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FILED

JUN 28 2005

DEPARTMENT OF REAL ESTATE

By Jean Arnold

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA
* * *

In the Matter of the Accusation of)	No. H-5600 SF
ENITAN OLUSEGUN BEREOLA,)	
)	
)	
Respondent.)	

ORDER GRANTING REINSTATEMENT OF LICENSE

On July 28, 1986, a Decision was rendered herein revoking the real estate salesperson license of Respondent but granting Respondent the right to the issuance of a restricted real estate salesperson license. A restricted real estate salesperson license was thereupon issued to Respondent and Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent since that time.

On January 28, 2004, 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.

///

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

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

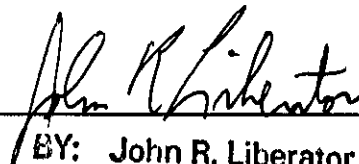
12 1. Submittal of a completed application and payment of
13 the fee for a real estate salesperson license.

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

19 This Order shall become effective immediately.

20 DATED: June 24, 2005, 2005.

21 JEFF DAVI
22 Real Estate Commissioner

23 
24 _____

25 BY: John R. Liberator
26 Chief Deputy Commissioner
27

COPY

FILED
SEP 09 1992

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)	No. H-5600 SF
JANE SMITH WILLIAMS,)	
Respondent.)	

ORDER GRANTING REINSTATEMENT OF LICENSE

On July 28, 1986, a Decision 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 October 3, 1986, and respondent has operated as a restricted licensee without cause for disciplinary action against respondent since June 15, 1988.

On June 11, 1990, 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.

1 I have considered the petition of respondent and the
2 evidence and arguments in support thereof including respondent's
3 record as a restricted licensee. Respondent has demonstrated to
4 my satisfaction that respondent meets the requirements of law for
5 the issuance to respondent of an unrestricted real estate broker
6 license and that it would not be against the public interest to
7 issue said license to her.

8 NOW, THEREFORE, IT IS ORDERED that respondent's
9 petition for reinstatement is granted and that a real estate
10 broker license be issued to respondent if respondent satisfies
11 the following conditions within six (6) months from the date of
12 this Order:

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

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

20 This Order shall be effective immediately.

21 DATED: August 31, 1992

22
23 CLARK WALLACE
24 Real Estate Commissioner

25 John R. Liberator
26 BY: John R. Liberator
27 Chief Deputy Commissioner

IV

Respondent's restricted license was issued in compliance with a Decision of the Real Estate Commissioner issued July 28, 1986. This decision required that respondent submit evidence satisfactory to the Commissioner within six months from August 27, 1986, the effective date of said decision, of having taken and completed forty-five hours of approved continuing education offerings within the four year period immediately preceding the date on which said evidence was presented.

V

Said evidence was due on or before February 26, 1987. As of January 27, 1988, respondent had failed to comply with the Commissioner's Order.

VI

On June 18, 1987, respondent executed a written statement for the Department of Real Estate indicating that in November 1986 she had participated in a forty-five hour continuing education tax seminar home study course which she had been unable to complete due to personal circumstances and lack of time. Respondent is divorced and the mother of three children. She is employed as a courier-driver by a laboratory.

VII

Effective August 17, 1987, respondent's restricted real estate license was suspended by Order of the Real Estate Commissioner under Business and Professions Code section 10156.7 pending a final decision in this matter.

VIII

On March 21, 1988, the Department of Real Estate received from respondent a completed continuing education course verification form showing her continuing education requirement to be completed, as follows:

Ethics--completed February 23, 1988--3 hours.
Agency--completed February 23, 1988--3 hours.
Taxation and Exchange, Part I--completed
February 23, 1988--21 hours.
Taxation and Exchange, Part II--completed
February 23, 1988--21 hours.

DETERMINATION OF ISSUES

I

Cause for disciplinary action exists under Business and Professions Code section 10177(k).

II

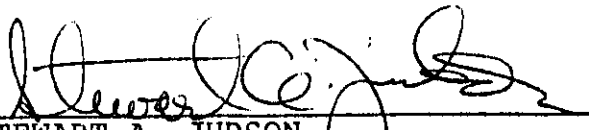
Consideration has been given to the matters found in Findings VII and VIII hereinabove.

ORDER

As a result of the Findings of Fact and Determination of Issues set forth hereinabove, paragraph C4 of the Real Estate Commissioner's Order in Case No. H-5600 SF is amended as follows:

Respondent Williams shall not be eligible to apply for the issuance of an unrestricted real estate license nor the removal of any of the conditions, limitations or restrictions of a restricted license until three (3) years have elapsed from the date of issuance of the restricted license to respondent.

