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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE  
By *Victoria Dillon*  
Victoria Dillon

In the Matter of the Accusation of )  
BRUCE CALDWELL WILLIAMS, )  
Respondent(s). )

No. H-6261 SF

DECISION

The Proposed Decision dated December 20, 1990,  
of Robert E. McCabe, Regional Manager, Department of Real  
Estate, State of California, is hereby adopted as the Decision of  
the Real Estate Commissioner in the above-entitled matter.

The Decision shall become effective at 12 o'clock noon  
on April 11, 1991.

IT IS SO ORDERED March 15, 1991.

JOHN R. LIBERATOR  
Chief Deputy Real Estate Commissioner

*John R. Liberator*



4. Respondent agrees that the matter shall be submitted on the pleadings and further proof will not be required of the Complainant to prove the allegations contained in the Accusation.

2

Process was duly served in the manner prescribed by law. Compliance with Government Code Sections 11505 and 11509 was established.

3

In accordance with the stipulation entered into by the parties, the following findings are made:

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

B. At all times mentioned below, Respondent was licensed as a real estate broker in his individual capacity doing business as Northwest Mortgage and Northwest Savings. Respondent is also presently licensed as the designated officer of Pacific Northwest Mortgage Corporation. Respondent's license as designated officer of Pacific Northwest Mortgage Corporation expires on January 25, 1993. Respondent's individual real estate broker license expires on April 29, 1992.

C. Since at least April 1, 1988 Respondent employed and compensated Melanie Bertiz (Bertiz), for soliciting or performing services for borrowers or lenders and negotiating loans to be secured by liens on real property. In performing the acts mentioned herein, Bertiz engaged in the business and acted in the capacity of a real estate licensee within the meaning of Section 10131(d) of the Code. At the time of engaging in the acts described herein, Bertiz did not possess a real estate license issued by the Department.

D. In approximately August 1988 Jose and Josephine Corpus (Corpus) desired to obtain a purchase money loan through Respondent WILLIAMS to be secured by the property known as 1152 Corcus Court, Sunnyvale, California.

E. In approximately August 1988 Bertiz, acting as the agent of Respondent WILLIAMS for or in expectation of compensation, met with Corpus, discussed loan options and interest rates available and helped Corpus complete their loan application.

F. In approximately November 1988, the Corpus loan was funded by a lender who also paid a commission for the loan brokerage to WILLIAMS. Around that same time, WILLIAMS paid Bertiz a commission for her work on the Corpus loan.

G. In approximately April 1988 Ranty and Loreta Ella and Kevin and Krystel Nguyen (Ella) desired to obtain a purchase money loan through WILLIAMS to be secured by the property known as 1125 Moulton Drive, San Jose, California.

H. In approximately April 1988 Bertiz, acting as the agent of WILLIAMS for or in expectation of compensation met with Ella, discussed loan options and interest rates available and helped Ella complete their loan application.

I. In approximately October 1988 the Ella loan was funded by a lender, who also paid a commission for the loan brokerage to WILLIAMS. Around that same time, WILLIAMS paid Bertiz a commission for her work on the Ella loan.

#### DETERMINATION OF ISSUES

1

Respondent WILLIAMS acts and/or omissions as alleged in the Findings are grounds for discipline under the provisions of Section 10137 of the Code.

2

The standard of proof applied at the hearing was clear and convincing proof to a reasonable certainty.

#### ORDER

The parties stipulated to the following discipline:

1

(a) The real estate broker license and all other license rights including the right as designated officer of Pacific Northwest Mortgage Corporation of Respondent BRUCE CALDWELL WILLIAMS are revoked, provided however, that a restricted real estate broker license shall be issued to Respondent BRUCE CALDWELL WILLIAMS pursuant to Section 10156.5 of the Business and Professions Code, if Respondent makes application therefor and pays to the Department of Real Estate the appropriate fee for said license within 90 days from the effective date of the Decision herein.

(b) The restricted real estate broker license so issued shall be suspended for a period of seven (7) days from the effective date of this Decision, but if Respondent petitions, in writing, the Real Estate Commissioner pursuant to Section 10175.2 of the Business and Professions Code; then said suspension shall be stayed upon condition that:

1. Respondent pays the requested monetary penalty pursuant to Section 10175.2 of the Business and Professions Code at the rate of \$250.00 for each

day of the suspension for a total monetary penalty of \$1,750.00, requested in accordance with Respondent's Stipulation dated May 21, 1990.

2. Said 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. Said check must be delivered to the Department prior to the effective date of the Decision in this matter.
3. No further cause for disciplinary action against the real estate license of Respondent occurs within one year from the effective date of the Decision in this matter.
4. If Respondent fails to pay the monetary penalty in accordance with the terms and conditions of the Decision, the Commissioner may, without a hearing, order the immediate suspension, in which event, the Respondent shall not be entitled to any repayment nor credit, prorated or otherwise, for money paid to the Department on the terms of this Decision.
5. If Respondent pays the monetary penalty and if no further cause for disciplinary action against the real estate license of Respondent occurs within one year from the effective date of the Decision, the stay hereby granted shall become permanent.

