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FILED

FEB 09 2010

DEPARTMENT OF REAL ESTATE

By *[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of
SANTO LAPLACA, III,
Respondent.

No. H-2025 SD

ORDER GRANTING REINSTATEMENT OF LICENSE

On May 31, 1994, in Case No. H-2025 SD, a Decision was rendered revoking the real estate salesperson license of Respondent effective July 12, 1994, but granting Respondent the right to the issuance of a restricted real estate salesperson license. No restricted salesperson license was ever issued to Respondent. On June 14, 2004 an order was entered herein denying Respondent's petition for reinstatement of Respondent's real estate salesperson license effective August 23, 2004, but granting Respondent the right to issuance of a restricted real estate salesperson license. A restricted real estate salesperson license was issued to Respondent on May 9, 2005, and Respondent has operated as a restricted licensee since that time.

On February 9, 2009, Respondent petitioned for the removal of restrictions attaching to Respondent's real estate salesperson license, and the Attorney General of the State of California has been given notice of the filing of the petition.

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

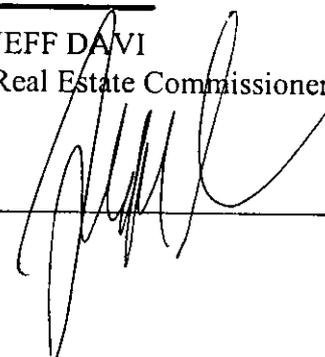
5 NOW, THEREFORE, IT IS ORDERED that Respondent's petition for
6 reinstatement is granted and that a real estate salesperson license be issued to Respondent if
7 Respondent satisfies the following conditions within twelve (12) months from the date of this
8 order:

- 9 1. Submittal of a completed application and payment of the fee for a real
10 estate salesperson license.
- 11 2. Submittal of evidence of having taken and successfully completed the
12 continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal
13 of a real estate license.

14 This Order shall become effective immediately.

15 DATED: 2-2-2010

16 JEFF DAVI
17 Real Estate Commissioner

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1 demonstrate to my satisfaction that Respondent has undergone
2 sufficient rehabilitation to warrant the reinstatement of
3 Respondent's real estate salesperson license.

4 The burden of proving rehabilitation rests with the
5 petitioner (Feinstein v. State Bar (1952) 39 Cal. 2d 541). A
6 petitioner is required to show greater proof of honesty and
7 integrity than an applicant for first time licensure. The proof
8 must be sufficient to overcome the prior adverse judgment on the
9 applicant's character (Tardiff v. State Bar (1980) 27 Cal. 3d
10 395).

11 The Department has developed criteria to assist in
12 evaluating the rehabilitation of an applicant for reinstatement
13 of a license. Among the criteria relevant in this proceeding
14 are:

15 (i) Completion of, or sustained enrollment in, formal
16 educational or vocational training courses for
17 economic self-improvement. Respondent has
18 submitted no evidence of completion of, or
19 sustained enrollment in, formal educational or
20 vocational training courses.

21 (k) Correction of business practices resulting in
22 injury to others or with the potential to cause
23 such injury. Respondent has not acted in a
24 fiduciary capacity, including the handling of
25 funds on behalf of another or others. Respondent
26 has not established that he has corrected his
27 business practices.

1 Given the violations found and the fact that Respondent
2 has not established that he has complied with Sections 2911 (i)
3 and (k) of Title 10, California Code of Regulations, I am not
4 satisfied that Respondent is sufficiently rehabilitated to
5 receive a real estate salesperson license.

6 I am satisfied, however, that it will not be against
7 the public interest to issue a restricted real estate salesperson
8 license to Respondent.

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

12 A restricted real estate salesperson license shall be
13 issued to Respondent pursuant to Section 10156.5 of the Business
14 and Professions Code, if Respondent satisfies the following
15 conditions within nine (9) months from the date of this Order:

16 1. Respondent shall take and pass the real estate
17 salesperson license examination.

18 2. Submittal of a completed application and payment
19 of the fee for a real estate salesperson license.

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

25 The restricted license issued to Respondent shall be
26 subject to all of the provisions of Section 10156.7 of the
27 Business and Professions Code and to the following limitations,

1 conditions, and restrictions imposed under authority of Section
2 10156.6 of that Code.

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

8 B. The restricted license issued to Respondent may
9 be suspended prior to hearing by Order of the Real Estate
10 Commissioner on evidence satisfactory to the Commissioner that
11 Respondent has violated provisions of the California Real Estate
12 Law, the Subdivided Lands Law, Regulations of the Real Estate
13 Commissioner, or conditions attaching to the restricted license.

14 C. Respondent shall submit with any application for
15 license under an employing broker, or any application for
16 transfer to a new employing broker, a statement signed by the
17 prospective employing broker on a form approved by the Department
18 of Real Estate which shall certify:

- 19 1) That the employing broker has read the
20 Decision and Order of the Commissioner which
21 granted the right to a restricted license; and
22 2) That the employing broker will exercise close
23 supervision over the performance by the
24 restricted licensee relating to activities for
25 which a real estate license is required.