DATED: May 3, 1988


STEWART A. JUDSON
Administrative Law Judge

SAJ:lhj

COPY

FILED
AUG - 7 1986

DEPARTMENT OF REAL ESTATE

By *Mary A. Morello*
Mary A. Morello

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of)	No. H-5600 SF
JANE SMITH WILLIAMS, and)	N 26265
ENITAN OLUSEGUN BEREOLA,)	
Respondents.)	

DECISION

The above-entitled matter came on for hearing before Robert R. Coffman, Administrative Law Judge of the Office of Administrative Hearings, in San Francisco, California, on March 4, 1986.

Joseph McGovern, Counsel, represented the Department of Real Estate.

Both respondents, Jane Smith Williams and Enitan Olusegun Bereola were present and represented themselves.

Evidence both oral and documentary was received, the hearing was closed and the matter was submitted for decision.

On March 11, 1986, the Administrative Law Judge

1 submitted a Proposed Decision which I then declined to adopt as
2 my decision herein. Pursuant to Section 11517(c) of the
3 Government Code of the State of California, respondents were
4 served with a copy of the Proposed Decision and with notice of my
5 determination to decide the case upon the record herein including
6 the transcript of the proceedings held on March 4, 1986, and upon
7 any written argument thereafter offered by respondents and
8 complainant.

9 Written arguments have not been submitted on behalf of
10 respondents or complainant.

11 I have given careful consideration to the record in
12 this case including the transcript of proceedings of March 4,
13 1986. The following shall constitute the Decision of the Real
14 Estate Commissioner in this matter:

15 FINDINGS OF FACT

16 I

17 Jane Smith Williams and Enitan Olusegun Bereola are
18 presently licensed and/or have license rights under the Real
19 Estate Law (Part 1 of Division 4 of the Business and Professions
20 Code).

21 II

22 At all times herein mentioned, respondent Jane Smith
23 Williams was licensed by the Department of Real Estate of the
24 State of California as a real estate broker. The license expires
25 April 29, 1988.

26 III

27 At all times herein mentioned, respondent Enitan

1 Olusegun Bereola was, and now is, licensed by the Department as a
2 real estate salesperson. The license expires November 25, 1988.

3 IV

4 Edward V. Chiolo, a Deputy Real Estate Commissioner of
5 the State of California, made the Accusation in his official
6 capacity.

7 V

8 At all times herein mentioned, Frank, Susan and
9 Catherine Casteleneto (Seller) were the owners of the real
10 property commonly known as 1530 East San Fernando Street, San
11 Jose, California (The Property). In or about October 1984,
12 Seller listed The Property for sale with Renee Brown, a licensed
13 real estate salesperson in the employ of Stevens Creek Realty,
14 Inc. (Lister).

15 VI

16 On or about October 18, 1984, while licensed and acting
17 in the capacity as a real estate licensee, in the employ of
18 respondent Williams, respondent Bereola prepared an Agreement to
19 Purchase and Sell - Deposit Receipt (Deposit Receipt) which
20 contained an offer by Jose and Harvey Gonzales (Buyer) to
21 purchase The Property. Respondent Bereola received the sum of
22 Five Thousand Dollars (\$5,000) (Deposit Check) in the form of a
23 personal check from Buyer as a deposit on the purchase of The
24 Property).

25 VII

26 On or about October 19, 1984, the above offer was
27 presented to Seller; Seller executed a counter offer which was

1 accepted by Buyer on October 20, 1984.

2 VIII

3 Pursuant to the terms expressed in the Deposit Receipt,
4 the Deposit Check was to be deposited in Escrow or the Broker's
5 Trust Account within ten (10) working days of Seller's
6 acceptance. Thereafter an escrow was opened at Continental Title
7 Company (Escrow) in order to consummate the sale of The Property
8 from Seller to Buyer.

9 IX

10 Respondent Bereola failed to deposit the Deposit Check
11 into Escrow or into the hands of Seller or into a trust account,
12 but instead retained the Deposit Check in his office. In or
13 about April 1985 respondent Williams' office manager discovered
14 the Deposit Check in the office and had Bereola deliver it to
15 Escrow.

16 X

17 Escrow immediately deposited the Deposit Check in its
18 trust account. The Deposit Check was thereafter returned to
19 Escrow because Buyer's bank account, upon which the Deposit Check
20 was drawn, had been closed for some time. The sale of The
21 Property from Seller to Buyer was never consummated.

