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FILED  
JUL 26 2001

DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of )  
WESTWIDE LIFE INSURANCE )  
SERVICES, INC., ) NO. H-7488 SF  
Respondent. )

ORDER GRANTING REINSTATEMENT OF LICENSE

On December 16, 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 March 4, 1998, and Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent since that time.

On March 19, 2001, 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 the petition of Respondent and the  
2 evidence and arguments in support thereof including Respondent's  
3 record as a restricted licensee. Respondent has demonstrated to  
4 my satisfaction that Respondent meets the requirements of law for  
5 the issuance to Respondent of an unrestricted real estate broker  
6 license and that it would not be against the public interest to  
7 issue said license to Respondent.

8 NOW, THEREFORE, IT IS ORDERED that Respondent's  
9 petition for reinstatement is granted and that a real estate  
10 broker license be issued to Respondent, if Respondent satisfies  
11 the following condition within nine months from the date of this  
12 Order:

- 13 1. Submittal of a completed application and payment of  
14 the fee for a real estate broker license.

15 This Order shall be effective immediately.

16 DATED: July 24, 2001

17  
18 PAULA REDDISH ZINNEMANN  
19 Real Estate Commissioner

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1 I have considered the petition of Respondent and the  
2 evidence and arguments in support thereof including Respondent's  
3 record as a restricted licensee. Respondent has demonstrated to  
4 my satisfaction that Respondent meets the requirements of law for  
5 the issuance to Respondent of an unrestricted real estate broker  
6 license and that it would not be against the public interest to  
7 issue said license to Respondent.

8 NOW, THEREFORE, IT IS ORDERED that Respondent's  
9 petition for reinstatement is granted and that a real estate  
10 broker license be issued to Respondent if Respondent satisfies  
11 the following conditions within nine months from the date of this  
12 Order:

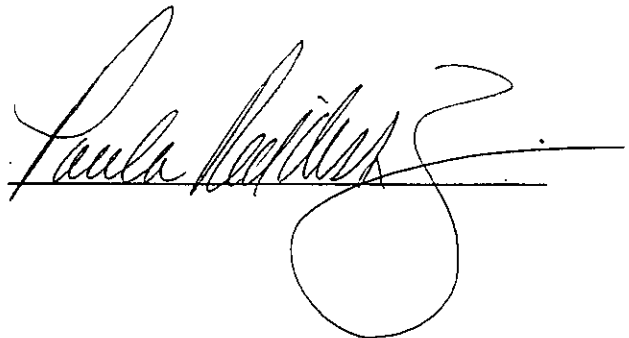
13 1. Submittal of a completed application and payment of  
14 the fee for a real estate broker license.

15 2. Submittal of evidence of having, since the most  
16 recent issuance of an original or renewal real estate license,  
17 taken and successfully completed the continuing education  
18 requirements of Article 2.5 of Chapter 3 of the Real Estate Law  
19 for renewal of a real estate license.

20 This Order shall be effective immediately.

21 DATED: October 23, 2000

22 PAULA REDDISH ZINNEMANN  
23 Real Estate Commissioner

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1 THOMAS C. LASKEN, Counsel  
2 Department of Real Estate  
3 P. O. Box 187000  
4 Sacramento, CA 95818-7000

5 Telephone: (916) 227-0789

FILED  
JAN 23 1998  
DEPARTMENT OF REAL ESTATE

By *Kathleen Contreras*

8 BEFORE THE  
9 DEPARTMENT OF REAL ESTATE  
10 STATE OF CALIFORNIA

11 \* \* \*

12 In the Matter of the Accusation of )  
13 )  
14 WESTWIDE LIFE INSURANCE ) NO. H-7488 SF  
15 SERVICES, INC.; and, )  
16 DOMINADOR VALENCIA CALANTOG; ) STIPULATION AND AGREEMENT  
17 Respondents. )