26 D. Respondent shall not be eligible to apply for the
27 issuance of an unrestricted real estate license nor the removal

1 of any of the limitations, conditions, or restrictions of a
2 restricted license until two (2) years have elapsed from the
3 date of the issuance of the restricted license to Respondent.

4 This Order shall be effective at 12 o'clock noon on
5 August 23 _____, 2004.

6 DATED: June 14 _____, 2004.
7

8 JOHN R. LIBERATOR
9 Acting Real Estate Commissioner

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1 Department of Real Estate
107 South Broadway, Room 8107
2 Los Angeles, California 90012
3 Telephone: (213) 897-3937

FILED
June 20, 1994
DEPARTMENT OF REAL ESTATE

By C. Bay

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DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of) H-2025 SD
) L-60449
)
SANTO LAPLACA, III,) STIPULATION AND AGREEMENT
) IN SETTLEMENT AND ORDER
) Respondent.)
)

It is hereby stipulated by and between SANTO LAPLACA, III (sometimes referred to herein as "Respondent"), and the Complainant, acting by and through Darlene Averetta, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on April 27, 1993, in this matter (hereinafter the "Accusation"):

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondent 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 submitted solely on the basis of the provisions of this Stipulation.

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

5 3. On May 25, 1993, Respondent filed a Notice of
6 Defense pursuant to Section 11505 of the Government Code for the
7 purpose of requesting a hearing on the allegations in the
8 Accusation. Respondent hereby freely and voluntarily withdraws
9 said Notice of Defense. Respondent acknowledges that he
10 understands that by withdrawing said Notice of Defense, he will
11 thereby waive his 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 he will waive
14 other rights afforded to him in connection with the hearing such
15 as the right to present evidence in defense of the allegations in
16 the Accusation and the right to cross-examine witnesses.

17 4. This Stipulation and Agreement in Settlement and
18 Order is based on the factual allegations contained in the
19 Accusation filed in this proceeding. In the interest of
20 expedience and economy, Respondent chooses not to contest these
21 factual allegations, but to remain silent and understands that,
22 as a result thereof, these factual statements, without being
23 admitted or denied, will serve as a prima facie basis for the
24 disciplinary action stipulated to herein. This Stipulation and
25 Agreement in Settlement and Order is hereby expressly limited to
26 this proceeding and made for the sole purpose of reaching an
27 agreed disposition of this proceeding. Respondent's decision not

1 to contest the factual allegations is made solely for the purpose
2 of effectuating this Stipulation and is intended by Respondent to
3 be non-binding upon him in any actions against Respondent by
4 third parties. The Real Estate Commissioner shall not be
5 required to provide further evidence to prove such allegations.

6 5. It is understood by the parties that the Real
7 Estate Commissioner may adopt the Stipulation and Agreement in
8 Settlement and Order as his decision in this matter thereby
9 imposing the penalty and sanctions on Respondent's real estate
10 license and license rights as set forth in the below "Order". In
11 the event that the Commissioner in his discretion does not adopt
12 the Stipulation and Agreement in Settlement and Order, the
13 Stipulation and Agreement in Settlement and Order shall be void
14 and of no effect, and Respondent shall retain the right to a
15 hearing and proceeding on the Accusation under all the provisions
16 of the APA and shall not be bound by any admission or waiver made
17 herein.

18 6. The Order or any subsequent Order of the Real
19 Estate Commissioner made pursuant to this Stipulation shall not
20 constitute an estoppel, merger or bar to any further
21 administrative or civil proceedings by the Department of Real
22 Estate with respect to any matters which were not specifically
23 alleged to be causes for accusation in this proceeding.

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A. The restricted license to be issued upon

application of Respondent shall not confer any property right in the privileges to be exercised thereunder. Said restricted license and any privileges granted thereunder may be suspended prior to hearing by appropriate Order of the Real Estate Commissioner in the event of:

(1) Respondent's conviction (including a plea of nolo contendere) to a crime which bears a significant relation to Respondent's qualifications, functions or duties as a real estate licensee.

(2) The receipt of 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 the conditions attaching to this restricted license.

B. Respondent shall not petition the Commissioner for the removal of any of the conditions, limitations or restrictions attaching to the restricted license or be eligible to apply for the issuance of an unrestricted real estate license until one (1) year has elapsed from the date of issuance of the restricted license to Respondent.

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

1 until Respondent passes the examination.

2 D. With the application for license, or with the
3 application for transfer to a new employing broker, Respondent
4 shall submit a statement signed by the prospective employing
5 broker on a form approved by the Department of Real Estate
6 wherein the employing broker shall certify as follows:

7 (1) That the broker has read the Accusation and
8 this Order which are the basis for the issuance of the restricted
9 license; and

10 (2) That the broker will carefully review all
11 transaction documents prepared by the restricted licensee and
12 otherwise exercise close supervision over the licensee's
13 performance of acts for which a license is required.

