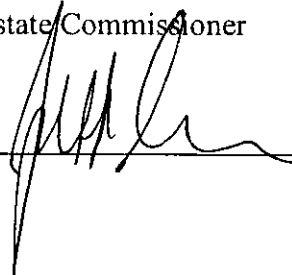
- 5 1. Submittal of a completed application and payment of the fee for a real
6 estate broker license.
- 7 2. Submittal of evidence of having, since the most recent issuance of an
8 original or renewal real estate license, taken and successfully completed the continuing education
9 requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate
10 license.

11 This Order shall become effective immediately.

12 DATED: 3/2/2010

13 JEFF DAVI
14 Real Estate Commissioner

15
16
17
18
19
20
21
22
23
24
25
26
27



FLAG

FILED

FEB 10 2009

DEPARTMENT OF REAL ESTATE

By *[Signature]*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of
GABRIEL REYES,
Respondent.

No. H-7606 SF

ORDER GRANTING REINSTATEMENT OF LICENSE

On February 9, 1999, in Case No. H-7606 SF, a Decision was rendered revoking the real estate salesperson license of Respondent effective March 11, 1999, 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 March 11, 1999, and Respondent has operated as a restricted licensee since that time.

On March 6, 2008, 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 the petition of Respondent and the evidence and arguments in support thereof. Respondent has demonstrated to my satisfaction that Respondent meets the requirements of law for the issuance to Respondent of an unrestricted real estate salesperson license and that it would not be against the public interest to issue said license to Respondent.

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

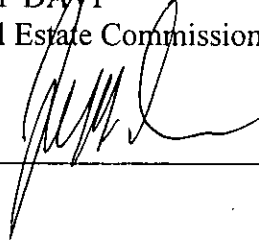
4 1. Submittal of a completed application and payment of the fee for a real estate
5 salesperson license.

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

10 This Order shall become effective immediately.

11 IT IS SO ORDERED . 2/4/09

12 JEFF DAVI
13 Real Estate Commissioner

14 
15
16
17
18
19
20
21
22
23
24
25
26
27

1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187000
3 Sacramento, CA 95818-7000
4 Telephone: (916) 227-0789

FILED
FEB 18 1999

DEPARTMENT OF REAL ESTATE

By Lauriel J. Jan

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) H-7606 SF
12)
12 GABRIEL REYES,)
13) STIPULATION AND AGREEMENT
13 Respondent.)
14)
14 _____)

15 It is hereby stipulated by and between Respondent
16 GABRIEL REYES (hereinafter "Respondent") and the Complainant,
17 acting by and through James L. Beaver, Counsel for the
18 Department of Real Estate, as follows for the purpose of
19 settling and disposing of the Accusation filed on August 11,
20 1998 in this matter (hereinafter "the Accusation"):

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

H-7606 SF

GABRIEL REYES



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

5 3. On August 28, 1998, Respondent filed a Notice of
6 Defense pursuant to Section 11505 of the Government Code for the
7 purpose of requesting a hearing on the allegations in the
8 Accusation. Respondent hereby freely and voluntarily withdraws
9 said Notice of Defense. Respondent acknowledges that Respondent
10 understands that by withdrawing said Notice of Defense
11 Respondent will thereby waive Respondent's right to require the
12 Commissioner to prove the allegations in the Accusation at a
13 contested hearing held in accordance with the provisions of the
14 APA and that Respondent will waive other rights afforded to
15 Respondent in connection with the hearing such as the right to
16 present evidence in defense of the allegations in the Accusation
17 and the right to cross-examine witnesses.

18 4. Respondent, pursuant to the limitations set forth
19 below, hereby admits that the factual allegations pertaining to
20 Respondent in the Accusation are true and correct and the Real
21 Estate Commissioner shall not be required to provide further
22 evidence of such allegations.

23 5. It is understood by the parties that the Real
24 Estate Commissioner may adopt the Stipulation and Agreement as
25 his decision in this matter, thereby imposing the penalty and
26 sanctions on Respondent's real estate license and license rights
27 as set forth in the "Order" set forth below. In the event that
the Commissioner in his discretion does not adopt the



1 Stipulation and Agreement in Settlement, it shall be void and of
2 no effect, and Respondent shall retain the right to a hearing
3 and proceeding on the Accusation under all the provisions of the
4 APA and shall not be bound by any admission or waiver made
5 herein.

6 6. The Order or any subsequent Order of the Real
7 Estate Commissioner made pursuant to this Stipulation and
8 Agreement in Settlement shall not constitute an estoppel, merger
9 or bar to any further administrative or civil proceedings by the
10 Department of Real Estate with respect to any matters which were
11 not specifically alleged to be causes for accusation in this
12 proceeding.

