

FLAG

FILED

MAY 22 2008

DEPARTMENT OF REAL ESTATE

By H. Mar

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of ) No. H-7644 SF  
MICHAEL JAMES DePROTO, )  
Respondent. )

ORDER GRANTING REINSTATEMENT OF LICENSE

On August 23, 1999, in Case No. H-7644 SF, a Decision was rendered which revoked the real estate broker license of Respondent effective September 16, 1999, but granted 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 16, 1999, and Respondent has operated as a restricted real estate broker licensee since that time.

On April 9, 2007, 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.

I have considered the petition of Respondent and the evidence and arguments in support thereof. Respondent has

1 demonstrated to my satisfaction that Respondent meets the  
2 requirements of law for the issuance to Respondent of an  
3 unrestricted real estate broker license and that it would not be  
4 against the public interest to issue said license to Respondent.

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

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

12 2. Submittal of evidence of having, 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.

17 This Order shall be effective immediately.

18 DATED: 5/21/08

19  
20 JEFF DAVI  
21 Real Estate Commissioner  
22  
23  
24  
25  
26  
27

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

FILED  
AUG 27 1999

DEPARTMENT OF REAL ESTATE

By Juan C. [Signature]

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

12 \* \* \*

13 In the Matter of the Accusation of )  
14 MICHAEL JAMES DE PROTO, )  
15 Respondent. )

NO. H-7644 SF  
STIPULATION AND AGREEMENT

17 It is hereby stipulated by and between MICHAEL JAMES  
18 DE PROTO (hereafter Respondent), represented by Matthew C.  
19 Freeman, Attorney at Law, and the Complainant, acting by and  
20 through Deidre L. Johnson, Counsel for the Department of Real  
21 Estate, as follows for the purpose of settling and disposing  
22 the Accusation as to him filed on November 19, 1998, in this  
23 matter:

24 1. All issues which were to be contested and all  
25 evidence which was to be presented by Complainant and Respondent  
26 at a formal hearing on the Accusation, which hearing was to be  
27 held in accordance with the provisions of the Administrative

1 Procedures Act (APA), shall instead and in place thereof be  
2 submitted solely on the basis of the provisions of this  
3 Stipulation and Agreement.

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

7           3. On December 9, 1998, Respondent filed his 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 he  
12 understands that by withdrawing said Notice of Defense he will  
13 thereby waive his right to require the Commissioner to prove the  
14 allegations in the Accusation at a contested hearing held in  
15 accordance with the provisions of the APA, and that he will waive  
16 other rights afforded to him in connection with the hearing such  
17 as the right to present evidence in defense of the allegations in  
18 the Accusation and the right to cross-examine witnesses.

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

25           5. Without admitting the truth of the allegations  
26 pertaining to him contained in Paragraphs V through XIV of the  
27 Accusation, Respondent stipulates that he will not interpose a

1 defense thereto. This Stipulation is based on the factual  
2 allegations contained in the Accusation. In the interests of  
3 expedience and economy, Respondent chooses not to contest these  
4 allegations, but to remain silent and understands that, as a  
5 result thereof, these factual allegations, without being admitted  
6 or denied, will serve as a basis for the disciplinary action  
7 stipulated to herein. The Real Estate Commissioner shall not be  
8 required to provide further evidence to prove said factual  
9 allegations.

10           6. Respondent has received, read and understands the  
11 "Notice Concerning Costs of Subsequent Audit." Respondent  
12 understands, by agreeing to this Stipulation and Agreement,  
13 and after the findings set forth below in the "Determination  
14 of Issues" become final, that the Commissioner may charge  
15 Respondent for the costs of an audit that may be conducted  
16 pursuant to Section 10148 of the Business and Professions  
17 Code.

18           7. It is understood by the parties that the Real  
19 Estate Commissioner may adopt the Stipulation and Agreement as  
20 his decision in this matter thereby imposing the penalty and  
21 sanctions on Respondent's real estate license and license rights  
22 as set forth in the below "Order". In the event that the  
23 Commissioner in his discretion does not adopt the Stipulation and  
24 Agreement, it shall be void and of no effect, and Respondent  
25 shall retain the right to a hearing and proceeding on the  
26 Accusation under all the provisions of the APA and shall not be  
27 bound by any admission or waiver made herein.

