

**FILED**

JAN 29 2010

DEPARTMENT OF REAL ESTATE

By: *[Signature]*

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\*\*\*

In the Matter of the Accusation of

DANIEL VINCENT BEASLEY,

Respondent.

No. H-2414 SD

ORDER GRANTING REINSTATEMENT OF LICENSE

On March 3, 1999, in Case No. H-2414 SD, a Decision was rendered revoking the real estate salesperson license of Respondent effective April 12, 1999, but granting Respondent the right to the issuance of a restricted salesperson license. No restricted salesperson license was ever issued to Respondent.

On July 23, 2007, Respondent petitioned for reinstatement of said real estate salesperson license, and the Attorney General of the State of California has been given notice of the filing of the petition.

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

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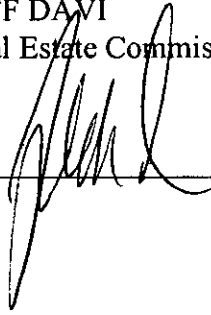
NOW, THEREFORE, IT IS ORDERED that Respondent's petition for  
reinstatement is granted and that a real estate salesperson license be issued to Respondent if  
Respondent satisfies the following conditions within twelve (12) months from the date of this  
order:

1. Respondent shall qualify for, take and pass the real estate salesperson  
license examination.
2. Submittal of a completed application and payment of the fee for a real  
estate salesperson license.

This Order shall become effective immediately.

DATED: 1-21-10

JEFF DAVI  
Real Estate Commissioner



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

FILED  
MAR 22 1999

DEPARTMENT OF REAL ESTATE  
By Laurie A. Zorn

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of ) DRE No. H-2414 SD  
)  
WESTSTAR FINANCIAL GROUP, INC., )  
and FREDRICK MARTIN JORGENSEN, ) STIPULATION AND AGREEMENT  
)  
Respondents. )  
\_\_\_\_\_)

It is hereby stipulated by and between Respondents  
WESTSTAR FINANCIAL GROUP, INC., (hereinafter "WESTSTAR") and  
FREDRICK MARTIN JORGENSEN (hereinafter "JORGENSEN"),  
individually and by and through DAVID S. BRIGHT, Esq., attorney  
of record herein for Respondents WESTSTAR and JORGENSEN  
(hereinafter "Respondents"), and the Complainant, acting by and  
through James L. Beaver, Counsel for the Department of Real  
Estate, as follows for the purpose of settling and disposing of  
the Accusation filed on July 8, 1998 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  
Respondents at a formal hearing on the Accusation, which hearing

H-2414 SD WESTSTAR FINANCIAL GROUP, INC.  
FREDRICK MARTIN JORGENSEN

1 was to be held in accordance with the provisions of the  
2 Administrative Procedure Act (APA), shall instead and in place  
3 thereof be submitted solely on the basis of the provisions of  
4 this Stipulation and Agreement.

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

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

23           4. Respondents, solely for the purposes of this  
24 stipulation and any proceedings hereafter to which Respondent  
25 and the Department are parties, and pursuant to the limitations  
26 set forth below, hereby admit that the factual allegations  
27 pertaining to Respondents in the Accusation are true and correct

1 and the Real Estate Commissioner shall not be required to  
2 provide further evidence of such allegations.

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

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

20 DETERMINATION OF ISSUES

21 By reason of the foregoing stipulations, admissions  
22 and waivers and solely for the purpose of settlement of the  
23 pending Accusation without hearing, it is stipulated and agreed  
24 that the following Determination of Issues shall be made:

25 I

26 The acts and omissions of Respondents as described in  
27 the Accusation are grounds for the suspension or revocation of

H-2414 SD

WESTSTAR FINANCIAL GROUP, INC.  
FREDRICK MARTIN JORGENSEN



1 the licenses and license rights of Respondents under the  
2 following provisions of the California Business and Professions  
3 Code (hereinafter "the Code") and/or Chapter 6, Title 10,  
4 California Code of Regulations (hereinafter "the Regulations"):

5 (a) As to Respondent WESTSTAR and the First and  
6 Second Causes for Accusation under Section 10137 the Code in  
7 conjunction with Section 10177(d) of the Code; and

8 (b) As to Respondent JORGENSEN and the Sixth Cause  
9 for Accusation under Section 10159.2 of the Code in conjunction  
10 with Section 10177(d) of the Code.

11 ORDER

12 I

13 All licenses and licensing rights of Respondent  
14 WESTSTAR FINANCIAL GROUP, INC., under the Real Estate Law are  
15 revoked; provided, however, a restricted real estate broker  
16 license shall be issued to said Respondent pursuant to Section  
17 10156.5 of the Business and Professions Code if, within 90 days  
18 from the effective date of the Decision entered pursuant to this  
19 Order Respondent:

20 (a) makes application for the restricted license and  
21 pays to the Department of Real Estate the appropriate fee  
22 therefor; and

23 (b) pays a fine pursuant to Section 10139.5 of the  
24 Business and Professions Code in the sum of \$10,000.00 in the  
25 form of a cashier's check or certified check made payable to the  
26 Recovery Account of the Real Estate Fund. Respondent WESTSTAR  
27 shall be liable jointly and severally with Respondent JORGENSEN

1 for payment of the entire amount of said \$10,000.00 fine.

2 The restricted license issued to Respondent shall be  
3 subject to all of the provisions of Section 10156.7 of the  
4 Business and Professions Code and to the following limitations,  
5 conditions and restrictions imposed under authority of Section  
6 10156.6 of that Code:

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

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

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

23 4. Any restricted real estate broker license issued  
24 to Respondent may be suspended or revoked for a violation by  
25 Respondent of any of the conditions attaching to the restricted  
26 license.