13 DETERMINATION OF ISSUES

14 By reason of the foregoing stipulations, admissions
15 and waivers and solely for the purpose of settlement of the
16 pending Accusation without hearing, it is stipulated and agreed
17 that the following Determination of Issues shall be made:

18 I

19 The acts and omissions of Respondent GABRIEL REYES
20 described in the Accusation are grounds for the suspension or
21 revocation of the licenses and license rights of Respondent under
22 Section 10177(g) of the Code.

23 ORDER

24 I

25 All licenses and licensing rights of Respondent GABRIEL
26 REYES under the Real Estate Law are revoked; provided, however, a
27 restricted real estate salesperson license shall be issued to



1 said Respondent pursuant to Section 10156.5 of the Business and
2 Professions Code if, within 90 days from the effective date of
3 the Decision entered pursuant to this Order, Respondent makes
4 application for the restricted license and pays to the Department
5 of Real Estate the appropriate fee therefor.

6 The restricted license issued to Respondent shall be
7 subject to all of the provisions of Section 10156.7 of the
8 Business and Professions Code and to the following limitations,
9 conditions and restrictions imposed under authority of Section
10 10156.6 of that Code:

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

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

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

27 4. Respondent shall, within six (6) months from the
issuance of the restricted license, take and pass the



1 Professional Responsibility Examination administered by the
2 Department including the payment of the appropriate examination
3 fee. If Respondent fails to satisfy this condition, the
4 Commissioner may order the suspension of the restricted license
5 until Respondent passes the examination.

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

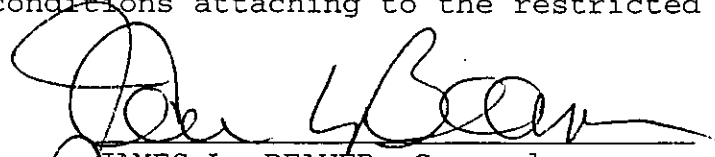
11 (a) That the employing broker has read the Decision
12 of the Commissioner which granted the right to a
13 restricted license; and

14 (b) That the employing broker will exercise close
15 supervision over the performance by the restricted
16 licensee relating to activities for which a real estate
17 license is required.

18 6. Any restricted real estate license issued to
19 Respondent may be suspended or revoked for a violation by
20 Respondent of any of the conditions attaching to the restricted
21 license.

22 1-11-99

DATED



JAMES L. BEAVER, Counsel
Department of Real Estate

* * *

23 I have read the Stipulation and Agreement and its
24 terms are understood by me and are agreeable and acceptable to
25 me. I understand that I am waiving rights given to me by the
26 California Administrative Procedure Act (including but not
27



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

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.

1-11-99
DATED

Gabriel Reyes
GABRIEL REYES
Respondent

* * *

The foregoing Stipulation and Agreement is hereby adopted by as my Decision in this matter and shall become effective at 12 o'clock noon on March 11, 1999.

IT IS SO ORDERED February 9, 1999.

JOHN R. LIBERATOR
Acting Real Estate Commissioner

John R. Liberator

1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187000
3 Sacramento, CA 95818-7000
4 Telephone: (916) 227-0789

FILED
FEB 18 1999

DEPARTMENT OF REAL ESTATE
By *Laurie L. Zari*

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) H-7606 SF
12)
13 PHILLIP DRUMMOND JACKLIN,)
14) STIPULATION AND AGREEMENT
Respondent.)
_____)

15 It is hereby stipulated by and between Respondent
16 PHILLIP DRUMMOND JACKLIN (hereinafter "Respondent") and the
17 Complainant, acting by and through James L. Beaver, Counsel for
18 the Department of Real Estate, as follows for the purpose of
19 settling and disposing of the Accusation filed on August 11,
20 1998 in this matter (hereinafter "the Accusation"):

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

H-7606 SF

PHILLIP DRUMMOND JACKLIN

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

5 3. On September 1, 1998, Respondent filed a Notice
6 of Defense pursuant to Section 11505 of the Government Code for
7 the purpose of requesting a hearing on the allegations in the
8 Accusation. Respondent hereby freely and voluntarily withdraws
9 said Notice of Defense. Respondent acknowledges that Respondent
10 understands that by withdrawing said Notice of Defense
11 Respondent will thereby waive Respondent's right to require the
12 Commissioner to prove the allegations in the Accusation at a
13 contested hearing held in accordance with the provisions of the
14 APA and that Respondent will waive other rights afforded to
15 Respondent in connection with the hearing such as the right to
16 present evidence in defense of the allegations in the Accusation
17 and the right to cross-examine witnesses.