18 It is hereby stipulated by and between WESTWIDE LIFE  
19 INSURANCE SERVICES, INC., ("Respondent WESTWIDE") and DOMINADOR  
20 VALENCIA CALANTOG ("Respondent CALANTOG") (collectively  
21 "Respondents"), acting by and through their attorney, GENE P.  
22 LAFOLLETTE; and the Complainant, acting by and through Thomas C.  
23 Lasken, Counsel for the Department of Real Estate; as follows, for  
24 the purpose of settling and disposing of the Accusation filed on  
25 August 6, 1977, in this matter:

26 1. All issues which were to be contested and all  
27 evidence which was to be presented by Complainant and Respondents

1 at a formal hearing on the Accusation, which hearing was to be  
2 held in accordance with the provisions of the Administrative  
3 Procedure Act (APA) (Government Code Section 11500 et seq.), shall  
4 instead and in place thereof be submitted solely on the basis of  
5 the provisions of this Stipulation and Agreement in Settlement.

6           2. Respondents have read and understand the Statement  
7 to Respondent, the Discovery Provisions of the APA, and the  
8 Accusation filed by the Department of Real Estate in this  
9 proceeding.

10           3. On August 20, 1997, Respondents filed their Notice  
11 of Defense pursuant to Section 11505 of the Government Code for  
12 the purpose of requesting a hearing on the allegations in the  
13 Accusation. Respondents hereby freely and voluntarily withdraw  
14 their Notice of Defense. Respondents acknowledge that by  
15 withdrawing said Notice of Defense they will thereby waive their  
16 rights to require the Commissioner to prove the allegations in the  
17 Accusation at a contested hearing held in accordance with the  
18 provisions of the APA and that they will waive other rights  
19 afforded to them in connection with the hearing such as the right  
20 to present evidence in defense of the allegations in the  
21 Accusation and the right to cross-examine witnesses.

22           4. Without admitting the truth of the allegations  
23 contained in the Accusation, Respondents stipulate that they will  
24 not interpose a defense thereto. Respondents stipulate that the  
25 Department may issue findings and determinations of issues that  
26 the acts and/or omissions of Respondents as stipulated above  
27 constitute violations of the Real Estate Law as set forth herein.



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

6           6. Respondents enter into this stipulation for purposes  
7 of this Accusation only, and the execution of this stipulation  
8 shall not be construed to be an admission of liability except as  
9 may pertain to the grounds for the stipulation, and shall not be  
10 construed to be an admission for any purpose whatsoever, pursuant  
11 to the provisions of California Evidence Code Section 1152.

12           7. It is understood by the parties that the Real Estate  
13 Commissioner may adopt the Stipulation and Agreement as his  
14 decision in this matter thereby finding the violations as to  
15 Respondents' real estate licenses and license rights as set forth  
16 in the below "Determination of Issues". In the event that the  
17 Commissioner in his discretion does not adopt the Stipulation and  
18 Agreement, it shall be void and of no effect, and Respondents  
19 shall retain the right to a hearing and proceeding on the  
20 Accusation under all the provisions of the APA and shall not be  
21 bound by any admission or waiver made herein.

22           8. Respondents have received, read, and understand the  
23 "Notice Concerning Costs of Subsequent Audits". Respondents  
24 understand that by agreeing to this Stipulation and Agreement, the  
25 findings set forth below in the DETERMINATION OF ISSUES become  
26 final, and that the Commissioner may charge Respondents for the  
27 cost of any audit conducted pursuant to Section 10148 of the



1 Business and Professions Code to determine if the violations have  
2 been corrected. The maximum costs of said audit will not exceed  
3 \$1,435.50.

4 DETERMINATION OF ISSUES

5 By reason of the foregoing stipulations, admissions and  
6 waivers, and solely for the purpose of settlement of the pending  
7 Accusation without a hearing, it is stipulated and agreed that the  
8 following Decision shall be issued:

9 I

10 The conduct of the Respondent WESTWIDE, as described in  
11 the Accusation, constitutes cause for the suspension or revocation  
12 of the real estate license and license rights of Respondent  
13 WESTWIDE under the provisions of Section 10177(d) of the  
14 California Business and Professions Code ("Code") in conjunction  
15 with Sections 10232.25(e) and 10240(a) of the Code, and Sections  
16 2830, 2831, 2831.1, 2831.2, and 2834(a) of the Chapter 6, Title  
17 10, California Code of Regulations.

