

FILED

MAR 29 1985

DEPARTMENT OF REAL ESTATE  
BY *Alma Spring*

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DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

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In the Matter of the Accusation of	)	No. H-5217 SF
PHILIP JAMES BECCHETTI	)	N-19098
and JENNIFER RASMUSSEN,	)	
	)	
Respondents.	)	

ORDER GRANTING REINSTATEMENT OF LICENSE

On October 19, 1982, a Decision was rendered herein revoking the real estate salesperson license of respondent JENNIFER RASMUSSEN.

On February 5, 1985, respondent, under the name of JENNIFER MORGAN, 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 said petition.

I have considered respondent's petition and the evidence and arguments in support thereof. Respondent has demonstrated to my satisfaction that grounds do not presently exist to deny the issuance of an unrestricted real estate

1 salesperson license to her.

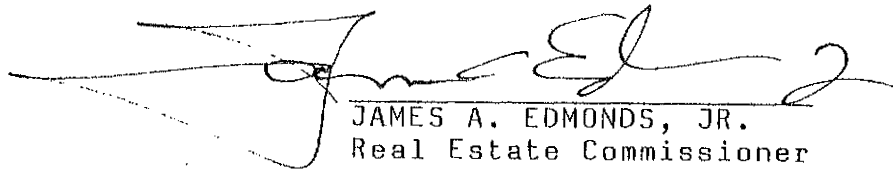
2 NOW, THEREFORE, IT IS ORDERED that respondent  
3 JENNIFER MORGAN's petition for reinstatement is granted and  
4 that a real estate salesperson license be issued to her after  
5 she satisfies the following conditions within six (6) months  
6 from the date of this Order:

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

9 2. Submittal of evidence of the completion of 45  
10 hours of approved continuing education offerings within the  
11 four-year period immediately preceding the date on which the  
12 evidence of completion is submitted to the Department.

13 This Order shall be effective immediately.

14 DATED: 3-19-85

15   
16 JAMES A. EDMONDS, JR.  
17 Real Estate Commissioner

18 cc: Jennifer Morgan  
19 Post Office Box 754  
20 Malibu, CA 90265  
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FILED  
OCT 21 1982

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

By Roshni R. Kalidin  
Roshni R. Kalidin

In the Matter of the Accusation of )  
PHILIP JAMES BECCHETTI, and )  
JENNIFER RASMUSSEN, )  
Respondents. )

NO. H-5217 SF  
N-19098

DECISION

The Proposed Decision dated October 5, 1982, of the Administrative Law Judge of the Office of Administrative Hearings is hereby adopted as the Decision of the Real Estate Commissioner in the above-entitled matter with the following exception:

Condition "E" of the Order of the Proposed Decision is not adopted and shall not be part of the Decision.

This Decision shall become effective at 12 o'clock noon on NOVEMBER 10, 1982.

IT IS SO ORDERED 10/19, 1982.

E. Lee Brazil  
E. LEE BRAZIL  
Real Estate Commissioner

BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

In the Matter of the Accusation	)	
of:	)	NO. H-5217 SF
	)	
PHILIP JAMES BECCHETTI, and	)	N-19098
JENNIFER RASMUSSEN,	)	
	)	
	)	
Respondents.	)	
<hr/>		

PROPOSED DECISION

This matter was heard before Stewart A. Judson, Administrative Law Judge, State of California, Office of Administrative Hearings on September 27, 1982, at San Francisco, California.

The complainant was represented by Stephen Thomas, Counsel. Philip James Becchetti was present and represented himself. Jennifer Rasmussen, although duly served with process in accordance with the Administrative Procedure Act (Sections 11500 et seq., Government Code), was neither present nor otherwise represented.

The following decision is proposed, certified and recommended for adoption:

FINDINGS OF FACT

I

Philip James Becchetti (respondent Becchetti) and Jennifer Rasmussen (respondent Rasmussen) are presently licensed and/or have license rights under the Real Estate Law (Part 1, Division 4, Business and Professions Code\*).

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\*All statutory references are to said Code unless otherwise noted.

## II

a) At all times herein mentioned, respondent Becchetti was licensed by the Department of Real Estate (the Department) as a real estate salesperson. This license will expire on July 5, 1985.

b) At all times herein mentioned, respondent Rasmussen was licensed by the Department as a real estate salesperson. This license will expire on October 2, 1984.

## III

The accusation was made by Edward V. Chiolo in his official capacity as a Deputy Real Estate Commissioner of the State of California.