18 4. Respondent, pursuant to the limitations set forth
19 below, hereby admits that the factual allegations pertaining to
20 Respondent in the Accusation are true and correct and the Real
21 Estate Commissioner shall not be required to provide further
22 evidence of such allegations.

23 5. It is understood by the parties that the Real
24 Estate Commissioner may adopt the Stipulation and Agreement as
25 his decision in this matter, thereby imposing the penalty and
26 sanctions on Respondent's real estate license and license rights
27 as set forth in the "Order" set forth below. In the event that



1 the Commissioner in his discretion does not adopt the
2 Stipulation and Agreement in Settlement, it shall be void and of
3 no effect, and Respondent shall retain the right to a hearing
4 and proceeding on the Accusation under all the provisions of the
5 APA and shall not be bound by any admission or waiver made
6 herein.

7 6. The Order or any subsequent Order of the Real
8 Estate Commissioner made pursuant to this Stipulation and
9 Agreement in Settlement shall not constitute an estoppel, merger
10 or bar to any further administrative or civil proceedings by the
11 Department of Real Estate with respect to any matters which were
12 not specifically alleged to be causes for accusation in this
13 proceeding.

14 DETERMINATION OF ISSUES

15 By reason of the foregoing stipulations, admissions
16 and waivers and solely for the purpose of settlement of the
17 pending Accusation without hearing, it is stipulated and agreed
18 that the following Determination of Issues shall be made:

19 I

20 The acts and omissions of Respondent PHILLIP DRUMMOND
21 JACKLIN described in the Accusation are grounds for the
22 suspension or revocation of the licenses and license rights of
23 Respondent under Section 10130 of the California Business and
24 Professions Code (hereinafter "the Code") in conjunction with
25 Section 10177(d) of the Code.

26 ///



ORDER

I

1
2
3 All licenses and licensing rights of Respondent PHILLIP
4 DRUMMOND JACKLIN under the Real Estate Law are revoked; provided,
5 however, a restricted real estate salesperson license shall be
6 issued to said Respondent pursuant to Section 10156.5 of the
7 Business and Professions Code if, within 90 days from the
8 effective date of the Decision entered pursuant to this Order,
9 Respondent makes application for the restricted license and pays
10 to the Department of Real Estate the appropriate fee therefor.

11 The restricted license issued to Respondent shall be
12 subject to all of the provisions of Section 10156.7 of the
13 Business and Professions Code and to the following limitations,
14 conditions and restrictions imposed under authority of Section
15 10156.6 of that Code:

16 1. Any restricted real estate license issued to
17 Respondent pursuant to the Decision entered pursuant to this
18 Order shall be suspended for thirty (30) days from the date of
19 issuance of said restricted license; provided however, that if
20 Respondent petitions, said suspension (or a portion thereof)
21 shall be stayed upon condition that Respondent pays a monetary
22 penalty pursuant to Section 10175.2 of the Code at the rate of
23 \$100.00 for each day of the suspension for a total monetary
24 penalty of \$3,000.00, and upon condition that no further cause
25 for disciplinary action against the real estate license of
26 Respondent occurs within one year from the effective date of the
27 Decision in this matter. Any stay granted pursuant to this



1 paragraph shall be subject to the following terms:

2 (a) Said monetary penalty payment shall be in the form
3 of a cashier's check or certified check made payable to the
4 Recovery Account of the Real Estate Fund. Said check must be
5 delivered to the Department prior to the effective date of the
6 Decision in this matter.

7 (b) The Commissioner may, if a final subsequent
8 determination is made, after hearing or upon stipulation, that
9 cause for disciplinary action occurred during the one (1) year
10 period following the effective date of the Decision in this
11 matter, vacate and set aside the stay and order the immediate
12 execution of all or any part of the stayed suspension, in which
13 event the Respondent shall not be entitled to any repayment nor
14 credit, prorated or otherwise, for money paid to the Department
15 under the terms of this Order.

16 (c) If Respondent pays the monetary penalty and if no
17 order vacating the stay is made pursuant to Paragraph (b), above,
18 the stay granted pursuant to this Decision shall become
19 permanent.

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

25 3. The restricted license issued to Respondent may be
26 suspended prior to hearing by Order of the Real Estate
27 Commissioner on evidence satisfactory to the Commissioner that



1 Respondent has violated provisions of the California Real Estate
2 Law, the Subdivided Lands Law, Regulations of the Real Estate
3 Commissioner or conditions attaching to the restricted license.

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

9 5. Respondent shall, within nine months from the
10 effective date of the Decision, present evidence satisfactory to
11 the Real Estate Commissioner that Respondent has, 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. If Respondent fails to
16 satisfy this condition, the Commissioner may order the
17 suspension of the restricted license until the Respondent
18 presents such evidence. The Commissioner shall afford
19 Respondent the opportunity for a hearing pursuant to the
20 Administrative Procedure Act to present such evidence.

