

FILED
DEC 23 1997

DEPARTMENT OF REAL ESTATE

By Shelly Ely

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BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
JACQUES PIERRE DEBETS,) NO. H-7406 SF
Respondent.)

ORDER SUSPENDING RESTRICTED REAL ESTATE LICENSE

TO: JACQUES PIERRE DEBETS

On May 6, 1997, a restricted real estate broker license was issued by the Department of Real Estate to Respondent JACQUES PIERRE DEBETS on the terms, conditions and restrictions set forth in the Real Estate Commissioner's Decision of March 31, 1997, effective May 6, 1997, in Case Number H-7406 SF. This Order granted the right to the issuance of a restricted real estate broker license subject to the provisions of Section 10156.7 of the Business and Professions Code and to enumerated additional terms, conditions and restrictions imposed under authority of Section 10156.6 of said Code.

1 On December 5, 1997, in Case Number
2 H-7520 SF, an Accusation by a Deputy Real Estate Commissioner
3 of the State of California was filed charging Respondent with
4 violation of Section 10177(k) of the Business and Professions Code
5 of the State of California.

6 NOW, THEREFORE, IT IS ORDERED under authority of
7 Section 10156.7 of the Business and Professions Code of the State
8 of California that the restricted real estate broker license
9 heretofore issued to Respondent and the exercise of any privileges
10 thereunder is hereby suspended pending final determination made
11 after the hearing on the aforesaid Accusation.

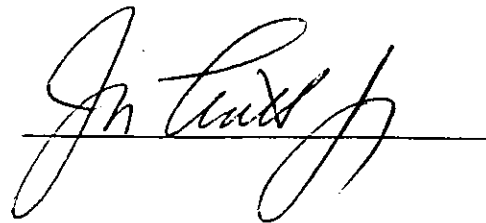
12 IT IS FURTHER ORDERED that all license certificates and
13 identification cards issued by the Department of Real Estate which
14 are in the possession of Respondent be immediately surrendered by
15 personal delivery or by mailing in the enclosed self-addressed,
16 stamped envelope:

17 DEPARTMENT OF REAL ESTATE
18 ATTN: FLAG SECTION
19 P. O. Box 187000
20 Sacramento, CA 95818-7000

21 This Order shall be effective immediately.

22 DATED: 12/17/97

23 JIM ANTT, JR.
24 Real Estate Commissioner

25 
26
27



1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187000
3 Sacramento, California 95818-7000
4 Telephone: (916) 227-0789

FILED
APR 16 1997
DEPARTMENT OF REAL ESTATE

By *Kathleen Contreras*

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12)
13 JACQUES PIERRE DEBETS,)
14 Respondent.)

NO. H-7406 SF

STIPULATION AND AGREEMENT
IN SETTLEMENT AND ORDER

15 It is hereby stipulated by and between JACQUES PIERRE
16 DEBETS (hereafter Respondent), represented by RORY A. HANSON,
17 Attorney at Law, and the Complainant, acting by and through
18 Deidre L. Johnson, Counsel for the Department of Real Estate, as
19 follows for the purpose of settling and disposing the Accusation
20 as to him filed on October 31, 1996, in this matter:

21 1. All issues which were to be contested and all
22 evidence which was to be presented by Complainant and Respondent
23 at a formal hearing on the Accusation, which hearing was to be
24 held in accordance with the provisions of the Administrative
25 Procedures Act (APA), shall instead and in place thereof be
26 submitted solely on the basis of the provisions of this
27 Stipulation and Agreement in Settlement.



1 2. Respondent has received, read and understands the
2 Statement to Respondent, and the Discovery Provisions of the APA
3 filed by the Department of Real Estate in this proceeding.

4 3. On November 12, 1996, Respondent filed his Notice of
5 Defense pursuant to Section 11505 of the Government Code for the
6 purpose of requesting a hearing on the allegations in the
7 Accusation. Respondent hereby freely and voluntarily withdraws
8 said Notice of Defense. Respondent acknowledges that he
9 understands that by withdrawing said Notice of Defense he will
10 thereby waive his right to require the Commissioner to prove the
11 allegations in the Accusation at a contested hearing held in
12 accordance with the provisions of the APA, and that he will waive
13 other rights afforded to him in connection with the hearing such
14 as the right to present evidence in defense of the allegations in
15 the Accusation and the right to cross-examine witnesses.