18 The conduct of Respondent CALANTOG further constitutes  
19 cause for the suspension or revocation of the real estate license  
20 and license rights of Respondent CALANTOG under Section 10177(h)  
21 of the Code.

22 ORDER

23 I

24 A. The real estate broker license and all license rights of  
25 Respondents under the Real Estate Law are revoked.

26 B. A restricted real estate broker license shall be issued to  
27 Respondents pursuant to Business and Professions Code





1 Section 10156.5, if Respondents make application therefor and  
2 pay to the Department the appropriate fee for said license  
3 within ninety (90) days from the effective date of this  
4 ORDER.

5 C. The restricted license issued to Respondents shall be subject  
6 to all the provisions of Section 10156.7 of the Business and  
7 Professions Code and to the following limitations, conditions  
8 and restrictions imposed under authority of Section 10156.6  
9 of said Code:

10 (1) The license shall not confer any property right in the  
11 privileges to be exercised, and the Real Estate  
12 Commissioner may by appropriate order suspend the right  
13 to exercise any privileges granted under the restricted  
14 license in the event of:

15 (a) The conviction of Respondents (including a plea of  
16 nolo contendere) to a crime which bears a  
17 significant relation to Respondents' fitness or  
18 capacity as a real estate licensee; or,

19 (b) The receipt of evidence that Respondents have  
20 violated provisions of the California Real Estate  
21 Law, Subdivided Lands Law, Regulations of the Real  
22 Estate Commissioner or conditions attaching to the  
23 restricted license.

24 (2) Respondents shall not be eligible to apply for issuance  
25 of an unrestricted real estate license nor the removal  
26 of any of the conditions, limitations or restrictions  
27 attaching to the restricted license until one (1) year



1 has elapsed from the date of issuance of a restricted  
2 license to Respondent.

3 D. Respondents shall pay, pursuant to Section 10148 of the  
4 Business and Professions Code, the Commissioner's reasonable  
5 cost for an audit to determine if Respondents have corrected  
6 the trust fund violations as set forth in the Determination of  
7 Issues above. Respondents shall be jointly and severally  
8 liable for the cost of said audit. In calculating the amount  
9 of the Commissioner's reasonable costs, the Commissioner may  
10 use the estimated average hourly salary for all persons  
11 performing audits of real estate brokers, and shall include an  
12 allocation for travel costs, including mileage, time to and  
13 from the auditor's place of work, and per diem. The  
14 Commissioner's reasonable costs shall in no event exceed  
15 \$1,435.50.

16 (1) Respondents shall pay such cost within 45 days of receipt  
17 of an invoice from the Commissioner detailing the  
18 activities performed during the audit and the amount of  
19 time spent performing those activities; and,

20 (2) If Respondents fail to pay, within 45 days from receipt  
21 of the invoice specified above, the Commissioner's  
22 reasonable costs for an audit to determine if Respondents  
23 have corrected the violations found as set forth in the  
24 Determination of Issues above, the Commissioner may order  
25 the indefinite suspension of Respondents' real estate  
26 licenses and license rights. The suspension shall remain  
27 in effect until payment is made in full, or until



1 Respondents enter into an agreement satisfactory to the  
2 Commissioner to provide for such payment. The  
3 Commissioner may impose further reasonable disciplinary  
4 terms and conditions upon Respondents' real estate  
5 license and license rights as part of any such agreement.

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

19 F. Respondent CALANTOG shall, within six (6) months from the  
20 effective date of the restricted license, take and pass the  
21 Professional Responsibility Examination administered by the  
22 Department including the payment of the appropriate  
23 examination fee. If Respondent fails to satisfy this  
24 condition, the Commissioner may order the suspension of the  
25 restricted license until Respondent passes the examination.

26 G. Any restricted real estate broker license issued to  
27 Respondents may be suspended or revoked for a violation by



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Respondents of any of the conditions attaching to the  
restricted license.