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



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

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

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

13 8. Any restricted real estate license issued to
14 Respondent may be suspended or revoked for a violation by
15 Respondent of any of the conditions attaching to the restricted
16 license.

17 1-13-99

DATED


18 JAMES L. BEAVER, Counsel
19 Department of Real Estate

20 * * *

21 I have read the Stipulation and Agreement and its
22 terms are understood by me and are agreeable and acceptable to
23 me. I understand that I am waiving rights given to me by the
24 California Administrative Procedure Act (including but not
25 limited to Sections 11506, 11508, 11509, and 11513 of the
26 Government Code), and I willingly, intelligently, and
27 voluntarily waive those rights, including the right of requiring
the Commissioner to prove the allegations in the Accusation at a



1 hearing at which I would have the right to cross-examine
2 witnesses against me and to present evidence in defense and
3 mitigation of the charges.

4 1/12/1999
DATED

Phillip Drummond Jacklin
PHILLIP DRUMMOND JACKLIN
Respondent

6 ///
7 ///
8 ///
9 ///
10 ///
11 ///
12 ///
13 ///
14 ///
15 ///
16 ///
17 ///
18 ///
19 ///
20 ///
21 ///
22 ///
23 ///
24 ///
25 ///
26 ///
27 ///

* * *

1
2 The foregoing Stipulation and Agreement is hereby
3 adopted by as my Decision in this matter and shall become
4 effective at 12 o'clock noon on March 11 , 1999.

5 IT IS SO ORDERED February 9 , 1999.

6 JOHN R. LIBERATOR
7 Acting Real Estate Commissioner

8 John R. Liberator
9

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27



1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187000
3 Sacramento, CA 95818-7000
4 Telephone: (916) 227-0789

FILED
FEB 18 1999

DEPARTMENT OF REAL ESTATE

By Laurie A. Zinn

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) H-7606 SF
12 LAWRENCE JAMES HOFFART,) STIPULATION AND AGREEMENT
13 WILLIAM MOLINA CARRILLO,)
14 Respondent.)

15 It is hereby stipulated by and between Respondents
16 LAWRENCE JAMES HOFFART (hereinafter "HOFFART") and WILLIAM
17 MOLINA CARRILLO (hereinafter "CARRILLO"), individually and by
18 and through Maxine Monaghan, Esq., attorney of record herein for
19 Respondents HOFFART and CARRILLO (hereinafter "Respondents"),
20 and the Complainant, acting by and through James L. Beaver,
21 Counsel for the Department of Real Estate, as follows for the
22 purpose of settling and disposing of the Accusation filed on
23 August 11, 1998 in this matter (hereinafter "the Accusation"):

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

Administrative Procedure Act (APA), shall instead and in place
H-7606 SF LAWRENCE JAMES HOFFART
WILLIAM MOLINA CARRILLO

1 thereof be submitted solely on the basis of the provisions of
2 this Stipulation and Agreement.

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

7 3. On August 25, 1998, Respondents filed a
8 Notice of Defense pursuant to Section 11505 of the Government
9 Code for the purpose of requesting a hearing on the allegations
10 in the Accusation. Respondents hereby freely and voluntarily
11 withdraw said Notices of Defense. Respondents acknowledge that
12 Respondents understand that by withdrawing said Notices of
13 Defense Respondents will thereby waive Respondents' right to
14 require the Commissioner to prove the allegations in the
15 Accusation at a contested hearing held in accordance with the
16 provisions of the APA and that Respondents will waive other
17 rights afforded to Respondents in connection with the hearing
18 such as the right to present evidence in defense of the
19 allegations in the Accusation and the right to cross-examine
20 witnesses.

21 4. Respondents, pursuant to the limitations set forth
22 below, hereby admit that the factual allegations pertaining to
23 Respondents in the Accusation are true and correct and the Real
24 Estate Commissioner shall not be required to provide further
25 evidence of such allegations.

26 5. It is understood by the parties that the Real
27 Estate Commissioner may adopt the Stipulation and Agreement as
his decision in this matter, thereby imposing the penalty and
H-7606 SF

LAWRENCE JAMES HOFFART
WILLIAM MOLINA CARRILLO



1 sanctions on Respondents' real estate license and license rights
2 as set forth in the "Order" set forth below. In the event that
3 the Commissioner in his discretion does not adopt the
4 Stipulation and Agreement in Settlement, it shall be void and of
5 no effect, and Respondents shall retain the right to a hearing
6 and proceeding on the Accusation under all the provisions of the
7 APA and shall not be bound by any admission or waiver made
8 herein.

