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FILED

MAY 08 2002

DEPARTMENT OF REAL ESTATE

By Jean Arnold

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
J. THOMAS WOOD,)	NO. H-1066 FRESNO
Respondent.)	H-25603 LA

ORDER DENYING REINSTATEMENT OF LICENSE

On July 1, 1991, in Case No. H-1066 FRESNO, an Order was rendered 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 July 22, 1991.

On June 27, 1994, in Case No. H-25603 LA, a Decision was rendered revoking the restricted real estate broker license of Respondent.

On April 25, 2000, Respondent petitioned for reinstatement of said real estate broker license, and the Attorney General of the State of California has been given notice of the filing of said petition.

1 I have considered Respondent's petition and the
2 evidence and arguments in support thereof. Respondent has failed
3 to demonstrate to my satisfaction that Respondent has undergone
4 sufficient rehabilitation to warrant the reinstatement of
5 Respondent's real estate broker license. Respondent has a
6 history of acts and conduct that led to the disciplinary actions
7 described above.

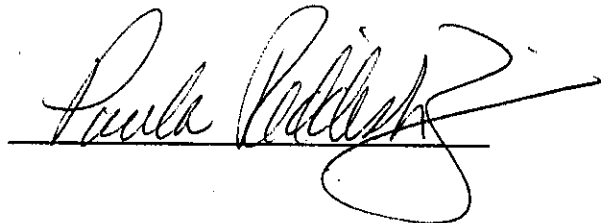
8 On or about February 9, 2001, Respondent was convicted
9 of a violation of Section 594(b)(1). Respondent's criminal
10 conduct involved presenting a fraudulent claim. In view of
11 Respondent's history of disciplinary actions and his recent
12 criminal conviction, Respondent has not demonstrated the
13 necessary rehabilitation that would justify reinstatement of
14 his real estate broker license.

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

18 This Order shall become effective at 12 o'clock
19 noon on May 28, 2002.

20
21 DATED: April 30, 2002

22 PAULA REDDISH ZINNEMANN
23 Real Estate Commissioner

24 
25
26
27

1 I have considered Respondent's petition and the evidence
2 and arguments in support thereof. Respondent has failed to
3 demonstrate to my satisfaction that Respondent has undergone
4 sufficient rehabilitation to warrant the reinstatement of
5 Respondent's real estate broker license. Respondent has a history
6 of acts and conduct which led to the disciplinary actions
7 described above. Further, Respondent continues to lay blame for
8 the discipline imposed on his licenses upon the policies of the
9 management of Glen Ivy Properties, Inc.. Consequently, Respondent
10 has not demonstrated a change in attitude from that which existed
11 at the time his license was revoked.

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

14 This Order shall become effective at 12 o'clock
15 noon on April 7, _____, 1999.

16 DATED: March 1, 1999, 1999.

17 JOHN R. LIBERATOR
18 Acting Real Estate Commissioner

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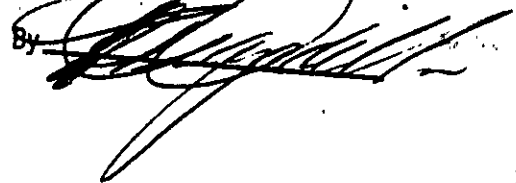
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Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, California 90012

(213) 897-3937

FILED
APR 01 1997
DEPARTMENT OF REAL ESTATE

By 

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)	No. H-25603 LA
J. THOMAS WOOD,)	
Respondent.)	

ORDER DENYING REINSTATEMENT OF LICENSE

On June 27, 1994, a Decision was rendered herein, effective July 26, 1994, revoking the real estate broker license of J. THOMAS WOOD (hereinafter referred to as Respondent).

On October 13, 1995, Respondent petitioned for reinstatement of his 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 submitted 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 license at this time. This determination has been made in light of Respondent's history of acts and conduct which are substantially

1 related to the qualifications, functions and duties of a real
2 estate licensee. That history includes:

3
4 I

5 In a prior disciplinary action Decision, in case H-1066
6 FR, an Order was made, pursuant to the Stipulation of the parties,
7 effective July 22, 1991, that Respondent's real estate broker
8 license rights, including that as designated office of Glen Ivy
9 Properties, Inc., was revoked with a right to receive a restricted
10 real estate broker license, to be suspended for 90 days from
11 issuance thereof, with 40 days stayed providing respondent paid
12 \$10,000 to the Real Estate recovery Account. (a) The grounds
13 for disciplinary action in H-1066 SA were Respondent's
14 participation in the sale of timeshare intervals in several time
15 share offerings in violation of a prior Orders to Desist and
16 Refrain, H-969 SA, and in violation of Code Sections 11012,
17 11013.4, 11018.2 and 11019 the Subdivided Lands Act. In substance,
18 H-1066 SA involved the selling of timeshare intervals without or
19 with expired public reports and the failure to deposit purchase
20 money into escrow, as required by law.

21 (b) On or about July 22, 1991, Respondent was issued a
22 restricted real estate broker license as designated officer of Glen
23 Ivy Properties, Inc. Among the conditions to the restricted
24 license was that Respondent comply with the Real Estate Law,
25 including the Subdivided Lands Act. That license was canceled as of
26 January 22, 1992.

27 /

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II

1
2 On October 22, 1993, an accusation was filed in case
3 number H-25603 LA against Glen Ivy Properties, Inc. Equity Mortgage
4 Corp. and Respondent, charging Respondents, in connection with the
5 sale of timeshare interests in several timeshare projects, in
6 substance, including but not limited to the following: using
7 purchase agreements not authorized by the Department; using
8 inducements not authorized by the Department; failing to record
9 grant deeds to the buyers while at the same time collecting
10 mortgage payments and use fees by Equity Mortgage Corp. and
11 delivering same to Glen Ivy creditors, instead of holding said
12 funds in escrow until title to the timeshare intervals was
13 delivered to buyers.

