

OCT 25 1988

DEPARTMENT OF REAL ESTATE

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of) No. H-775 SD
CARL CHARLES CALLAHAN,)
Individually and as) L-14370
Designated Officer of)
Results Realty of)
San Diego, Inc., and)
RESULTS REALTY OF)
SAN DIEGO, INC.,)
Respondents.)

ORDER GRANTING REINSTATEMENT OF LICENSE

On January 10, 1978, a Decision was rendered herein
revoking the real estate broker license of respondent CARL CHARLES
CALLAHAN (hereinafter "Respondent"), effective January 31, 1978,
but granting Respondent the right to the issuance of a restricted
broker license. A restricted real estate broker license was
issued to Respondent on February 23, 1978, and Respondent has
operated as a restricted licensee without cause for disciplinary
action against Respondent since that time.

/

FILED

JUN 11 1984

DEPARTMENT OF REAL ESTATE
BY Sh. Dussan

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of)	No. H-775 SD
CARL CHARLES CALLAHAN,)	
Individually and as Designated)	L-14370
Officer of Results Realty of)	
San Diego, Inc., and RESULTS)	
REALTY OF SAN DIEGO, INC.,)	
Respondents.)	

ORDER GRANTING REINSTATEMENT OF LICENSE

On January 10, 1978, a Decision was rendered herein revoking the real estate broker license of respondent CARL CHARLES CALLAHAN, but granting respondent the right to the issuance of a restricted broker license. A restricted real estate broker license was issued to respondent CALLAHAN on February 23, 1978, and respondent has operated as a restricted licensee without cause for disciplinary action against him since that time.

On April 26, 1984, respondent CALLAHAN petitioned for reinstatement of said real estate broker license and the Attorney General of the State of California has been given notice of the

1 filing of said petition.

2 I have considered respondent CALLAHAN's petition and
3 the evidence and arguments in support thereof including his record
4 as a restricted licensee. Respondent has demonstrated to my
5 satisfaction that grounds do not presently exist to deny the
6 issuance of an unrestricted real estate broker license to him.

7
8 NOW, THEREFORE, IT IS ORDERED that respondent
9 CARL CHARLES CALLAHAN's petition for reinstatement is granted and
10 that an unrestricted real estate broker license be issued to
11 him on receipt of the application and fee therefor within 90 days
12 from the date hereof.

13 This Order shall be effective immediately.

14 DATED: June 7, 1984

15 JAMES A. EDMONDS, JR.
16 Real Estate Commissioner

17
18 By:


19 ROBERT P. MARTINEZ
20 Chief Deputy Commissioner
21
22
23
24

25 cc: Carl Charles Callahan
26 4631 Collwood Lane
27 San Diego, CA 92115

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED

JAN 11 1978

DEPARTMENT OF REAL ESTATE
BY *Spencer Alvarez*

In the Matter of the Accusation of)
CARL CHARLES CALLAHAN, Individually)
and as Designated Officer of Results)
Realty of San Diego, Inc., and RESULTS)
REALTY OF SAN DIEGO, INC.,)
Respondent.

No. H- 775 SD
L-14370

DECISION

The Proposed Decision dated January 3, 1978,
of the Administrative Law Judge of the Office of Administrative
Hearings, is hereby adopted as the Decision of the Real Estate
Commissioner in the above-entitled matter.

This Decision shall become effective at 12 o'clock
noon on January 31, 19 78.

IT IS SO ORDERED 1/17/78, 19 78.

David H. Fox

DAVID H. FOX
Real Estate Commissioner

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation	)	
of	)	
	)	
CARL CHARLES CALLAHAN, Individually	)	No. H-775 SD
and as Designated Officer of Results	)	
Realty of San Diego, Inc., and RESULTS	)	
REALTY OF SAN DIEGO, INC.,	)	L-14370
	)	
Respondent.	)	
	)	

PROPOSED DECISION

This matter came on regularly for hearing before Ronald M. Gruen, Administrative Law Judge of the Office of Administrative Hearings, at San Diego, California on December 14, 1977. Sean Crahan, Counsel, Department of Real Estate, represented the complainant. Respondent appeared in person and was represented by his attorney, William M. Wittke. Documentary and oral evidence and evidence by stipulation having been introduced and the matter submitted, the Administrative Law Judge finds the following facts:

I

The complainant, John C. Kamps, a Deputy Real Estate Commissioner of the State of California, made the Accusation in his official capacity.