27  
H-2414 SD

WESTSTAR FINANCIAL GROUP, INC.  
FREDRICK MARTIN JORGENSEN



II

1  
2 All licenses and licensing rights of Respondent FREDRICK  
3 MARTIN JORGENSEN under the Real Estate Law are suspended for  
4 ninety (90) days from the effective date of this Decision;  
5 provided, however, that the suspension shall be stayed upon the  
6 following terms and conditions:

7 1. Respondent's license and license rights shall be  
8 actually suspended for a period of forty-five (45) days. If  
9 Respondent petitions, said forty-five (45) day suspension (or a  
10 portion thereof) shall be stayed upon condition that Respondent  
11 pays a monetary penalty pursuant to Section 10175.2 of the Code at  
12 the rate of \$100.00 for each day of the suspension for a total  
13 monetary penalty of \$4500.00.

14 2. Respondent shall obey all laws, rules and  
15 regulations governing the rights, duties and responsibilities of a  
16 real estate licensee in the State of California.

17 3. The Commissioner may, if a final subsequent  
18 determination is made, after hearing or upon stipulation, that  
19 cause for disciplinary action occurred during the term of the stay  
20 provided for above, vacate and set aside the stay order, including  
21 any further stay imposed pursuant to Section 10175.2. Should no  
22 order vacating the stay be made pursuant to this condition or  
23 condition "4" below, the stay imposed herein shall become  
24 permanent.

25 4. The Commissioner may, in his discretion, vacate  
26 and set aside the stay order if payment is not timely made by  
27 Respondent WESTSTAR or Respondent JORGENSEN of the \$10,000 fine



1 pursuant to Section 10139.5 of the Code described in Paragraph I  
2 of the Order herein. The vacation and set aside of the stay  
3 shall remain in effect until payment is made in full, or until  
4 Respondent enters into an agreement satisfactory to the  
5 Commissioner to provide for payment. Should no order vacating  
6 the stay be made pursuant to this condition or condition "3"  
7 above, the stay imposed herein shall become permanent.

8 January 24, 1999  
9 DATED

James L. Beaver  
10 \* \* \*  
11 JAMES L. BEAVER, Counsel  
12 Department of Real Estate

13 I have read the Stipulation and Agreement and have  
14 discussed its terms with my attorney and its terms are  
15 understood by me and are agreeable and acceptable to me. I  
16 understand that I am waiving rights given to me by the  
17 California Administrative Procedure Act (including but not  
18 limited to Sections 11506, 11508, 11509, and 11513 of the  
19 Government Code), and I willingly, intelligently, and  
20 voluntarily waive those rights, including the right of requiring  
21 the Commissioner to prove the allegations in the Accusation at a  
22 hearing at which I would have the right to cross-examine  
23 witnesses against me and to present evidence in defense and  
24 mitigation of the charges.

25 1/27/99  
26 DATED

27 WESTSTAR FINANCIAL GROUP, INC.,  
Respondent  
By Fredrick Martin Jorgensen  
FREDRICK MARTIN JORGENSEN  
Designated Officer - Broker

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*1/28/99*

*Fredrick Martin Jorgensen*

DATED

FREDRICK MARTIN JORGENSEN  
Respondent

\* \* \*

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

*1-27-99*

*David S. Bright*

DATED

DAVID S. BRIGHT  
Attorney for Respondents

\* \* \*

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

IT IS SO ORDERED March 3, 1999.

JOHN R. LIBERATOR  
Acting Real Estate Commissioner

*John R. Liberator*

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

FILED  
MAR 22 1999

DEPARTMENT OF REAL ESTATE  
By Laurie A. Zan

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of ) No. H-2414 SD  
12 DANIEL VINCENT BEASLEY, )  
13 Respondent. ) STIPULATION AND AGREEMENT  
14 \_\_\_\_\_ )

15 It is hereby stipulated by and between Respondent  
16 DANIEL VINCENT BEASLEY (hereinafter "Respondent"), individually  
17 and by and through Wesley R. Thompson, Esq., attorney of record  
18 herein for Respondent, and the Complainant, acting by and  
19 through James L. Beaver, Counsel for the Department of Real  
20 Estate, as follows for the purpose of settling and disposing of  
21 the Accusation filed on July 8, 1998 in this matter (hereinafter  
22 "the Accusation"):

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

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

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

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

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

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



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

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

16 DETERMINATION OF ISSUES

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

21 I

22 The acts and omissions of Respondent DANIEL VINCENT  
23 BEASLEY described in the Accusation are grounds for the  
24 suspension or revocation of the licenses and license rights of  
25 Respondent under the following provisions of the Business and  
26 Professions Code (hereinafter "the Code"):

27



1 (a) As to the Third Cause for Accusation under  
2 Section 10130 the Code in conjunction with Section 10177(d) of  
3 the Code; and

4 (b) As to the Fourth Cause for Accusation under  
5 Sections 10176(a) and 10176(i) the Code;

6 ORDER

7 I

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

16 The restricted license issued to Respondent shall be  
17 subject to all of the provisions of Section 10156.7 of the  
18 Business and Professions Code and to the following limitations,  
19 conditions and restrictions imposed under authority of Section  
20 10156.6 of that Code:

21 1. Any restricted real estate license issued to  
22 Respondent pursuant to the Decision entered pursuant to this  
23 Order shall be suspended for one hundred eighty (180) days from  
24 the date of issuance of said restricted license.

25 2. The restricted license issued to Respondent may be  
26 suspended prior to hearing by Order of the Real Estate  
27 Commissioner in the event of Respondent's conviction or plea of



1 nolo contendere to a crime which is substantially related to  
2 Respondent's fitness or capacity as a real estate licensee.