14 (a) In connection with the filing of accusation H-26503
15 LA, Respondent's restricted broker license was suspended on or
16 about November 3, 1993.

17 (b) As a result, Respondent stipulated to the revocation
18 of his real estate broker license, based on a plea of nolo
19 contendere to a single count of negligent failure to supervise
20 licensees under his supervision. Respondent admitted that the
21 Department could, if required, submit evidence at trial which could
22 establish a prima facie case that one or more violations of the
23 Real Estate Law occurred by Respondents Glen Ivy Properties, Inc.
24 and Equity Mortgage Corp. and that Respondent failed to supervise
25 the salespeople or employees of respondents Glen ivy Properties and
26 Equity Mortgage Corp. in the performance of acts requiring a
27 license.

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III

In his petition, Respondent continues to lay blame for the discipline imposed on his licenses upon the policies of the management of Glen Ivy Properties, Inc. which led to the violations of the Real Estate Law. Respondent has not changed his attitude with respect to licensing requirements from the time he was revoked and thus has not shown that he has rehabilitated himself from the circumstances which caused his license to be revoked. Respondent's attitude toward licensing requirements is not such as to show that the public will be protected. See Regulation 2911(m) from Title 10, Chapter 6, California Code of Regulations.

Further, considering the serious nature of the offenses which led to the revocation of Respondent's real estate licenses and his history of prior violations of the Real Estate law, not enough time has passed to determine that Respondent is not rehabilitated. This is cause to deny his petition pursuant to Regulation Section 2911(a).

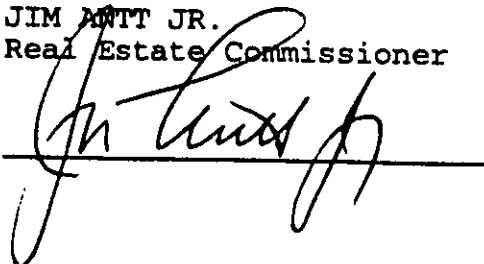
NOW, THEREFORE, IT IS ORDERED that Respondent's petition for reinstatement of his real estate broker license is denied.

This Order shall become effective at 12 o'clock noon on April 21, 1997.

DATED: 3/25/97

J. Thomas Wood
1445 Wood Side Avenue
Box 681795
Park City, Utah 84068

JIM MOTT JR.
Real Estate Commissioner



JA/SC/sc

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FILED
JUL - 1 1991
DEPARTMENT OF REAL ESTATE

By Laurie A. Zuer

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
GLEN IVY PROPERTIES, INC.,)	NO. H-1066 FRESNO
J. THOMAS WOOD,)	STIPULATION IN
Respondents.)	<u>SETTLEMENT AND ORDER</u>

It is hereby stipulated by and between GLEN IVY PROPERTIES, INC. (hereinafter "respondent GLEN IVY") and J. THOMAS WOOD (hereinafter "respondent WOOD") and their attorney of record, Raymond J. Gaskill, and the Complainant, acting by and through David A. Peters, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on May 6, 1991 in this matter.

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

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

7 3. Respondents hereby freely and voluntarily withdraw
8 the Notices of Defense filed May 28, 1991, pursuant to Section
9 11505 of the Government Code for the purpose of requesting a
10 hearing on the allegations in the Accusation. Respondents
11 acknowledge that they understand that by withdrawing any said
12 Notices of Defense they will thereby waive their right to require
13 the Commissioner to prove the allegations in the Accusation at a
14 contested hearing held in accordance with the provisions of the
15 APA and that they will waive other rights afforded to them in
16 connection with the hearing such as the right to present evidence
17 in defense of the allegations in the Accusation and the right to
18 cross-examine witnesses.

19 4. Respondents, pursuant to the limitations set forth
20 below, hereby agree that this matter shall be submitted on the
21 pleadings filed in these proceedings without admitting any of the
22 allegations contained therein. The Real Estate Commissioner shall
23 not be required to provide further evidence to prove said
24 allegations. The parties hereto intend that the Decision not be
25 given res judicata/collateral estoppel effect except as between
26 them.

27 ///

1 with Sections 10238.3, 10249, 11018.2, 10145, 11019, 10163, 11012,
2 and 11013.4 of the Code and Sections 2830, 2831.1, 2725, 2715 and
3 2834 of Title 10, California Code of Regulations and Sections
4 10176(a) and 10177(j) of the Code.

5 ORDER

6 A. All licenses and licensing rights of respondent GLEN
7 IVY under the Real Estate Law are suspended for a period of three
8 hundred and sixty-five (365) days from the effective date of this
9 Decision; provided, however, that forty (40) days of said
10 suspension shall be stayed upon condition that:

11 (1) Respondent GLEN IVY petitions pursuant to Section
12 10175.2 of the Business and Professions Code and pays a monetary
13 penalty pursuant to Section 10175.2 of the Code at a rate of
14 \$250.00 for each day of forty (40) days of said suspension for a
15 total monetary penalty of \$10,000.00.

16 (2) Said payment shall be in the form of a cashier's
17 check or certified check made payable to the Recovery Account of
18 the Real Estate Fund. Said check must be delivered to the
19 Department prior to the effective date of the Decision in this
20 matter. If Respondent fails to pay the monetary penalty in
21 accordance with the terms and conditions of the Decision, the
22 Commissioner may, without a hearing, order the immediate execution
23 of all or any part of the stayed suspension in which event the
24 Respondent shall not be entitled to any repayment nor credit,
25 prorated or otherwise, for money paid to the Department under the
26 terms of this Decision.