November 21, 1997  
DATED

Thomas C. Lasken  
THOMAS C. LASKEN, Counsel  
DEPARTMENT OF REAL ESTATE

\* \* \*

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

WESTWIDE LIFE INSURANCE  
SERVICES, INC., Respondent

Nov. 18, 1997  
DATED

By: Dominador Valencia Calantog  
DOMINADOR VALENCIA CALANTOG  
President

Nov. 18, 1997  
DATED

Dominador Valencia Calantog  
DOMINADOR VALENCIA CALANTOG  
Respondent

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I have reviewed the Stipulation and Agreement as to form and content and have advised my clients accordingly.

November 18, 1997

DATED

Gene P. LaFollette  
GENE P. LAFOLLETTE  
Attorney for Respondents

\* \* \*

The foregoing Stipulation and Agreement is hereby adopted by the Real Estate Commissioner as his Decision and Order and shall become effective at 12 o'clock noon on February 12, 1998.

IT IS SO ORDERED 12/16, 1997.

JIM ANTT, JR.  
Real Estate Commissioner

J. Annt Jr.

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

FILED  
OCT 24 1997  
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of

WESTWIDE LIFE INSURANCE  
SERVICES, INC., and  
DOMINADOR VALENCIA CALANTOG,

}

Case No. H-7488 SF

OAH No. N-1997100132

By Kathleen Contreras

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 -- November 20, 1997, at the hour of 9:00 AM,  
or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

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 and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: October 23, 1997

By Thomas C. Lasken  
THOMAS C. LASKEN Counsel

1 THOMAS C. LASKEN, Counsel  
2 Department of Real Estate  
3 P. O. Box 187000  
4 Sacramento, CA 95818-7000

5 Telephone: (916) 227-0789

FILED  
AUG - 6 1997  
DEPARTMENT OF REAL ESTATE

6 By Kathleen Contreras

7  
8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )  
12 WESTWIDE LIFE INSURANCE )  
13 SERVICES, INC.; and )  
14 DOMINADOR VALENCIA CALANTOG; )  
Respondents. )

NO. H-7488 SF

ACCUSATION

15 The Complainant, Les R. Bettencourt, a Deputy Real Estate  
16 Commissioner of the State of California, for cause of Accusation  
17 against WESTWIDE LIFE INSURANCE SERVICES, INC.; and against  
18 DOMINADOR VALENCIA CALANTOG, individually and as Designated  
19 Officer of WESTWIDE LIFE INSURANCE SERVICES, INC.;  
20 is informed and alleges as follows:

21 I

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

25 II

26 At all times herein mentioned, Respondent WESTWIDE LIFE  
27 INSURANCE SERVICES, INC. (hereinafter "Respondent WESTWIDE") was



1 licensed and/or had license rights under the Real Estate Law, Part  
2 1 of Division 4 of the Business and Professions Code (hereinafter  
3 "Code") as a real estate brokerage corporation, by and through  
4 Respondent DOMINADOR VALENCIA CALANTOG (hereinafter Respondent  
5 "CALANTOG") as its Designated Officer.

6 III

7 At all times herein mentioned, Respondent CALANTOG was  
8 licensed, and/or has license rights under the Code, individually  
9 and as Designated Officer of Respondent WESTWIDE.

10 IV

11 At all times mentioned herein, Respondent WESTWIDE  
12 engaged in the business of, acted in the capacity of, advertised  
13 or assumed to act as a real estate broker within the State of  
14 California, including the operation and conduct of a mortgage loan  
15 brokerage business with the public wherein lenders and borrowers  
16 were solicited for loans secured directly or collaterally by liens  
17 on real property, wherein such loans were arranged, negotiated,  
18 processed, and consummated on behalf of others for compensation or  
19 in expectation of compensation.

20 V

21 During the course of the mortgage loan brokerage  
22 activities described in Paragraph IV above, Respondent WESTWIDE  
23 received and disbursed funds held in trust on behalf of another or  
24 others.