II

Respondent Carl Charles Callahan was and is licensed by the Department of Real Estate of the State of California as a real estate broker.

III

Respondent Results Realty of San Diego, Inc., was licensed by the Department of Real Estate of the State of California as a corporate real estate broker and was entitled so to act through its designated officer who was respondent Callahan. Respondent Callahan canceled the Results license effective April 7, 1977. However, respondent Results retains the right to renew its license upon the qualification of a licensed designated officer.

IV

On or about March 16, 1974, respondents acting jointly and severally for or in expectation of compensation negotiated on behalf of seller the sale of real property located at 3553 Sparling Street, San Diego, California from Donna L. Whittle and Roy A. Whittle, sellers, to Raymond E. Evans and Myrtle M. Evans, purchasers.

V

In addition to acting as agent for negotiating the sale of said property, respondents jointly and severally also acted as escrow holder between the parties in this transaction in that respondents received and held documents and money, until each party completed his obligation, for the purpose of effecting said sale.

The escrow opened on or about April 18, 1974. The grant deed was not recorded until July 14, 1975.

VI

On or about March 16, 1974, purchasers Evans instructed respondents to vest title in them, husband and wife as joint tenants. Respondents owed a duty of due care to the Evanses to follow their instructions and to promptly and correctly record the grant deed at close of escrow. On or about May 7, 1974, respondents, acting as escrow agents breached their duty when they accepted a grant deed from the sellers showing title vested in Raymond E. Evans and Myrtle M. Evans as grantees without showing their marital relationship and without showing them as joint tenants. Respondents further breached their duty by failing to have included in the grant deed that the purchasers were taking title as husband and wife and as joints tenants. Respondents further breached their duty when they failed to have said deed recorded in a timely manner and said grant deed was not recorded until July 14, 1975. Respondents negligently allowed and caused said deed to be recorded showing title vested as tenants in common and not as purchasers had instructed.

VII

The negligence of respondents acting jointly and severally caused damages to Myrtle M. Evans based on the following facts. On or about July 21, 1975, Raymond E. Evans died. Subsequently, Myrtle Evans attempted to sell said property but was unable to convey title in her name alone until she instituted proceedings at her own expense in the amount of \$1,096 to probate the estate of Raymond E. Evans, her deceased husband, for the purpose of establishing title in her name.

VIII

Between March 16, 1974 through on or about May 15, 1974 respondents jointly and severally represented to the purchasers (Evans) and sellers (Whittles) that a policy of title insurance would be purchased for the purchasers; and that a policy of title insurance had in fact been purchased for \$181.50; when in fact no policy of title insurance had been purchased and when in fact \$181.50 had not been expended to purchase said title insurance policy.

IX

A. Respondent Callahan testified on his own behalf and on behalf of the corporate respondent, Results. No mitigation was established for the conduct set forth in findings of fact VI above. Respondent concedes that he was careless in handling the transaction.

B. Respondent's conduct set forth in findings of fact VIII above is also without mitigation or extenuation. The transaction involved a relatively small sum of money and it is difficult to perceive why one would jeopardize his license in this way. Said conduct appears to be isolated in nature. Respondent Callahan has been a licensed real estate broker since 1970, with no record of other disciplinary action or improper conduct. Whatever his reasons for engaging in this conduct, the experience of the herein proceeding has had a strong impact on the respondent, and it is unlikely that he will again engage in dishonest dealings in the future.

C. Respondent Callahan is 54 years of age; married; and the sole support of his family. He has no source of income other than from his occupation as a licensed real estate broker. He is self-employed.

X

All allegations in the accusation not heretofore found to be true are found not to have been proved.

* * * * *

Pursuant to the foregoing findings of fact, the Administrative Law Judge makes the following determination of issues:

I

Grounds for suspension or revocation of the licenses of respondents exist pursuant to section 10177(g) of the Business and Professions Code as to finding of fact VI above for negligence in performing acts for which a real estate license is required.

II

Grounds for suspension or revocation of the licenses of respondents exist pursuant to sections 10176(a) and 10176(i) of the Business and Professions Code as to findings of fact VIII above for substantial misrepresentation and dishonest dealing.

