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FILED
APR 26 2001

DEPARTMENT OF REAL ESTATE

By Shelley Elzy

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
)	No. H-5623 SF
WILLIAM MELFORD LEWIS,)	
)	
Respondent.)	

ORDER GRANTING REINSTATEMENT OF LICENSE

On June 2, 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 June 23, 1986.

On August 19, 1999, 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 within nine months from the date of this
9 Order:

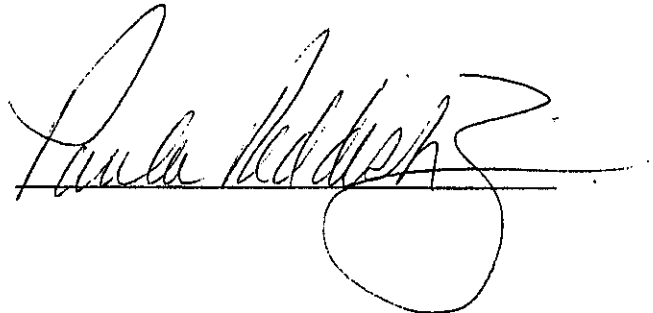
10 1. Submittal of a completed application and payment of
11 the fee for a real estate broker license.

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
16 for renewal of a real estate license.

17 This Order shall be effective immediately.

18 DATED: April 16, 2001

19 PAULA REDDISH ZINNEMANN
20 Real Estate Commissioner

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FILED
MAR 2 1995

DEPARTMENT OF REAL ESTATE

By Linda Montiel
Linda Montiel

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
WILLIAM MELFORD LEWIS,)	No. H-5623 SF
Respondent.)	

ORDER DENYING REINSTATEMENT OF LICENSE

On June 2, 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 June 23, 1986.

On October 27, 1993, Respondent petitioned for reinstatement of said 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

///

1 and arguments in support thereof. Respondent has failed to
2 demonstrate to my satisfaction that he has undergone sufficient
3 rehabilitation to warrant the reinstatement of his real estate
4 broker license in that Respondent has failed to discharge or to
5 make bona fide efforts toward discharging debts in excess of
6 \$34,000 owed to the Internal Revenue Service and the California
7 Franchise Tax Board.

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

10 This Order shall be effective at 12 o'clock noon on
11 March 22, 1995.

12 DATED: February 13, 1995

13 JOHN R. LIBERATOR
14 Interim Commissioner

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FILED
JUL 10 1991

DEPARTMENT OF REAL ESTATE

By *Lynda Montiel*
Lynda Montiel

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of) No. H-5623 SF
)
WILLIAM MELFORD LEWIS,)
aka BILL LEWIS,)
)
Respondent.)

ORDER GRANTING REINSTATEMENT OF LICENSE

On June 2, 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 June 23, 1986, and respondent has operated as a restricted licensee without cause for disciplinary action against him since that time.

On June 27, 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
2 and the evidence and arguments in support thereof. Respondent
3 has demonstrated to my satisfaction that he meets the
4 requirements of law for the issuance to him of an unrestricted
5 real estate broker license and that it would not be against the
6 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 broker license be issued to him if he satisfies the following
10 conditions within six (6) months from the date of this order:

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

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

18 This Order shall be effective immediately.

19 DATED: June 4, 1991.

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21
22 JOHN R. LIBERATOR
23 Chief Deputy Real Estate Commissioner

24 *John R. Liberator*
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FILED
NOV 14 1988

DEPARTMENT OF REAL ESTATE

By *Lynnda Montiel*
Lynnda Montiel

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of) No. H-5623 SF
))
 WILLIAM MELFORD LEWIS,))
))
 Respondent.))

ORDER GRANTING REINSTATEMENT OF LICENSE

On June 2, 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 June 23, 1986, and respondent has operated as a restricted licensee without cause for disciplinary action against him since that time.

On April 14, 1987, 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
2 and the evidence and arguments in support thereof. Respondent
3 has demonstrated to my satisfaction that he meets the
4 requirements of law for the issuance to him of an unrestricted
5 real estate broker license and that it would not be against the
6 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 broker license be issued to him if he satisfies the following
10 conditions within six months from the date of this order:

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

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

18 This Order shall be effective immediately.

19 DATED: November 8, 1988

20
21 JAMES A. EDMONDS, JR.
22 Real Estate Commissioner

23 By: John R. Liberator
24 JOHN R. LIBERATOR
25 (Chief Deputy Commissioner
26
27

COPY

FILED ^{FLAG} JUN 10 1986

DEPARTMENT OF REAL ESTATE

By C. Westbrook
C. Westbrook

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of)
)
 WILLIAM MELFORD LEWIS,)
 aka BILL LEWIS, and)
)
 AMERICAN MORTGAGE BROKERS, INC.,)
)
 Respondents.)

NO. H-5623 SF
N 26397

DECISION

The Proposed Decision dated May 20, 1986, 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.

This Decision shall become effective at 12 o'clock noon on June 23, 1986.

IT IS SO ORDERED June 2, 1986.