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

16 DETERMINATION OF ISSUES

17 By reason of the foregoing stipulations, admissions
18 and waivers and solely for the purpose of settlement of the
19 pending Accusation without hearing, it is stipulated and agreed
20 that the following Determination of Issues shall be made:

21 I

22 The acts and omissions of Respondents LAWRENCE JAMES
23 HOFFART and WILLIAM MOLINA CARRILLO described in the Accusation
24 are grounds for the suspension or revocation of the licenses and
25 license rights of Respondents under the following provisions of
26 the Code:

27 (a) As to Respondents HOFFART and CARRILLO and the
First Cause for Accusation under Section 10177(g) of the Code;
H-7606 SF LAWRENCE JAMES HOFFART
WILLIAM MOLINA CARRILLO



1 and

2 (b) As to Respondent HOFFART and the Second Cause for
3 Accusation under Section 10177(g) of the Code.

4 ORDER

5 I

6 All licenses and licensing rights of Respondent
7 LAWRENCE JAMES HOFFART under the Real Estate Law are revoked;
8 provided, however, a restricted real estate broker license shall
9 be issued to the Respondent pursuant to Section 10156.5 of the
10 Business and Professions Code if, within 90 days from the
11 effective date of the Decision entered pursuant to this Order,
12 Respondent makes application for the restricted license and pays
13 to the Department of Real Estate the appropriate fee therefor.

14 The restricted license issued to Respondent shall be
15 subject to all of the provisions of Section 10156.7 of the
16 Business and Professions Code and to the limitations, conditions
17 and restrictions imposed under authority of Section 10156.6 of
18 that Code set forth in Paragraph III, below.

19 II

20 All licenses and licensing rights of Respondent WILLIAM
21 MOLINA CARRILLO under the Real Estate Law are revoked; provided,
22 however, a restricted real estate broker license shall be issued
23 to the Respondent pursuant to Section 10156.5 of the Business and
24 Professions Code if, within 90 days from the effective date of
25 the Decision entered pursuant to this Order, Respondent makes
26 application for the restricted license and pays to the Department
27 of Real Estate the appropriate fee therefor.

H-7606 SF

LAWRENCE JAMES HOFFART
WILLIAM MOLINA CARRILLO



1 The restricted license issued to Respondent shall be
2 subject to all of the provisions of Section 10156.7 of the
3 Business and Professions Code and to the limitations, conditions
4 and restrictions imposed under authority of Section 10156.6 of
5 that Code set forth in Paragraph III, below.

6 III

7 1. Any restricted real estate license issued to a
8 Respondent under the Decision entered pursuant to this Order
9 shall be suspended for ten (10) days from the date of issuance of
10 said restricted license; provided however, that if the Respondent
11 petitions, said suspension (or a portion thereof) shall be stayed
12 upon condition that the Respondent pays a monetary penalty
13 pursuant to Section 10175.2 of the Code at the rate of \$200.00
14 for each day of the suspension for a total monetary penalty of
15 \$2,000.00, and upon condition that no further cause for
16 disciplinary action against the real estate license of the
17 Respondent occurs within one year from the effective date of the
18 Decision in this matter. Any stay granted pursuant to this
19 paragraph shall be subject to the following terms:

20 (a) Said monetary penalty payment shall be in the form
21 of a cashier's check or certified check made payable to the
22 Recovery Account of the Real Estate Fund. Said check must be
23 delivered to the Department prior to the effective date of the
24 Decision in this matter.

25 (b) The Commissioner may, if a final subsequent
26 determination is made, after hearing or upon stipulation, that
27 cause for disciplinary action occurred during the one (1) year
period following the effective date of the Decision in this
H-7606 SF

LAWRENCE JAMES HOFFART
WILLIAM MOLINA CARRILLO

1 matter, vacate and set aside the stay and order the immediate
2 execution of all or any part of the stayed suspension, in which
3 event the Respondent shall not be entitled to any repayment nor
4 credit, prorated or otherwise, for money paid to the Department
5 under the terms of this Order.

6 (c) If the Respondent pays the monetary penalty and if
7 no order vacating the stay is made pursuant to Paragraph (b),
8 above, the stay granted pursuant to this Decision shall become
9 permanent.