* * * * *

WHEREFORE, THE FOLLOWING ORDER is hereby made:

1. The real estate broker's license of respondent Carl Charles Callahan, individually and as designated officer of Results Realty of San Diego, Inc., is hereby revoked.
2. A restricted real estate broker's license shall be issued to respondent pursuant to sections 10156.5 and 10156.8 of the Business and Professions Code if respondent makes application therefor and pays to the Department of Real Estate the appropriate fee for said license within 180 days from the effective date of the Decision herein.
3. The restricted license issued to respondent shall be subject to all of the provisions of section 10156.7 of the Business and Professions Code and to the following limitations, conditions and restrictions imposed under authority of section 10156.6 of said Code:
 - A. Said restricted license may be suspended prior to hearing by Order of the Real Estate Commissioner in the event of respondent's conviction or plea of nolo contendere to a crime which bears a significant relation to respondent's fitness or capacity as a real estate licensee.
 - B. Said restricted license may be suspended prior to hearing by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that respondent has violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to this restricted license.
 - C. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor the removal of any of the conditions, limitations or restrictions of a restricted license until one year has elapsed from the date of issuance of the restricted license to respondent.
 - D. Respondent shall report in writing to the Department of Real Estate as the Real Estate

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

Such reports may include, but shall not be limited to, periodic independent accountings of trust funds in the custody and control of respondent and periodic summaries of salient information concerning each real estate transaction in which the respondent engaged during the period covered by the report.

* * * * *

1. The real estate broker's license of respondent Results Realty of San Diego, Inc., is hereby revoked.

2. A restricted real estate broker's license shall be issued to respondent pursuant to sections 10156.5 and 10156.8 of the Business and Professions Code if respondent makes application therefor and pays to the Department of Real Estate the appropriate fee for said license within 180 days from the effective date of the Decision herein.

3. The restricted license issued to respondent shall be subject to all of the provisions of section 10156.7 of the Business and Professions Code and to the following limitations, conditions and restrictions imposed under authority of section 10156.6 of said Code:

A. Said restricted license may be suspended prior to hearing by Order of the Real Estate Commissioner in the event of respondent's conviction or plea of nolo contendere to a crime which bears a significant relation to respondent's fitness or capacity as a real estate licensee.

B. Said restricted license may be suspended prior to hearing by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that respondent has violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to this restricted license.

C. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor the removal of any of the conditions, limitations or restrictions of a restricted license.

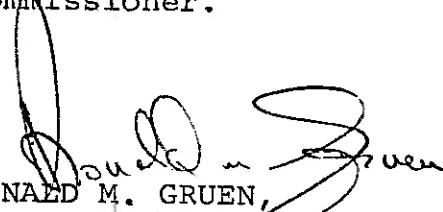
license until one year has elapsed from the date of issuance of the restricted license to respondent.

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

Such reports may include, but shall not be limited to, periodic independent accountings of trust funds in the custody and control of respondent and periodic summaries of salient information concerning each real estate transaction in which the respondent engaged during the period covered by the report.

I hereby submit the foregoing which constitutes my Proposed Decision in the above-entitled matter as a result of the hearing had before me on December 14, 1977, at Los Angeles, California, and recommend its adoption as the decision of the Real Estate Commissioner.

DATED: January 3, 1978


RONALD M. GRUEN,
Administrative Law Judge
Office of Administrative Hearings

RMG:jm

1 SEAN CRAHAN, Counsel
2 Department of Real Estate
3 107 South Broadway, Room 8107
4 Los Angeles, California 90012
5 (213) 620-4790

FILED

MAY -6 1977

DEPARTMENT OF REAL ESTATE
BY *Volando Alvarez*

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * * *

11 In the Matter of the Accusation of

} NO. H-775 SD

12 CARL CHARLES CALLAHAN, Individually and
13 as Designated Officer of Results Realty
14 of San Diego, Inc., and RESULTS REALTY OF
15 SAN DIEGO, INC.,

} A C C U S A T I O N

Respondents.

16 The complainant, John C. Kamps, a Deputy Real Estate
17 Commissioner of the State of California, for cause of Accusation
18 against CARL CHARLES CALLAHAN, Individually and as Designated
19 Officer of Results Realty of San Diego, Inc., and RESULTS REALTY
20 OF SAN DIEGO, INC., alleges as follows:

21 I

22 The complainant, John C. Kamps, a Deputy Real Estate
23 Commissioner of the State of California, makes this Accusation in
24 his official capacity.