JAMES A. EDMONDS, JR.
Real Estate Commissioner

By: John R. Liberator
JOHN R. LIBERATOR
Chief Deputy Director

III

At all times herein mentioned, respondent was, and presently is, licensed by the Department of Real Estate (Department) as a real estate broker in his individual capacity and as designated officer of American Mortgage Brokers, Inc., a California corporation. The individual real estate broker license expires on October 23, 1986. The real estate broker license as designated officer of American Mortgage Brokers, Inc., was cancelled April 22, 1985 and expires May 22, 1986.

IV

At all times herein mentioned, Thomas A. and Kay M. Mitchell (borrowers) were the owners of the real property commonly known as and located at 488 Beel Drive, Santa Cruz, California (property).

V

In January of 1985 the borrowers entered into negotiations with the respondents to arrange a loan secured by the property in the approximate sum of Two Hundred Ten Thousand Dollars (\$210,00) for the primary purpose of refinancing prior existing liens on the property.

VI

A material term and condition of any loan for the borrowers was that the amount of the loan points not exceed 2.0.

VII

On January 17, 1985, respondents and borrowers negotiated a loan. The interest rate for that loan was 11.375%. Respondents quoted the points at 2.25. The borrowers in turn offered 2.0 points. In reliance on the acceptance of the 2.0 points by respondents, borrowers submitted a loan application.

VIII

On February 23, 1985, borrowers learned that the loan documents from the lender, Mortgage Loans of America, recited total loan points to be charged at 2.5. The change in the points was a material variation and breach of the prior understanding and agreement between respondent and the borrowers. Respondents represented to borrowers that if they agreed to proceed with the transaction, a check would be provided for the difference in the loan point rate being charged (2.5) and the one originally agreed upon (2.0). The difference would result in approximately \$1,000.

IX

In reliance upon the representations made by respondent, the borrowers agreed to and did accept the check from respondents in the sum of \$1,000.00 on March 4, 1985. The Borrowers proceeded with the loan transaction. The escrow on the loan was closed.

X

Respondent stopped payment on the check on March 25, 1985. He tried to settle with the borrowers for approximately one half of the amount of the check, but no agreement could be reached. Respondent never intended the \$1,000.00 check to be cashed by the borrowers. He knew that there were insufficient funds to cover that amount when he wrote the check. Respondent did inform the borrowers of that fact.

XI

Borrowers sued respondent in Municipal Court and received a judgment for \$1,071.00 which has been paid in full by respondent.

XII

American Mortgage Brokers, Inc., has gone out of business. Respondent now works for Towne and Country Financial Services. He received his real estate salesperson license in 1969 and his broker's license in 1973. He is married with four children for whose support he is responsible.

XIII

Respondent has never had any problems of this nature before. He now understands the serious nature of the incident and is unlikely to be involved in anything like this again.

DETERMINATION OF ISSUES

I

By reason of the matters set forth in Findings IV, V, VI, VII, VIII, IX and X, cause for disciplinary action exists pursuant to sections 10176(a), 10176(b), 10176(i) and 10177(j) of the Business and Professions Code.

II

The matters as set forth in Findings XI, XII and XIII in mitigation and extenuation have been considered in making the following order.

ORDER

1. The license and licensing rights of American Mortgage Brokers, Inc., are hereby revoked.

2. The license and licensing rights of William Melford Lewis, aka Bill Lewis are hereby revoked.

3. A restricted real estate broker license shall be issued to respondent Lewis pursuant to section 10156.5 if respondent Lewis makes application therefor and pays to the Department the appropriate fees for said license within ninety (90) days of the Decision herein.

4. The restricted license issued to respondent shall be subject to all of the provisions of section 10156.7 and to the following conditions imposed under authority of 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 significant 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 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 Commissioner or conditions attaching to this restricted license.
- C. Respondent 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 one (1) year has elapsed from the date of issuance of the restricted license to respondent.
- D. Respondent shall report in writing to the Department, as the Commissioner shall direct by his Decision herein or by separate written Order 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 to be appropriate to protect the public interest.

E. Respondent shall, within six (6) months from the effective date of the 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 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 the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.

DATED:

May 20, 1986

Ruth S. Astle

RUTH S. ASTLE
Administrative Law Judge

RSA:lhj

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FILED
MAR 17 1986

BEFORE THE DEPARTMENT OF REAL ESTATE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

By C. Westbrook
O. Westbrook

In the Matter of the Accusation of
WILLIAM MELFORD Lewis,
aka BILL LEWIS, and
AMERICAN MORTGAGE BROKERS, INC.,
Respondent(s)

Case No. H-5623 SF
N 26397

CONTINUED
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, Room 2248, 455 Golden Gate Avenue, San Francisco on the 29th day of April, 1986, at the hour of 1:30 p.m. ^(2 hour hearing) 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: March 17, 1986

DEPARTMENT OF REAL ESTATE
By Deidre L. Johnson
DEIDRE L. JOHNSON, Counsel

FILED
FEB 11 1986

BEFORE THE DEPARTMENT OF REAL ESTATE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

By Roshni R. Kalidin
Roshni R. Kalidin

In the Matter of the Accusation of
WILLIAM MELFORD LEWIS,
aka BILL LEWIS, and
AMERICAN MORTGAGE BROKERS, INC.

