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FILED
MAR 23 2001

DEPARTMENT OF REAL ESTATE

By Jan Romero

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
WILLIAM ROMERO CELAYA,)	No. H-7450 SF
Respondent.)	

ORDER DENYING REINSTATEMENT OF LICENSE

On July 22, 1997, an Order 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 September 25, 1996, and Respondent has operated as a restricted licensee since that time.

On November 9, 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.

///

1 I have considered Respondent's petition and the
2 evidence and arguments in support thereof. Respondent has failed
3 to demonstrate to my satisfaction that Respondent has undergone
4 sufficient rehabilitation to warrant the reinstatement of
5 Respondent's real estate broker license.

6 On March 2, 2000, Respondent was convicted of a
7 violation of Section 23152(b) of the Vehicle Code (Blood Alcohol
8 Level of 0.08 or More). Further, on June 28, 2000, Respondent
9 was convicted of a violation of Section 14601.2a of the Vehicle
10 Code (Driving with Suspended Drivers License).

11 In response to a question in the petition application,
12 "Have you ever been a defendant in any civil court litigation,
13 including small claims court? If yes, give details below...",
14 Respondent answered "No" and failed to disclose in his petition
15 the following civil court litigation:.

16 \$4,000 judgment in LG Group, Inc v. Celaya, Santa Clara
17 County Municipal Court No. AS94200396.

18 Respondent's concealment of facts and lack of candor,
19 demonstrate that Respondent has not changed his attitude from
20 that which existed at the time the disciplinary action was taken
21 in this matter. Consequently, I am not satisfied that Respondent
22 is sufficiently rehabilitated to receive an unrestricted real
23 estate broker license.

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

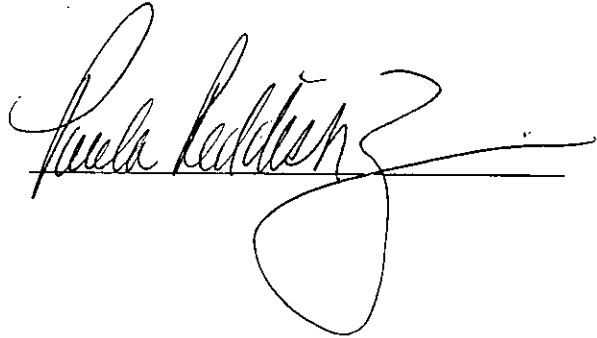
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This Order shall become effective at 12 o'clock
noon on April 13, 2001.

DATED: February 27, 2001

PAULA REDDISH ZINNE MANN
Real Estate Commissioner

A handwritten signature in cursive script, reading "Paula Reddish Zinnemann", written over a horizontal line. The signature is fluid and extends below the line.

1 Department of Real Estate
2 P. O. Box 187000
3 Sacramento, CA 95818-7000
4
5 Telephone: (916) 227-0789
6
7

FILED
AUG - 1 1997
DEPARTMENT OF REAL ESTATE

Laurie A. Zia

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) NO. H-7450 SF
12)
13 WILLIAM ROMERO CELAYA,) OAH NO. N-9704138
14) STIPULATION AND
15 Respondent.) AGREEMENT IN
16) SETTLEMENT AND ORDER

17 It is hereby stipulated by and between Respondent
18 WILLIAM ROMERO CELAYA (hereinafter "CELAYA" or "Respondent"), and
19 the Complainant, acting by and through James L. Beaver, Counsel
20 for the Department of Real Estate, as follows for the purpose of
21 settling and disposing of the Accusation filed herein on March 12,
22 1997 (hereinafter "the Accusation"):

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

///

H-7450 SF

STIPULATION OF
WILLIAM ROMERO CELAYA

1 submitted solely on the basis of the provisions of this
2 Stipulation and Agreement in Settlement.