25 II

26 That CARL CHARLES CALLAHAN (hereinafter sometimes
27 referred to as respondent CALLAHAN) was and is licensed by the

1 Department of Real Estate of the State of California as a real
2 estate broker.

3 III

4 That RESULTS REALTY OF SAN DIEGO, INC., (hereinafter
5 sometimes referred to as respondent RESULTS) was licensed by the
6 Department of Real Estate of the State of California as a
7 corporate real estate broker and was entitled so to act through
8 its designated officer who was respondent CALLAHAN. Respondent
9 CALLAHAN canceled the RESULTS license effective April 7, 1977.
10 However, respondent RESULTS retains the right to renew its license
11 upon the qualification of a licensed designated officer.

12 IV

13 On or about March 16, 1974, respondents acting jointly
14 and severally for or in expectation of compensation negotiated on
15 behalf of seller the sale of real property located at 3553
16 Sparling Street, San Diego, California from Donna L. Whittle and
17 Roy A. Whittle, sellers, to Raymond E. Evans and Myrtle M. Evans,
18 purchasers.

19 V

20 In addition to acting as agent for negotiating the sale
21 of said property, respondents jointly and severally also acted as
22 escrow holder between the parties in this transaction in that
23 respondents received and held documents and money, until each
24 party completed his obligation, for the purpose of effecting said
25 sale.

26 The escrow opened on or about April 18, 1974. The grant
27 deed was not recorded until July 14, 1975.

VI

On or about March 16, 1974, purchasers Evans instructed respondents to vest title in them, husband and wife as joint tenants. Respondents owed a duty of due care to Purchasers to follow their instructions and to promptly and correctly record the grant deed at close of escrow. On or about May 7, 1974, respondents, acting as escrow agents breached their duty when they accepted a grant deed from the sellers showing title vested in Raymond E. Evans and Myrtle M. Evans as grantees without showing their marital relationship and without showing them as joint tenants. Respondents further breached their duty by failing to have included in the grant deed that the purchasers were taking title as husband and wife and as joint tenants. Respondents further breached their duty when they failed to have said deed recorded in a timely manner and said grant deed was not recorded until July 14, 1975. Respondents negligently allowed and caused said deed to be recorded showing title vested as tenants in common and not as purchasers had instructed.

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The negligence of respondents acting jointly and severally caused damages to Myrtle M. Evans based on the following facts. On or about July 21, 1975, Raymond E. Evans died. Subsequently, Myrtle Evans attempted to sell said property but was unable to convey title in her name alone until she instituted proceedings at her own expense to probate the estate of Raymond E. Evans, her deceased husband, for the purpose of establishing title in her name.

Respondents' negligent conduct or omissions constitutes grounds for the suspension or revocation of their real estate licenses under the provisions of the California Business and Professions Code (hereinafter cited as the B & P Code) Section 10177(g).

FOR A SECOND, SEPARATE AND DISTINCT CAUSE OF ACCUSATION
COMPLAINANT ALLEGES AS FOLLOWS:

I

Complainant herein incorporates Paragraphs I through V of the First Cause of Accusation.

II

Between March 16, 1974 through, on, or about May 15, 1974 respondents jointly and severally represented to buyers and sellers that a policy of title insurance would be purchased for the purchasers; and that a policy of title insurance had in fact been purchased for \$181.50; when in fact no policy of title insurance had been purchased and when in fact \$181.50 had not been expended to purchase said title insurance policy.

III

Respondents' conduct constitutes the making of a substantial misrepresentation and fraudulent or dishonest dealing any or all of which subjects their real estate license to suspension or revocation under the provisions of B & P Sections 10176(a) and 10176(i).

/

/

WHEREFORE, the complainant prays that the above-mentioned Accusation be set for hearing, and upon proof of the charges contained therein that the Real Estate Commissioner suspend or revoke the licenses held by the respondents, and any and all rights which they may presently have in such licenses, and for such other and further relief as may be proper in the premises under the provisions of Sections 11500 through 11528 of the Government Code, and Section 10100, Division 4, of the Business and Professions Code of the State of California.

Dated at San Diego, California

this 6th day of May, 1977.

JOHN C. KAMPS

Deputy Real Estate Commissioner

cc: Carl Charles Callahan
Results Realty, Inc.
Sacto.
OAH
PJS