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JUL 18 2005

DEPARTMENT OF REAL ESTATE

By Jean Brun-D

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
RAYMOND LOUIS PARIANI,) NO. H-7459 SF
Respondent.)

ORDER DENYING REINSTATEMENT OF LICENSE

Effective November 22, 1976, in Case No. H-3959 SF, a Decision was rendered revoking the real estate salesperson license of Respondent. Effective February 2, 1978, in Case No. H-4154 SF, a Decision was rendered denying Respondent's application for a real estate broker license but granting the right to the issuance of a restricted real estate broker license. A restricted real estate broker license was issued to Respondent on February 2, 1978.

On October 8, 1997, in Case No. H-7459 SF, an Order was rendered herein revoking the real estate broker license of Respondent but granting the right to the issuance of a restricted real estate salesperson license. A restricted real estate salesperson license was issued to Respondent on November 13, 1997.

1 On April 14, 2003, Respondent petitioned for
2 reinstatement of said real estate broker license, and the
3 Attorney General of the State of California has been given
4 notice of the filing of said petition.

5 I have considered Respondent's petition and the
6 evidence and arguments in support thereof. Respondent has failed
7 to demonstrate to my satisfaction that Respondent has undergone
8 sufficient rehabilitation to warrant the reinstatement of
9 Respondent's unrestricted real estate broker license.

10 The burden of proving rehabilitation rests with the
11 petitioner (Feinstein v. State Bar (1952) 39 Cal. 2d 541). A
12 petitioner is required to show greater proof of honesty and
13 integrity than an applicant for first time licensure. The proof
14 must be sufficient to overcome the prior adverse judgment on the
15 applicant's character (Tardiff v. State Bar (1980) 27 Cal. 3d
16 395).

17 The Department has developed criteria in Section 2911
18 of Title 10, California Code of Regulations (Regulations) to
19 assist in evaluating the rehabilitation of an applicant for
20 reinstatement of a license. Among the criteria relevant in this
21 proceeding are:

22 (n) Change in attitude from that which existed at the
23 time of the conduct in question as evidenced by any or all of
24 the following:

25 (1) Testimony of applicant.

26 (2) Evidence from family members, friends, or
27 other persons familiar with applicant's

1 previous conduct and with his subsequent
2 attitudes and behavioral patterns.

3 (3) Evidence from probation or parole officers
4 or law enforcement officials competent to
5 testify as to applicant's social adjustments.

6 (4) Evidence from psychiatrists or other persons
7 competent to testify with regard to
8 neuropsychiatric or emotional disturbances.

9 Respondent continues to minimize the nature of the
10 conduct that led to the disciplinary action in this matter.
11 Respondent's continued assertion of a lack of wrongdoing
12 demonstrates that Respondent has not changed his attitude from
13 that which existed at the time the grounds for disciplinary
14 action occurred.

15 Given the violations found, Respondent's history of
16 license disciplinary actions and the fact that Respondent has
17 not established that he has complied with Section 2911 (n),
18 Title 10, California Code of Regulations, I am not satisfied
19 that Respondent is sufficiently rehabilitated to receive an
20 unrestricted real estate broker license. Additional time and
21 evidence of correction as a restricted real estate broker is
22 necessary to establish that Respondent is rehabilitated.

23 I am satisfied, therefore, that it will not be against
24 the public interest to issue a restricted real estate broker
25 license to Respondent.

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

1 A restricted real estate broker license shall be issued
2 to Respondent pursuant to Section 10156.5 of the Business and
3 Professions Code, if Respondent satisfies the following
4 conditions within nine (9) months from the date of this Order:

5 1. Submittal of a completed application and payment
6 of the fee for a restricted real estate broker license.

7 2. Submittal of evidence of having, since the most
8 recent issuance of an original or renewal real estate license,
9 taken and successfully completed the continuing education
10 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
11 for renewal of a real estate license.

12 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 conditions, and restrictions imposed under authority of Section
16 10156.6 of that Code:

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

22 B. The restricted license issued to Respondent may
23 be suspended prior to hearing by Order of the Real Estate
24 Commissioner on evidence satisfactory to the Commissioner that
25 Respondent has violated provisions of the California Real Estate
26 Law, the Subdivided Lands Law, Regulations of the Real Estate
27 Commissioner, or conditions attaching to the restricted license.

1 C. Respondent shall not be eligible to apply for the
2 issuance of an unrestricted real estate license nor the removal
3 of any of the limitations, conditions, or restrictions of a
4 restricted license until two (2) years have elapsed from the
5 date of the issuance of the restricted license to Respondent.