22 XI

23 Respondent Williams failed to ascertain the whereabouts
24 of the Deposit Check until approximately April 1985.

25 XII

26 In October 1984 Bereola knew that Buyer had
27 insufficient funds in his account to cover the \$5,000 check.

1 However, it was not established that he informed Lister and/or
2 Seller.

3 Although Bereola did inform Lister that Buyer needed
4 approximately 80 days before he could make payment of the full
5 \$24,350 cash down payment, he did not inform Lister that the same
6 consideration was applicable to the \$5,000 deposit. Bereola did
7 not tell Lister that Buyer had insufficient funds in his account
8 to cover the \$5,000 check.

9 XIII

10 (a) Bereola has been a licensed real estate
11 salesperson approximately 10 years. He currently works for The
12 Real Estate Professionals.

13 (b) Williams has been broker of record with The Real
14 Estate Professionals for approximately 7 years. She has not been
15 active in the management of the company for the past three years.
16 In October 1984 her husband, Bruce Williams, was managing the
17 office.

18 DETERMINATION OF ISSUES

19 I

20 Respondent Bereola violated Section 2832 of Title 10 of
21 the California Administrative Code and Section 10145 of the
22 Business and Professions Code, constituting cause for discipline
23 under Section 10177(d) of the Business and Professions Code.

24 II

25 Respondent Williams is subject to discipline under
26 Sections 10177(g) and 10177(h) of the Business and Professions
27 Code.

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issued while the restricted license is in effect, such information concerning respondent's activities for which a real estate license is required as the Commissioner shall deem appropriate to protect the public interest;

*Amended
See Decision
in H-5872 SF*

4) Respondent Williams shall not be eligible to apply for the issuance of an unrestricted real estate license nor the removal of any of the conditions, limitations or restrictions of a restricted license until two (2) years have elapsed from the date of the issuance of the restricted license to respondent;

5) Respondent Williams shall, within six months from the effective date of this Decision, present evidence satisfactory to the Real Estate Commissioner that she has, since the most recent issuance of an original or renewal real estate license, taken and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate license. If respondent Williams fails to satisfy this condition, the Commissioner may order the suspension of the restricted license until the respondent presents such evidence. The Commissioner shall afford respondent Williams the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.

II

A. All licenses and licensing rights of respondent Enitan Olusegun Bereola under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

B. A restricted real estate salesperson license shall be issued to respondent Bereola pursuant to Section 10156.5 of the Business and Professions Code not earlier than thirty (30) days after the effective date of this Decision if he makes application therefor and pays to the Department of Real Estate the appropriate fee for said license within ninety (90) days from the effective date of this Decision.

1 C. The restricted license issued to respondent Bereola
2 shall be subject to all of the provisions of Section 10156.7 of
3 the Business and Professions Code and to the following limita-
4 tions imposed under authority of Section 10156.6 of said Code:

5 1) The restricted license may be suspended prior to
6 hearing by order of the Real Estate Commissioner in
7 the event of respondent Bereola's conviction or
8 plea of nolo contendere to a crime which bears a
9 significant relation to respondent's fitness or
10 capacity as a real estate licensee;

11 2) The restricted license may be suspended prior to
12 hearing by order to the Real Estate Commissioner on
13 evidence satisfactory to the Commissioner that
14 respondent Bereola has violated the provisions of
15 the California Real Estate Law, the Subdivided
16 Lands Law, Regulations of the Real Estate
17 Commissioner and conditions attaching to the
18 restricted license;

19 3) Respondent Bereola shall report in writing to the
20 Department of Real Estate as the Real Estate
21 Commissioner may direct by a separate written order
22 issued while the restricted license is in effect,
23 such information concerning respondent's activities
24 for which a real estate license is required as the
25 Commissioner shall deem appropriate to protect the
26 public interest;

27 4) Respondent Bereola shall not be eligible to apply
for the issuance of an unrestricted real estate
license nor the removal of any of the conditions,
limitations or restrictions of a restricted license
until two (2) years have elapsed from the date of
the issuance of the restricted license to
respondent;

5) Respondent Bereola 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:

(1) That he has read the Decision of the
Commissioner which granted the right to a
restricted license; and

(2) That he will exercise close supervision over
the performance by the restricted licensee of

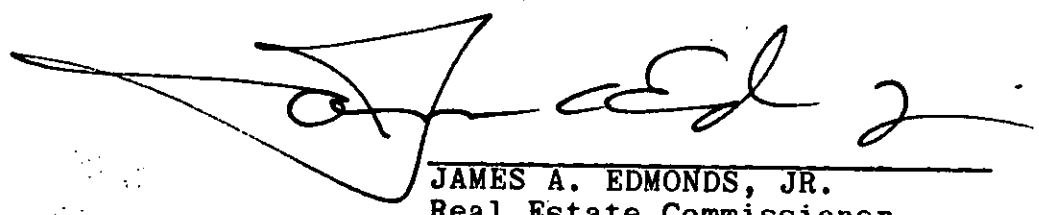
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activities for which a real estate license is required.