3 3. The restricted license issued to Respondent may be  
4 suspended prior to hearing by Order of the Real Estate  
5 Commissioner on evidence satisfactory to the Commissioner that  
6 Respondent has violated provisions of the California Real Estate  
7 Law, the Subdivided Lands Law, Regulations of the Real Estate  
8 Commissioner or conditions attaching to the restricted license.

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

14 5. Respondent shall, within nine months from the  
15 effective date of the Decision, present evidence satisfactory to  
16 the Real Estate Commissioner that Respondent has, since the most  
17 recent issuance of an original or renewal real estate license,  
18 taken and successfully completed the continuing education  
19 requirements of Article 2.5 of Chapter 3 of the Real Estate Law  
20 for renewal of a real estate license. If Respondent fails to  
21 satisfy this condition, the Commissioner may order the  
22 suspension of the restricted license until the Respondent  
23 presents such evidence. The Commissioner shall afford  
24 Respondent the opportunity for a hearing pursuant to the  
25 Administrative Procedure Act to present such evidence.

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



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

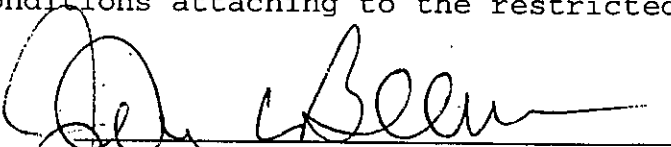
6 7. Respondent shall submit with any application for  
7 license under an employing broker, or any application for  
8 transfer to a new employing broker, a statement signed by the  
9 prospective employing real estate broker on a form approved by  
10 the Department of Real Estate which shall certify:

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

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

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

22 February 2, 1999  
23 DATED

  
23 JAMES L. BEAVER, Counsel  
24 Department of Real Estate

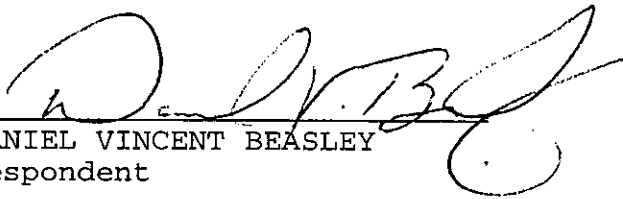
24 \* \* \*

25 I have read the Stipulation and Agreement and have  
26 discussed its terms with my attorney and its terms are  
27 understood by me and are agreeable and acceptable to me. I



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

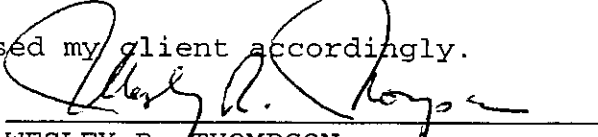
10 2/2/99  
DATED

  
DANIEL VINCENT BEASLEY  
Respondent

\* \* \*

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

15 2/2/99  
DATED

  
WESLEY R. THOMPSON  
Attorney for Respondent

\* \* \*

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

21 IT IS SO ORDERED March 3, 1999.

22 JOHN R. LIBERATOR  
Interim Real Estate Commissioner



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

FILED  
FEB 19 1999

DEPARTMENT OF REAL ESTATE

By *Marie L. Zan*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of ) No. H-2414 SD  
12 )  
12 JOEL E. FORRAL, et al. ) OAH No. L-1998100497  
13 )  
13 Respondent. )  
14 )  
14 In the Matter of the Accusation of ) No. H-2466 SD  
15 )  
15 JOEL E. FORRAL, )  
16 ) STIPULATION AND AGREEMENT  
16 Respondent. )

17 It is hereby stipulated by and between Respondent  
18 JOEL E. FORRAL ("Respondent"), individually and by and through  
19 Frank M. Buda, Esq., attorney of record herein for Respondent,  
20 and the Complainant, acting by and through James L. Beaver,  
21 Counsel for the Department of Real Estate, as follows for the  
22 purpose of settling and disposing of the Accusation filed on  
23 July 8, 1998 in Case No. H-2414 SD ("the H-2414 SD Accusation")  
24 and the Accusation filed on January 15, 1999 in Case No. H-2466  
25 SD ("the H-2466 SD Accusation") (jointly, "the Accusations"):

26 ///

27 H-2414 SD and 2466 SD

JOEL E. FORRAL

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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 Accusations, 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 and Agreement.

2. Respondent has received, read and understands the Statement to Respondent, the Discovery Provisions of the APA and the Accusations filed by the Department of Real Estate in these proceedings.

3. On July 20, 1998, Respondent filed a Notice of Defense pursuant to Section 11505 of the Government Code for the purpose of requesting a hearing on the allegations in the H-2414 SD Accusation. On January 23, 1999, Respondent filed a Notice of Defense pursuant to Section 11505 of the Government Code for the purpose of requesting a hearing on the allegations in the H-2466 SD Accusation. Respondent hereby freely and voluntarily withdraws said Notices of Defense. Respondent acknowledges that Respondent understands that by withdrawing said Notices of Defense Respondent will thereby waive Respondent's right to require the Commissioner to prove the allegations in the Accusations at a contested hearing held in accordance with the provisions of the APA and that Respondent will waive other rights afforded to Respondent in connection with the hearing such as the right to present evidence in defense of the allegations in the Accusations and the right to cross-examine

1 witnesses.

2 4. Respondent, pursuant to the limitations set forth  
3 below, hereby admits that the factual allegations in the  
4 Accusations are true and correct and the Real Estate Commissioner  
5 shall not be required to provide further evidence of such  
6 allegations.