Case No. H-5623 SF
N 26397

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, Room 2248, San Francisco, California 94102
(2 hour hearing)
on the 13th 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: February 11, 1986

DEPARTMENT OF REAL ESTATE
By Deidre L. Johnson
DEIDRE L. JOHNSON Counsel

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DEIDRE L. JOHNSON, 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-5623 SF
WILLIAM MELFORD LEWIS,)	<u>ACCUSATION</u>
aka BILL LEWIS, and)	
AMERICAN MORTGAGE BROKERS, INC.,)	
Respondents.)	

The complainant, EDWARD V. CHIOLLO, a Deputy Real Estate Commissioner of the State of California, for cause of accusation against WILLIAM MELFORD LEWIS, aka BILL LEWIS, and AMERICAN MORTGAGE BROKERS, INC. is informed and alleges as follows:

I

WILLIAM MELFORD LEWIS, aka BILL LEWIS, and AMERICAN MORTGAGE BROKERS, INC. (hereinafter respondents) are presently licensed and/or have license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code of the State of California).

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II

At all times herein mentioned, respondent WILLIAM MELFORD LEWIS, aka BILL LEWIS was, and presently is, licensed by the Department of Real Estate (hereinafter Department) as a real estate broker in his individual capacity and as designated officer of AMERICAN MORTGAGE BROKERS, INC., a California corporation. Said individual real estate broker license will expire on October 23, 1986; and said real estate broker license as designated officer of AMERICAN MORTGAGE BROKERS, INC. will expire on May 22, 1986.

III

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 respondent.

IV

At all times herein mentioned, Thomas A. and Kay M. Mitchell (hereinafter Borrowers) were the owners of the real property commonly known as and located at 488 Beel Drive, Santa Cruz, California (hereinafter The Property).

V

In about January, 1985 Borrowers entered into negotiations with the respondents to arrange a loan secured by The Property in the approximate sum of TWO HUNDRED TEN THOUSAND DOLLARS (\$210,000) for the primary purpose of refinancing prior existing liens thereon. A material term and condition of any

///

1 such loan for the Borrowers was the amount of loan points to be
2 charged in the transaction.

3 VI

4 On or about January 17, 1985, respondents and Borrowers
5 negotiated and respondents quoted to Borrowers a loan available
6 at an interest rate of about 11.375% at only two points.

7 Borrowers believed said representations to be true, and in
8 reliance thereon agreed to and did submit a loan application
9 through respondents for this specific loan.

10 VII

11 On or about February 23 1985, Borrowers learned that
12 the loan documents from the lender, Mortgage Loans of America,
13 recited total loan points to be charged in the transaction of
14 2.5%. Said change in the percentage of points chargeable was a
15 material variation and breach of the prior understanding and
16 agreement between respondents and Borrowers. With the intent to
17 induce Borrowers into completing said loan transaction,
18 respondent LEWIS on behalf of AMERICAN MORTGAGE BROKERS, INC.
19 represented to respondents that if they agreed to proceed to
20 close this transaction, he would provide them with a check for
21 the difference in the loan point rate being charged (2.5) and
22 the one originally quoted to them (2), a difference of
23 approximately ONE THOUSAND DOLLARS (\$1,000). In reliance upon
24 the representations made by respondent LEWIS, Borrowers agreed to
25 and did accept said check from respondents in the sum of ONE
26 THOUSAND DOLLARS (\$1,000) on about March 4, 1985, and to proceed
27 with the loan transaction and to close of escrow for the loan.

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VIII

The above representations of the respondents to Borrowers were false and untrue, and known to respondents to be false and untrue at the time they were made. The true facts then existing were that respondents had no intention of paying to Borrowers the sum of ONE THOUSAND DOLLARS (\$1,000), or of making any adjustments in the difference between the loan points actually charged and the loan points agreed to and understood to have been agreed to by Borrowers. The true facts were that respondents intended to induce Borrowers into completing said transaction at the higher rate of loan points charged, and to obtain a higher compensation in the transaction than they would have otherwise.

IX

Subsequent to the close of escrow and in March 1985, Borrowers were informed by respondents' bank that there were insufficient funds to cover said check for ONE THOUSAND DOLLARS (\$1,000). On or about March 25, 1985, respondents stopped payment on said check, and respondents have failed to repay said amount or any amount properly due to the Borrowers.

X

By reason of the facts as hereinabove alleged, respondents have been guilty of acts or omissions, or both, constituting grounds for disciplinary action under the provisions of Sections 10176(a), 10176(b), 10176(i), and 10177(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 Business and Professions Code) and for such other and further relief as may be proper under other applicable provisions of law.

Edward V. Chio

EDWARD V. CHIOLO
Deputy Real Estate Commissioner

Dated at San Francisco, California
this 2nd day of January, 1986.