

FILED  
MAY 20 2003

DEPARTMENT OF REAL ESTATE

By Katherine Contreras

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of )  
JOEL E. FORRAL, ) NO. H-2466 SD  
Respondent. )

ORDER GRANTING REINSTATEMENT OF LICENSE

On February 10, 1999, an Order was rendered herein revoking the real estate broker license of Respondent, but granting Respondent the right to the issuance of a restricted real estate broker license. A restricted real estate broker license was issued to Respondent on March 12, 1999.

On August 21, 2001, Respondent petitioned for reinstatement of said real estate broker license, and the Attorney General of the State of California has been given notice of the filing of said petition.

I have considered the petition of Respondent and the evidence and arguments in support thereof including Respondent's record as a restricted licensee. Respondent has demonstrated to

1 my satisfaction that Respondent meets the requirements of law for  
2 the issuance to Respondent of an unrestricted real estate broker  
3 license and that it would not be against the public interest to  
4 issue said license to Respondent.

5 NOW, THEREFORE, IT IS ORDERED that Respondent's  
6 petition for reinstatement is granted and that a real estate  
7 broker license be issued to Respondent if Respondent satisfies  
8 the following conditions prior to and as a condition of issuance  
9 of the license within nine months from the date of this Order:

10 1. Submittal of a completed application and payment  
11 of the fee for a real estate broker license.

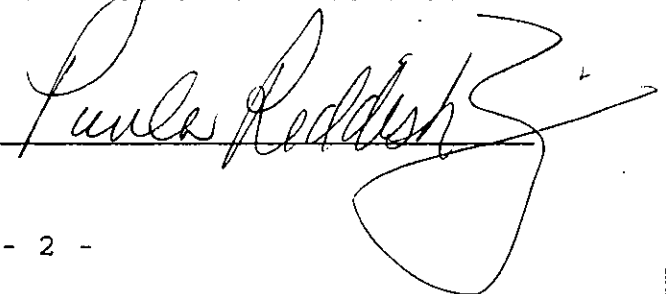
12 2. Submittal of evidence of having, since the most  
13 recent issuance of an original or renewal real estate license,  
14 taken and successfully completed the continuing education  
15 requirements of Article 2.5 of Chapter 3 of the Real Estate Law for  
16 renewal of a real estate license. This requirement shall not apply  
17 if Respondent renewed his restricted real estate broker license.

18 3. Submittal of proof satisfactory to the Commissioner  
19 of having taken and completed the trust fund accounting and  
20 handling course specified in paragraph (3), subdivision (a) of  
21 Section 10170.5 of the Business and Professions Code.

22 This Order shall be effective immediately.

23 DATED: April 17, 2003.

24 PAULA REDDISH ZINNEMANN  
25 Real Estate Commissioner

26   
27

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 *Lucie A. Z...*

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

11 In the Matter of the Accusation of ) No. H-2414 SD  
12 JOEL E. FORRAL, et al. ) OAH No. L-1998100497  
13 Respondent. )

14 In the Matter of the Accusation of ) No. H-2466 SD  
15 JOEL E. FORRAL, )  
16 Respondent. ) STIPULATION AND AGREEMENT

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

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

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

12           3. On July 20, 1998, Respondent filed a Notice of  
13 Defense pursuant to Section 11505 of the Government Code for the  
14 purpose of requesting a hearing on the allegations in the H-2414  
15 SD Accusation. On January 23, 1999, Respondent filed a Notice of  
16 Defense pursuant to Section 11505 of the Government Code for the  
17 purpose of requesting a hearing on the allegations in the H-2466  
18 SD Accusation. Respondent hereby freely and voluntarily  
19 withdraws said Notices of Defense. Respondent acknowledges that  
20 Respondent understands that by withdrawing said Notices of  
21 Defense Respondent will thereby waive Respondent's right to  
22 require the Commissioner to prove the allegations in the  
23 Accusations at a contested hearing held in accordance with the  
24 provisions of the APA and that Respondent will waive other  
25 rights afforded to Respondent in connection with the hearing  
26 such as the right to present evidence in defense of the  
27 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  
5 DATED

James L. Beaver  
JAMES L. BEAVER, Counsel  
Department of Real Estate

6 \* \* \*

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

18 1/26/99  
19 DATED

Joel E. Forral  
JOEL E. FORRAL  
Respondent

20 \* \* \*

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

23 1-23-99  
24 DATED

Frank M. Buda  
FRANK M. BUDA, ESQ.

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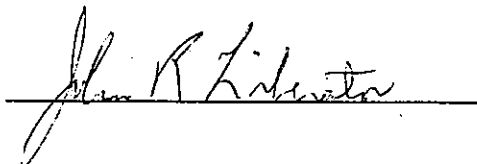


\* \* \*

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



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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 (Direct)

FILED  
JAN 15 1999  
DEPARTMENT OF REAL ESTATE

By *Laurie A. Zain*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )

No. H-2466 SD

12 JOEL E. FORRAL, )

ACCUSATION

13 Respondent. )  
14 )

15 The Complainant, Charles W. Koenig, a Deputy Real Estate  
16 Commissioner of the State of California, for cause of Accusation  
17 against JOEL E. FORRAL (hereinafter "Respondent"), is informed and  
18 alleges as follows:

19 I

20 The Complainant, Charles W. Koenig, a Deputy Real Estate  
21 Commissioner of the State of California, makes this Accusation in  
22 his official capacity.