7 5. It is understood by the parties that the Real  
8 Estate Commissioner may adopt the Stipulation and Agreement as  
9 his decision in this matter, thereby imposing the penalty and  
10 sanctions on Respondent's real estate license and license rights  
11 as set forth in the "Order" set forth below. In the event that  
12 the Commissioner in his discretion does not adopt the  
13 Stipulation and Agreement in Settlement, it shall be void and of  
14 no effect, and Respondent shall retain the right to a hearing  
15 and proceeding on the Accusations under all the provisions of  
16 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 and  
20 Agreement in Settlement shall not constitute an estoppel, merger  
21 or bar to any further administrative or civil proceedings by the  
22 Department of Real Estate with respect to any matters which were  
23 not specifically alleged to be causes for accusation in these  
24 proceedings.

25 7. Respondent understand that by agreeing to this  
26 Stipulation and Agreement in Settlement, the findings set forth  
27 below in the Determination Of Issues become final, and that the

1 Commissioner may charge said Respondent for the costs of any  
2 audit conducted pursuant to Section 10148 of the Business and  
3 Professions Code to determine if the violations have been  
4 corrected. The maximum costs of said audit shall not exceed  
5 \$5,200.00.

6 DETERMINATION OF ISSUES

7 By reason of the foregoing stipulations, admissions  
8 and waivers and solely for the purpose of settlement of the  
9 pending Accusation without hearing, it is stipulated and agreed  
10 that the following Determination of Issues shall be made:

11 I

12 The acts and omissions of Respondent JOEL E. FORRAL  
13 described in the H-2466 SD Accusation are grounds for the  
14 suspension or revocation of the licenses and license rights of  
15 Respondent under the following provisions of the California  
16 Business and Professions Code ("Code") and/or Chapter 6, title  
17 10, California Code of Regulations ("Regulations"):

18 (a) as to Paragraph VI(a) under Section 2831 of the  
19 Regulations in conjunction with Sections 10145 and 10177(d) of  
20 the Code;

21 (b) as to Paragraph VI(b) under Section 2831.2 of the  
22 Regulations in conjunction with Sections 10145 and 10177(d) of  
23 the Code;

24 (c) as to Paragraph VI(c) under Section 2834(a) of  
25 the Regulations in conjunction with Section 10177(d) of the Code;

26 (d) as to Paragraph VI(d) under Section 2832.1 of the  
27 Regulations in conjunction with Sections 10145 and 10177(d) of

1 the Code;

2 (e) as to Paragraph VI(e) under Section 2832.1 of the  
3 Regulations in conjunction with Sections 10145 and 10177(d) of  
4 the Code;

5 (f) as to Paragraph VI(f) under Section 10176(e) of  
6 the Code;

7 (g) as to Paragraph VII(a) Section 10161.8(a) of the  
8 Code in conjunction with Sections 10165 and 10177(d) of the Code;  
9 and

10 (h) as to Paragraph VII(b) under Section 2731(a) of  
11 the Regulations in conjunction with Sections 10159.5 and  
12 10177(d) of the Code.

13 II

14 The acts and omissions of Respondent JOEL E. FORRAL  
15 described in the H-2414 SD Accusation are grounds for the  
16 suspension or revocation of the licenses and license rights of  
17 Respondent under Section 10177(g) and Section 10177(h) of the  
18 Code and Section 10159.2 of the Code in conjunction with Section  
19 10177(d) of the Code.

20 ORDER

21 I

22 All licenses and licensing rights of Respondent JOEL E.  
23 FORRAL under the Real Estate Law are revoked; provided, however,  
24 a restricted real estate broker license shall be issued to said  
25 Respondent pursuant to Section 10156.5 of the Business and  
26 Professions Code if, within 90 days from the effective date of  
27 the Decision entered pursuant to this Order (hereinafter "the



1 Decision"):

2 (a) Respondent provides proof satisfactory to the  
3 Real Estate Commissioner that, as of January 31, 1999, there is  
4 on deposit in one or more trust bank accounts for the use and  
5 benefit of all owners of funds entrusted to said Respondent an  
6 amount or amounts equal to the individual and aggregate trust  
7 fund liability of said Respondent to such owners;

8 (b) Respondent pays a fine pursuant to Section  
9 10139.5 of the Business and Professions Code in the sum of  
10 \$2,500.00 in the form of a cashier's check or certified check  
11 made payable to the Recovery Account of the Real Estate Fund; and

12 (c) Respondent makes application for the restricted  
13 license and pays to the Department of Real Estate the appropriate  
14 fee therefor.

15 The restricted license issued to Respondent shall be  
16 subject to all of the provisions of Section 10156.7 of the  
17 Business and Professions Code and to the following limitations,  
18 conditions and restrictions imposed under authority of Section  
19 10156.6 of that Code:

20 1. Any restricted real estate license issued to  
21 Respondent pursuant to the Decision entered pursuant to this  
22 Order shall be suspended for thirty (30) days from the date of  
23 issuance of said restricted license; provided however, that if  
24 Respondent petitions, said suspension (or a portion thereof)  
25 shall be stayed upon condition that Respondent pays a monetary  
26 penalty pursuant to Section 10175.2 of the Code at the rate of  
27 \$100.00 for each day of the suspension for a total monetary



1 penalty of \$3,000.00, and upon condition that no further cause  
2 for disciplinary action against the real estate license of  
3 Respondent occurs within one year from the effective date of the  
4 Decision in this matter. Any stay granted pursuant to this  
5 paragraph shall be subject to the following terms:

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

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

20 (c) If Respondent pays the monetary penalty and if no  
21 order vacating the stay is made pursuant to Paragraph (b), above,  
22 the stay granted pursuant to this Decision shall become  
23 permanent.