14 E. Prior to the issuance of any restricted real estate
15 salesperson license, Respondent shall present evidence
16 satisfactory to the Real Estate Commissioner that he has, during
17 the past four (4) years, taken and successfully completed the
18 continuing education requirements of Article 2.5 of Chapter 3 of
19 the Real Estate Law for renewal of a real estate license.

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The foregoing Stipulation and Agreement in
Settlement is hereby adopted as my Decision and Order as to
Respondent SANTO LAPLACA, III and shall become effective at 12
o'clock noon on July 12, _____, 1994.

IT IS SO ORDERED 5/31/94.

CLARK WALLACE
Real Estate Commissioner

Clark Wallace

1 DARLENE AVERETTA, Counsel
2 Department of Real Estate
3 107 South Broadway, Room 8107
4 Los Angeles, California 90012

5 (213) 897-3937

APR 27 1993

DEPARTMENT OF REAL ESTATE
BY C. Bay

6
7 DEPARTMENT OF REAL ESTATE

8 STATE OF CALIFORNIA

9 * * * * *

10
11 In the Matter of the Accusation of) No. H-2025 SD
12 SANTO LAPLACA III,) ACCUSATION
13)
14 Respondent.)
_____)

15
16 The Complainant, J. Chris Graves, a Deputy Real Estate
17 Commissioner of the State of California, for cause of accusation
18 against SANTO LAPLACA III, is informed and alleges as follows:

19 I

20 The Complainant, J. Chris Graves, a Deputy Real Estate
21 Commissioner of the State of California, makes this Accusation in
22 his official capacity.

23 II

24 SANTO LAPLACA III (hereinafter Respondent) is presently
25 licensed and/or has license rights under the Real Estate Law, Part
26 1 of Division 4 of the Business and Professions Code (hereinafter
27 the Code).

III

At all times herein mentioned, Respondent was licensed by the Department of Real Estate of the State of California (hereinafter Department) as a real estate salesperson.

IV

At all times herein mentioned, Respondent was employed as a real estate salesperson under the broker license of Carole Marie Archer, doing business as Home of the American Dream (HAD).

V

In or about November 1989, Respondent, as a principal, and one Daniel J. Willibey (hereinafter Willibey), purchased property located at 930-932 8th Street, Imperial Beach, California (hereinafter the property) from Velma Tuxhorn Gaffigan (hereinafter the seller). The seller was represented by Darleen Jean Coco (hereinafter Coco) of Holly Real Estate Co.

VI

Coco disclosed to Respondent and Willibey the possible presence of a septic tank on the property and provided them with a Real Estate Transfer Disclosure Statement (RETDS) from the seller which indicated that a septic tank existed on the rear of the unit.

VII

On or about April 2, 1990, Respondent accepted an offer from John S. Guadagno and Gloria Guadagno (hereinafter the buyers) to purchase the property. The property was listed with Respondent's office, HAD. Respondent represented himself in the

/

1 transaction. On or about April 3, 1990, Respondent completed and
2 gave the buyer a RETDS.

3 VIII

4 On the RETDS Respondent stated, "Rear studio unit does
5 not have permits or proper zoning. Rear unit is an "illegal
6 unit"."

7 IX

8 Respondent was aware that a septic tank system might
9 exist on the property, but Respondent did not disclose this on the
10 RETDS or other transactional documents.

11 X

12 The buyers purchased the property. Escrow closed on or
13 about May 25, 1990.

14 XI

15 In or about April 1992, after attempting to have
16 plumbing problems on the property fixed, the buyers learned that a
17 septic tank existed on the property. The cost of repairs to
18 remedy the septic tank problem were approximately Five Thousand
19 Six Hundred Eighty Five Dollars (\$5,685). If the buyers had known
20 of the septic tank they probably would not have purchased the
21 property except at a greatly reduced price.

22 XII

23 The conduct, acts and omissions of Respondent, as
24 described above, constitutes making a substantial
25 misrepresentation and fraud and/or dishonest dealing, and are
26 cause to suspend or revoke the license and license rights of
27 Respondent under Code Sections 10176(a), 10176(i) and 10177(j) and

1 Regulation 2785(a)(10), Title 10, Chapter 6, California Code of
2 Regulations.

3
4 WHEREFORE, Complainant prays that a hearing be conducted
5 on the allegations of this Accusation and that upon proof thereof
6 a decision be rendered imposing disciplinary action against the
7 license and license rights of Respondent SANTO LAPLACA III, under
8 the Real Estate Law (Part 1 of Division 4 of the Business and
9 Professions Code) and for such other and further relief as may be
10 proper under other applicable provisions of law.

11 Dated at San Diego, California
12 this 27th day of April, 1993.

13
14 J. CHRIS GRAVES |
15 Deputy Real Estate Commissioner
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25 cc: Santo Laplaca III
26 Jack Lyndon Hawkins
27 Sacto.
LSM