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

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

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

27 5. The Respondent shall, within nine months from the
effective date of the Decision, present evidence satisfactory to
H-7606 SF

LAWRENCE JAMES HOFFART
WILLIAM MOLINA CARRILLO

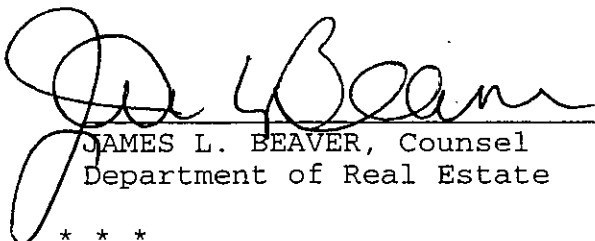


1 the Real Estate Commissioner that the Respondent has, since the
2 most recent issuance of an original or renewal real estate
3 license, taken and successfully completed the continuing
4 education requirements of Article 2.5 of Chapter 3 of the Real
5 Estate Law for renewal of a real estate license. If the
6 Respondent fails to satisfy this condition, the Commissioner may
7 order the suspension of the restricted license until the
8 Respondent presents such evidence. The Commissioner shall
9 afford the Respondent the opportunity for a hearing pursuant to
10 the Administrative Procedure Act to present such evidence.

11 6. The Respondent shall, within six (6) months from
12 the issuance of the restricted license, take and pass the
13 Professional Responsibility Examination administered by the
14 Department including the payment of the appropriate examination
15 fee. If the Respondent fails to satisfy this condition, the
16 Commissioner may order the suspension of the restricted license
17 until the Respondent passes the examination.

18 7. Any restricted real estate broker license issued
19 to the Respondent may be suspended or revoked for a violation
20 by the Respondent of any of the conditions attaching to the
21 restricted license.

22 1-13-99
23 DATED

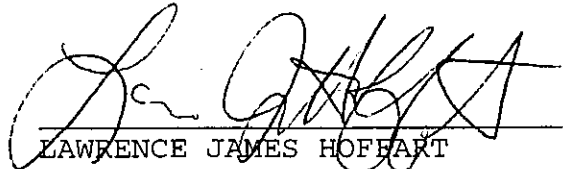

24 JAMES L. BEAVER, Counsel
25 Department of Real Estate
26 * * *

27 I have read the Stipulation and Agreement and have
discussed its terms with my attorney and its terms are
understood by me and are agreeable and acceptable to me. I
understand that I am waiving rights given to me by the
H-7606 SF

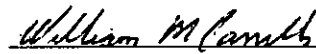
LAWRENCE JAMES HOFFART
WILLIAM MOLINA CARRILLO

1 California Administrative Procedure Act (including but not
2 limited to Sections 11506, 11508, 11509, and 11513 of the
3 Government Code), and I willingly, intelligently, and
4 voluntarily waive those rights, including the right of requiring
5 the Commissioner to prove the allegations in the Accusation at a
6 hearing at which I would have the right to cross-examine
7 witnesses against me and to present evidence in defense and
8 mitigation of the charges.

9 1/11/99
DATED


LAWRENCE JAMES HOFFART
Respondent

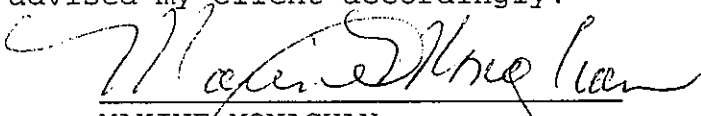
11 1/11/1999
DATED


WILLIAM MOLINA CARRILLO
Respondent

14 * * *

15 I have reviewed the Stipulation and Agreement as to
16 form and content and have advised my client accordingly.

17 1/11/99
DATED


MAXINE MONAGHAN
Attorney For Respondent

19 ///
20 ///
21 ///
22 ///
23 ///
24 ///
25 ///
26 ///
27 ///

H-7606 SF

LAWRENCE JAMES HOFFART
WILLIAM MOLINA CARRILLO

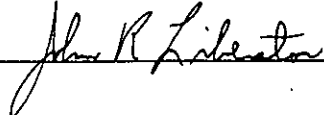
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

* * *

The foregoing Stipulation and Agreement is hereby
adopted by as my Decision in this matter and shall become
effective at 12 o'clock noon on March 11, 1999.

IT IS SO ORDERED February 9, 1999.

JOHN R. LIBERATOR
Acting Real Estate Commissioner



FILED
NOV 12 1998

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

By Laurie L. Zinn

In the Matter of the Accusation of

LAWRENCE JAMES HOFFART,
WILLIAM MOLINA CARRILLO,
PHILLIP DRUMMOND JACKLIN,
and GABRIEL REYES,

}

Case No. H-7606 SF

OAH No. N-1998100450

Respondent

FIRST AMENDED
NOTICE OF HEARING ON ACCUSATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at the
Office of Administrative Hearings, 1515 Clay Street, Suite 206,
Oakland, CA 94612

on January 19th through 21st, 1999, at the hour of 9:00 AM,
or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