27 ///

1 (3) If respondent GLEN IVY pays the monetary penalty
2 and if no further cause for disciplinary action against the real
3 estate license of respondent GLEN IVY occurs within five (5) years
4 from the effective date of the Decision, the stay hereby granted
5 shall become permanent.

6 (4) The remaining three hundred and twenty-five (325)
7 days of said suspension shall be stayed for five (5) years upon
8 the following terms and conditions:

9 (a) Respondent GLEN IVY shall obey all laws, rules and
10 regulations governing the rights, duties and
11 responsibilities of a real estate licensee in the State
12 of California; and

13 (b) That no final subsequent determination be made,
14 after hearing or upon stipulation, that cause for
15 disciplinary action occurred within five (5) years of
16 the effective date of this Decision. Should such a
17 determination be made, the Commissioner may, in his
18 discretion, vacate and set aside the stay order and
19 reimpose all or a portion of the stayed suspension.
20 Should no such determination be made, the stay imposed
21 herein shall become permanent.

22 B. The real estate broker license and all license
23 rights of respondent WOOD under the Real Estate Law are revoked.

24 C. A restricted real estate broker license shall be
25 issued to respondent WOOD pursuant to Business and Professions
26 Code Section 10156.5 if respondent WOOD makes application therefor

27 ///

1 and pays to the Department, the appropriate fee for said license
2 within ninety (90) days from the effective date of this Decision
3 herein.

4 D. The restricted license issued to respondent WOOD
5 shall be subject to all the provisions of Section 10156.7 of the
6 Business and Professions Code and to the following limitations,
7 conditions and restrictions imposed under authority of Section
8 10156.6 of said Code:

9 (1) The license shall not confer any property right in
10 the privileges to be exercised, and the Real Estate Commissioner
11 may by appropriate order suspend the right to exercise any
12 privileges granted under the restricted license in the event of:

13 (a) The conviction of respondent WOOD (including a
14 plea of nolo contendere) to a crime which bears a
15 significant relation to respondent WOOD's fitness or
16 capacity as a real estate licensee; or

17 (b) The receipt of evidence that respondent WOOD has
18 violated provisions of the California Real Estate Law,
19 the Subdivided Lands Law, Regulations of the Real Estate
20 Commissioner or conditions attaching to the restricted
21 license.

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

27 ///

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

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

20 G. Any restricted real estate broker license issued to
21 respondent WOOD pursuant to this Decision shall be suspended for
22 ninety (90) days from the effective date of issuance of said
23 restricted license; provided, however, that forty (40) days of
24 said suspension shall be stayed upon condition that:

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27 ///

1 (1) Respondent WOOD petitions pursuant to Section
2 10175.2 of the Business and Professions Code and pays a monetary
3 penalty pursuant to Section 10175.2 of the Code at a rate of
4 \$250.00 for each day of the forty (40) days of said suspension for
5 a total monetary penalty of \$10,000.00.

6 (2) Said payment shall be in the form of a cashier's
7 check or certified check made payable to the Recovery Account of
8 the Real Estate Fund. Said check must be delivered to the
9 Department prior to the effective date of the Decision in this
10 matter. If respondent WOOD fails to pay the monetary penalty in
11 accordance with the terms and conditions of the Decision, the
12 Commissioner may, without a hearing, order the immediate execution
13 of all or any part of the stayed suspension in which event
14 respondent WOOD shall not be entitled to any repayment nor credit,
15 prorated or otherwise, for money paid to the Department under the
16 terms of this Decision.

17 (3) If respondent WOOD pays the monetary penalty and if
18 no further cause for disciplinary action against the real estate
19 license of Respondent occurs within one (1) year from the date of
20 issuance of a restricted license to respondent WOOD, the stay
21 hereby granted shall become permanent.

22 (4) The remaining fifty (50) days of said suspension
23 shall be stayed for one year from the date of issuance of a
24 restricted license to respondent WOOD upon the following terms and
25 conditions:

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27 ///

1 (a) Respondent WOOD shall obey all laws, rules and
2 regulations governing the rights, duties and
3 responsibilities of a real estate licensee in the
4 State of California; and
5 (b) That no final determination be made, after hearing
6 or upon stipulation, that cause for disciplinary action
7 occurred within one (1) year from the date of issuance
8 of a restricted license to respondent WOOD. Should such
9 a determination be made, the Commissioner may, in his
10 discretion, vacate and set aside the stay order and
11 reimpose all or a portion of the stayed suspension.
12 Should no such determination be made, the stay imposed
13 herein shall become permanent.

14 H. Any restricted real estate broker license issued to
15 respondent WOOD may be suspended or revoked for a violation by
16 respondent WOOD of any of the conditions attaching to the
17 restricted license.

18 DATED: June 14, 1991 DEPARTMENT OF REAL ESTATE


19
20 David A. Peters
21 DAVID A. PETERS
Counsel for the Complainant

22 * * *


23 I have read the Stipulation and Agreement, have
24 discussed it with my counsel, and its terms are understood by me
25 and are agreeable and acceptable to me. I understand that I am
26 waiving rights given to me by the California Administrative
27 Procedure Act (including but not limited to Sections 11506, 11508,

1 11509 and 11513 of the Government Code), and I willingly,
2 intelligently, and voluntarily waive those rights, including the
3 right of requiring the Commissioner to prove the allegations in
4 the Accusation at a hearing at which I would have the right to
5 cross-examine witnesses against me and to present evidence in
6 defense and mitigation of the charges.