24 2. Pursuant to Section 10148 of the Code,  
25 Respondent shall pay the Commissioner's reasonable cost, not to  
26 exceed \$5,200.00, for an audit to determine if Respondent has  
27 corrected the trust fund violations found in paragraph I of the





1 Determination of Issues. In calculating the amount of the  
2 Commissioner's reasonable cost, the Commissioner may use the  
3 estimated average hourly salary for all persons performing  
4 audits of real estate brokers, and shall include an allocation  
5 for travel time to and from the auditor's place of work.  
6 Respondent shall pay such cost within 45 days of receiving an  
7 invoice from the Commissioner detailing the activities performed  
8 during the audit and the amount of time spent performing those  
9 activities. The Commissioner may suspend the restricted license  
10 issued to Respondent pending a hearing held in accordance with  
11 Section 11500, et seq., of the Government Code, if payment is  
12 not timely made as provided for herein, or as provided for in a  
13 subsequent agreement between the Respondent and the  
14 Commissioner. The suspension shall remain in effect until  
15 payment is made in full or until Respondent enters into an  
16 agreement satisfactory to the Commissioner to provide for  
17 payment, or until a decision providing otherwise is adopted  
18 following a hearing held pursuant to this condition.

19 3. Respondent shall, within nine (9) months from  
20 the effective date of the Decision herein, present evidence  
21 satisfactory to the Real Estate Commissioner that Respondent  
22 has, since the most recent issuance of an original or renewal  
23 real estate license, taken and successfully completed the  
24 continuing education requirements of Article 2.5 of Chapter 3 of  
25 the Real Estate Law for renewal of a real estate license. If  
26 Respondent fails to satisfy this condition, the Commissioner may  
27 order the suspension of the restricted license until the



1 Respondent presents such evidence. The Commissioner shall  
2 afford Respondent the opportunity for a hearing pursuant to the  
3 Administrative Procedure Act to present such evidence.

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

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

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

22 7. Any restricted real estate broker license issued  
23 to Respondent may be suspended or revoked for a violation by  
24 Respondent of any of the conditions attaching to the restricted  
25 license.

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



1 removal of any of the conditions, limitations or restrictions of  
2 a restricted license until one (1) year has elapsed from the  
3 effective date of this Decision.

4 January 27, 1999 James L. Beaver  
5 DATED JAMES L. BEAVER, Counsel  
6 Department of Real Estate

7 \* \* \*

8 I have read the Stipulation and Agreement and its  
9 terms are understood by me and are agreeable and acceptable to  
10 me. I understand that I am waiving rights given to me by the  
11 California Administrative Procedure Act (including but not  
12 limited to Sections 11506, 11508, 11509, and 11513 of the  
13 Government Code), and I willingly, intelligently, and  
14 voluntarily waive those rights, including the right of requiring  
15 the Commissioner to prove the allegations in the Accusation at a  
16 hearing at which I would have the right to cross-examine  
17 witnesses against me and to present evidence in defense and  
18 mitigation of the charges.

19 1/26/99 Joel E. Forral  
20 DATED JOEL E. FORRAL  
21 Respondent

22 \* \* \*

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

25 1-23-99 Frank M. Buda  
26 DATED FRANK M. BUDA, ESQ.

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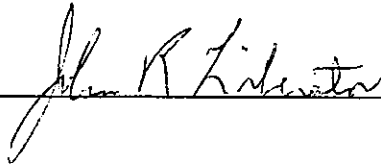
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The foregoing Stipulation and Agreement is hereby  
adopted by as my Decision in this matter and shall become  
effective at 12 o'clock noon on March 12, 1999.

IT IS SO ORDERED February 10, 1999.

JOHN R. LIBERATOR  
Acting Real Estate Commissioner

  
\_\_\_\_\_

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

*Laurie A. Zain*  
By \_\_\_\_\_

In the Matter of the Accusation of

WESTSTAR FINANCIAL GROUP, INC.,  
a corporation; JOEL E. FORRAL;  
FREDRICK MARTIN JORGENSEN;  
and DANIEL VINCENT BEASLEY,

}

Case No. H-2414 SD

OAH No. L-1998100497

Respondent

**NOTICE OF HEARING ON ACCUSATION**

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at the  
Office of Administrative Hearings, 1350 Front Street, Room 6022,  
San Diego, CA 92101

on February 2, 3 & 4, 1999, at the hour of 9:00 AM,  
or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

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

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

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

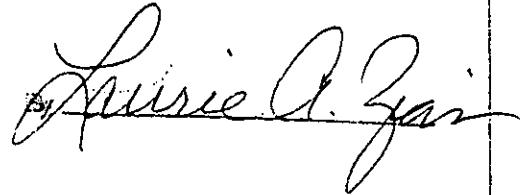
Dated: November 6, 1998

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

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

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

FILED  
JUL 8 1998  
DEPARTMENT OF REAL ESTATE



7 BEFORE THE DEPARTMENT OF REAL ESTATE

8 STATE OF CALIFORNIA

9 \* \* \*

10 In the Matter of the Accusation of )  
11 WESTSTAR FINANCIAL GROUP, INC., ) NO. H-2414 SD  
12 a corporation; JOEL E. FORRAL; ) ACCUSATION  
13 FREDRICK MARTIN JORGENSEN; )  
14 and DANIEL VINCENT BEASLEY, )  
Respondents. )

15 The Complainant, J. Chris Graves, a Deputy Real Estate  
16 Commissioner of the State of California, for cause of Accusation  
17 against WESTSTAR FINANCIAL GROUP, INC., a corporation; JOEL E.  
18 FORRAL; FREDRICK MARTIN JORGENSEN; and DANIEL VINCENT BEASLEY  
19 (hereinafter "Respondents"), is informed and alleges as follows:

20 FIRST CAUSE OF ACCUSATION

21 I

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

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II

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

III

At all times herein mentioned, Respondent WESTSTAR FINANCIAL GROUP, INC. (hereinafter "WESTSTAR") was and now is licensed by the Department of Real Estate of the State of California (hereinafter "the Department") as a corporate real estate broker:

(a) To and until April 24, 1997, by and through Respondent JOEL E. FORRAL (hereinafter "FORRAL") as designated officer-broker of Respondent WESTSTAR to qualify said corporation and to act for said corporation as a real estate broker; and

(b) From and after April 24, 1997, by and through Respondent FREDRICK MARTIN JORGENSEN (hereinafter "JORGENSEN") as designated officer-broker of Respondent WESTSTAR to qualify said corporation and to act for said corporation as a real estate broker..