6 This Order shall be effective at 12 o'clock noon on
7 AUG 08 2005, 2005.

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9 DATED: 7.13.05, 2005.

10 JEFF DAVI
11 Real Estate Commissioner

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1 Department of Real Estate
2 P. O. Box 187000
3 Sacramento, CA 95818-7000
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5 Telephone: (916) 227-0789
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FILED
OCT 23 1997
DEPARTMENT OF REAL ESTATE

By *Laurie A. Zain*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 RAYMOND LOUIS PARIANI,) NO. H-7459 SF
13 Respondent.) STIPULATION AND AGREEMENT
14

15 It is hereby stipulated by and between RAYMOND LOUIS
16 PARIANI (hereinafter "Respondent") and his attorney of record
17 Jerry K. Cimmet, and the Complainant, acting by and through
18 David A. Peters, Counsel for the Department of Real Estate, as
19 follows for purpose of settling and disposing of the Accusation
20 filed on May 1, 1997 in this matter:

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

H-7459 SF

- 1 -

RAYMOND LOUIS PARIANI



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

5 3. On June 6, 1997, Respondent filed a Notice of
6 Defense pursuant to Section 11505 of the Government Code for the
7 purpose of requesting a hearing on the allegations in the
8 Accusation. Respondent hereby freely and voluntarily withdraws
9 said Notice of Defense. Respondent acknowledges that he
10 understands that by withdrawing said Notice of Defense he will be
11 thereby waive his right to require the Commissioner to prove the
12 allegations in the Accusation at a contested hearing held in
13 accordance with the provisions of the APA and that he waives other
14 rights afforded to him in connection with the hearing such as the
15 right to present evidence in defense of the allegations in the
16 Accusation and the right to cross-examine witnesses.

17 4. Respondent does not admit the factual allegations
18 of the Accusation in this proceeding, but agrees that the Real
19 Estate Commissioner may base his decision herein on the
20 allegations of the Accusation and that the Real Estate
21 Commissioner shall not be required to provide further evidence to
22 prove such allegations.

23 5. It is understood by the parties that the Real
24 Estate Commissioner may adopt the Stipulation and Agreement as his
25 Decision in this matter, thereby imposing the penalty and
26 sanctions on Respondent's real estate licenses 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, it shall be void and of no effect, and Respondent shall
3 retain the right to a hearing and proceeding on the Accusation
4 under all the provisions of the APA and shall not be bound by any
5 admission or waiver made herein.

6 6. The Order or any subsequent Order of the Real
7 Estate Commissioner made pursuant to this Stipulation and
8 Agreement shall not constitute an estoppel, merger or bar to any
9 further administrative or civil proceedings by the Department of
10 Real Estate with respect to any matters which were not
11 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 solely for the purpose of settlement of the pending
16 Accusation without a hearing, it is stipulated and agreed that the
17 following determination of issues shall be made:

18 I

19 The acts and/or omissions of Respondent as described in
20 Paragraphs III and IV of the Accusation violate Section 10177(j)
21 of the Business and Professions Code ("Code") and are grounds for
22 the suspension or revocation of the real estate licenses and all
23 license rights of Respondent under the provisions of the Real
24 Estate Law.

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II

The acts and/or omissions of Respondent as described in Paragraphs IX through XI of the Accusation violated Sections 10176(e) and 10176(i) of the Code and Section 10177(d) of the Code in conjunction with Sections 10145, 10146 and 10085 of the Code and Sections 2832, 2970 and 2972 of Title 10, California Code of Regulations and are grounds for the suspension or revocation of the real estate licenses and all license rights of Respondent under the provisions of the Real Estate Law.

ORDER

I

A. The real estate broker license and all license rights of Respondent RAYMOND LOUIS PARIANI under the Real Estate Law are revoked; however, a restricted real estate salesperson license shall be issued to Respondent 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 the restricted license within ninety (90) days from the effective date of this Decision. The restricted 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, conditions and restrictions imposed under authority of Section 10156.6 of that Code:

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///

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

6 2. The restricted license issued to Respondent may be
7 suspended prior to hearing by Order of the Real Estate
8 Commissioner on evidence satisfactory to the Commissioner that the
9 Respondent has violated provisions of the California Real Estate
10 Law, the Subdivided Lands Law, Regulations of the Real Estate
11 Commissioner or conditions attaching to the restricted license.

12 3. Respondent shall not be eligible to apply for the
13 issuance of an unrestricted real estate license nor removal of any
14 of the conditions, limitations or restrictions attaching to the
15 restricted license until one (1) year has elapsed from the
16 effective date of this Decision.

