

1 I have considered the petition of Respondent and the
2 evidence and arguments in support thereof. Respondent has
3 demonstrated to my satisfaction that Respondent meets the
4 requirements of law for the issuance to Respondent of an
5 unrestricted real estate salesperson license and that it would
6 not be against the public interest to issue said license to
7 Respondent.

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

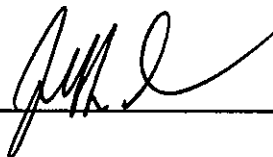
13 1. Submittal of a completed application and payment of
14 the fee for a real estate salesperson license.

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

20 This Order shall be effective immediately.

21 DATED: 4-24-07

22 JEFF DAVI
23 Real Estate Commissioner

24 
25 _____
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1 Department of Real Estate
2 P. O. Box 187000
3 Sacramento, CA 95818-7000
4
5 Telephone: (916) 227-0789
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FILED
APR - 2 2003

DEPARTMENT OF REAL ESTATE
Luis A. Gonzalez Jr.

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) No. H-1557 FRESNO
12 RICHARD TODD DE PONTE,) OAH No. N-2002110077
13 Respondents.) STIPULATION AND AGREEMENT
14

15 It is hereby stipulated by and between RICHARD TODD
16 DE PONTE (hereinafter "Respondent"), and his attorney of record
17 Louis A. Gonzalez Jr. and the Complainant, acting by and through
18 David A. Peters, Counsel for the Department of Real Estate, as
19 follows for purpose of settling and disposing of the Accusation
20 filed September 5, 2002, in this matter:

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) (Government Code Section 11500 et seq.),
26 shall instead and in place thereof be submitted solely on the
27 basis of the provisions of this Stipulation and Agreement.

1 2. Respondent has received, read and understands the
2 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 18, 2002, Respondent filed his
6 Notice of Defense pursuant to Section 11505 of the Government
7 Code for the purpose of requesting a hearing on the allegations
8 in the Accusation. Respondent hereby freely and voluntarily
9 withdraws his Notice of Defense. Respondent acknowledges that
10 by withdrawing said Notice of Defense he will thereby waive his
11 right to require the Commissioner to prove the allegations in
12 the Accusation at a contested hearing held in accordance with
13 the provisions of the APA and that he will waive other rights
14 afforded to him in connection with the hearing such as the right
15 to present evidence in defense of the allegations in the
16 Accusation and the right to cross-examine witnesses.

17 4. This Stipulation is based on the factual
18 allegations contained in the Accusation. In the interests of
19 expedience and economy, Respondent chooses not to contest these
20 allegations, but to remain silent and understands that, as a
21 result thereof, these factual allegations, without being
22 admitted or denied, will serve as a prima facie basis for the
23 disciplinary action stipulated to herein. The Real Estate
24 Commissioner shall not be required to provide further evidence
25 to prove said factual allegations.

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1 Professions Code in conjunction with Sections 10130 and 10137 of
2 the Business and Professions Code.

3 ORDER

4 I

5 The real estate salesperson license and all license
6 rights of Respondent RICHARD TODD DE PONTE under the Real Estate
7 Law are revoked; however, a restricted real estate salesperson
8 license shall be issued to Respondent pursuant to Section
9 10156.5 of the Business and Professions Code if Respondent makes
10 application therefor and pays to the Department of Real Estate
11 the appropriate fee for the restricted license within ninety
12 (90) days from the effective date of this Decision. The
13 restricted license issued to Respondent shall be subject to all
14 of the provisions of Section 10156.7 of the Business and
15 Professions Code and to the following limitations, conditions
16 and restrictions imposed under authority of Section 10156.6 of
17 that Code:

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

23 B. The restricted license issued to Respondent may
24 be suspended prior to hearing by Order of the Commissioner on
25 evidence satisfactory to the Commissioner that Respondent has
26 violated provisions of the California Real Estate Law, the

27 ///

1 Subdivided Lands Law, Regulations of the Real Estate
2 Commissioner or conditions attaching to the restricted license.

3 C. Respondent shall not be eligible to apply for the
4 issuance of an unrestricted real estate license nor for the
5 removal of any of the conditions, limitations or restrictions of
6 the restricted license until two (2) years have elapsed from the
7 effective date of this Decision.