6) Respondent Bereola shall, within six months from the effective date of this Decision, present evidence satisfactory to the Real Estate Commissioner that he has, since the most recent issuance of an original or renewal real estate license, taken and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate license. If respondent Bereola fails to satisfy this condition, the Commissioner may order the suspension of the restricted license until the respondent presents such evidence. The Commissioner shall afford respondent Bereola the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.

This Decision shall become effective at 12 o'clock noon
on August 27, 1986.

IT IS SO ORDERED 7-28, 1986.



JAMES A. EDMONDS, JR.
Real Estate Commissioner

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FILED
MAR 31 1986

DEPARTMENT OF REAL ESTATE

By *Roshni R. Kalidin*
Roshni R. Kalidin

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of)	
JANE SMITH WILLIAMS)	No. H-5600 SF
and)	N 26265
ENITAN OLUSEGUN BEREOLA,)	
Respondents.)	

NOTICE

TO: JANE SMITH WILLIAMS and ENITAN OLUSEGUN BEREOLA

YOU ARE HEREBY NOTIFIED that the Proposed Decision herein dated March 11, 1986, of the Administrative Law Judge is not adopted as the Decision of the Real Estate Commissioner. A copy of the Proposed Decision dated March 11, 1986, is attached hereto for your information.

In accordance with Section 11517(c) of the Government Code of the State of California, the disposition of this case will be determined by me after consideration of the record herein including the transcript of the proceedings held on March 4, 1986,

1 and any written argument hereafter submitted on behalf of
2 respondents and complainant.

3 Written argument of respondent to be considered by me
4 must be submitted within 15 days after receipt of the transcript
5 of the proceedings of March 4, 1986, at the San Francisco Office
6 of the Department of Real Estate unless an extension of the time
7 is granted for good cause shown.

8 Written argument of complainant to be considered by me
9 must be submitted within 15 days after receipt of the argument of
10 respondent at the San Francisco Office of the Department of Real
11 Estate unless an extension of the time is granted for good cause
12 shown.

13 DATED: 3-27-86

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16 JAMES A. EDMONDS, JR.
17 Real Estate Commissioner
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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of)
JANE SMITH WILLIAMS)
and)
ENITAN OLUSEGUN BEREOLA,)
Respondents.)

NO. H-5600 SF

N 26265

PROPOSED DECISION

This matter was heard before Robert R. Coffman, Administrative Law Judge, State of California, Office of Administrative Hearings, in San Francisco, California on March 4, 1986.

Joseph McGovern, Counsel, represented the Department of Real Estate.

Both respondents, Jane Smith Williams and Enitan Olusegun Bereola were present and represented themselves.

The matter was submitted and the following decision is proposed and recommended for adoption:

FINDINGS OF FACT

I

Jane Smith Williams and Enitan Olusegun Bereola are presently licensed and/or have license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code).

II

At all times herein mentioned, respondent Jane Smith Williams was, and now is, licensed by the Department of Real Estate of the State of California as a real estate broker, dba The Real Estate Professionals, The license expires April 29, 1988.

III

At all times herein mentioned, respondent Enitan Olusegun Bereola was, and now is, licensed by the Department as a real estate salesperson. The license expires November 25, 1988.

IV

Edward V. Chiolo, a Deputy Real Estate Commissioner of the State of California, made the Accusation in his official capacity.

V

At all times herein mentioned, Frank, Susan and Catherine Casteleneto (Seller) were the owners of the real property commonly known as 1530 East San Fernando Street, San Jose, California (The Property). In or about October 1984, Seller listed The Property for sale with Renee Brown, a licensed real estate salesperson in the employ of Stevens Creek Realty, Inc. (Lister).