## IV

a) As of April 2, 1982, respondent Rasmussen's business address of record was 11611 San Vicente Boulevard, Los Angeles, California. As of April 12, 1982, her residence address of record was 7818 Zelzah Avenue, Reseda, California.

b) On May 14, 1982, service of process on respondent Rasmussen was attempted by certified mail at a prior address of record. Process was returned marked "Box Closed". On May 20, 1982, process was served on respondent Rasmussen by certified mail at her current business address of record. Process was returned marked "Unclaimed". On June 17, 1982, process was served on respondent Rasmussen by certified mail at her current residence address of record and was returned marked "Unclaimed".

c) The Notice of Hearing was served on respondent Rasmussen by certified mail at her current business and residence addresses of record on July 9, 1982. In each instance, the notice was returned marked "Unclaimed".

d) Compliance with Sections 11505 and 11509 of the Government Code was established.

## FIRST CAUSE FOR DISCIPLINARY ACTION

## V

On August 21, 1979, respondents, while acting in the capacity of real estate licensees within the meaning of Sections 10131(d) and (e) and 10132, received from Robert C. Soley (Soley) the sum of \$40,000.00. This money was obtained from Soley in reliance upon respondents' representation to him that the funds would be used to procure trust deeds or otherwise invest in trust deeds for Soley's benefit.

VI

Contrary to Section 10231, respondents accepted the funds without regard to or reference to a specific loan which respondents had been authorized to negotiate, or without regard to or reference to a specific trust deed which respondents had purchased, were obligated to purchase, or were authorized to sell.

SECOND CAUSE FOR DISCIPLINARY ACTION

VII

The matters found in the First Cause for Disciplinary Action are incorporated herein.

VIII

The \$40,000.00 received by respondents from Soley were trust funds and not respondents' funds. Respondents failed to place these funds into a neutral escrow depository, a trust bank account, or the hands of their principal but instead commingled said funds with their own funds and converted the funds to their own use and benefit to uses and purposes not authorized by their principal.

THIRD CAUSE FOR DISCIPLINARY ACTION

IX

The matters found in the First and Second Causes for Disciplinary Action are incorporated herein.

X

Respondents, by written agreement with Soley, guaranteed payment of the principal balance and interest to Soley in connection with the trust deeds obtained or to be obtained by respondents for Soley. This guarantee constituted a real property security within the meaning of Section 10237.1.

XI

Prior to the sale of said real property security, respondents failed to obtain a permit from the Real Estate Commissioner authorizing such sale.

FOURTH CAUSE FOR DISCIPLINARY ACTION

XII

The matters found in the First, Second and Third Causes for Disciplinary Action are incorporated herein.

XIII

At all times herein mentioned, respondents failed to invest all of Soley's money in trust deeds. The trust deeds securing a portion of Soley's money were never recorded. A portion of Soley's funds was used by respondents for their own purpose and benefit.

FIFTH CAUSE FOR DISCIPLINARY ACTION

XIV

The matters found in the First, Second, Third and Fourth Causes for Disciplinary Action are incorporated herein.

XV

Respondents, in connection with Soley's \$40,000.00 trust deed investment, entered into a written agreement with Soley whereby respondents would receive monthly from Soley the sum of \$465.00 which respondents were to combine with interest payments due Soley from the trust deed investments. Respondents were to forward the combined sum to Great Western Savings and Loan Association (Great Western) on a monthly basis as and for Soley's monthly payment due Great Western on the loan secured by Soley's residence.

XVI

Respondents failed to forward to Great Western all payments received from Soley.

MITIGATION

XVII

Respondent Becchetti has made restitution in full to Soley totalling approximately \$62,000.00, including damages and attorney fees. He had no prior experience in brokering a loan. Although he and respondent Rasmussen acted in concert throughout this transaction, respondent Rasmussen has failed to contribute toward restitution to Soley and has been unavailable throughout respondent Becchetti's efforts to resolve the problem. Respondent Becchetti has suffered no prior disciplinary action.

## DETERMINATION OF ISSUES

### I

First Cause of Disciplinary Action: A violation of Section 10231 was established. Cause for disciplinary action exists under Section 10177(d).

### II

Second Cause for Disciplinary Action: A violation of Section 10145 was established. Cause for disciplinary action exists under Section 10177(d).

### III

Third Cause for Disciplinary Action: A violation of Section 10238.3 was established. Cause for disciplinary action exists under Section 10177(d).

### IV

Fourth Cause for Disciplinary Action: Cause for disciplinary action exists under Sections 10176(i) and 10177(f).

### V

Fifth Cause for Disciplinary Action: Cause for disciplinary action exists under Sections 10176(a) and 10177(f) and (j).

### VI

The matters found in Finding XVII have been considered.

## ORDER

1. The license and license rights of Philip James Becchetti are revoked under Determinations I through V, separately and severally.

2. A restricted real estate salesperson license shall be issued to respondent Becchetti under Section 10156.5 if he makes application therefor and pays to the Department the appropriate fee for said license within ninety (90) days from the effective date of this Decision.