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

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

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

20 E. Respondent shall, within nine months from the
21 effective date of this Decision, present evidence satisfactory
22 to the Real Estate Commissioner that Respondent has, since the
23 most recent issuance of an original or renewal real estate
24 license, taken and successfully completed the continuing
25 education requirements of Article 2.5 of Chapter 3 of the Real
26 Estate Law for renewal of a real estate license. If Respondent
27 fails to satisfy this condition, the Commissioner may order the

1 suspension of the restricted license until the Respondent
2 presents such evidence. The Commissioner shall afford
3 Respondent the opportunity for a hearing pursuant to the
4 Administrative Procedure Act to present such evidence.

5 F. Respondent shall, within six (6) months from the
6 effective date of this Decision, take and pass the Professional
7 Responsibility Examination administered by the Department
8 including the payment of the appropriate examination fee. If
9 Respondent fails to satisfy this condition, the Commissioner may
10 order suspension of Respondent's license until Respondent passes
11 the examination.

12 G. Any restricted real estate license issued to
13 Respondent pursuant to this Decision shall be suspended for
14 forty (40) days from the date of issuance of said restricted
15 license, however, said suspension shall be stayed upon the
16 condition that Respondent petitions pursuant to Section 10175.2
17 of the Business and Professions Code and pays a monetary penalty
18 pursuant to Section 10175.2 of the Business and Professions Code
19 and pays a monetary penalty pursuant to Section 10175.2 of the
20 Business and Professions Code at a rate of \$250.00 per day for
21 each day of suspension stayed for a total monetary penalty of
22 \$10,000.00.

23 (1) Said payment shall be in the form of a cashier's
24 check or certified check made payable to the Recovery Account of
25 the Real Estate Fund. Said check must be delivered to the
26 Department prior to the effective date of the Order in this
27 matter.

1 (2) No further cause for disciplinary action against
2 the real estate license of Respondent occurs within two (2)
3 years from the effective date of the Decision in this matter.

4 (3) If Respondent fails to pay the monetary penalty
5 in accordance with the terms and conditions of the Stipulation
6 and Agreement, the Commissioner may, without a hearing, order
7 the immediate execution of all or any part of the stayed
8 suspension in which event the Respondent shall not be entitled
9 to any repayment nor credit, prorated or otherwise, for money
10 paid to the Department under the terms of this Stipulation and
11 Agreement.

12 (4) If Respondent pays the monetary penalty and if no
13 further cause for disciplinary action against the real estate
14 license of Respondent occurs within two (2) years from the
15 effective date the Stipulation and Agreement, the stay hereby
16 granted shall become permanent.

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

21 3/3/03

22 _____
23 DATED

21 David A. Peters

22 _____
23 DAVID A. PETERS, Counsel
24 DEPARTMENT OF REAL ESTATE

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The foregoing Stipulation and Agreement for
Settlement is hereby adopted by the Real Estate Commissioner as
her Decision and Order and shall become effective at 12 o'clock
noon on APRIL 23, 2003.

IT IS SO ORDERED March 13, 2003.

PAULA REDDISH ZINNEMANN
Real Estate Commissioner

John R. Liberator

BY: John R. Liberator
Chief Deputy Commissioner

1 Department of Real Estate
2 P. O. Box 187000
3 Sacramento, CA 95818-7000
4
5 Telephone: (916) 227-0789
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FILED
MAR - 8 2003

DEPARTMENT OF REAL ESTATE
Laurie [Signature]

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 SANDAL COLLINS JOHNSON) No. H-1557 FRESNO
13 and RICHARD TODD DE PONTE,) OAH No. N-2002110077
14 Respondents.) STIPULATION AND AGREEMENT

15 It is hereby stipulated by and between SANDAL COLLINS
16 JOHNSON (hereinafter "Respondent") and her attorney, Thomas C.
17 Lasken, and the Complainant, acting by and through David A.
18 Peters, Counsel for the Department of Real Estate; as follows,
19 for the purpose of settling and disposing of the Accusation
20 filed on September 5, 2002 (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.

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 19, 2002, 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 she
10 understands that by withdrawing said Notice of Defense she will
11 thereby waive her right to require the Commissioner to prove the
12 allegations in the Accusation at a contested hearing held in
13 accordance with the provisions of the APA and that Respondent
14 will waive other rights afforded to Respondent in connection
15 with the hearing such as the right to present evidence in
16 defense of the allegations in the Accusation and the right to
17 cross-examine witnesses.