25 VI

26 Within the three-year period immediately preceding  
27 the filing of this Accusation, Respondent WESTWIDE maintained





1 the following trust account for its mortgage loan brokerage  
2 business:

3 Sanwa Bank  
4 327 So. Mayfair Ave.  
5 Daly City, CA 94015

6 Account No. 0469-07462

7 Title: Westwide Life Insurance Services Inc.  
8 DBA Westwide Mortgage Center.

9 VII

10 On August 22, 1996, an investigative audit was made by  
11 the Department of Real Estate (hereinafter "Department") of  
12 Respondent WESTWIDE's records for the period of January 1, 1994,  
13 through August 22, 1996, as those records relate to Respondent  
14 WESTWIDE's licensed activities in its real estate mortgage loan  
15 brokerage business.

16 VIII

17 During the period from January 1, 1994 through August 22,  
18 1996, the trust account identified in Paragraph VI above was not  
19 in the name of Respondent WESTWIDE as trustee at a bank or other  
20 financial institution as required by Section 2830 of Title 10,  
21 California Code of Regulations (hereinafter "Regulations"), nor  
22 was it designated as a trust account as required by Section 2830  
23 of the Regulations.

24 IX

25 During the period from January 1, 1994 through August 22,  
26 1996, Respondent WESTWIDE failed to maintain adequate columnar  
27 records of all trust funds received and disbursed in the manner  
required by Section 2831 of the Regulations.



X

1  
2 During the period from January 1, 1994 through August 22,  
3 1996, Respondent WESTWIDE failed to maintain separate records for  
4 each beneficiary or transaction, accounting for all trust funds  
5 received, deposited, and disbursed, in conformance with Section  
6 2831.1 of the Regulations.

7 XI

8 During the period from January 1, 1994 through August 22,  
9 1996, Respondent WESTWIDE failed to reconcile the balances of all  
10 separate beneficiary or transaction records maintained with the  
11 record of all trust funds received and disbursed at least once a  
12 month, in violation of Section 2831.2 of the Regulations.

13 XII

14 During the period from January 1, 1994 through August 22,  
15 1996, Respondent WESTWIDE allowed withdrawals from its trust  
16 account by unlicensed persons who did not have fidelity bond  
17 coverage, in violation of Section 2834(a) of the Regulations.

18 XIII

19 During the period from January 1, 1994 through August 22,  
20 1996, in connection with the Trust Account, Respondent WESTWIDE  
21 failed to complete and maintain a trust fund status report on the  
22 Trust Account as required by Section 10232.25(e) of the Code.

23 XIV

24 During the period from January 1, 1994 through August 22,  
25 1996, in connection with the mortgage loan brokerage activities  
26 described in Paragraph IV above, Respondent WESTWIDE in negotiating  
27 loans secured directly or collaterally by liens on real property,



1 and before the borrowers became obligated to complete the loan,  
2 failed to present to all borrowers, a written Borrower Disclosure  
3 Statement with the contents set forth in Section 10241 of the Code,  
4 in violation of Section 10240(a) of the Code.


5 XV

6 Respondent WESTWIDE's acts and omissions alleged above in  
7 Paragraphs VIII through XIV constitute cause for discipline under  
8 the provisions of Section 10177(d) of the Code.

9 XVI

10 During the period from January 1, 1994 through August 22,  
11 1996, Respondent CALANTOG, as designated broker-officer for  
12 Respondent WESTWIDE, failed to exercise reasonable supervision and  
13 control over the licensed activities of Respondent WESTWIDE as  
14 required by Section 10159.2 of the Code. Such failure is cause  
15 for the suspension or revocation of Respondent CALANTOG's licenses  
16 and/or license rights under Section 10177(h) of the Code.

17 WHEREFORE, Complainant prays that a hearing be conducted  
18 on the allegations of this Accusation and that upon proof thereof  
19 a decision be rendered imposing disciplinary action against all  
20 licenses and license rights of Respondents, under the Real Estate  
21 Law (Part 1 of Division 4 of the Business and Professions Code),  
22 and for such other and further relief as may be proper under the  
23 provisions of law.

24   
25 LES R. BETTENCOURT  
Deputy Real Estate Commissioner

26 Dated at San Francisco, California,  
27 this 4th day of August, 1997.