(c) The restricted broker license issued to Respondent shall be subject to all of the provisions of Section 10156.7 of the Business and Professions Code and to the following limitations imposed under authority of Section 10156.6 of said Code:

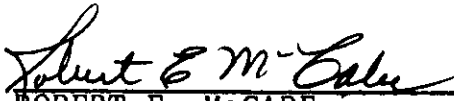
- (1) The restricted license may be suspended prior to hearing by order of the Real Estate Commissioner in the event of Respondent's conviction or plea of nolo contendere to a crime which bears a significant relation to Respondent's fitness or capacity as a real estate licensee;
- (2) The restricted license may be suspended prior to hearing by order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that Respondent has violated the provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner, and conditions attaching to the restricted license;
- (3) 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.

- (4) Respondent shall, within six (6) months from the effective date of the restricted license, take and pass the Professional Responsibility Examination administered by the Department including the payment of the appropriate examination fee. If Respondent fails to satisfy this condition, the Commissioner may order suspension of the restricted license until Respondent passes the examination.
- (5) Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor the removal of any of the limitations, conditions or restrictions of a restricted license until two (2) years have elapsed from the date of issuance of the restricted license to Respondent.

(d) If, for any reason, said proposed order above is not adopted as the Decision of the Real Estate Commissioner, this stipulation and any admissions contained herein shall be null and void, the waivers of Respondent's rights under the Administrative Procedure Act will be vacated, and Respondent shall be entitled to a hearing pursuant to Government Code Sections 11503 et seq., in the above-entitled matter.

DATED: December 20, 1990

  
ROBERT E. MCCABE  
Regional Manager  
Department of Real Estate

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APR 04 1990

BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

By G. Westbrook  
G. Westbrook

In the Matter of the Accusation of  
  
BRUCE CALDWELL WILLIAMS,  
  
Respondent(s)

Case No. H-6261 SF  
OAH No. N 35399

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  
on the 6th day of June, 1990, 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: April 4, 1990

By John Van Driel  
JOHN VAN DRIEL, Counsel

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JAN 26 1990

DEPARTMENT OF REAL ESTATE

By C. Westbrook

C. Westbrook

1 JOHN VAN DRIEL, Counsel  
2 Department of Real Estate  
3 185 Berry Street, Room 5816  
4 San Francisco, California 94107-1770

(415) 557-3220

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

11 In the Matter of the Accusation of )  
12 BRUCE CALDWELL WILLIAMS, )  
13 Respondent. )

NO. H-6261 SF  
ACCUSATION

15 The Complainant, EDWARD V. CHIOLO, a Deputy Real  
16 Estate Commissioner of the State of California, for cause of  
17 Accusation against BRUCE CALDWELL WILLIAMS (Williams), is  
18 informed and alleges as follows:

I

20 The Complainant, EDWARD V. CHIOLO, a Deputy Real  
21 Estate Commissioner of the State of California, makes this  
22 Accusation against respondent in his official capacity.

II

24 WILLIAMS is presently licensed and/or has license  
25 rights under the Real Estate Law (Part 1 of Division 4 of the  
26 Business and Professions Code) (Code).

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III

At all times herein mentioned, WILLIAMS was licensed by the Department of Real Estate of the State of California (Department) as a real estate broker in his individual capacity doing business as Northwest Mortgage and Northwest Savings. WILLIAMS individual license will expire on April 29, 1992. WILLIAMS is also presently licensed as the designated officer of Pacific Northwest Mortgage Corporation. WILLIAMS' license as designated officer of PNMC expires on January 25, 1993.

IV

Since at least April 1, 1988, WILLIAMS employed and compensated Melanie Bertiz (Bertiz), for soliciting or performing services for borrowers or lenders and negotiating loans to be secured by liens on real property. In performing the acts mentioned herein, Bertiz engaged in the business and acted in the capacity of a real estate licensee within the meaning of Section 10131(d) of the Code. At the time of engaging in the acts described herein, Bertiz did not possess a real estate license issued by the Department.

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VI

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VII

In approximately November 1988, the Corpus loan was funded by a lender who also paid a commission for the loan brokerage to WILLIAMS. Around that same time, WILLIAMS paid Bertiz a commission for her work on the Corpus loan.

VIII

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IX

In approximately April 1988 Bertiz, acting as the agent of WILLIAMS for or in expectation of compensation met with Ella, discussed loan options and interest rates available and helped Ella complete their loan application.

X

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'XI

The acts and/or omissions of WILLIAMS as alleged in Paragraphs IV through X are grounds for discipline under the provisions of Section 10137 of the Code.

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 applicable provisions of law.

*Edward V. Chio*

EDWARD V. CHIOLO  
Deputy Real Estate Commissioner

Dated at San Francisco, California  
this 14<sup>th</sup> day of DECEMBER, 1989.