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FILED
DEC 24 1990
DEPARTMENT OF REAL ESTATE

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

By Lynda Montiel
Lynda Montiel

In the Matter of the Accusation of)
ALBERT JOHN ISOLA)
dba DATA HOME LOANS,)
Respondent(s).)

No. H-6236 SF
OAH N-35167

DECISION

The Proposed Decision dated November 26, 1990,
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 January 14th, 1991.

IT IS SO ORDERED December 20, 1990.

JAMES A. EDMONDS, JR.
Real Estate Commissioner

John R. Liberator
by: JOHN R. LIBERATOR
Chief Deputy Commissioner

IV

On November 8, 1988, Isola presented an offer on behalf of Warren Hallman, Sr. (Hallman) to purchase property owned by Blueitt known as 9315 Lawlor Street, Oakland, California (Lawlor Street). The Real Property Purchase Contract and Receipt for Deposit (contract) prepared by Isola for Hallman stated that a personal check in the sum of \$500.00 had been received by Isola from Hallman as a deposit toward the purchase price of Lawlor Street and that the check would be held uncashed until Blueitt's acceptance of the offer, at which time the check would be deposited into an escrow created for this transaction.

V

On December 9, 1988, Hallman accepted the counteroffer of Blueitt for the Lawlor Street property. Escrow #120854 for Lawlor Street was opened on November 18, 1988. The transaction was not consummated, however, the escrow remains open pending resolution of a dispute as to disbursement of Hallman's deposit.

VI

Hallman deposited \$350.00 to Escrow #120854 on February 10, 1989 and \$150.00 to escrow on February 21, 1989 as the required deposit relating to the Lawlor Street property.

DETERMINATION OF ISSUES

It was stipulated by the parties that:

By reason of the matters set forth in Findings IV through VI, cause for disciplinary action exists pursuant to section 10177(g) of the Code.

ORDER

It was stipulated by the parties that the following penalty would be recommended.

1. Respondent's real estate broker license shall be suspended for a period of five (5) days from the effective date of this decision.

2. If respondent petitions the Department for a stay of the suspension pursuant to Code section 10175.2, five (5) days of the suspension may be stayed if respondent pays to the Department as a monetary penalty in lieu of suspension the sum of \$1,250.00 pursuant to Code section 10175.2, measured at the rate of \$250 per day.

The payment shall be in the form of a cashier's check or certified check made payable to the Recovery Account of the real

estate fund of the Department and shall be paid by respondent on or before the effective date of the decision.

3. If respondent fails to pay the total monetary penalty in accordance with the terms and conditions as set forth in Order 2, the Commissioner may, without a hearing, order the immediate execution of the suspension as set forth in Order 1.

DATED: November 26, 1990

Ruth S. Astle

RUTH S. ASTLE
Administrative Law Judge

RSA:wc

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
JUL 05 1990
DEPARTMENT OF REAL ESTATE

Flag Inc

By *Victoria Miller*

In the Matter of the Accusation of

ALBERT JOHN ISOLA
dba DATA HOME LOANS,

Case No. H-6236 SF

OAH No. N 35167

Respondent

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
455 Golden Gate Avenue, Rm 2248, San Francisco, CA 94102

on the 2nd day of November, 19 90, at the hour of 9:00 a.m.; or as soon thereafter
($\frac{1}{2}$ day hearing)
as the matter can be heard, upon 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 based upon any express admission or other evidence including affidavits, without any notice to you.

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

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter. The interpreter must be approved by the Administrative Law Judge conducting the hearing as someone who is proficient in both English and the language in which the witness will testify. You are required to pay the costs of the interpreter unless the Administrative Law Judge directs otherwise.