IV

At all times herein mentioned, Respondent FORRAL was and now is licensed by the Department as a real estate broker, individually and, to and until April 24, 1997, as designated officer-broker of Respondent WESTSTAR. As said designated officer-broker, Respondent FORRAL was, at all times mentioned herein to and until April 24, 1997, responsible pursuant to Section 10159.2 of the Code for the supervision of the activities



1 of the officers, agents, real estate licensees and employees of  
2 Respondent WESTSTAR for which a license is required.

3 V

4 At all times herein mentioned, Respondent JORGENSEN was  
5 and now is licensed by the Department as a real estate broker,  
6 individually and, from and after April 24, 1997, as designated  
7 officer-broker of Respondent WESTSTAR. As said designated  
8 officer-broker, Respondent JORGENSEN was, at all times mentioned  
9 herein from and after April 24, 1997, responsible pursuant to  
10 Section 10159.2 of the Code for the supervision of the activities  
11 of the officers, agents, real estate licensees and employees of  
12 Respondent WESTSTAR for which a license is required.

13 VI

14 On April 29, 1996, the real estate salesperson license  
15 of Respondent DANIEL VINCENT BEASLEY (hereinafter "BEASLEY")  
16 expired and was not renewed until on and after January 24, 1998.  
17 At no time mentioned herein from April 29, 1996 through  
18 January 24, 1998 was Respondent BEASLEY licensed by the Department  
19 as either a real estate broker or as a real estate salesperson.  
20 At all times herein mentioned from and after January 24, 1998,  
21 Respondent BEASLEY was and now is licensed by the Department as a  
22 real estate salesperson.

23 VII

24 Whenever reference is made in an allegation in this  
25 Accusation to an act or omission of Respondent WESTSTAR, such  
26 allegation shall be deemed to mean that the officers, directors,  
27 employees, agents and real estate licensees employed by or





1 associated with Respondent WESTSTAR committed such act or omission  
2 while engaged in the furtherance of the business or operations of  
3 such corporate Respondent and while acting within the course and  
4 scope of their corporate authority and employment.

5 VIII

6 At all times herein mentioned, Respondents engaged in  
7 the business of, acted in the capacity of, advertised and assumed  
8 to act as real estate brokers in the State of California within  
9 the meaning of Section 10131(d) of the Code, including the  
10 operation and conduct of a mortgage loan brokerage business with  
11 the public wherein, on behalf of others, for compensation or in  
12 expectation of compensation, Respondents solicited lenders and  
13 borrowers for loans secured directly or collaterally by liens on  
14 real property, wherein Respondents arranged, negotiated, and  
15 processed such loans, and conducted the escrows through which such  
16 loans were consummated.

17 IX

18 At all times mentioned herein from on or about July 8,  
19 1995 until on or about December 31, 1997, both prior and  
20 subsequent to April 24, 1997, Respondent WESTSTAR employed and  
21 compensated Robert P. Haskins (hereinafter "Haskins") to perform  
22 the acts and conduct the activities described in Paragraph VIII,  
23 above.

24 X

25 Between on or about July 8, 1995 and on or about  
26 December 31, 1997, both prior and subsequent to April 24, 1997, in  
27 the course of the activities and employment described in



1 Paragraphs VIII and IX, above, Haskins solicited and obtained  
2 applications from at least twenty-six different borrowers for at  
3 least twenty-six different loans secured by deeds of trust  
4 encumbering real property within the State of California, and  
5 thereafter received compensation for such services from WESTSTAR.

6 XI

7 The mortgage loan applications obtained by Haskins in  
8 course of his employment by Respondent WESTSTAR, as described in  
9 Paragraphs IX and X, above, included but were not limited to the  
10 following loan applications:

11 APPLICATION DATE	BORROWER	SECURITY PROPERTY	LOAN AMOUNT
12 07/08/95	JoAnn Novak-Eggding	8321 Barranca Court Spring Valley, CA	\$91,000
13 11/21/95	Luis Vazquez	1024 Gallery Drive Oceanside, CA	\$154,857
14 05/23/96	Robt. C. Steele	13032 Trigger St. San Diego, CA	\$170,000
15 04/05/97	Erasmus Lopez	131 Christen Way San Marcos, CA	\$86,000
16 09/15/97	William Nichols	331 Vista Marazul San Diego, CA	\$86,000
17 10/21/97	Raul Martinez	436 N. Citrus Ave. San Diego, CA	\$103,000

18 XII

19 At no time mentioned herein from or after August 14,  
20 1994 was Haskins licensed by the Department as either a real  
21 estate salesperson or as a real estate broker.

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SECOND CAUSE OF ACCUSATION

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XIII

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

XIV

At all times mentioned herein from on or about April 29, 1996 until on or about December 31, 1997, both prior and subsequent to April 24, 1997, Respondent WESTSTAR employed and compensated Respondent BEASLEY to perform the acts and conduct the activities described in Paragraph VIII, above.

XV

Between on or about April 29, 1996 and on or about December 31, 1997, both prior and subsequent to April 24, 1997, in the course of the activities and employment described in Paragraphs VIII and XIV, above, Respondent BEASLEY solicited and obtained applications from borrowers for loans secured by deeds of trust encumbering real property within the State of California, and thereafter solicited lenders for, arranged, negotiated, processed, and consummated such loans, and received compensation for such services from WESTSTAR.