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

8                           DETERMINATION OF ISSUES

9           By reason of the foregoing stipulations and waivers and  
10 for the purpose of settlement of the pending Accusation as to  
11 Respondent without a hearing, it is stipulated and agreed that  
12 the following determination of issues shall be made:

13           The acts and/or omissions of Respondent MICHAEL JAMES  
14 DE PROTO as stipulated above violate Sections 10145 and 10148 of  
15 the California Business and Professions Code (hereafter the  
16 Code), and Sections 2726, 2831, 2832, 2832.1, and 2834 of Title  
17 10, California Code of Regulations, and constitute grounds for  
18 the suspension or revocation of the real estate broker license(s)  
19 and license rights of Respondent under the provisions of Section  
20 10177(d) of the Code.

21                           ORDER

- 22
- 23 A. All real estate license(s) and license rights of Respondent  
24 MICHAEL JAMES DE PROTO are revoked.
- 25 B. A restricted real estate broker license shall be issued to  
26 Respondent pursuant to Section 10156.6 of the Code if he  
27 makes application therefor and pays to the Department the

1 appropriate fee for said license within ninety (90) days of  
2 the effective date of the Order.

3 C. The restricted license issued to Respondent shall be subject  
4 to all of the provisions of Section 10156.7 of the Business  
5 and Professions Code and to the following limitations imposed  
6 under authority of Section 10156.6 of said Code:

- 7 1) The restricted license issued to Respondent may be  
8 suspended prior to hearing by order of the Real Estate  
9 Commissioner in the event of Respondent's conviction or  
10 plea of nolo contendere to a crime which bears a  
11 substantial relationship to Respondent's fitness or  
12 capacity as a real estate licensee.
- 13 2) The restricted license may be suspended prior to hearing  
14 by Order of the Real estate Commissioner on evidence  
15 satisfactory to the Commissioner that Respondent has  
16 violated provisions of the California Real Estate Law,  
17 the Subdivided Lands Law, Regulations of the Real Estate  
18 Commissioner or conditions attaching to the restricted  
19 license.
- 20 3) Respondent shall not be eligible to apply for the  
21 issuance of an unrestricted real estate license, nor the  
22 removal of any of the conditions of the restricted  
23 license, until one (1) year has elapsed from the  
24 effective date of this Order.
- 25 4) Pursuant to Section 10148 of the Business and Professions  
26 Code, Respondent shall pay the Commissioner's reasonable  
27 cost for an audit as a result of the above found

1 violations. In calculating the amount of the  
2 Commissioner's reasonable cost, the Commissioner may use  
3 the estimated average hourly salary for all Department  
4 Audit Section personnel performing audits of real estate  
5 brokers, and shall include an allocation for travel time  
6 to and from the auditor's place of work. Respondent  
7 shall pay such cost within sixty (60) days of receiving  
8 an invoice from the Commissioner detailing the activities  
9 performed during the audit and the amount of time spent  
10 performing those activities. The Commissioner may  
11 suspend the restricted license issued to Respondent  
12 pending a hearing held in accordance with Section 11500,  
13 et seq., of the Government Code, if payment is not timely  
14 made as provided for therein, or as provided for in a  
15 subsequent agreement between the Respondent and the  
16 Commissioner. The suspension shall remain in effect until  
17 payment is made in full or until Respondent enters into  
18 an agreement satisfactory to the Commissioner to provide  
19 for payment, or until a decision providing otherwise is  
20 adopted following a hearing held pursuant to this  
21 condition.

- 22 5) Respondent shall, within nine (9) months from the  
23 effective date of this Order, present evidence  
24 satisfactory to the Real Estate Commissioner that  
25 Respondent has, since the most recent issuance of an  
26 original or renewal real estate license, taken and  
27 successfully completed the continuing education



1 requirements of Article 2.5 of Chapter 3 of the Real  
2 Estate Law for renewal of a real estate license. If  
3 Respondent fails to satisfy this condition, the  
4 Commissioner may order the suspension of the restricted  
5 license until the Respondent presents such evidence. The  
6 Commissioner shall afford Respondent the opportunity for  
7 hearing pursuant to the Administrative Procedure Act to  
8 present such evidence.  
9

10  
11 August 10, 1999  
12 DATED

13 Deidre L. Johnson  
14 DEIDRE L. JOHNSON  
15 Counsel for the Complainant  
16

17 \* \* \*

18  
19 I have read the Stipulation and Agreement, have  
20 discussed it with my counsel or understand that I have the right  
21 to consult legal counsel, and its terms are understood by me and  
22 are agreeable and acceptable to me. I understand that I am  
23 waiving rights given to me by the California Administrative  
24 Procedure Act, and I willingly, intelligently and voluntarily  
25 waive those rights, including the right of requiring the  
26 Commissioner to prove the allegations in the Accusation at a  
27 hearing at which I would have the right to cross-examine

1 witnesses against me and to present evidence in defense and  
2 mitigation of the charges.