7 DATED: 6/19/91


8
9 
GLEN IVY PROPERTIES, INC.
Respondent
By: J. Thomas Wood

10
11 DATED: 6/19/91

12
13 
14 J. THOMAS WOOD
Respondent

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

17 DATED: 6/19/91

18
19 
20 RAYMOND B. GASKILL
Attorney for Respondents

21 * * *

22 The foregoing Stipulation and Agreement for settlement
23 is hereby adopted by the Real Estate Commission's Decision and Order
24 and shall become effective at 12 o'clock noon on July 22, 1991,
25 1991.

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IT IS SO ORDERED July 1, 1991.

DATED: July 1, 1990

CLARK WALLACE
Real Estate Commissioner

Clark Wallace

1 DAVID A. PETERS, Counsel
2 Department of Real Estate
3 P. O. Box 187000
4 Sacramento, CA 95818-7000

FILED
MAY - 6 1991
DEPARTMENT OF REAL ESTATE

5 (916) 739-3607

By *Laurie A. Zain*

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 GLEN IVY PROPERTIES, INC.,) NO. H-1066 FRESNO
13 J. THOMAS WOOD,) ACCUSATION
14 Respondents.)

15 The Complainant, Jerry E. Fiscus, a Deputy Real Estate
16 Commissioner of the State of California, for cause of Accusation
17 against GLEN IVY PROPERTIES, INC. and J. THOMAS WOOD, is informed
18 and alleges as follows:

19 FIRST CAUSE OF ACCUSATION

20 1.

21 The Complainant, Jerry E. Fiscus, a Deputy Real Estate
22 Commissioner of the State of California, makes this Accusation
23 against Respondents in his official capacity.

24 2.

25 At all times herein mentioned GLEN IVY PROPERTIES, INC.
26 (hereinafter "respondent GLEN IVY") and J. THOMAS WOOD
27 (hereinafter "respondent WOOD") are presently licensed and/or have

1 license rights under the Real Estate Law (Part 1 of Division 4 of
2 the California Business and Professions Code) (hereinafter
3 "Code").

4 3.

5 At all times material herein, respondent GLEN IVY was
6 licensed as a real estate broker corporation with respondent WOOD
7 as designated broker-officer.

8 4.

9 At all times material herein, respondent WOOD was
10 licensed as a real estate broker and as the designated broker-
11 officer of respondent GLEN IVY.

12 5.

13 Whenever reference is made in an allegation in this
14 Accusation to an act or omission of "Respondents", such allegation
15 shall be deemed to mean the act or omission of each of the
16 Respondents named in the caption hereof, acting individually,
17 jointly, and severally.

18 6.

19 Whenever reference is made in an allegation in this
20 Accusation to an act or omission of respondent GLEN IVY or
21 respondent WOOD, such allegation shall be deemed to mean that the
22 officers, directors, employees, agents and real estate licensees
23 employed by or associated with respondent GLEN IVY or respondent
24 WOOD committed such act or omission while engaged in the
25 furtherance of the business or operations of respondent GLEN IVY
26 or respondent WOOD and while acting within the course and scope of
27 their corporate authority and employment.

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7.

At all times material herein, respondent GLEN IVY and respondent WOOD were performing acts requiring a real estate license for or in expectation of a compensation.

8.

Beginning on or before October 15, 1989 and continuing through on or after December 1, 1989, respondent GLEN IVY and respondent WOOD sold or leased or offered for sale or lease certain subdivided real property as defined in Section 10249.1(c) of the Code.

9.

Said subdivided lands are known as or commonly called The Pono Kai and are located in or near the County of Kauai, State of Hawaii, and are further identified in Department of Real Estate File Number 001023 HS-A04.

10.

On or about July 11, 1988, the Department issued an out-of-state time share permit for the sale of interests within The Pono Kai to Glen Ivy Resorts, Inc., a California corporation.

11.

On or about July 10, 1989, said out-of-state timeshare permit expired.

12.

Beginning on or before October 15, 1989 and continuing through on or about December 1, 1989, respondent GLEN IVY and respondent WOOD, acting on behalf of another or others and in expectations of compensation and at a time when the out-of-state

1 timeshare permit described in Paragraph 10, had expired as
2 described in Paragraph 11, sold or leased or offered for sale or
3 lease in the State of California, lots, units, parcels or
4 interests in The Pono Kai as follows:

5	<u>DATE</u>	<u>BUYERS</u>
6	October 15, 1989	F.M. & Irma G. Hutchison
7	November 11, 1989	William C. & Gere Crider
8	December 1, 1989	William Gary & Karen Crider

9 13.

10 The acts and omissions of respondent GLEN IVY and
11 respondent WOOD set forth in the First Cause of Accusation are
12 grounds for the suspension or revocation of Respondents' licenses
13 and/or license rights under Section 10177(d) of the Code in
14 conjunction with Sections 10238.3 and 10249 of the Code.

15 SECOND CAUSE OF ACCUSATION

16 14.

17 There is hereby incorporated in this second, separate
18 and distinct cause of accusation all of the allegations contained
19 in Paragraphs 1, 2, 3, 4, 5, 6 and 7 of the First Cause of
20 Accusation with the same, force and effect as if herein fully set
21 forth.

22 15.

23 On, before or after August 20, 1989, respondent GLEN IVY
24 and respondent WOOD sold or leased or offered for sale or lease
25 certain subdivided real property as defined in Section 10249.1(c)
26 of the Code.

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16.

Said subdivided lands are known as or commonly called Park-Plaza VIP Club aka Park Plaza Resort and are located in or near the County of Summit, State of Utah, and are further identified in Department of Real Estate File Number 001040 HS-A02.

17.

On or about September 27, 1986, the Department issued an out-of-state timeshare permit for the sale of interests within Park Plaza Resort to Glen Ivy Resorts, Inc., a California corporation.