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

7 3. On March 17, 1997, Respondent filed a Notice of
8 Defense pursuant to Section 11505 of the Government Code for the
9 purpose of requesting a hearing on the allegations in the
10 Accusation. Respondent hereby freely and voluntarily withdraws
11 said Notice of Defense. Respondent acknowledges that Respondent
12 understands that by withdrawing said Notice of Defense Respondent
13 will thereby waive Respondent's right to require the Commissioner
14 to prove the allegations in the Accusation at a contested hearing
15 held in accordance with the provisions of the APA and that
16 Respondent will waive other rights afforded to Respondent in
17 connection with the hearing such as the right to present evidence
18 in defense of the allegations in the Accusation and the right to
19 cross-examine witnesses.

20 4. Respondent, pursuant to the limitations set forth
21 below, hereby admits that the factual allegations in Paragraphs I
22 through X of the Accusation are true and correct and the Real
23 Estate Commissioner shall not be required to provide further
24 evidence to prove such allegations.

25 5. It is understood by the parties that the Real
26 Estate Commissioner may adopt the Stipulation and Agreement as his
27 decision in this matter, thereby imposing the penalty and

1 sanctions on Respondent's real estate license and license rights
2 as set forth in the "Order" set forth below. In the event that
3 the Commissioner in his discretion does not adopt the Stipulation
4 and Agreement in Settlement, it shall be void and of no effect,
5 and Respondent shall retain the right to a hearing and proceeding
6 on the Accusation under all the provisions of the APA and shall
7 not be bound by any admission or waiver made herein.

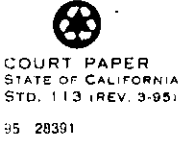
8 6. Except for causes for accusation pursuant to the
9 provisions of Sections 10177(d), 10177(g) or 10177(h) of the Code
10 arising from a failure by CELAYA to exercise reasonable supervision
11 and control of the activities of Crown Funding, Inc. for which a
12 real estate license is required during the period commencing April
13 18, 1994 and ending August 1, 1996, the Order or any subsequent
14 Order of the Real Estate Commissioner made pursuant to this
15 Stipulation and Agreement in Settlement shall not constitute an
16 estoppel, merger or bar to any further administrative or civil
17 proceedings by the Department of Real Estate with respect to any
18 matters which were not specifically alleged to be causes for
19 accusation in this proceeding.

20 DETERMINATION OF ISSUES

21 By reason of the foregoing stipulations, admissions and
22 waivers and solely for the purpose of settlement of the pending
23 Accusation without hearing, it is stipulated and agreed that the
24 following Determination of Issues shall be made:

25 I

26 The acts and/or omissions of Respondent WILLIAM ROMERO
27 CELAYA as described in Paragraphs I through X of the Accusation



1 are cause for the suspension or revocation of the licenses and
2 license rights of Respondent CELAYA under Section 10177(h) of the
3 Code and Section 10159.2 of the Code in conjunction with Section
4 10177(d) of the Code.

5 ORDER

6 I

7 All licenses and licensing rights of Respondent WILLIAM
8 ROMERO CELAYA under the Real Estate Law are revoked; provided,
9 however, a restricted real estate broker license shall be issued
10 to Respondent pursuant to Section 10156.5 of the Business and
11 Professions Code if, within ninety (90) days from the effective
12 date of the Decision entered pursuant to this Order (hereinafter
13 "the Decision"), Respondent makes application for the restricted
14 license and pays to the Department of Real Estate the appropriate
15 fee therefor.

16 The restricted license issued to Respondent shall be
17 subject to all of the provisions of Section 10156.7 of the
18 Business and Professions Code and to the following limitations;
19 conditions and restrictions imposed under authority of Section
20 10156.6 of that Code:

21 1. The restricted license issued to Respondent may be
22 suspended prior to hearing by Order of the Real Estate
23 Commissioner in the event of Respondent's conviction or plea of
24 nolo contendere to a crime which is substantially related to
25 Respondent's fitness or capacity as a real estate licensee.

26 2. The restricted license issued to Respondent may be
27 suspended prior to hearing by Order of the Real Estate

1 Commissioner on evidence satisfactory to the Commissioner that
2 Respondent has violated provisions of the California Real Estate
3 Law, the Subdivided Lands Law, Regulations of the Real Estate
4 Commissioner or conditions attaching to the restricted license.