DEPARTMENT OF REAL ESTATE

Dated: July 5, 1990

By *John Van Driel*
JOHN VAN DRIEL, Counsel
JVD

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FILED
JAN 11 1990

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

By C. Westbrook
C. Westbrook

In the Matter of the Accusation of
ALBERT JOHN ISOLA dba DATA HOME LOANS

}

Case No. H-6236 SF
OAH No. N 35167

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 Bldg., 455 Golden Gate Ave., Rm 2248, San Francisco
(1/2 day hearing)
on the 21st day of March, 19 90, at the hour of 1:30 p.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.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter. The interpreter must be approved by the hearing officer conducting the hearing as someone who is proficient in both English and the language in which the witness will testify. You are required to pay the costs of the interpreter unless the hearing officer directs otherwise.

DEPARTMENT OF REAL ESTATE

Dated: January 11, 1990

By John Van Driel
JOHN VAN DRIEL, Counsel

1 JOHN VAN DRIEL, Counsel
DEPARTMENT OF REAL ESTATE
2 185 Berry Street, Room 5816
San Francisco, CA 94107-1770
3
4 (415) 557-3220

FILED
DEC 12 1989
DEPARTMENT OF REAL ESTATE

By *Kathleen Contreras*

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

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In the Matter of the Accusation of)
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12 ALBERT JOHN ISOLA dba) No. H-6236 SF
DATA HOME LOANS))
13) ACCUSATION
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15 The Complainant, EDWARD V. CHIOLO, a Deputy Real Estate
16 Commissioner of the State of California, for cause of accusation against
17 ALBERT JOHN ISOLA dba DATA HOME LOANS, is informed and believes and thereon
18 alleges as follows:

19 FIRST CAUSE OF ACTION

20 I

21 ALBERT JOHN ISOLA dba DATA HOME LOANS (ISOLA) is presently licensed
22 and/or have license rights under the Real Estate Law (Part I of Division 4 of
23 the Business and Professions Code) (Code).

24 II

25 The Complainant, EDWARD V. CHIOLO, a Deputy Real Estate
26 Commissioner of the State of California, makes this accusation against
27 respondent in his official capacity.

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III

At all times herein mentioned, ISOLA was licensed by the Department of Real Estate of the State of California (Department) as a real estate broker. Said license will expire on January 23, 1990.

IV

On or about November 8, 1988, ISOLA presented an offer on behalf of Warren Hallman, Sr. (Hallman) to purchase property owned by Blueitt known as 9315 Lawlor Street, Oakland, CA (Lawlor Street). The Real Property Purchase Contract and Receipt for Deposit (contract) prepared by ISOLA for Hallman stated that a personal check in the sum of \$500.00 had been received by ISOLA from Hallman as a deposit toward the purchase price of Lawlor Street and that said check would be held uncashed until Blueitt's acceptance of the offer, at which time said check would be deposited into an escrow created for this transaction.

V

On or about December 9, 1988, Hallman accepted the counteroffer of Blueitt for the Lawlor Street property. Escrow #120854 for Lawlor Street was opened on or about November 18, 1988. The transaction was not consummated; however, said escrow remains open pending resolution of a dispute as to disbursement of Hallman's deposit.

VI

Hallman deposited \$350.00 to Escrow #120854 on or about 2-10-89 and \$150.00 to the escrow on or about 2-21-89 as the required deposit relating to the Lawlor Street property.

VII

By reason of the facts alleged in Paragraphs 1 through 6 above, respondent ISOLA has been guilty of acts and omissions, or both, in violation

1 of Sections 10145 and 10176(a) of the Code and Sections 2785(a)(9) and 2830
2 of Title 10 of the California Code of Regulations (Regulations) and said acts
3 or omissions constitute grounds for disciplinary action under the provisions
4 of Section 10177(d) of the Code. Said acts or omissions also constitute
5 grounds for disciplinary action under the provisions of Section 10176(i) of
6 the Code.

7 WHEREFORE, the Complainant prays that the above-entitled matter
8 be set for hearing and, upon proof of the charges contained herein, that the
9 Commissioner refuse to authorize the issuance of, and deny the issuance of,
10 a real estate broker license to respondent, and for such other and further
11 relief as may be proper in the premises.

Edward V. Chiolo

EDWARD V. CHILOLO
Deputy Real Estate Commissioner

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16 Dated at San Francisco, California,
17 this 12th day of OCTOBER, 1989.

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