18.

On or about November 12, 1986, the Department issued a renewed and second amendment to the out-of-state timeshare permit for the sale of interests within Park Plaza Resort to Glen Ivy Resorts, Inc., a California corporation.

19.

On or about November 11, 1987, said out-of-state timeshare permit expired.

20.

Beginning on or before August 20, 1989, respondent GLEN IVY and respondent WOOD, acting on behalf of another or others and in expectations of compensation and at a time when the out-of-state timeshare permit described in Paragraphs 17 and 18, had expired as described in Paragraph 19, sold or leased or offered for sale or lease in the State of California, lots, units, parcels or interests in Park Plaza Resort to Robert and Dana Keller.

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21.

The acts and omissions of respondent GLEN IVY and respondent WOOD set forth in the Second Cause of Accusation are grounds for the suspension or revocation of Respondents' licenses and/or license rights under Section 10177(d) of the Code in conjunction with Sections 10238.3 and 10249 of the Code.

THIRD CAUSE OF ACCUSATION

22.

There is hereby incorporated in this third, separate and distinct cause of accusation all of the allegations contained in Paragraphs 1, 2, 3, 4, 5, 6 and 7 of the First Cause of Accusation with the same, force and effect as if herein fully set forth.

23.

On or before November 1, 1989 and continuing through on or after June 27, 1990, respondent GLEN IVY and respondent WOOD sold or leased or offered for sale or lease certain subdivided real property as defined in Section 10249.1(c) of the Code.

24.

Said subdivided lands are known as or commonly called Havasu Dunes and are located in or near the County of Mohave, State of Arizona, and are further identified in Department of Real Estate File Number 001051 HS-F00.

25.

On or about April 28, 1989, the Department issued an out-of-state timeshare permit for the sale of interests within Havasu Dunes to Glen Ivy Resorts, Inc., a California corporation.

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26.

On or about April 27, 1990, said out-of-state timeshare permit expired.

27.

On or about June 27, 1990, respondent GLEN IVY and respondent WOOD, acting on behalf of another or others and in expectations of compensation and at a time when the out-of-state timeshare permit described in Paragraph 25, had expired as described in Paragraph 26, sold or leased or offered for sale or lease in the State of California, lots, units, parcels or interests in Havasu Dunes to Gary A. Whitehead.

28.

The acts and omissions of respondent GLEN IVY and respondent WOOD set forth in the Third Cause of Accusation are grounds for the suspension or revocation of Respondents' licenses and/or license rights under Section 10177(d) of the Code in conjunction with Sections 10238.3 and 10249 of the Code.

FOURTH CAUSE OF ACCUSATION

29.

There is hereby incorporated in this fourth, separate and distinct cause of accusation all of the allegations contained in Paragraphs 1, 2, 3, 4, 5, 6 and 7 of the First Cause of Accusation with the same, force and effect as if herein fully set forth.

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30.

On or before September 1989 and continuing through on or after November 15, 1989, respondent GLEN IVY and respondent WOOD sold or leased or offered for sale or lease certain subdivided real property as defined in Section 10249.1(c) of the Code.

31.

Said subdivided lands are known as or commonly called The Shores of Lake Travis Vacation Villages III and are located in or near the County of Travis, State of Texas. No permit had been obtained from the Department of Real Estate as required by Section 10249 of the Code to sell said subdivided lands.

32.

On or before September 2, 1989 and continuing through on or about November 15, 1989, respondent GLEN IVY and respondent WOOD, acting on behalf of another or others and in expectations of compensation, sold or leased or offered for sale or lease in the State of California, lots, units, parcels or interests in The Shores at Lake Travis Vacation Villages III for which no permit had been obtained from the Department of Real Estate as required by Section 10249 of the Code as follows:

<u>DATE</u>	<u>BUYERS</u>
September 19, 1989	William E. Daniel
November 15, 1989	Charles and Debra Sharrocks

33.

The acts and omissions of respondent GLEN IVY and respondent WOOD set forth in the Fourth Cause of Accusation are grounds for the suspension or revocation of Respondents' licenses

1 and/or license rights under Section 10177(d) of the Code in
2 conjunction with Sections 10238.3 and 10249 of the Code.

3 FIFTH CAUSE OF ACCUSATION

4 34.

5 There is hereby incorporated in this fifth, separate and
6 distinct cause of accusation all of the allegations contained in
7 Paragraphs 1, 2, 3, 4, 5, 6 and 7 of the First Cause of Accusation
8 with the same, force and effect as if herein fully set forth.

9 35.

10 On, before or after December 9, 1989, respondent GLEN
11 IVY and respondent WOOD sold or leased or offered for sale or
12 lease certain subdivided real property as defined in Sections
13 11003.5 and 11004.5 of the Code.

14 36.

15 Said subdivided lands are known as or commonly called
16 The Plaza Resort and Spa and are located in or near the County of
17 Riverside, State of California, and are further identified in
18 Department of Real Estate File Number 010003 HF-A05.

19 37.

20 On or about November 16, 1982, the Department issued a
21 Final Timeshare Public Report for the sale of interests within The
22 Plaza Resort and Spa to The Plaza of Palm Springs, Inc., a
23 California corporation.

24 38.

25 On or about February 22, 1985, the Department issued the
26 fifth amendment to the Final Timeshare Public Report for The Plaza
27 Resort and Spa to the Plaza of Palm Springs, Inc., a California
28 corporation.

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39.

On or about November 15, 1987, said Final Timeshare Public Report expired.

40.