18 4. This Stipulation is based on the factual
19 allegations contained in the Accusation. In the interests of
20 expedience and economy, Respondent chooses not to contest these
21 allegations, without being admitted or denied, will serve as a
22 prima facie basis for the disciplinary action stipulated to
23 herein. The Real Estate Commissioner shall not be required to
24 provide further evidence to prove said factual allegations.


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1 have the right to cross-examine witnesses against me and to
2 present evidence in defense and mitigation of the charges.

3
4 2/17/03
5 DATED


6 SANDAL COLLINS JOHNSON
7 Respondent

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

10 February 13, 2003
11 DATED

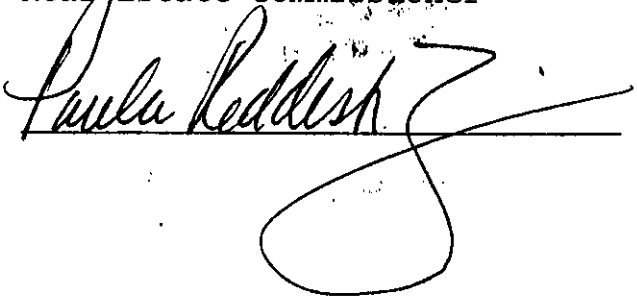

12 THOMAS C. LASKEN
13 Attorney for Respondent

14 * * *

15 The foregoing Stipulation and Agreement for
16 Settlement is hereby adopted by the Real Estate Commissioner as
17 her Decision and Order and shall become effective at 12 o'clock
18 noon on March 28, 2003.

19 IT IS SO ORDERED March 3, 2003.

20 PAULA REDDISH ZINNEMANN
21 Real Estate Commissioner



FILED

BEFORE THE DEPARTMENT OF REAL ESTATE NOV 16 2002
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

By Lauriel [Signature]

In the Matter of the Accusation of

SANDAL COLLINS JOHNSON, and
RICHARD TODD DE PONTE,

}

Case No. H-1557 FRESNO

OAH No. N-2002110077

Respondents

NOTICE OF HEARING ON ACCUSATION

To the above named respondents:

You are hereby notified that a hearing will be held before the Department of Real Estate at

THE OFFICE OF ADMINISTRATIVE HEARINGS

560 J STREET, SUITES 340/360

SACRAMENTO, CALIFORNIA 95814

on FEBRUARY 24 & 25, 2003, at the hour of 9:00 A.M., 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 16, 2002

DEPARTMENT OF REAL ESTATE

By David A. Peters
DAVID A. PETERS, COUNSEL

RE 501 (Rev. 8/97)

1 DAVID A. PETERS, Counsel (SBN 99528)
2 Department of Real Estate
3 P. O. Box 187000
4 Sacramento, CA 95818-7000

5 Telephone: (916) 227-0789
6 -or- (916) 227-0781 (Direct)

FILED

SEP -5 2002

DEPARTMENT OF REAL ESTATE

Auriel-Jin

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 SANDAL COLLINS JOHNSON, and) No. H-1557 FRESNO
13 RICHARD TODD DE PONTE,) ACCUSATION
14 Respondents.)

15 The Complainant, Charles W. Koenig, a Deputy Real
16 Commissioner of the State of California, for cause of accusation
17 against SANDAL COLLINS JOHNSON dba Jason Properties (hereinafter
18 "Respondent JOHNSON") and RICHARD TODD DE PONTE (hereinafter
19 "Respondent DE PONTE") is informed and alleges as follows:

20 I

21 The Complainant, John Sweeney, a Deputy Real Estate
22 Commissioner of the State of California, makes this accusation
23 in his official capacity.

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1 II

2 Respondent JOHNSON is licensed and/or has license
3 rights under the Real Estate Law (Part 1 of Division 4 of the
4 Business and Professions Code) (hereinafter "the Code") as a real
5 estate broker.

6 III

7 Respondent DE PONTE is licensed and/or has license
8 rights under the Code as a real estate salesperson.

9 IV

10 Beginning on or about December 24, 1998 and continuing
11 through on or about October 1, 1999, Respondent DE PONTE was in
12 the employ of Respondent JOHNSON. Beginning on or about October
13 26, 1999 through on or about August 8, 2000, Respondent DE PONTE
14 was in the employ of real estate broker James Richard Corn.