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

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

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

Dated: November 12, 1998

DEPARTMENT OF REAL ESTATE
By James L. Beaver
JAMES L. BEAVER
Counsel

BEFORE THE DEPARTMENT OF REAL ESTATE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

By Lucie A. Zain

In the Matter of the Accusation of

LAWRENCE JAMES HOFFART,
WILLIAM MOLINA CARRILLO,
PHILLIP DRUMMOND JACKLIN,
and GABRIEL REYES,

Respondent

Case No. H-7606 SF

OAH No. N-1998100450

NOTICE OF HEARING ON ACCUSATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at the
Office of Administrative Hearings, 1515 Clay Street, Suite 206,
Sacramento, CA 95814

on January 19th through 21st, 1999, at the hour of 9:00 AM,
or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

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

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

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

Dated: November 5, 1998

DEPARTMENT OF REAL ESTATE
By James L. Beaver
JAMES L. BEAVER Counsel

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

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

FILED
AUG 11 1998
DEPARTMENT OF REAL ESTATE

By *Laurie A. Zain*

7 BEFORE THE DEPARTMENT OF REAL ESTATE

8 STATE OF CALIFORNIA

9 * * *

10 In the Matter of the Accusation of)
11 LAWRENCE JAMES HOFFART,)
12 WILLIAM MOLINA CARRILLO,)
13 PHILLIP DRUMMOND JACKLIN,)
14 and GABRIEL REYES,)
Respondents.)

NO. H-7606 SF

ACCUSATION

15 The Complainant, Les R. Bettencourt, a Deputy Real
16 Estate Commissioner of the State of California, for cause of
17 Accusation against LAWRENCE JAMES HOFFART, WILLIAM MOLINA
18 CARRILLO, PHILLIP DRUMMOND JACKLIN, and GABRIEL REYES (hereinafter
19 "Respondents") is informed and alleges as follows:

20 FIRST CAUSE OF ACCUSATION

21 I

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

25 ///

26 ///

27 ///



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

II

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

III

At all times herein mentioned, Respondents LAWRENCE JAMES HOFFART (hereinafter "HOFFART") and WILLIAM MOLINA CARRILLO (hereinafter "CARRILLO") were and now are licensed by the Department of Real Estate of the State of California (hereinafter "the Department") as real estate brokers.

IV

At all times herein mentioned to and until May 22, 1996, and at all times mentioned herein from and after June 30, 1997, Respondent PHILLIP DRUMMOND JACKLIN (hereinafter "JACKLIN") was licensed by the Department as a real estate salesperson in the employ of Respondent HOFFART. On May 22, 1996, Respondent JACKLIN's license as a real estate salesperson expired and was not renewed until June 30, 1997.

V

At all times herein mentioned, Respondents engaged in the business of, acted in the capacity of, advertised, or assumed to act as real estate brokers within the State of California within the meaning of Section 10131(a) of the Code, including the operation and conduct of a real estate resale brokerage with the public wherein, on behalf of others, for compensation or in expectation of compensation, Respondents sold and offered to sell, bought and offered to buy, solicited prospective sellers and



1 purchases of, solicited and obtained listings of, and negotiated
2 the purchase and sale of real property,

3 VI

4 At all times mentioned herein, Respondents HOFFART and
5 CARRILLO employed Respondent JACKLIN to perform the acts and
6 conduct the activities described in Paragraph V, above, and
7 compensated Respondent JACKLIN for such services.

8 VII

9
10 Between May 22, 1996 and June 30, 1997, in the course of
11 the activities and employment described in Paragraphs V and VI,
12 above, in each of the real estate resale transactions tabulated
13 below, Respondent JACKLIN sold and offered to sell, bought and
14 offered to buy, solicited prospective sellers and purchases of,
15 solicited and obtained listings of, and negotiated the purchase
16 and sale of the real property identified below, and Respondents
17 HOFFART and CARRILLO compensated Respondent JACKLIN for such
18 services:

19	<u>SELLER</u>	<u>BUYER</u>	<u>REAL PROPERTY</u>
20	John E. Blanch	Lorenzo Carrillo	352 Leland Avenue 21 San Jose, California
22	Gregory Miller	Oscar & Lily Wand	5832 Chambertin Dr. 23 San Jose, California
24	Gregory Miller	Pamela Cornelison	5587 LeFevre Drive 25 San Jose, California
26	Daniel & Warren Sue	Lori F. Rogers	1480 Frontero 27 Los Altos, California



1 James M. McClure Ranjit Singh 95 N. Gadsden Drive
2 Milpitas, California
3 Kendall Allphin Catherine Wiehe 2661 W. Beach #51
4 Watsonville, Calif.
5 Catherine Wiehe Baltazar Carrasco 33 Gosford Court
6 San Jose, California
7 Frank Castaneda Solomon Zeltzer 18570 Montevina Road
8 Los Gatos, California
9

10 VIII

11 At no time mentioned herein between May 22, 1996 and
12 June 30, 1997 was Respondent JACKLIN licensed by the Department
13 either as a real estate broker or as a real estate salesperson.