On or about December 9, 1989, respondent GLEN IVY and respondent WOOD, acting on behalf of another or others and in expectations of compensation and at a time when the Final Timeshare Public Report described in Paragraphs 37 and 38, had expired as described in Paragraph 39, sold or leased or offered for sale or lease in the State of California, lots, units, parcels or interests in The Plaza Resort and Spa to Gary, Lisa, Ken and Stacy Barnett.

41.

The acts and omissions of respondent GLEN IVY and respondent WOOD set forth in the Fifth Cause of Accusation are grounds for the suspension or revocation of Respondents' licenses and/or license rights under Section 10177(d) of the Code in conjunction with Section 11018.2 of the Code and Section 2794 of the Regulations.

SIXTH CAUSE OF ACCUSATION

42.

There is hereby incorporated in this sixth, separate and distinct cause of accusation all of the allegations contained in Paragraphs 1, 2, 3, 4, 5, 6 and 7 of the First Cause of Accusation with the same, force and effect as if herein fully set forth.

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43.

On, before or after November 10, 1989, respondent GLEN IVY and respondent WOOD sold or leased or offered for sale or lease certain subdivided real property as defined in Sections 11003.5 and 11004.5 of the Code.

44.

Said subdivided lands are known as or commonly called Laguna Surf and are located in or near the County of Orange, State of California, and are further identified in Department of Real Estate File Number 010026 HP-A02.

45.

On or about April 27, 1984, the Department issued a Final Timeshare Project Public Report for the sale of interests within Laguna Surf to Glen Ivy Financial Group of Utah, Inc., a Utah corporation.

46.

On or about March 21, 1986, the Department issued a second amendment to the Final Timeshare Project Public Report for sale of interests within Laguna Surf to Glen Ivy Financial Group of Utah, Inc., a Utah corporation.

47.

On or about April 26, 1989, said Final Timeshare Project Public Report expired.

48.

On or about November 10, 1989, respondent GLEN IVY and respondent WOOD, acting on behalf of another or others and in expectations of compensation and at a time when the Final

1 Timeshare Project Public Report described in Paragraphs 45 and 46,
2 had expired as described in Paragraph 47, sold or leased or
3 offered for sale or lease in the State of California, lots, units,
4 parcels or interests in The Laguna Surf to Daniel J. Okumura and
5 Linda Ellis.

6 49.

7 The acts and omissions of respondent GLEN IVY and
8 respondent WOOD set forth in the Sixth Cause of Accusation are
9 grounds for the suspension or revocation of Respondents' licenses
10 and/or license rights under Section 10177(d) of the Code in
11 conjunction with Section 11018.2 of the Code and Section 2794 of
12 the Regulations.

13 SEVENTH CAUSE OF ACCUSATION

14 50.

15 There is hereby incorporated in this second, separate
16 and distinct cause of accusation all of the allegations contained
17 in Paragraphs 1, 2, 3, 4, 5, 6 and 7 of the First Cause of
18 Accusation with the same, force and effect as if herein fully set
19 forth. .

20 51.

21 Beginning on, before or after September 9, 1989,
22 respondent GLEN IVY and respondent WOOD sold or leased or offered
23 for sale or lease certain subdivided real property as defined in
24 Sections 11003.5 and 11004.5 of the Code.

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52.

Said subdivided lands are known as or commonly called San Luis Bay Inn Timeshare Resort and are located in or near the County of San Luis Obispo, State of California, and are further identified in Department of Real Estate File Number 010134 HF-L01.

53.

On or about June 9, 1989, the Department issued a Preliminary Public Report for the San Luis Bay Inn Timeshare Resort to Glen Ivy Resorts, Inc., a California corporation.

54.

Said Preliminary Public Report described in Paragraph 53, permitted the taking of reservations for the purchase or lease of timeshare interests by Glen Ivy Resorts, Inc., but prohibited the negotiation, sale or lease of timeshare interests in said subdivision until a Final Public Report had been obtained from the Department.

55.

Beginning on or before September 9, 1989 and continuing through on or about January 30, 1990, respondent GLEN IVY and respondent WOOD, acting on behalf of another or others and in expectation of compensation, sold or leased or offered for sale or lease in the State of California, 329 lots, units, parcels or interests in the San Luis Bay Inn Timeshare Resort for which no Final Public Report had been obtained from the Department of Real Estate including the following:

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DATE

BUYERS

September 9, 1989
September 10, 1989

Donna Young
Donald Schwartz

56.

On or about January 31, 1990, the Department issued a Final Subdivision Public Report for the sale of interests in the San Luis Bay Inn Timeshare Resort to Glen Ivy Resorts, Inc., a California corporation.

57.

The acts and omissions of respondent GLEN IVY and respondent WOOD set forth in the Seventh Cause of Accusation are grounds for the suspension or revocation of Respondents' licenses and/or license rights under Section 10177(d) of the Code in conjunction with Section 11018.2 of the Code and Section 2794 of the Regulations.

EIGHTH CAUSE OF ACCUSATION

58.

There is hereby incorporated in this eighth, separate and distinct cause of accusation all of the allegations contained in Paragraphs 1, 2, 3, 4, 5, 6 and 7 of the First Cause of Accusation with the same, force and effect as if herein fully set forth.

59.

On or about September 29, 1989, the Real Estate Commissioner filed a Desist and Refrain Order in Case No. H-981 FRESNO ordering Glen Ivy Resorts, Inc., and its officers, agents and employees to desist and refrain from selling or leasing or

1 offering for sale or lease any lots, units, interests or parcels
2 in San Luis Bay Timeshare Resort until Glen Ivy Resorts, Inc.
3 obtained a final public report for said subdivision.

4 60.