3. The restricted license issued to respondent Becchetti shall be subject to all of the provisions of Section 10156.7 and to the following conditions imposed under Section 10156.6:



- A. Said restricted license may be suspended prior to hearing by Order of the Real Estate Commissioner in the event of respondent's conviction or plea of nolo contendere to a crime which bears a substantial relation to respondent's fitness or capacity as a real estate licensee.
- B. Said restricted license may be suspended prior to hearing by Order of the Real Estate Commissioner on 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 conditions attaching to this license.
- C. Respondent shall not be eligible to apply for issuance of an unrestricted real estate license nor the removal of any of the conditions of a restricted license until one (1) year has elapsed from the date of issuance of the restricted license to respondent.
- D. Respondent shall submit with his application for license under an employing broker, or his application for transfer to a new employing broker, a statement signed by the prospective employing broker which shall certify:
- (i) That he has read the Decision of the Commissioner which granted the right to a restricted license, and
  - (ii) That he will exercise close supervision over the performance by the restricted licensee of activities for which a real estate license is required.
- E. The restricted license may be suspended by order of the Commissioner, pending a final determination after a hearing, if respondent failed to present satisfactory evidence to the Commissioner of having taken and completed forty-five (45) hours of approved continuing education offerings within a four year period immediately preceding the date on which respondent presents such evidence to the Commissioner. Such evidence shall be presented

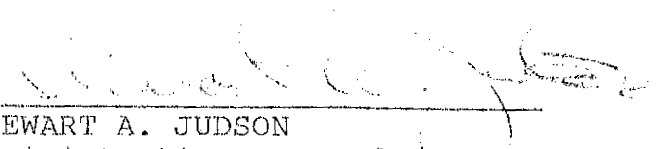
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All pg. 1 of  
Decision*

to the Commissioner within six (6) months from the effective date of this Decision.

F. The restricted license shall not be issued for a period of thirty (30) days from the date of application and payment of the appropriate fee.

3. The license and license rights of Jennifer Rasmussen are revoked under Determinations I through V, separately and severally.

DATED: 11/11/11

  
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STEWART A. JUDSON  
Administrative Law Judge

SAJ:rem

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STEPHEN W. THOMAS, Counsel  
Department of Real Estate  
185 Berry Street, Room 5816  
San Francisco, California 94107  
  
Telephone: (415) 557-3220

FILED  
MAY 14 1982

DEPARTMENT OF REAL ESTATE  
By Binda M. Souza  
REGISTERED

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of ) NO. H-5217 SF  
PHILIP JAMES BECCHETTI, and ) ACCUSATION  
JENNIFER RASMUSSEN, )  
Respondents. )

The complainant, EDWARD V. CHIOLO, a Deputy Real Estate Commissioner of the State of California, for cause of accusation against PHILIP JAMES BECCHETTI and JENNIFER RASMUSSEN, alleges as follows:

FIRST CAUSE OF ACTION

I

PHILIP JAMES BECCHETTI (hereinafter sometimes referred to as BECCHETTI) and JENNIFER RASMUSSEN (hereinafter sometimes referred to as RASMUSSEN) are presently licensed and/or have license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code).

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II

That at all times herein mentioned, BECCHETTI was licensed by the Department of Real Estate of the State of California (hereinafter referred to as the Department) as a real estate salesperson; that said license will expire on or about July 5, 1985.

That at all times herein mentioned, RASMUSSEN was licensed by the Department as a real estate salesperson; that said license will expire on or about October 2, 1984.

III

That the complainant, EDWARD V. CHIOLO, a Deputy Real Estate Commissioner of the State of California, acting in his official capacity as such and not otherwise, makes this accusation against respondents and is informed and alleges as follows:

IV

That on or about August 21, 1979, respondents, while acting in the capacity of real estate licenses as that term is defined but not limited by Sections 10131(d), 10131(e) and 10132 of the Business and Professions Code of the State of California (hereinafter referred to as the Code), received from Robert C. Soley (hereinafter referred to as Soley) the sum of FORTY THOUSAND DOLLARS (\$40,000); that said funds were obtained from Soley in reliance upon respondents' representation to Soley that said funds would be used to "procure trust deeds" or otherwise invest in trust deeds for Soley's benefit.

///

1 V

2 That respondents, in accepting Soley's funds referred  
3 to in Paragraph IV above, were in violation of Section 10231  
4 of the Code in that respondents accepted said funds without  
5 regard to or reference to a specific loan which respondents  
6 had been authorized to negotiate, or without regard to or  
7 reference to a specific trust deed which respondents had  
8 purchased, or were obligated to purchase, or were authorized  
9 to sell.