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

10 4. Respondent shall, within nine (9) months from the
11 effective date of the Decision, present evidence satisfactory to
12 the Real Estate Commissioner that Respondent has, 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. If Respondent fails to
17 satisfy this condition, the Commissioner may order the suspension
18 of the restricted license until the Respondent presents such
19 evidence. The Commissioner shall afford Respondent the
20 opportunity for a hearing pursuant to the Administrative Procedure
21 Act to present such evidence.

22 5. Respondent shall, within six (6) months from the
23 issuance of the restricted license, take and pass the Professional
24 Responsibility Examination administered by the Department
25 including the payment of the appropriate examination fee. If
26 Respondent fails to satisfy this condition, the Commissioner may
27 order the suspension of the restricted license until Respondent

1 passes the examination.

2 6. Any restricted real estate broker license issued to
3 Respondent may be suspended or revoked for a violation by
4 Respondent of any of the conditions attaching to the restricted
5 license.

6
7 June 11, 1997
8 DATED

9
10 James L. Beaver
11 JAMES L. BEAVER, Counsel
12 DEPARTMENT OF REAL ESTATE

13 * * *

14 I have read the Stipulation and Agreement, and its terms
15 are understood by me and are agreeable and acceptable to me. I
16 understand that I am waiving rights given to me by the California
17 Administrative Procedure Act (including but not limited to
18 Sections 11506, 11508, 11509, and 11513 of the Government Code),
19 and I willingly, intelligently, and voluntarily waive those
20 rights, including the right of requiring the Commissioner to prove
21 the allegations in the Accusation at a hearing at which I would
22 have the right to cross-examine witnesses against me and to
23 present evidence in defense and mitigation of the charges.

24
25 6-5-97
26 DATED

27 William Romero Celaya
WILLIAM ROMERO CELAYA
Respondent

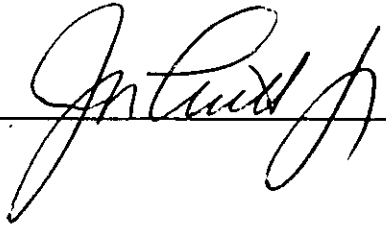
* * *

28 The foregoing Stipulation and Agreement for Settlement
29 is hereby adopted by the Real Estate Commissioner as his Decision
30 and Order and shall become effective at 12 o'clock noon on
31 August 21, 1997.

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IT IS SO ORDERED 7/22, 1997.

JIM ANTT, JR.
Real Estate Commissioner



BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

By Laurel A. Zyan

* * *

In the Matter of the Accusation of)	
)	NO. H-7450 SF
CROWN FUNDING, INC.,)	
a Corporation, and)	
WILLIAM ROMERO CELAYA,)	
)	
Respondents.)	
<hr/>		

DECISION

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on May 23, 1997, and the findings of fact set forth herein are based on one or more of the following: (1) Respondent's express admissions; (2) affidavits; and (3) other evidence.

FINDINGS OF FACT

I

On March 12, 1997, Les R. Bettencourt made the Accusation in his official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified mail, to the last known mailing address of Respondent CROWN FUNDING, INC., a corporation, on file with the Department on March 12, 1997.

On May 23, 1997, no Notice of Defense having been filed herein within the time prescribed by Section 11506 of the Government Code, the default of Respondent CROWN FUNDING, INC., a corporation (hereinafter "Respondent" or "CFI"), was entered herein.

II

Respondent CFI 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 (hereinafter "Code"). At all times herein mentioned, Respondent CFI was and now is licensed by the Department of Real Estate of the State of California (hereinafter "the Department") as a corporate real estate broker.

///

///

III

At all times herein mentioned, Respondent CFI engaged in the business of, acted in the capacity of, advertised, or assumed to act as a real estate broker within the State of California within the meaning of Section 10131(d) of the Code, including the operation and conduct of a mortgage loan brokerage business with the public wherein, on behalf of others, for compensation or in expectation of compensation, Respondent solicited lenders and borrowers for loans secured directly or collaterally by liens on real property, and wherein Respondent arranged, negotiated, processed, and consummated such loans.