15 V

16 Beginning on or after September 7, 1999 and continuing
17 through on or after December 17, 1999, Respondent DE PONTE a
18 real estate salesperson, using the name DePonte Company, while
19 in the employ of Respondent JOHNSON from December 24, 1999
20 through October 1, 1999, and while in the employ of James
21 Richard Corn from October 26, 1999 through December 17, 1999,
22 engaged in the business of, acted in the capacity of, advertised
23 or assumed to act as a real estate broker in the State of
24 California within the meaning of Section 10131(a) of the Code,
25 including the operation and conduct of a real estate business
26 with the public wherein, on behalf of others for compensation or
27 in expectation of compensation, Respondent JOHNSON sold or

1 offered to sell, bought or offered to buy, solicited prospective
2 sellers or purchasers of, solicited or obtained listings of, or
3 negotiated the purchase, sale or exchange of real property.

4 VI

5 Said real estate brokerage activities conducted by
6 Respondent DE PONTE as described in Paragraph V above, included
7 but is not limited to, the following transactions:

8 <u>DATE</u>	<u>BUYERS</u>	<u>PROPERTY</u>
9 09/09/99	Manuel & Soledad Flores	1260 Valencia Drive 10 Tracy California
11 09/22/99	Narinder & Jaswinder 12 Bains	1200 Valencia Drive Tracy, California
13 09/30/99	Amos & Yong Ford	1253 Plaza Court 14 Tracy, California
15 11/12/99	Sherlly & Rajeshwar 16 Naidu	2249 Ogden Sannazor Dr. Tracy, California
17 12/01/99	Julio & Rosalina 18 Franceschi	1250 Valencia Drive Tracy, California
19 12/01/99	Manuel & Regina Reyes	1243 Plaza Court 20 Tracy, California
21 12/17/99	Stephen Elwell	1221 Valencia Drive 22 Tracy, California

23 VII

24 Beginning on or about September 7, 1999 and continuing
25 through on or about December 17, 1999, in connection with the
26 real estate sales transactions described in Paragraph VI above,
27 Respondent DE PONTE accepted compensation for acts for which a

1 real estate license was required from someone other than the
2 broker under whom he was licensed.

3 VIII

4 Beginning on or about September 7, 1999 and continuing
5 through on or about December 17, 1999, in connection with the
6 real estate sales transactions described in Paragraph VI above,
7 Respondent DE PONTE paid or caused to be paid compensation to
8 real estate salespersons for acts requiring a real estate
9 license and not through the real estate broker under whom said
10 salesperson was licensed.

11 IX

12 Within the three-year period immediately preceding the
13 filing of this Accusation and continuing through on or about
14 October 1, 1999, Respondent JOHNSON failed to exercise
15 reasonable supervision and control over the licensed activities
16 of Respondent DE PONTE, by permitting Respondent DE PONTE, a
17 real estate salesperson, to conduct the real estate brokerage
18 activities described in Paragraphs V and VI above. Respondent
19 JOHNSON failed to exercise reasonable supervision over the
20 activities of Respondent JOHNSON's salesperson, Respondent DE
21 PONTE, by failing to establish adequate policies, rules,
22 procedures and systems to review, oversee, inspect and manage
23 said activities.

24 X

25 The acts and/or omissions of Respondents JOHNSON and
26 DE PONTE described above are grounds for the suspension or
27 revocation of the licenses and/or license rights of Respondents

1 JOHNSON and DE PONTE under the following sections of the Code
2 and of Title 10, California Code of Regulations (hereinafter
3 "the Regulations"):

4 (1) As to Paragraphs V and VI, under Section 10177(d)
5 of the Code in conjunction with Section 10130 of the Code, as to
6 Respondent DE PONTE;

7 (2) As to Paragraphs VII and VIII, under Section
8 10137 of the Code, as to Respondent DE PONTE; and

9 (3) As to Paragraph IX, under Section 10177(h) of the
10 Code and Section 2725 of the Regulations in conjunction with
11 Section 10177(d) of the Code, as to Respondent JOHNSON. In the
12 alternative, the acts and/or omissions of Respondent JOHNSON
13 described in Paragraph IX are grounds for the suspension or
14 revocation of Respondent JOHNSON's license and/or license rights
15 under Section 10177(g) of the Code.

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

23
24 
25 CHARLES W. KOENIG
26 Deputy Real Estate Commissioner

26 Dated at Oakland, California,
27 this 4th day of September, 2002.