XVI

The mortgage loan applications and mortgage loans obtained, negotiated and arranged by Respondent BEASLEY, in course of Respondent BEASLEY's employment by Respondent WESTSTAR, as

1 described in Paragraphs XIV and XV, above, included but were not  
2 limited to the following loans:

3 APPLICATION DATE	BORROWER	SECURITY PROPERTY	LOAN AMOUNT
4 09/01/96	Hugh W. Power	Maybritt Circle San Marcos, CA	
6 10/17/96	Marilyn Prue	516 Hemphill Drive San Marcos, CA	\$118,278
7 12/10/96	Michael Dovidio	1780 Lindsley Park Dr., San Marcos, CA	\$140,700
9 01/07/97	Scott Ereckson	270 Puffin Drive Vista, CA	\$118,000
10 01/14/97	Patrick Hubbard	3839 Vista Campana So., Vista, CA	\$47,450
12 02/14/97	Carl Fleckner	9674 Babauta Road San Diego, CA	\$301,000
13 04/17/97	Robert Musso	4978 Yuma Avenue Oceanside, CA	\$120,000
15 06/17/97	Glen Goglia	3698 Camino De Las Lomas, Vista, CA	\$310,000
17 06/20/97	Mary Peifer	1170 Tower Place Vista, CA	\$75,000
18 07/03/97	Thomas Reilly	1003 Tiger Tail Rd. Vista, CA	\$108,000
20 11/27/97	Kirk Garcilaso	520 Monterey Drive Oceanside, CA	

21 THIRD CAUSE OF ACCUSATION

22 XVII

23 There is hereby incorporated in this third, separate and  
24 distinct Cause of Accusation, all of the allegations contained in  
25 Paragraphs I through VIII, inclusive, of the First Cause of  
26 Accusation and Paragraphs XIII through XVI, inclusive, of  
27



1 the Second Cause of Accusation, with the same force and effect as  
2 if herein fully set forth.

3 XVIII

4 Throughout the period from on or about April 29, 1996  
5 through on or about December 31, 1997, Respondent BEASLEY acted as  
6 a real estate broker in conducting the mortgage loan brokerage and  
7 escrow business and activities described in Paragraph VIII and  
8 Paragraphs XIII through XVI, inclusive, above, in that:

9 (a) In conducting such activities, Respondent BEASLEY  
10 held himself out as, advertised himself to be, and assumed to act  
11 as a real estate broker to borrowers, lenders, title companies and  
12 others;

13 (b) Respondent BEASLEY maintained offices for the  
14 transaction of said mortgage loan brokerage and escrow business  
15 and activities in Vista, California, separate and apart from  
16 offices maintained by Respondent WESTSTAR;

17 (c) In the transaction of said mortgage loan brokerage  
18 business and activities, Respondent BEASLEY represented himself to  
19 be the president of "American West Mortgage", a fictitious  
20 business name utilized and registered with the Department by  
21 Respondent WESTSTAR;

22 (d) Respondent BEASLEY used the fictitious business  
23 name "Beasley Financial and Property Management" in the  
24 transaction of said mortgage loan brokerage business and  
25 activities;

26 (e) Respondent BEASLEY employed Jerry Diverde and Dean  
27 Johnson, neither of whom were licensed by the Department at the



1 time as either a real estate broker or as a real estate  
2 salesperson, to solicit borrowers to apply for loans secured by a  
3 lien on real property;

4 (f) Respondent BEASLEY conducted escrows for loan  
5 transactions initiated by Respondent BEASLEY by and through sole  
6 proprietorships operated by Respondent BEASLEY under the  
7 fictitious names "Vista Escrow" and "Coast Side Escrow",  
8 identifying himself as an escrow officer for Vista Escrow and  
9 Coast Side Escrow with the fictitious name "Dan Marrone".

10 XIX

11 In acting as described in Paragraph XVII through XVIII,  
12 above, Respondent BEASLEY violated Section 10130 of the Code.

13 FOURTH CAUSE OF ACCUSATION

14 XX

15 There is hereby incorporated in this fourth, separate  
16 and distinct Cause of Accusation, all of the allegations contained  
17 in Paragraphs I through VIII, inclusive, of the First Cause of  
18 Accusation, and Paragraphs XIII through XIX, inclusive, of the  
19 Second and Third Causes of Accusation, with the same force and  
20 effect as if herein fully set forth.

21 XXI

22 On or about February 28, 1997, in the course of mortgage  
23 loan brokerage and escrow business and activities described above,  
24 Respondent BEASLEY submitted an application to First Franklin  
25 Mortgage Corporation (hereinafter "First Franklin") ostensibly on  
26 behalf of Robert Musso and Paula Musso as co-borrowers for a  
27 \$120,000 mortgage loan to be secured by the lien of a deed of



1 trust encumbering real property at 4978 Yuma Avenue, Oceanside,  
2 California.

3 XXII

4 In order to induce First Franklin to make the loan  
5 described in Paragraph XXI, above, Respondent BEASLEY represented  
6 to First Franklin, among other things, that (hereinafter "the  
7 representations"):

8 (a) Execution of the borrowers' escrow instructions to  
9 the escrow holder, Vista Escrow, to consummate the loan was  
10 obtained on January 29, 1997 by an escrow officer for Vista Escrow  
11 named Dan Marrone;

12 (b) The loan application had been executed by Paula  
13 Musso in the presence of Respondent BEASLEY on February 24, 1997;

14 (c) Execution of the deed of trust to secure the loan,  
15 a Warranty and Compliance Agreement with First Franklin, and an  
16 Occupancy Declaration to First Franklin, had been duly  
17 acknowledged by Paula Musso before Cheryle A. Lintz (hereinafter  
18 "Lintz"), a notary public, on February 24, 1997; and

19 (d) The loan application and supporting documents were  
20 being submitted to First Franklin in good faith by Respondent  
21 BEASLEY on behalf of Paula Musso as co-applicant for the loan.