5 Beginning on or about September 30, 1989 and continuing
6 through on or about January 30, 1990, respondent GLEN IVY and
7 respondent WOOD offered for sale or sold timeshare interests in
8 The Pona Kai and Desert Breezes/Havasu Dunes as follows:

9	<u>DATE</u>	<u>TIMESHARE</u>	<u>BUYER</u>
10	October 11, 1989	The Pona Kai	Gere Crider
11	October 11, 1989	Desert Breezes/ Havasu Dunes	Federico & Gladys Porter
12	October 11, 1989	Desert Breezes/	C. Ed Ashley
13	October 15, 1989	The Pona Kai	Fountain Hutchison
14	December 1, 1989	The Pona Kai	William Crider

15
16 61.

17 In order to induce the Buyers to purchase timeshare
18 interests as described in Paragraph 60, respondent GLEN IVY and
19 respondent WOOD represented to Buyers that they would be able to
20 exchange at some future time the timeshare interest being
21 purchased for a timeshare interest in the San Luis Bay Inn
22 Timeshare Resort. Said offer to exchange the timeshare interest
23 being purchased for a timeshare interest in the San Luis Bay Inn
24 Timeshare Resort constituted a violation of the order described in
25 Paragraph 59.

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62.

Said representations described in Paragraph 61, were false or misleading when made by respondent GLEN IVY and respondent WOOD with no reasonable grounds for believing said representations to be true. In truth and in fact, the Respondents were unable to offer interests in the San Luis Bay Inn Timeshare Resort because of the order described in Paragraph 59.

63.

In reliance on the false or misleading representations made by respondent GLEN IVY and respondent WOOD, the Buyers described in Paragraph 60, purchased the timeshare interests as described in Paragraph 60.

64.

The acts and omissions of respondent GLEN IVY and respondent WOOD set forth in this Eighth Cause of Accusation are grounds for the suspension or revocation of Respondents' licenses and/or license rights under Sections 10176(a) and 10177(d) in conjunction with Section 11019 of the Code.

NINTH CAUSE OF ACCUSATION

65.

There is hereby incorporated in this ninth, separate and distinct cause of accusation all of the allegations contained in Paragraphs 1, 2, 3, 4, 5, 6 and 7 of the First Cause of Accusation with the same, force and effect as if herein fully set forth.

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66.

Beginning on or before July 1, 1989 and continuing through on or after December 31, 1989, respondent GLEN IVY and respondent WOOD acting on behalf of another or others and in expectation of compensation sold or leased or offered for sale or lease certain subdivided real property as defined in Sections 11003.4 and 11004.5 of the Code.

67.

Said subdivided lands are known as or commonly called San Luis Bay Inn Timeshare Resort and are located in or near the County of San Luis Obispo, State of California, and are further identified in Department of Real Estate File Number 010134 HF-L01.

68.

During the course of the timeshare sales activities described in Paragraph 66, respondent GLEN IVY and respondent WOOD received and disbursed funds held in trust on behalf of another or others.

69.

Beginning on or about July 1, 1989 and continuing through on or about December 31, 1989, respondent GLEN IVY and respondent WOOD at various times in connection with the timeshare sales activities described in Paragraph 66, failed to deposit all trust funds received into a neutral escrow depository or into the hands of the principal on whose behalf the funds were received or into a trust account in Respondents' names at a bank or other financial institution within one business day following receipt of said trust funds.

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70.

Beginning on or before July 1, 1989 and continuing through on or after December 31, 1989, respondent GLEN IVY and respondent WOOD in connection with the timeshare sales activities described in Paragraph 66, failed to maintain a separate record for each beneficiary or transaction accounting therein for all said trust funds received, deposited and disbursed.

71.

Beginning on or about July 1, 1989 and continuing through on or about December 31, 1989, respondent WOOD in connection with the timeshare sales activities described in Paragraph 66, failed to review, initial and date within five (5) working days all instruments having a material effect upon a party's rights or obligations prepared or signed by respondent WOOD's employees, associates, or real estate salespersons.

72.

Beginning on or about July 1, 1989 and continuing thereafter, respondent GLEN IVY and respondent WOOD in connection with the timeshare sales activities described in Paragraph 66, failed to obtain an additional license for a branch office maintained by respondent GLEN IVY and respondent WOOD at Hartford Drive, P. O. Box 219, Avila Beach, California.

73.

Beginning on or before July 1, 1989 and continuing thereafter, respondent GLEN IVY and respondent WOOD failed to maintain on file with the Commissioner the address of the branch business office located at Hartford Drive, P. O. Box 219, Avila Beach, California.

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74.

Within the three-year period immediately preceding the filing of this Accusation and continuing through on or about December 31, 1989, respondent WOOD failed to immediately notify the Commissioner in writing when real estate salespersons entered the employ or terminated the employ of respondent GLEN IVY and/or respondent WOOD.

75.

The acts and omissions of respondent GLEN IVY and respondent WOOD set forth in this Ninth Cause of Accusation are grounds for the suspension or revocation of Respondents' licenses and/or license rights under the following sections of the Code and of the Regulations:

(a) As to respondent WOOD and Paragraph 69, under Section 10177(d) of the Code in conjunction with Section 10145 of the Code and Section 2830 of the Regulations;

(b) As to Paragraph 70, under Section 10177(d) of the Code in conjunction with Section 2831.1 of the Regulations;

(c) As to Paragraph 71, under Section 10177(d) of the Code in conjunction with Section 2725 of the Regulations;

(d) As to Paragraph 72, under Section 10177(d) of the Code in conjunction with Section 10163 of the Code; and

(e) As to Paragraph 73, under Section 10177(d) of the Code in conjunction with Section 2715 of the Regulations.

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TENTH CAUSE OF ACCUSATION

76.