23 II

24 At all times herein mentioned, Respondent was and now is  
25 licensed and/or has license rights under the Real Estate Law  
26 (Part 1 of Division 4 of the Business and Professions Code)  
27 (hereinafter "the Code") as a real estate broker.

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III

At all times herein mentioned, Respondent engaged in the business of, acted in the capacity of, advertised, or assumed to act as a real estate broker within the State of California within the meaning of Sections 10131(b) of the Code, including the operation and conduct of a property management business with the public wherein, on behalf of others, for compensation or in expectation of compensation, Respondent leased or rented and offered to lease or rent, and placed for rent, and solicited listings of places for rent, and solicited for prospective tenants of real property or improvements thereon, and collected rents from real property or improvements thereon.

IV

In so acting as a real estate broker, as described in Paragraph III above, Respondent accepted or received funds in trust (hereinafter "trust funds") from or on behalf of sellers, buyers, owners, tenants and others in connection with the resale brokerage and property management activities described in Paragraph III, above, and thereafter from time to time made disbursements of said funds.

V

Some but not necessarily all of said trust funds accepted or received by Respondent were deposited or caused to be deposited by Respondent into one or more bank accounts (hereinafter "trust fund accounts") maintained by Respondent for the handling of trust funds, including but not necessarily limited to the "Century 21 Teamwork Property Management Division Trust

1 Account", Account Number 9120024490 (hereinafter "Account #1"),  
2 maintained by Respondent at the Chula Vista, California, branch of  
3 Union Bank.

4 VI

5 Between on or about March 1, 1997 and September 15,  
6 1998, in connection with the collection and disbursement of said  
7 trust funds, Respondent:

8 (a) Failed to keep a columnar record in chronological  
9 sequence of all trust funds received and disbursed from Account #1  
10 in a form complying with the requirements of 2831 of Title 10,  
11 California Code of Regulations (hereinafter "the Regulations");

12 (b) Failed to reconcile, at least once a month, the  
13 balance of all separate beneficiary or transaction records with  
14 the record of all trust funds received into and disbursed from  
15 Account #1;

16 (c) Authorized P.J. Taylor, an unlicensed person  
17 without fidelity bond coverage, to make disbursements from Account  
18 #1, and authorized Dee K. Morton, an unlicensed person without  
19 fidelity bond coverage, to make disbursements from Account #1;

20 (d) Caused, suffered or permitted the balance of funds  
21 in Account #1 to be reduced to an amount which, as of July 31,  
22 1998, was approximately \$43,737.77 less than the aggregate  
23 liability of Respondent to all owners of such funds, without the  
24 prior written consent of the owners of such funds;

25 (e) Caused, suffered or permitted the balance of funds  
26 in Account #1 to be reduced to an amount which, as of August 31,  
27 1998, was approximately \$574.68 less than the aggregate liability



1 of Respondent to all owners of such funds, without the prior  
2 written consent of the owners of such funds; and

3 (f) Commingled with Respondent's own money the money of  
4 others which was received by Respondent and held by Respondent in  
5 Account #1.

6 VII

7 Between on or about March 1, 1997 and September 15,  
8 1998, in course of the property management activities described in  
9 Paragraph III, above, Respondent:

10 (a) Employed Dwayne Pogue, a licensed real estate  
11 salesperson, to conduct the activities described in Paragraph III,  
12 above, but entirely failed to notify the Department in writing  
13 that Dwayne Pogue had entered Respondent's employ as a real estate  
14 salesperson; and

15 (b) Used the fictitious business name "Teamwork  
16 Property Management" without obtaining a license bearing such  
17 fictitious name, in violation of Section 2731(a) of the  
18 Regulations in conjunction with Section 10159.5 of the Code.

19 VIII

20 The facts alleged above are grounds for the suspension  
21 or revocation of the licenses and license rights of Respondent  
22 under the following provisions of the Code and/or the Regulations:

23 (a) As to Paragraph VI(a), under Section 2831 of the  
24 Regulations in conjunction with Sections 10145 and 10177(d) of the  
25 Code;

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27 ///

1 (b) As to Paragraph VI(b), under Section 2831.2 of the  
2 Regulations in conjunction with Sections 10145 and 10177(d) of the  
3 Code;

4 (c) As to Paragraph VI(c), under Section 2834(a) of the  
5 Regulations in conjunction with Section 10177(d) of the Code;

6 (d) As to Paragraph VI(d), under Section 2832.1 of the  
7 Regulations in conjunction with Sections 10145 and 10177(d) of the  
8 Code;

9 (e) As to Paragraph VI(e), under Section 2832.1 of the  
10 Regulations in conjunction with Sections 10145 and 10177(d) of the  
11 Code;

12 (f) As to Paragraph VI(f), under Section 10176(e) of  
13 the Code;

14 (g) As to Paragraph VII(a), Section 10161.8(a) of the  
15 Code in conjunction with Sections 10165 and 10177(d) of the Code;  
16 and

17 (h) As to Paragraph VII(b), under Section 2731(a) of  
18 the Regulations in conjunction with Sections 10159.5 and 10177(d)  
19 of the Code.

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

Charles W. Koenig  
CHARLES W. KOENIG  
Deputy Real Estate Commissioner

Dated at Sacramento, California,  
this 15th day of January, 1999.