22 XXIII

23 The representations were material to a decision by First  
24 Franklin to make the loan, as Respondent BEASLEY knew at the time  
25 the representations were made.

26 ///

27 ///



1  
2 The representations were false, as Respondent knew at  
3 the time the representations were made. In truth and fact, as  
4 Respondent knew at the time:

5 (a) Vista Escrow was a sole proprietorship operated by  
6 Respondent BEASLEY to conduct escrows for loan transactions  
7 initiated by Respondent BEASLEY; "Dan Marrone" is a fictitious  
8 name used by Respondent BEASLEY to conceal the fact that the loan  
9 escrow was being handled by Respondent BEASLEY; and Paula Musso  
10 did not execute the borrowers escrow instructions to the escrow  
11 holder, Vista Escrow, to consummate the loan;

12 (b) No loan application was executed by Paula Musso in  
13 the presence of Respondent BEASLEY on February 24, 1997, or at any  
14 other time, or at all;

15 (c) Execution of the deed of trust to secure the loan,  
16 the Warranty and Compliance Agreement with First Franklin, and the  
17 Occupancy Declaration to First Franklin, had not been acknowledged  
18 by Paula Musso before Lintz, a notary public, on February 24,  
19 1997, or at any other time, or at all, but instead, Respondent  
20 BEASLEY knowingly solicited and obtained false notary  
21 acknowledgments from Lintz on said instruments and caused Lintz to  
22 affix her notary seal next to the false acknowledgments; and

23 (d) Respondent BEASLEY knew that Paula Musso was not a  
24 co-applicant for the loan.

25  
26 The acts and omissions of Respondent BEASLEY described  
27 in Paragraphs XX through XXIV, inclusive, above constituted the





1 substantial misrepresentation of a material fact, and fraud or  
2 dishonest dealing.

3 FIFTH CAUSE OF ACCUSATION

4 XXVI

5 There is hereby incorporated in this fifth, separate and  
6 distinct Cause of Accusation, all of the allegations contained in  
7 Paragraphs I through XXV, inclusive, of the First, Second, Third  
8 and Fourth Causes of Accusation, with the same force and effect as  
9 if herein fully set forth.

10 XXVII

11 At all times mentioned herein to and until April 24,  
12 1997, Respondent FORRAL failed to exercise reasonable supervision  
13 over the acts of Respondent WESTSTAR and its agents and employees  
14 in such a manner as to allow the acts and omissions on the part of  
15 Respondents WESTSTAR and BEASLEY during the period ending  
16 April 24, 1997, described above, to occur.

17 SIXTH CAUSE OF ACCUSATION

18 XXVIII

19 There is hereby incorporated in this sixth, separate and  
20 distinct Cause of Accusation, all of the allegations contained in  
21 Paragraphs I through XIX, inclusive, of the First, Second, and  
22 Third Causes of Accusation, with the same force and effect as if  
23 herein fully set forth.

24 XXIX

25 At all times mentioned herein from and after April 24,  
26 1997, Respondent JORGENSEN failed to exercise reasonable  
27 supervision over the acts of Respondent WESTSTAR and its agents



1 and employees in such a manner as to allow the acts and omissions  
2 on the part of Respondents WESTSTAR and BEASLEY during the period  
3 beginning April 24, 1997, described above, to occur.

4 XXX

5 The facts alleged above are grounds for the suspension  
6 or revocation of the licenses and license rights of Respondents  
7 under the following provisions of the Code:

8 (a) As to Respondent WESTSTAR and the First Cause for  
9 Accusation under Section 10137 the Code in conjunction with  
10 Section 10177(d) of the Code;

11 (b) As to Respondent WESTSTAR and the Second Cause for  
12 Accusation under Section 10137 the Code in conjunction with  
13 Section 10177(d) of the Code;

14 (c) As to Respondent BEASLEY and the Third Cause for  
15 Accusation under Section 10130 the Code in conjunction with  
16 Section 10177(d) of the Code;

17 (d) As to Respondent BEASLEY and the Fourth Cause for  
18 Accusation under Sections 10176(a) and or 10176(i) the Code;

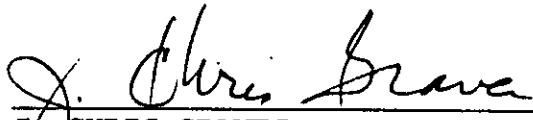
19 (e) As to Respondent FORRAL and the Fifth Cause for  
20 Accusation under Section 10177(g) and/or Section 10177(h) of the  
21 Code and Section 10159.2 of the Code in conjunction with Section  
22 10177(d) of the Code; and

23 (f) As to Respondent JORGENSEN and the Sixth Cause for  
24 Accusation under Section 10177(g) and/or Section 10177(h) of the  
25 Code and Section 10159.2 of the Code in conjunction with Section  
26 10177(d) of the Code.

27 ///



1           WHEREFORE, Complainant prays that a hearing be conducted  
2 on the allegations of this Accusation and that upon proof thereof,  
3 a decision be rendered imposing disciplinary action against all  
4 licenses and license rights of Respondents under the Real Estate  
5 Law (Part 1 of Division 4 of the Business and Professions Code),  
6 and for such other and further relief as may be proper under other  
7 provisions of law, including the imposition of a fine of up to  
8 \$10,000.00 pursuant to the provisions of Section 10139.5 of the  
9 Business and Professions Code.

10  
11   
12 J. CHRIS GRAVES  
Deputy Real Estate Commissioner

13 Dated at San Diego, California  
14 this 2<sup>nd</sup> day of July, 1998.

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