3  
4 8-4-99  
5 DATED

MICHAEL JAMES DE PROTO  
Respondent

6  
7 APPROVED AS TO FORM:

8  
9 8/4/99  
10 DATED

MATTHEW C. FREEMAN  
Counsel for Respondent

11 \* \* \*

12  
13 The foregoing Stipulation and Agreement is hereby  
14 adopted as my Decision and shall become effective at 12 o'clock  
15 noon on September 16, 1999.

16  
17 IT IS SO ORDERED August 23, 1999.

18 JOHN R. LIBERATOR  
19 Acting Real Estate Commissioner

20  
21 John R. Liberator  
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27

FILED

JUN 23 1999

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

By Patricia Contreras

In the Matter of the Accusation of

MICHAEL JAMES DE PROTO,

Case No. H-7644 SF

OAH No. N-1998120238

Respondent

SECOND CONTINUED  
**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, the Elihu Harris State

Building, 1515 Clay Street, Suite 206, Oakland, CA 94612

on August 16, 1999, and August 17, 1999, 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: June 23, 1999

By

Deidre L. Johnson

DEIDRE L. JOHNSON

Counsel

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

FILED  
APR 28 1999

DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

In the Matter of the Accusation of

MICHAEL JAMES DE PROTO,

Case No. H-7644 SF

OAH No. N-1998120238

Respondent

FIRST CONTINUED  
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, the Elihu Harris State

Building, 1515 Clay Street, Suite 206, Oakland, CA 94612

on June 7, 1999, and June 8, 1999, 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: April 28, 1999

By Deidre L. Johnson  
DEIDRE L. JOHNSON Counsel

FILED  
DEC 29 1998

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

In the Matter of the Accusation of

MICHAEL JAMES DE PROTO,

Case No. H-7644 SF

OAH No. N-1998120238

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, the Elihu Harris State

Building, 1515 Clay Street, Suite 206, Oakland, CA 94612

on February 10, 1999, and February 11, 1999, 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: December 30, 1998

By Deidre L. Johnson  
DEIDRE L. JOHNSON Counsel

1 DEIDRE L. JOHNSON, Counsel  
State Bar No. 66322  
2 Department of Real Estate  
P. O. Box 187000  
3 Sacramento, CA 95818-7000  
4 Telephone: (916) 227-0789

FILED  
NOV 19 1998  
DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

10 In the Matter of the Accusation of )  
11 MICHAEL JAMES DE PROTO, ) NO. H- 7644 SF  
12 Respondent. ) ACCUSATION

13 The Complainant, Les R. Bettencourt, a Deputy Real  
14 Estate Commissioner of the State of California, for causes of  
15 Accusation against MICHAEL JAMES DE PROTO, is informed and alleges  
16 as follows:

17 PRELIMINARY ALLEGATIONS

18 I

19 Respondent MICHAEL JAMES DE PROTO (hereafter Respondent)  
20 is presently licensed and/or has license rights under the Real  
21 Estate Law, Part 1 of Division 4 of the California Business and  
22 Professions Code (hereafter the Code).

23 II

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



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III

At all times herein mentioned, Respondent was and is licensed by the Department as a real estate broker, individually and doing business as D & G EQUITY MANAGEMENT and RUSSIAN RIVER VACATION HOMES.

IV

At least within the last three years, Respondent engaged in activities on behalf of others for which a real estate license is required, for or in expectation of compensation pursuant to Section 10131(b) of the Code, and leased or rented, offered to lease or rent, solicited prospective tenants, collected rents on, and/or managed certain real properties in California. Respondent also owned another business, under the name of D & G MAINTENANCE COMPANY, that provided real property repair and maintenance services to properties managed under his real estate license.

FIRST CAUSE OF ACTION  
(1996. AUDIT)

V

Beginning in about July of 1996, the Department conducted an audit of the business activities of Respondent for the time period from about January 1, 1995 through July 31, 1996 (hereafter the audit period). During the course of the property management activities described above, Respondent received and disbursed funds in trust on behalf of others, and deposited the trust funds into a bank account at West America Bank, Guerneville, California, account number 403-05261-6. in the name of D & G Equity Management Trust Account.

VI

1  
2 In connection with the receipt and disbursement of trust  
3 funds, Respondent failed to deposit and maintain the trust funds  
4 in a trust account or in a neutral escrow depository, or to  
5 deliver them into the hands of the owners of the funds as required  
6 by Section 10145 of the Code, in such a manner that as of July 31,  
7 1996, there was a trust fund shortage in the approximate sum of  
8 \$1,213.33.