VI

On or about October 18, 1984, while licensed and acting in the capacity as a real estate licensee, in the employ of respondent Williams, respondent Bereola prepared an Agreement to Purchase and Sell -- Deposit Receipt (Deposit Receipt) which contained an offer by Jose and Harvey Gonzales (Buyer) to purchase The Property. Respondent Bereola received the sum of Five Thousand Dollars (\$5,000) (Deposit Check) in the form of a personal check from Buyer as a deposit on the purchase of The Property.

VII

On or about October 19, 1984, the above offer was presented to Seller; Seller executed a counteroffer which was accepted by Buyer on October 20, 1984.

VIII

Pursuant to the terms expressed in the Deposit Receipt, the Deposit Check was to be deposited in Escrow or the Broker's Trust Account within ten (10) working days of Seller's acceptance. Thereafter an escrow was opened at Continental Title Company (Escrow) in order to consummate the sale of The Property from Seller to Buyer.

IX

Respondent Bereola failed to deposit the Deposit Check into Escrow or into the hands of Seller or into a trust account,

but instead retained the Deposit Check in his office. In or about April 1985 respondent Williams' office manager discovered the Deposit Check in the office and had Bereola deliver it to Escrow.

X

Escrow immediately deposited the Deposit Check in its trust account. The Deposit Check was thereafter returned to Escrow because Buyer's bank account, upon which the Deposit Check was drawn, had been closed for some time. The sale of The Property from Seller to Buyer was never consummated.

XI

Respondent Williams failed to ascertain the whereabouts of the Deposit Check until approximately April 1985.

XII

In October 1984 Bereola knew that Buyer had insufficient funds in his account to cover the \$5,000 check. However, it was not established that he informed Lister and/or Seller.

Although Bereola did inform Lister that Buyer needed approximately 80 days before he could make payment of the full \$24,350 cash down payment, he did not inform Lister that the same consideration was applicable to the \$5,000 deposit. Bereola did not tell Lister that Buyer had insufficient funds in his account to cover the \$5,000 check.

XIII

(a) Bereola has been a licensed real estate salesperson approximately 10 years. He currently works for The Real Estate Professionals.

(b) Williams has been broker of record with The Real Estate Professionals for approximately 7 years. She has not been active in the management of the company for the past three years. In October 1984 her husband, Bruce Williams, was managing the office.

DETERMINATION OF ISSUES

I

Respondent Bereola violated section 2832 of Title 10 of the California Administrative Code and section 10145 of the Business and Professions Code, constituting cause for discipline under section 10177(d) of the Business and Professions Code.

II

Respondent Williams is subject to discipline under sections 10177(g) and 10177(h) of the Business and Professions Code.


ORDER

1. The real estate license heretofore issued to respondent Enitan-Olusegun-Bereola is suspended for 30 days.

2. The real estate broker license heretofore issued to respondent Jane Smith Williams, dba The Real Estate Professionals, is suspended for 20 days.

DATED:

March 11, 1986


ROBERT R. COFFMAN
Administrative Law Judge

RRC:lhj

COPY

FILED
JAN 29 1986

BEFORE THE DEPARTMENT OF REAL ESTATE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

By Mary A. Morello
Mary A. Morello

In the Matter of the Accusation of
JANE SMITH WILLIAMS and
ENITAN OLUSEGUN BEREOLA

Case No. H-5600 SF
N 26265

Respondent(s)

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 Office of Administrative Hearings, State Building, 455 Golden Gate Avenue, Room 2248, San Francisco, California (One-half Day Hearing) on the 4th day of March, 1986, at the hour of 9:00 A.M., or as soon thereafter as the matter can be heard, upon the charges made in the Accusation served upon you.

You may be present at the hearing, and you may be represented by counsel, but you are neither required to be present at the hearing nor to be represented by counsel. If you are not present in person, nor represented by counsel at the hearing, the Department may take disciplinary action against you upon any express admissions, 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.

DATED: January 29, 1986

DEPARTMENT OF REAL ESTATE

By Joseph McGovern
JOSEPH MCGOVERN Counsel

COPY

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OCT 04 1985

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JOSEPH McGOVERN, Counsel
DEPARTMENT OF REAL ESTATE
185 Berry Street, Room 5816
San Francisco, CA 94107-1770

Telephone: (415) 557-3220

DEPARTMENT OF REAL ESTATE

By *Mary A. Morello*
Mary A. Morello

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

- - -

In the Matter of the Accusation of)	NO. H-5600 SF
JANE SMITH WILLIAMS)	<u>ACCUSATION</u>
and)	
ENITAN OLUSEGUN BEREOLA,)	
Respondent.)	