10 VI

11 That by reason of the facts as hereinabove alleged,  
12 respondents violated Section 10231 of the Code, and said acts  
13 and omissions constitute grounds for disciplinary action under  
14 the provisions of Section 10177(d) of the Code.

15 SECOND CAUSE OF ACTION

16 There is hereby incorporated into this second,  
17 separate and distinct cause of action all of the allegations  
18 contained in Paragraphs I through IV of the First Cause of  
19 Action with the same force and effect as if herein more fully  
20 set forth.

21 I

22 That the FORTY THOUSAND DOLLARS (\$40,000) received  
23 by respondents from Soley were trust funds and not respondents'  
24 funds; that respondents failed to place said trust funds in a  
25 neutral escrow depository, a trust bank account, or the hands  
26 of their principal but instead commingled said funds with  
27 their own funds and converted said funds to their own use and

1 benefit and to uses and purposes not authorized by their  
2 principal.

3 II

4 That by reason of the facts as hereinabove alleged,  
5 respondents violated Section 10145 of the Code, and said acts  
6 and omissions constitute grounds for disciplinary action under  
7 the provisions of Section 10177(d) of the Code.

8 THIRD CAUSE OF ACTION

9 There is hereby incorporated into this third,  
10 separate and distinct cause of action all of the allegations  
11 contained in Paragraphs I through IV of the First Cause of  
12 Action with the same force and effect as if herein more fully  
13 set forth.

14 I

15 That respondents, by written agreement with Soley,  
16 guaranteed payment of the principal balance and interest to  
17 Soley in connection with the trust deeds obtained or to be  
18 obtained by respondents for Soley; that said guarantee con-  
19 stituted a real property security as that term is defined in  
20 Section 10237.1 of the Code.

21 II

22 That prior to the sale of said real property security,  
23 respondents failed to obtain a permit from the Real Estate  
24 Commissioner which authorized said sale.

25 III

26 That by reason of the facts as hereinabove alleged,  
27 respondents violated Section 10238.3 of the Code, and said

1 acts and omissions constitute grounds for disciplinary action  
2 under the provision of Section 10177(d) of the Code.

3 FOURTH CAUSE OF ACTION

4 There is hereby incorporated into this fourth,  
5 separate and distinct cause of action all of the allegations  
6 contained in Paragraphs I through IV of the First Cause of  
7 Action with the same force and effect as if herein more fully  
8 set forth.

9 I

10 That at all times herein mentioned, respondents failed  
11 to invest Soley's FORTY THOUSAND DOLLARS (\$40,000) in trust  
12 deeds and/or failed to procure bona fide trust deeds for Soley's  
13 benefit in an amount of FORTY THOUSAND DOLLARS (\$40,000) or  
14 more; that without Soley's knowledge or consent, respondents  
15 used said FORTY THOUSAND DOLLARS (\$40,000) for their own purposes  
16 and benefits.

17 II

18 That by reason of the facts as hereinabove alleged,  
19 respondents have been guilty of acts or omissions or both,  
20 constituting grounds for disciplinary action under the pro-  
21 visions of Section 10176(i) and 10177(f) and (j) of the Code.

22 FIFTH CAUSE OF ACTION

23 That there is hereby incorporated into this fifth,  
24 separate and distinct cause of action all of the allegations  
25 contained in Paragraphs I through IV of the First Cause of  
26 Action with the same force and effect as if herein more fully  
27 set forth.

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I

That respondents, in connection with Soley's FORTY THOUSAND DOLLAR (\$40,000) trust deed investment, entered into a written agreement with Soley whereby respondents would receive monthly from Soley the sum of FOUR HUNDRED and SIXTY-FIVE DOLLARS (\$465) which respondents were to combine with interest payments due Soley from the trust deed investments and which sums respondents were to forward monthly to Great Western Savings and Loan Association (hereinafter referred to as Great Western) as and for Soley's monthly payment due Great Western for loan #1-199513-3 secured by Soley's residence at 484 Scenic Road, Fairfax, California.

II

That as of September 1979, Soley commenced the payments of FOUR HUNDRED and SIXTY-FIVE DOLLARS (\$465) to respondents as referred to in Paragraph I above, and continued said payments through September, 1980.

III

That respondents failed to forward all payments received from Soley to Great Western; that as of September, 1980, there were three (3) loan payments in arrears to Great Western.

IV

That by reason of the facts as hereinabove alleged, respondents were guilty of acts, or omissions, or both, constituting grounds for disciplinary action under the provisions of Sections 10176(a) and 10177(f) and (j) 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 respondents under the Real Estate Law (Part 1 of Division 4 of the Code) and for such other and further relief as may be proper under other applicable provisions of law.

*Edward V. Chiole*

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EDWARD V. CHIOLO  
Deputy Real Estate Commissioner

Dated at San Francisco, California  
this 14th day of May, 1982.