14 SECOND CAUSE OF ACCUSATION

15 IX

16 There is hereby incorporated in this second, separate
17 and distinct Cause of Accusation, all of the allegations contained
18 in Paragraphs I through V, inclusive, of the First Cause of
19 Accusation with the same force and effect as if herein fully set
20 forth.

21 X

22 At all times herein mentioned, Respondent GABRIEL REYES
23 (hereinafter "REYES") was and now is licensed by the Department as
24 a real estate salesperson in the employ of Respondent HOFFART.

25 XI

26 At all times mentioned herein, Respondent HOFFART
27 employed Respondent REYES to perform the acts and conduct the
activities described in Paragraph V, above.



XII

1
2 Between on or about August 19, 1996 and on or about
3 August 22, 1996, in course of the employment described in
4 Paragraph XI, above, Respondent REYES induced Daniel Cunha
5 (hereinafter "Seller") to accept an offer by Antonio Reyes
6 (hereinafter "Buyer") to purchase real property at 342 Laswell
7 Avenue, San Jose, California.

8 XIII

9 In order to induce Seller to accept Buyer's offer to
10 purchase said real property, Respondent REYES represented to
11 Seller that Respondent REYES had received a \$5,000 earnest money
12 deposit from Buyer toward the purchase price of said real property
13 (hereinafter "the representation").

14 XIV

15 Seller accepted Buyer's offer to purchase said real
16 property in reasonable reliance on the representation.

17 XV

18 The representation was false. In truth in fact, as
19 Respondent REYES knew full well at the time the representation was
20 made, Respondent REYES had not received any earnest money deposit
21 from Buyer.

22 XVI

23 The acts and omissions of Respondent REYES described in
24 Paragraphs XI through XV, above, constitute the substantial
25 misrepresentation of a material fact, and/or fraud or dishonest
26 dealing.

27 ///



XVII

1
2 At all times mentioned herein, Respondent HOFFART so
3 failed to exercise reasonable supervision over the activities,
4 described above, of Respondent REYES, a real estate salesperson
5 then licensed under Respondent HOFFART, as to cause, suffer and
6 permit the acts and omissions of Respondent REYES, described
7 above, to occur, in that Respondent HOFFART failed to establish
8 policies, procedures, and systems to review, oversee, inspect and
9 manage the handling of trust funds by salespersons, including
10 Respondent REYES, licensed under Respondent HOFFART, failed to
11 establish a system for monitoring compliance with such policies,
12 rules, procedures and systems, and relinquished overall
13 responsibility to Respondent CARRILLO for supervision of the acts
14 of salespersons, including Respondent REYES, licensed to
15 Respondent HOFFART.

16 XVIII

17 The facts alleged above are grounds for the suspension
18 or revocation of the licenses and license rights of Respondents
19 under the following provisions of the Code:

20 (a) As to Respondents HOFFART and CARRILLO and the
21 First Cause for Accusation under Section 10137 the Code in
22 conjunction with Section 10177(d) of the Code;

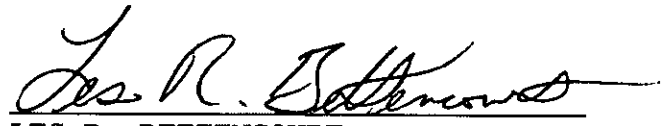
23 (b) As to Respondent JACKLIN and the First Cause for
24 Accusation under Section 10130 the Code in conjunction with
25 Section 10177(d) of the Code;

26 (c) As to Respondent REYES and the Second Cause for
27 Accusation under Sections 10176(a) and or 10176(i) the Code; and



1 (d) As to Respondent HOFFART and the Second Cause for
2 Accusation under Section 10177(g) and/or Section 10177(h) of the
3 Code.

4 WHEREFORE, Complainant prays that a hearing be conducted
5 on the allegations of this Accusation and that upon proof thereof,
6 a decision be rendered imposing disciplinary action against all
7 licenses and license rights of Respondents under the Real Estate
8 Law (Part 1 of Division 4 of the Business and Professions Code),
9 and for such other and further relief as may be proper under other
10 provisions of law.

11
12 
13 LES R. BETTENCOURT
14 Deputy Real Estate Commissioner

15 Dated at Oakland, California
16 this 30th day of July, 1998.
17
18
19
20
21
22
23
24
25
26
27