IV

At all times mentioned herein, Respondent CFI employed Ghanshyam Asnani, also known as Sham Asnani, to perform the acts and conduct the activities described in Paragraph III, above.

V

Between on or about September 1, 1995 and on or about April 15, 1996, in the course of the activities described in Paragraphs III and IV, above, Respondent CFI, acting by and through Ghanshyam Asnani, solicited and obtained applications from Christopher N. Powell and Shandrika W. Powell for two or more loans to be secured by deeds of trust encumbering real property at 580 Primrose Lane, Benicia, Solano County, California, and thereafter solicited lenders for, arranged, negotiated, processed, and consummated one or more of such loans.

VI

At no time mentioned herein was Ghanshyam Asnani licensed by the Department as either a real estate salesperson or as a real estate broker.

DETERMINATION OF ISSUES

I

The acts and omissions of Respondent CFI as described in Paragraphs III through VI, above, are grounds for the suspension or revocation of all real estate licenses and license rights of Respondent CFI pursuant to the provisions of Section 10137 of the Code.

III

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

ORDER

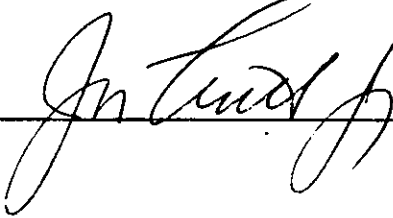
All licenses and licensing rights of Respondent CROWN FUNDING, INC. under the provisions of Part 1 of Division 4 of the Business and Professions Code are revoked.

This Decision shall become effective at 12 o'clock noon on
July 16, 1997

DATED: _____

6/10/97

JIM ANTT, JR.
Real Estate Commissioner



1 Department of Real Estate
2 P. O. Box 187000
3 Sacramento, CA 95818-7000
4
5 Telephone: (916) 227-0789
6
7

FILED
MAY 23 1997
DEPARTMENT OF REAL ESTATE

Laurie A. Zain

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 CROWN FUNDING, INC.,) NO. H-7450 SF
13 a Corporation, and) DEFAULT ORDER
14 WILLIAM ROMERO CELAYA,)
15 Respondents.)

16 Respondent, CROWN FUNDING, INC., a Corporation, having
17 failed to file a Notice of Defense within the time required by
18 Section 11506 of the Government Code, is now in default. It is,
19 therefore, ordered that a default be entered on the record in this
20 matter.

21 IT IS SO ORDERED May 23, 1997.

22 JIM ANTT, JR.
23 Real Estate Commissioner

24
25 By: *Steven J. Ellis*
26 STEVEN J. ELLIS
27 Regional Manager

MAY 12 1997
DEPARTMENT OF REAL ESTATE

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

By Luirel Zin

In the Matter of the Accusation of

CROWN FUNDING, INC., and
WILLIAM ROMERO CELAYA,

}

Case No. H-7450 SF

OAH No. N-9704138

Respondent

**FIRST AMENDED
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, CA 94612

on Tuesday, June 17th, 1997, at the hour of 9:00 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.

Dated: May 12, 1997

DEPARTMENT OF REAL ESTATE

By James L. Beaver
JAMES L. BEAVER Counsel

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

By *Laurie A. Zan*

In the Matter of the Accusation of

CROWN FUNDING, INC., and
WILLIAM ROMERO CELAYA

Case No. H-7450 SF

OAH No. N-9704138

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, CA 94612

on Thursday, May 29th, 1997, at the hour of 9:00 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.

Dated: April 21, 1997

DEPARTMENT OF REAL ESTATE
By *James L. Beaver*
JAMES L. BEAVER
Counsel

1 JAMES L. BEAVER, Counsel
2 Department of Real Estate
3 P. O. Box 187000
4 Sacramento, CA 95818-7000

5 Telephone: (916) 227-0789

FILED
MAR 12 1997
DEPARTMENT OF REAL ESTATE

By *Laurie A. Zair*

7 BEFORE THE DEPARTMENT OF REAL ESTATE

8 STATE OF CALIFORNIA

9 * * *

10	In the Matter of the Accusation of)	
11	CROWN FUNDING, INC.,)	NO. H-7450 SF
12	a Corporation, and)	<u>ACCUSATION</u>
13	WILLIAM ROMERO CELAYA,)	
14	Respondents.)	