There is hereby incorporated in this tenth, separate and distinct cause of accusation all of the allegations contained in Paragraphs 1, 2, 3, 4, 5, 6 and 7 of the First Cause of Accusation with the same, force and effect as if herein fully set forth.

77.

Beginning on or about February 1, 1990 through on or about March 30, 1990, respondent GLEN IVY and respondent WOOD, acting on behalf of another or others and in expectation of a compensation, sold or leased or offered for sale or lease certain subdivided real property as defined in Sections 11003.5 and 11004.5 of the Code.

78.

Said subdivided lands are known as or commonly called San Luis Bay Inn Timeshare Resort and are located in or near San Luis Obispo County, State of California, and are further identified in the Department of Real Estate File Number 010134 HF-LO1.

79.

On or about June 23, 1989, Glen Ivy Resorts, Inc. filed or caused to be filed with the Department, a questionnaire and application for public report (hereinafter "application") for the subdivision together with supporting documents. On or about January 31, 1990, based upon the representations and assurances given in said application and supporting documents the Commissioner of the California Department of Real Estate issued his Final Subdivision Public Report.

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80.

In connection with said application and supporting documents, Glen Ivy Resorts, Inc. represented to the Department that all timeshare purchase funds for the subdivision would be directly deposited in a neutral escrow at Emerald Escrow Company, Corona, California.

81.

Respondent GLEN IVY and respondent WOOD sold said timeshare interests at a time that all timeshare purchase funds for the subdivision were not directly deposited in a neutral escrow at Emerald Escrow which constitutes a material change in the setup of the offering of interests in the subdivision.

82.

At no time did respondent GLEN IVY or respondent WOOD notify the Commissioner in writing of the foregoing changes in the setup of the subdivision.

83.

Beginning on or about February 1, 1990 through on or about March 30, 1990, respondent GLEN IVY and respondent WOOD at various times sold or leased lots or parcels within the subdivision and failed to deposit the entire sum of money paid or advanced by the purchaser or lessee of any lot or parcel, into an escrow acceptable to the Commissioner or into a trust account acceptable to the Commissioner to be held in the escrow depository or trust account until the requirements of Section 11013.4(a) of the Code had been satisfied.

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84.

The acts and/or omissions as set forth above are cause for the suspension or revocation of Respondents' licenses and/or license rights under Sections 11012 and 11013.4 of the Code in conjunction with Section 10177(d) of the Code and Section 10177(j) of the Code.

ELEVENTH CAUSE OF ACCUSATION

85.

There is hereby incorporated in this eleventh, separate and distinct cause of accusation all of the allegations contained in Paragraphs 1, 2, 3, 4, 5, 6 and 7 of the First Cause of Accusation with the same, force and effect as if herein fully set forth.

86.

Beginning on or about February 1, 1990 through on or about March 30, 1990, respondent GLEN IVY and respondent WOOD, acting on behalf of another or others and in expectation of a compensation, sold or leased or offered for sale or lease certain subdivided real property as defined in Sections 11003.5 and 11004.5 of the Code.

87.

Said subdivided lands are known as or commonly called San Luis Bay Inn Timeshare Resort and are located in or near the County of San Luis Obispo, State of California, and are further identified in the Department of Real Estate File Number 010134 HF-L01.

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88.

During the course of the timeshare sales activities described in Paragraph 86, respondent GLEN IVY and respondent WOOD received and disbursed funds held in trust on behalf of another or others.

89.

Beginning on or before February 1, 1990 and continuing through on or about March 30, 1990, respondent GLEN IVY and respondent WOOD at various times sold or leased lots or parcels within the subdivision and failed to deposit the entire sum of money paid or advanced by the purchaser or lessee of any lot or parcel into an escrow acceptable to the Commissioner or into a trust account acceptable to the Commissioner to be held in the escrow depository or trust account until the requirements of Section 11013.4(a) of the Code had been satisfied.

90.

Beginning on or about February 1, 1990 through on or about March 30, 1990, in connection with the receipt and disbursement of trust funds described in Paragraph 88, respondent GLEN IVY and respondent WOOD permitted withdrawals to be made from said trust fund accounts described, by persons other than a salesperson licensed by Respondents and authorized in writing by Respondents to withdraw said funds, or an unlicensed employee covered by a fidelity bond indemnifying Respondents against loss in an amount sufficient to cover the maximum amount of funds to which the employee had access at any time.

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91.

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2 Beginning on or about February 1, 1990 through on or
3 about March 30, 1990, in connection with the receipt and
4 disbursement of trust funds described in Paragraph 88, respondent
5 GLEN IVY and respondent WOOD at various times in connection with
6 the timeshare sales activities described in Paragraph 86, failed
7 to deposit all trust funds received into a neutral escrow
8 depository or into the hands of the principal on whose behalf the
9 funds were received or into a trust account in Respondents' names
10 at a bank or other financial institution within one business day
11 following receipt of said trust funds.

92.

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13 The acts and omissions of respondent GLEN IVY and
14 respondent WOOD set forth in this Eleventh Cause of Accusation are
15 grounds for the suspension or revocation of Respondents' licenses
16 and/or license rights under the following sections of the Code and
17 of the Regulations:

18 (a) As to Paragraph 89, under Section 10177(d) of the
19 Code in conjunction with Section 11013.4 of the Code;

20 (b) As to Paragraph 90, under Section 10177(d) of the
21 Code in conjunction with Section 10145 of the Code and Section
22 2834 of the Regulations; and


23 (c) As to Paragraph 91, under Section 10177(d) of the
24 Code in conjunction with Section 10145 of the Code and Section
25 2830 of the Regulations.

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


JERRY E. FISCUS
Deputy Real Estate Commissioner

Dated at Fresno, California
this 2nd day of April, 1991.