16 4. Respondent, pursuant to the limitations set forth
17 below, hereby admits that the factual allegations pertaining to
18 him in Paragraphs I through III of the Accusation filed in this
19 proceeding are true and correct and the Real Estate Commissioner
20 shall not be required to provide further evidence of such
21 allegations.

22 5. Without admitting the truth of the allegations
23 pertaining to him contained in Paragraphs IV through XIII of the
24 Accusation, Respondent stipulates that he will not interpose a
25 defense thereto. Respondent stipulates that the Department may
26 issue findings and determinations of issues that the acts and/or
27 omissions of Respondent as stipulated above constitute grounds for

1 disciplinary action as set forth herein. A true copy of the
2 Accusation is attached hereto as Annex A and incorporated herein
3 by reference.

4 6. No additional documentary, testimonial, or other
5 evidence, except that which is necessary to establish
6 Complainant's jurisdiction, shall be required to be presented by
7 Complainant at any hearing in this proceeding in order to prove
8 the Accusation as above stipulated.

9 7. Respondent has received, read and understands the
10 "Notice Concerning Costs of Subsequent Audits." Respondent
11 understands that by agreeing to this Stipulation and Agreement in
12 Settlement, the findings set forth below in the DETERMINATION OF
13 ISSUES become final, and that the Commissioner may charge
14 Respondent for the costs of any audit conducted pursuant to
15 Section 10148 of the Business and Professions Code. The maximum
16 costs of said audit will not exceed \$2,600.

17 8. Respondent enters into this stipulation for purposes
18 of this Accusation only, and the execution of this stipulation
19 shall not be construed to be an admission of liability except as
20 may pertain to the grounds for the stipulation, and shall not be
21 construed to be an admission for any purpose whatsoever, pursuant
22 to the provisions of California Evidence Code Section 1152.

23 9. It is understood by the parties that the Real Estate
24 Commissioner may adopt the Stipulation and Agreement in Settlement
25 as his decision in this matter thereby imposing the penalty and
26 sanctions on Respondent's real estate license and license rights
27 as set forth in the below "Order". In the event that the



1 Commissioner in his discretion does not adopt the Stipulation and
2 Agreement in Settlement, it shall be void and of no effect, and
3 Respondent shall retain the right to a hearing and proceeding on
4 the Accusation under all the provisions of the APA and shall not
5 be bound by any admission or waiver made herein.

6 10. The Order or any subsequent Order of the Real
7 Estate Commissioner made pursuant to this Stipulation and
8 Agreement in Settlement shall not constitute an estoppel, merger
9 or bar to any further administrative or civil proceedings by the
10 Department of Real Estate with respect to any matters which were
11 not specifically alleged to be causes for accusation in this
12 proceeding.

13 DETERMINATION OF ISSUES

14 By reason of the foregoing stipulations, admissions and
15 waivers and for the purpose of settlement of the pending
16 Accusation as to Respondent without a hearing, it is stipulated
17 and agreed that the following determination of issues shall be
18 made:

19 I

20 The acts and/or omissions of Respondent JACQUES PIERRE
21 DEBETS as stipulated above violate Section 10145 of the California
22 Business and Professions Code (hereafter the Code), and Section
23 2832.1 of Title 10, California Code of Regulations, and constitute
24 grounds for the suspension or revocation of the real estate broker
25 license(s) and license rights of Respondent under the provisions
26 of Sections 10176(a), 10176(i), 10177(d), and 10177(g) of the
27 Code.



ORDER

1
2 A. All real estate license(s) and license rights of
3 Respondent JACQUES PIERRE DEBETS are hereby revoked.

4 B. Upon proof to the Department of restitution to
5 EDWARD and DIANE HILL of the sum of \$1,000 (One Thousand Dollars),
6 a restricted real estate broker license shall be issued to
7 Respondent pursuant to Section 10156.6 of the Code if he makes
8 application therefor and pays to the Department the appropriate
9 fee for said license within ninety (90) days of the effective date
10 of the Decision. If no satisfactory proof of restitution is
11 submitted, the restricted license shall not be issued.