The complainant, EDWARD V. CHILOLO, a Deputy Real Estate Commissioner of the State of California, for cause of accusation against JANE SMITH WILLIAMS and ENITAN OLUSEGUN BEREOLA, is informed and alleges as follows:

FIRST CAUSE OF ACTION

I

That JANE SMITH WILLIAMS and ENITAN OLUSEGUN BEREOLA 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, JANE SMITH WILLIAMS (hereinafter respondent Williams) was, and now is, licensed by the Department of Real Estate of the State of California (hereinafter the Department) as a real estate broker, dba The Real Estate Professionals; that said license expires April 29, 1988.

III

That at all times herein mentioned, ENITAN OLUSEGUN BEREOLA (hereinafter respondent Bereola) was, and now is, licensed by the Department as a real estate salesperson; that said license expires November 25, 1988.

IV

That the complainant, EDWARD V. CHILOLO, 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.

V

That at all times herein mentioned, Frank, Susan, and Catherine Casteleneto (hereinafter collectively referred to as Seller) were the owners of the real property commonly known as 1530 East San Fernando Street, San Jose, California (hereinafter The Property); that in or about October 1984, Seller listed The Property for sale with Renee Brown, a licensed real estate salesperson in the employ of Stevens Creek Realty, Inc. (hereinafter Lister).

/ / / / /

1 VI

2 That on or about October 18, 1984, while licensed and
3 acting in the capacity of a real estate licensee, in the employ
4 of respondent Williams, respondent Bereola prepared an Agreement
5 to Purchase and Sell - Deposit Receipt (hereinafter Deposit
6 Receipt) which contained an offer by Jose and Harvey Gonzales
7 (hereinafter collectively referred to as Buyer) to purchase The
8 Property; that respondent Bereola received the sum of FIVE
9 THOUSAND DOLLARS (\$5,000) (hereinafter Deposit Check) in the
10 form of a personal check from Buyer as a deposit on the purchase
11 of The Property.

12 VII

13 That on or about October 19, 1984, the offer referred
14 to in Paragraph VI above was presented to Seller; that Seller
15 executed a counter-offer which was accepted by Buyer on
16 October 20, 1984.

17 VIII

18 That pursuant to the terms expressed in the Deposit
19 Receipt, the Deposit Check was to be deposited in Escrow or the
20 Broker's Trust Account within ten (10) working days of Seller's
21 acceptance; that thereafter an escrow was opened at Continental
22 Title Company (hereinafter Escrow) in order to consummate the
23 sale of The Property from Seller to Buyer.

24 IX

25 That respondent Bereola failed to deposit said Deposit
26 Check into Escrow or into the hands of Seller or into a trust
27 account, but instead retained the Deposit Check in his office;

1 that on or about April 9, 1985, respondent Williams discovered
2 the Deposit Check in the office and delivered it to Escrow.

3 X

4 That Escrow immediately deposited said Deposit Check
5 in its trust account; said Deposit Check was thereafter returned
6 to Escrow because Buyer's bank account, upon which the Deposit
7 Check was drawn, had been closed on or about December 20, 1984.
8 That the sale of The Property from Seller to Buyer was never
9 consummated.

10 XI

11 That by reason of the acts or omissions, or both, as
12 hereinabove alleged, respondent Bereola was in violation of
13 Section 10145 of the Business and Professions Code of the State
14 of California (hereinafter the Code) and Section 2832 of Title
15 10 of the California Administrative Code, and said acts or
16 omissions, or both, constitute grounds for disciplinary action
17 pursuant to Section 10177(d) of the Code.

18 SECOND CAUSE OF ACTION

19 That there is incorporated into this second, separate,
20 and distinct cause of action all of the allegations contained in
21 Paragraphs I through X of the First Cause of Action, with the
22 same force and effect as if herein more fully set forth.

23 I

24 That respondent Williams failed to ascertain the
25 whereabouts of the Deposit Check referred to in the First Cause
26 of Action until April 9, 1985.

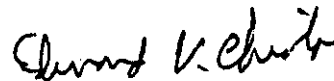
27 / / / / /

II

1
2 That by reason of the facts as hereinabove alleged,
3 respondent Williams has been guilty of acts or omissions, or
4 both, constituting grounds for disciplinary action under the
5 provisions of Sections 10177(g) and 10177(h) of the Code.

6 * * * * *

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

14
15 

16 EDWARD V. CHIOLO
17 Deputy Real Estate Commissioner

18 Dated at San Francisco, California
19 this 4th day of October, 1985.