15 The Complainant, Les R. Bettencourt, a Deputy Real
16 Estate Commissioner of the State of California, for cause of
17 Accusation against CROWN FUNDING INC. (herein " Respondent CFI")
18 and WILLIAM ROMERO CELAYA (herein "Responent CELAYA"),
19 individually and as designated officer-broker of Respondent CFI,
20 is informed and alleges as follows:

21 I

22 The Complainant, Les R. Bettencourt, a Deputy Real
23 Estate Commissioner of the State of California, makes this
24 Accusation in his official capacity.

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II

At all times herein mentioned, Respondents CFI and CELAYA were and now are presently licensed and/or have license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) (hereinafter "the Code").

III

At all times herein mentioned, Respondent CFI was and now is licensed by the Department of Real Estate of the State of California (hereinafter "the Department") as a corporate real estate broker. At all times herein mentioned to and until August 1, 1996, Respondent CFI was so licensed by and through Respondent CELAYA as designated officer-broker of Respondent CFI to qualify said corporation and to act for said corporation as a real estate broker.

IV

At all times herein mentioned, Respondent CELAYA was licensed by the Department as a real estate broker, individually and, to and until August 1, 1996, as designated officer-broker of Respondent CFI. As said designated officer-broker, Respondent CELAYA was, at all times mentioned herein to and until August 1, 1996, responsible pursuant to Section 10159.2 of the Code for the supervision of the activities of the officers, agents, real estate licensees and employees of Respondent CFI for which a license is required.

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V

Whenever reference is made in an allegation in this Accusation to an act or omission of Respondent CFI, such allegation shall be deemed to mean that the officers, directors, employees, agents and real estate licensees employed by or associated with Respondent CFI committed such act or omission while engaged in the furtherance of the business or operations of Respondent CFI and while acting within the course and scope of their corporate authority and employment.

VI

At all times herein mentioned, Respondent CFI engaged in the business of, acted in the capacity of, advertised, or assumed to act as a real estate broker within the State of California within the meaning of Section 10131(d) of the Code, including the operation and conduct of a mortgage loan brokerage business with the public wherein, on behalf of others, for compensation or in expectation of compensation, Respondent solicited lenders and borrowers for loans secured directly or collaterally by liens on real property, and wherein Respondent arranged, negotiated, processed, and consummated such loans.

VII

At all times mentioned herein, Respondent CFI employed Ghanshyam Asnani, also known as Sham Asnani, to perform the acts and conduct the activities described in Paragraph VI, above.

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VIII

Between on or about September 1, 1995 and on or about April 15, 1996, in the course of the activities described in Paragraphs VI and VII above, Respondent CFI, acting by and through Ghanshyam Asnani, solicited and obtained applications from Christopher N. Powell and Shandrika W. Powell for two or more loans to be secured by deeds of trust encumbering real property at 580 Primrose Lane, Benicia, Solano County, California, and thereafter solicited lenders for, arranged, negotiated, processed, and consummated one or more of such loans.

IX

At no time mentioned herein was Ghanshyam Asnani licensed by the Department as either a real estate salesperson or as a real estate broker.

X

Respondent CELAYA failed to exercise reasonable supervision over the acts of Respondent CFI in such a manner as to allow the acts and events described in Paragraphs VII through IX inclusive, above, to occur.

XI

The acts and omissions of Respondent CFI as described in Paragraphs VII through IX above, are grounds for the suspension or revocation of the licenses and license rights of Respondent CFI under the provisions of Section 10137 of the Code.

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XI

The acts and omissions of Respondent CELAYA as described in Paragraph XI above, are grounds for the suspension or revocation of the licenses and license rights of Respondent CELAYA under Section 10177(g) and/or Section 10177(h) of the Code and Section 10159.2 of the Code in conjunction with Section 10177(d) 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 provisions of law.


LES R. BETTENCOURT
Deputy Real Estate Commissioner

Dated at San Francisco, California
this 6th day of March, 1997.