12 C. The restricted license issued to Respondent shall be
13 subject to all of the provisions of Section 10156.7 of the
14 Business and Professions Code and to the following limitations
15 imposed under authority of Section 10156.6 of said Code:

16 (1) The restricted license may be suspended prior to
17 hearing by order of the Real Estate Commissioner
18 in the event of Respondent's conviction or plea
19 of nolo contendere to a crime which bears a
20 substantial relationship to Respondent's fitness
21 or capacity as a real estate licensee.

22 (2) The restricted license may be suspended prior to
23 hearing by Order of the Real estate Commissioner
24 on evidence satisfactory to the Commissioner
25 that Respondent has violated provisions of the
26 California Real Estate Law, the Subdivided Lands
27 Law, Regulations of the Real Estate Commissioner



1 or conditions attaching to the restricted
2 license.

3 (3) Respondent shall not be eligible to apply for
4 the issuance of an unrestricted real estate
5 license, nor the removal of any of the
6 conditions of the restricted license, until one
7 (1) year has elapsed from the date of issuance
8 of the restricted license.

9 (4) Respondent shall, within nine (9) months from
10 the effective date of this Decision, present
11 evidence satisfactory to the Real Estate
12 Commissioner that he has, since the most recent
13 issuance of an original or renewal real estate
14 license, taken and successfully completed the
15 continuing education requirements of Article 2.5
16 of Chapter 3 of the Real Estate Law for renewal
17 of a real estate license. If Respondent fails
18 to satisfy this condition, the Commissioner may
19 order the suspension of the restricted license
20 until the Respondent presents such evidence.
21 The Commissioner shall afford Respondent the
22 opportunity for hearing pursuant to the
23 Administrative Procedure Act to present such
24 evidence.

25 (5) Respondent shall, within six (6) months from the
26 effective date of this Decision, take and pass
27 the Professional Responsibility Examination

1 administered by the Department including the
2 payment of the appropriate examination fee. If
3 Respondent fails to satisfy this condition, the
4 Commissioner may order suspension of the
5 restricted license until Respondent passes the
6 examination.

7 (6) Pursuant to Section 10148 of the Business and
8 Professions Code, Respondent shall pay the
9 Commissioner's reasonable cost for an audit as a
10 result of the trust fund related violation(s)
11 stipulated to above. In calculating the amount of
12 the Commissioner's reasonable cost, the
13 Commissioner may use the estimated average hourly
14 salary for all Department Audit Section personnel
15 performing audits of real estate brokers, and shall
16 include an allocation for travel time to and from
17 the auditor's place of work. Respondent shall pay
18 such cost within forty-five (45) days of receiving
19 an invoice from the Commissioner detailing the
20 activities performed during the audit and the
21 amount of time spent performing those activities.
22 The total cost shall not exceed \$2,600. The
23 Commissioner may suspend the restricted license
24 issued to Respondent pending a hearing held in
25 accordance with Section 11500, et seq., of the
26 Government Code, if payment is not timely made as
27 provided for therein, or as provided for in a



1 subsequent agreement between the Respondent and the
2 Commissioner. The suspension shall remain in
3 effect until payment is made in full or until
4 Respondent enters into an agreement satisfactory to
5 the Commissioner to provide for payment, or until a
6 decision providing otherwise is adopted following a
7 hearing held pursuant to this condition.

8
9 DATED:

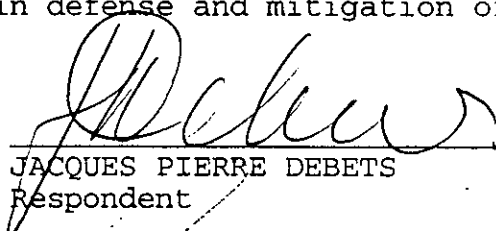
February 27, 1997


DEIDRE L. JOHNSON
Counsel for the Complainant

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11 * * *

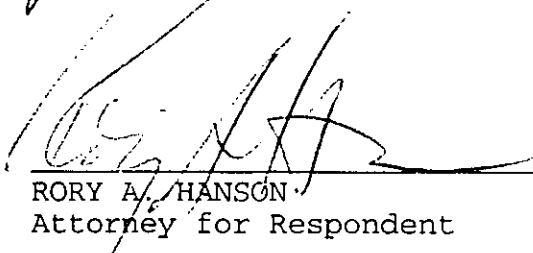
12 I have read the Stipulation in Settlement and Agreement,
13 have discussed it with my counsel, and its terms are understood by
14 me and are agreeable and acceptable to me. I understand that I am
15 waiving rights given to me by the California Administrative
16 Procedure Act, and I willingly, intelligently and voluntarily
17 waive those rights, including the right of requiring the
18 Commissioner to prove the allegations in the Accusation at a
19 hearing at which I would have the right to cross-examine witnesses
20 against me and to present evidence in defense and mitigation of
21 the charges.

22 2-24-97
DATED


JACQUES PIERRE DEBETS
Respondent

23
24
25 APPROVED AS TO FORM:

26 2/24/97
DATED


RORY A. HANSON
Attorney for Respondent

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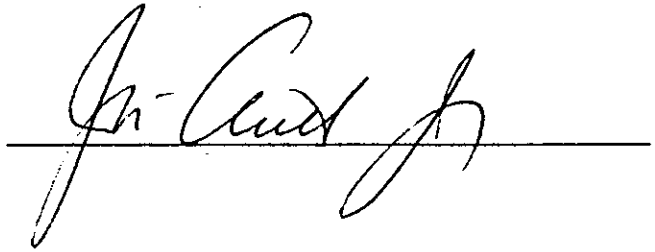
* * *

DECISION AND ORDER

The foregoing Stipulation and Agreement in Settlement is
hereby adopted as my Decision and Order and shall become effective
at 12 o'clock noon on May 6, 1997.

IT IS SO ORDERED 3/31, 1997.

JIM ANTT, JR.
Real Estate Commissioner



FILED
DEC 11 1996
DEPARTMENT OF REAL ESTATE

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

By Kathleen Centras

In the Matter of the Accusation of
JACQUES PIERRE DEBETS,

Case No. H-7406 SF
OAH No. N-9611144

}

Respondent

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 _____
The Office of Administrative Hearings, World Savings Tower,
1970 Broadway, Second Floor, Oakland, California 94612

on Thursday, February 20, 1997 and Friday, February 21, 1997, at the hour of 10:00 AM,
or as soon thereafter as the matter can be heard, upon the Accusation served upon you.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal 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: December 11, 1996

By Deidre L. Johnson
DEIDRE L. JOHNSON Counsel

Flag

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DEIDRE L. JOHNSON, Counsel
Department of Real Estate
185 Berry Street, Room 3400
San Francisco, CA 94107

DEPARTMENT OF REAL ESTATE

Telephone: (415) 904-5917

By *Sydney Montiel*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
JACQUES PIERRE DEBETS,)
Respondent.)

No. H-7406 SF
ACCUSATION

The Complainant, Les R. Bettencourt, a Deputy Real Estate Commissioner of the State of California, for causes of Accusation against JACQUES PIERRE DEBETS, is informed and alleges as follows:

PRELIMINARY ALLEGATIONS

I

Respondent JACQUES PIERRE DEBETS (hereafter Respondent), is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code (hereafter the Code).

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II

The Complainant, Les R. Bettencourt, a Deputy Real Estate Commissioner of the State of California, makes this Accusation against Respondent in his official capacity and not otherwise.

III

At all times herein mentioned, Respondent was licensed by the Department of Real Estate (hereafter the Department) as a real estate broker, individually and doing business as CENTURY 21-DEBETS & ASSOCIATES REALTORS, and engaged in the business of the purchase, sale, and management of real property for others, for or in expectation of compensation.