17 4. Respondent shall submit with any application for
18 license under an employing broker, or any application for transfer
19 to a new employing broker, a statement signed by the prospective
20 employing real estate broker on a form approved by the Department
21 of Real Estate which shall certify:

22 (a) That the employing broker has read the Decision of
23 the Commissioner which granted the right to a
24 restricted license; and

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1 (b) That the employing broker will exercise close
2 supervision over the performance by the restricted
3 licensee relating to activities for which a real
4 estate license is required.

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

17 5. Respondent shall, as a condition of the issuance of
18 said restricted real estate salesperson license, provide evidence
19 satisfactory to the Commissioner that Respondent has reached a
20 civil settlement with borrowers Rudolph S. and Dorothy L. Foglia.

21 6. Respondent shall, as a condition of the issuance of
22 said restricted real estate salesperson license, provide evidence
23 satisfactory to the Commissioner that Respondent has satisfied the
24 terms of the U.S. Attorney's civil penalty against Respondent in
25 the amount of \$14,175.00.

26 ///

27 ///



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

5
6 9/17/97
7 DATED

David A. Peters
DAVID A. PETERS, Counsel
DEPARTMENT OF REAL ESTATE

8 I have read the Stipulation and Agreement, have
9 discussed it with my counsel, and its terms are understood by me
10 and are agreeable and acceptable to me. I understand that I am
11 waiving rights given to me by the California Administrative
12 Procedure Act (including but not limited to Sections 11506, 11508,
13 11509, and 11513 of the Government Code), and I willingly,
14 intelligently, and voluntarily waive those rights, including the
15 right of requiring the Commissioner to prove the allegations in
16 the Accusation at a hearing at which I would have the right to
17 cross-examine witnesses against me and to present evidence in
18 defense and mitigation of the charges.

19
20 9-23-97
21 DATED

Raymond Louis Pariani
RAYMOND LOUIS PARIANI
Respondent

22 I have reviewed the Stipulation and Agreement as to form
23 and content and have advised my client accordingly.

24
25 9/23/97
26 DATED

Jerry K. Cimet
JERRY K. CIMMET
Attorney for Respondent

27 ///

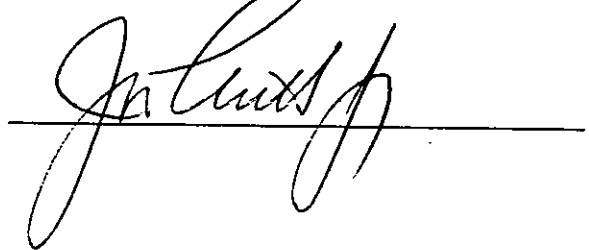


* * *

The foregoing Stipulation and Agreement for Settlement
is hereby adopted by the Real Estate Commissioner as Decision and
Order and shall become effective at 12 o'clock noon on
November 13, 1997.

IT IS SO ORDERED

10/8/97
JIM ANTT, JR.
Real Estate Commissioner



FILED
JUL 11 1997

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

By Laurie A. Ziss

In the Matter of the Accusation of

RAYMOND LOUIS PARIANI,

}

Case No. H-7459 SF

OAH No. N1997060190

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, August 26th, 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.

DEPARTMENT OF REAL ESTATE

Dated: July 11, 1997

By

David A. Peters

DAVID A. PETERS

Counsel

F I L E D
JUN 17 1997

DEPARTMENT OF REAL ESTATE

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

By *David A. Peters*

In the Matter of the Accusation of

RAYMOND LOUIS PARIANI,

Case No. H-7459 SF

OAH No. N1997060190

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 Wednesday, July 30th, 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.

DEPARTMENT OF REAL ESTATE

Dated: June 17, 1997

By

David A. Peters
DAVID A. PETERS

Counsel

1 DAVID A. PETERS, Counsel
2 Department of Real Estate
3 P. O. Box 187000
4 Sacramento, CA 95818-7000

5 Telephone: (916) 227-0789
6 Facsimile: (916) 227-9458
7

FILED
MAY - 1 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 RAYMOND LOUIS PARIANI,)
13 Respondent.)
14 _____)

No. H-7459 SF

ACCUSATION

15 The Complainant, Les R. Bettencourt, a Deputy Real
16 Estate Commissioner of the State of California for cause of
17 Accusation against RAYMOND LOUIS PARIANI dbas Grant Mortgage Co.,
18 Grant Real Estate and Investment Co. (hereinafter "Respondent") is
19 informed and alleges as follows:

20 FIRST CAUSE OF ACCUSATION

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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27 ///

II

Respondent is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the Business and Professions Code (hereinafter "Code") as a real estate broker.