9 VII

10 In connection with the receipt and disbursement of trust  
11 funds as above alleged, Respondent:

- 12 (a) Failed to maintain a written control record of all  
13 trust funds received and disbursed containing all  
14 information required by Section 2831 of Title 10,  
15 California Code of Regulations (hereafter the  
16 Regulations);
- 17 (b) Failed to deposit trust funds into a trust account  
18 in the name of Respondent as trustee at a bank or  
19 other financial institution in conformance with  
20 Section 2832 of the Regulations; and,
- 21 (c) Failed to obtain the prior written consent of the  
22 principals for the reduction of the aggregate  
23 balance of trust funds allocated to at least  
24 Accounts No. 1 and 2 to an amount less than the  
25 existing aggregate trust fund liability to the  
26 owners of said funds, in conformance with Section  
27 2832.1 of the Regulations.





VIII

The authorized signatories on the above trust account were Respondent and Earnest McCulloh, a licensed real estate broker. At no time herein did Respondent have a written agreement with McCulloh pursuant to Sections 2726 and 2834 of Title 10, California Code of Regulations (hereafter the Regulations).

IX

In addition to property management fees charged to Respondent's property owners, Respondent also billed owners for labor and material costs incurred by Respondent for maintenance and repairs performed on the real properties on behalf of the owners. Respondent failed to disclose to such owners, including but not limited to Laura Wingate, that he marked up amounts charged to the owners for materials and supplies to amounts higher than actually incurred, in addition to a disclosed mark up of labor charges. Such undisclosed mark ups constitute Respondent's claiming or taking of secret or undisclosed amounts of compensation, commission or profit during the audit period or the failure of Respondent to reveal the full amount of such compensation, commission or profit to Respondent's clients.

X

The acts and/or omissions of Respondent as alleged above constitute grounds for disciplinary action under the following provisions:

- (a) As to Paragraph VI, under Section 10145 of the Code in conjunction with Section 10177(d) of the Code;



- 1 (b) As to Paragraph VII(a), under Section 2831 of the  
2 Regulations in conjunction with Section 10177(d) of  
3 the Code;  
4 (c) As to Paragraph VII(b), under Section 10145 of the  
5 Code and Section 2832 (formerly 2830) of the  
6 Regulations in conjunction with Section 10177(d) of  
7 the Code;  
8 (d) As to Paragraph VII(c), under Section 2832.1 of the  
9 Regulations in conjunction with Section 10177(d) of  
10 the Code;  
11 (e) As to Paragraph VIII, under Sections 2726 and 2834  
12 of the Regulations in conjunction with Section  
13 10177(d) of the Code; and,  
14 (f) As to Paragraph IX, under Section 10176(a) and  
15 10176(g) of the Code.

16 SECOND CAUSE OF ACTION  
17 (1997 AUDIT)

18 XI

19 Beginning in about November of 1997, the Department  
20 conducted a follow-up audit of the business activities of  
21 Respondent for the audit period in order to obtain further  
22 documentation regarding Respondent's mark ups of labor and  
23 material costs to property owners as found in the 1996 audit  
24 alleged above.

25 XII

26 In connection with the audit, Respondent was requested  
27 to produce specified documents and records executed or obtained by



1 him in connection with transactions for which a real estate  
2 license is required for the audit period. Said records include  
3 the following: "For the year 1997: A complete copy of the April  
4 1997 accounting prepared for your client and property owner, John  
5 Michael, including statement(s) to owner, invoices from D & G  
6 Equity (front and back), original invoices from vendors, and  
7 information regarding labor charged to client versus labor costs  
8 actually incurred."

9 XIII

10 Beginning in or about November of 1997, and continuing  
11 through the present, Respondent failed to retain and make  
12 available for examination and inspection by a designated  
13 representative of the Commissioner of the Department the records  
14 requested and described in Paragraph XII above.

15 XIV

16 The acts and/or omissions of Respondent as alleged above  
17 violate Section 10148 of the Code, and constitute grounds for  
18 disciplinary action under the provisions of Section 10177(d) of  
19 the Code.

20 PRIOR PROCEEDINGS

21 XV

22 Effective May 4, 1987, in Case No. H-5598 SF, the  
23 Real Estate Commissioner revoked the real estate salesperson  
24 license of Respondent and granted the right to a restricted  
25 salesperson license for violations of Sections 10130, 10137,  
26 10145, and 10177(d) of the California Business and Professions  
27 Code.



Effective July 5, 1988, in Case No. H-5914 SF, the Real Estate Commissioner denied the application of Respondent for a real estate broker license for violations of Sections 480(a)(3), 10137, 10165, and 10177(d) of the California Business and Professions 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 Oakland, California,  
this 4th day of November, 1998