FIRST CAUSE OF ACTION

IV

On or about August 18, 1994, and while acting in the capacity of a real estate licensee as alleged above, Respondent prepared a real estate "lots and land" purchase contract and receipt for deposit (hereafter Deposit Receipt) on behalf of prospective buyer Robert D. Robinson (hereafter Buyer), to constitute Buyer's offer to purchase about 5.5 acres of real property located on Cooper Road in Hydesville, California. The Deposit Receipt acknowledged receipt by Respondent from Buyer of the sum of \$1,000 in the form of a personal check, and stated that the funds were to be held uncashed until acceptance of the offer, and, upon acceptance, were "to be deposited into Fidelity Title," a title company.

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Respondent presented the Deposit Receipt and offer to Edward and Diane Hill (hereafter Sellers) by and through their real estate agent. In connection with the offer, Respondent expressly or impliedly represented to Sellers that Buyer had given him a check for the earnest money deposit, that the earnest money deposit was in the sum of \$1,000, that he would hold the check uncashed until acceptance, and that, upon acceptance he would immediately deposit the funds with Fidelity Title. In reliance thereon, Sellers entered into negotiations regarding other terms of the offer, which led to acceptance on or about August 22, 1994.

VI

Respondent owed to Sellers an affirmative duty of honest and fair dealing and good faith. On and after August 22, 1994, Respondent failed to deposit Buyer's funds, and knew or should have known that he did not deposit Buyer's funds, into Fidelity Title or any other escrow or title company within one day after acceptance or at any time thereafter, and he continued to hold Buyer's check uncashed. Respondent failed to so inform Sellers.

VII

In or about October of 1994, Sellers learned that Buyer failed or refused to consummate the above transaction. They then learned that Respondent had not deposited Buyer's earnest money into escrow within one day following acceptance or at any time thereafter. The transaction was thereafter terminated.

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VIII

1
2 The acts and/or omissions of Respondent as alleged above
3 constitute grounds for disciplinary action under the provisions of
4 Sections 10176(a) and 10176(i) and/or 10177(g) of the Code, and
5 Section 2832 of Title 10, California Code of Regulations
6 (hereafter the Regulations).

7
8 SECOND CAUSE OF ACTION

9 IX

10 Beginning on or about April 24, 1996, the Department
11 conducted an audit of Respondent's books and records. In acting
12 as a real estate broker and real estate property manager as
13 alleged above, Respondent accepted or received funds in trust from
14 others.

15 X

16 The trust funds accepted or received by Respondent were
17 deposited or caused to be deposited from time to time into a trust
18 account maintained by Respondent in the name of "Jacques Debets &
19 Associates Realtors Trust Account", account number 01301-00262,
20 at Bank of America, Fortuna, California.

21 XI

22 It was ascertained by the audit that as of February 29,
23 1996, Respondent failed to deposit the trust funds into a trust
24 fund account, into the hands of the principal owners of the funds,
25 or into a neutral escrow depository, and to maintain them until
26 disbursed in accordance with instructions from the owners of the
27



1 funds in such a manner that, as of that date, Respondent had an
2 approximate trust fund shortage of \$330.27.

3 XII

4 In connection with the collection and disbursement of
5 the trust funds, Respondent failed to obtain the prior written
6 consent of the principals for the reduction of the aggregate
7 balance of trust funds in the bank account to an amount less than
8 the existing aggregate trust fund liability to the owners of said
9 funds, in conformance with Section 2832.1 of the Regulations.

10 XIII

11 The acts and/or omissions alleged above are grounds for
12 the suspension or revocation of the licenses and licenses rights
13 of Respondent DEBETS under the following provisions:

14 (1) As to Paragraph XI, under Section 10145 of the Code
15 in conjunction with Section 10177(d) of the Code.

16 (2) As to Paragraphs XII, under Section 2832.1 of the
17 Regulations in conjunction with Section 10177(d) of the Code.

18
19 WHEREFORE, Complainant prays that a hearing be conducted
20 on the allegations of this Accusation and that upon proof thereof
21 a decision be rendered imposing disciplinary action against all
22 licenses and license rights of Respondent under the Real Estate

23 ////

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1 Law (Part 1 of Division 4 of the Business and Professions Code)
2 and for such other and further relief as may be proper under other
3 provisions of law.

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6 
7 LES R. BETTENCOURT
8 Deputy Real Estate Commissioner

9 Dated at San Francisco, California,
10 this 18th day of October, 1996.

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