III

On or before November 9, 1995, through on or about December 13, 1995, in connection with Respondent's refinance of a real property owned by Respondent and his wife Jolene Pariani commonly known as 27 Carroll Court, San Rafael, California (hereinafter "the Subject Property"), Respondent submitted and/or caused to be submitted false and misleading information to New Horizons Savings and Loan Association (hereinafter "New Horizons"), in order to induce New Horizons to make a refinance loan to Respondent secured by the Subject Property. This information included, among other things:

A. That Respondent and his wife Jolene Pariani had an adjusted gross income of \$90,667.91 for 1994 and that said adjusted gross income was reported to the Internal Revenue Service in Respondent's 1994 Income Tax Return.

B. That on or about November 9, 1995, Respondent and his wife Jolene Pariani had a monthly income of \$8,700.00.

IV

On or about December 13, 1995, in reliance upon the representations made by Respondent described above, New Horizons funded a \$315,000.00 loan on the Subject Property.

///

V

Respondent knew or should have known that the information he submitted and/or caused to be submitted to New Horizons was false and misleading when made or was made by Respondent with no reasonable grounds for believing said representations to be true. In truth and in fact:

A. Respondent's 1994 tax return submitted to the Internal Revenue Service reported an adjusted gross income of \$31,823.00.

B. On or about November 9, 1995, Respondent and his wife Jolene Pariani did not have a monthly income of \$8,700.00.

VI

The acts and omissions of Respondent set forth above constitute fraud or dishonest dealing and are cause under Section 10177(j) of the Code for the suspension or revocation of all licenses and/or license rights of Respondent under the Real Estate Law.

SECOND CAUSE OF ACCUSATION

VII

There is hereby incorporated in this second, separate and distinct cause of Accusation, all of the allegations contained in Paragraphs I and II of the First Cause of Accusation with the same force and effect as if herein fully set forth.

VIII

Within the three-year period immediately preceding the filing of this Accusation and continuing through on or after January 30, 1996, Respondent engaged in the business of, acted in



1 the capacity of, advertised, or assumed to act as a real estate
2 broker within the State of California within the meaning of
3 Section 10131(d) of the Code, including the operation and conduct
4 of a mortgage loan brokerage business with the public wherein
5 lenders and borrowers were solicited for loans secured directly or
6 collaterally by liens on real property, wherein such loans were
7 arranged, negotiated, processed, and consummated on behalf of
8 others for compensation or in expectation of compensation.

9 IX

10 In connection with the operation and conduct of the
11 mortgage loan brokerage business described in Paragraph VIII
12 above, Respondent engaged in the business of claiming, demanding,
13 charging, receiving, collecting or contracting for the collection
14 of advance fees within the meaning of Sections 10026 and 10131.2
15 (advance fees) of the Code. Respondent in connection with his
16 mortgage loan brokerage activities collected advance fees in the
17 total amount of \$5,700.00 from Rudolph S. and Dorothy L. Foglia
18 (hereinafter "the Borrowers").

19 Said advance fees were trust funds within the meaning of
20 Sections 10145 and 10146 of the Code.

21 X

22 In connection with the collection and handling of said
23 advance fees, Respondent failed to cause his advance fee contracts
24 and materials to be submitted to the Department prior to use.

25 ///

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XI

Within the three-year period immediately preceding the filing of this Accusation and continuing through on or after January 30, 1996, in connection with the trust funds described in Paragraph IX above, acted in violation of the Code and of Title 10, California Code of Regulations (hereinafter "Regulations") in that:

(a). Respondent failed to deposit said trust funds into a trust fund account in Respondent's name at a bank or other financial institution. Respondent commingled said trust funds with Respondent's own money or property and converted said funds to his own use or uses or for purposes not authorized by the owners of said funds; and

(b) Respondent failed to furnish a verified accounting of the receipt, deposit and disbursement of said trust funds to the owners of said funds at the end of each calendar quarter and when the contract has been completely performed.

XII

The facts alleged above in this Second Cause of Accusation are grounds for the suspension or revocation of the license and/or license rights of Respondent under Section 10176(e) and 10176(i) of the Code and Section 10177(d) of the Code in conjunction with Sections 10145, 10146 and 10085 of the Code and Sections 2832, 2970 and 2972 of the Regulations.

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PRIOR DISCIPLINARY ACTION

On October 28, 1976, effective November 22, 1976, in Case No. H-3959 SF, the Real Estate Commissioner revoked the real estate salesperson license of RAYMOND LOUIS PARIANI for violations of Sections 490 and 10177(b) 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 17th day of April, 1997.

