

FILED  
JUN 26 2002

DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Application of )  
GREGORY S. KELISKY, ) NO. H-7069 SF  
Respondent. ) H-7699 SF

ORDER DENYING RECONSIDERATION

On April 12, 2002, an Order Denying Unrestricted License was rendered in the above-entitled matter to become effective June 27, 2002.

On May 21, 2002, Respondent petitioned for reconsideration of the Order of April 12, 2002.

I have given due consideration to the petition of Respondent. I find no good cause to reconsider the Order of April 12, 2002, and reconsideration is hereby denied.

IT IS HEREBY ORDERED June 16, 2002.

PAULA REDDISH ZINNEBANN  
Real Estate Commissioner

Paula Reddish

FILED  
MAY 23 2002

DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of )  
GREGORY S. KELISKY, ) NO. H-7069 SF  
Respondent. ) NO. H-7699 SF

ORDER STAYING EFFECTIVE DATE

On April 12, 2002, an Order Denying Unrestricted License was rendered in the above-entitled matter to become effective on May 28, 2002. On May 21, 2002, Respondent petitioned for reconsideration of the Order Denying Unrestricted License of April 12, 2002.

IT IS HEREBY ORDERED that the effective date of the Order Denying Unrestricted License be stayed for a period of thirty (30) days. The Order Denying Unrestricted License of April 12, 2002, shall become effective at 12 o'clock noon on June 27, 2002.

DATED: May 22, 2002.

PAULA REDDISH ZINNEBANN  
Real Estate Commissioner

Paula Reddish Zinnemann

FILED

MAY 08 2002

DEPARTMENT OF REAL ESTATE

By Jean C. Cunniff

BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Application of )  
GREGORY S. KELISKY, ) NO. H-7069 SF  
Respondent. ) H-7699 SF

ORDER DENYING UNRESTRICTED LICENSE

On May 4, 1994, an Order was rendered in Case No. H-7069 SF denying Respondent's application for a real estate license, but granting Respondent the right to the issuance of a restricted real estate salesperson license. A restricted real estate salesperson license was issued to Respondent on July 27, 1994. On December 3, 1999, in Case No. H-7206 SF, an Order was rendered revoking the restricted real estate salesperson license of Respondent but granting Respondent the right to the issuance of a restricted real estate salesperson license. A restricted real estate salesperson license was issued to Respondent on January 13, 2000.

1           On October 22, 2001, Respondent petitioned for the  
2 removal of restrictions attaching to his real estate salesperson  
3 license.

4           I have considered Respondent's petition and the  
5 evidence and arguments in support thereof.

6           Respondent has failed to demonstrate to my  
7 satisfaction that Respondent has undergone sufficient  
8 rehabilitation to warrant the removal of restrictions on  
9 Respondent's real estate salesperson license. Respondent was  
10 convicted on May 1, 1981, of a violation of Section 496 of the  
11 California Penal Code. On January 10, 1984, Respondent was  
12 convicted of a violation of Section 11351 of the California  
13 Health and Safety Code. Respondent was convicted on November 27,  
14 1990, of a violation of Sections 8043 and 8304 of the California  
15 Fish and Game Code. Between July 26, 1998 and January 7, 1999,  
16 at a time when Respondent's restricted real estate salesperson  
17 license was expired, Respondent continued to perform acts for  
18 which a real estate license was required. In view of the  
19 foregoing history of violations, I am not satisfied that  
20 Respondent has demonstrated sufficient rehabilitation to warrant  
21 the removal of restrictions on Respondent's real estate  
22 salesperson license. Additional time as a restricted licensee  
23 without further cause for disciplinary action is needed in  
24 order for Respondent to establish that he is sufficiently  
25 rehabilitated in order to receive an unrestricted license.

26 ///

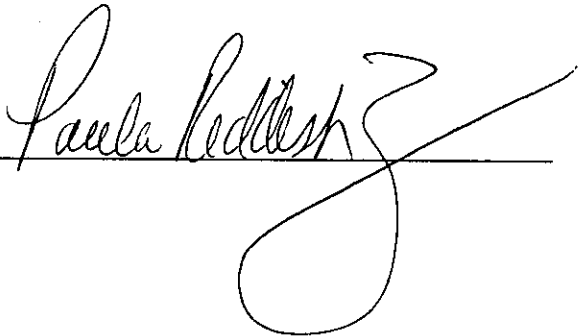
27 ///

1                    NOW, THEREFORE, IT IS ORDERED that Respondent's  
2 petition for removal of restrictions on his real estate  
3 salesperson license is denied.

4                    This Order shall become effective at 12 o'clock  
5 noon on            May 28                    , 2002.

6                    DATED: April 12 , 2002  
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8                    PAULA REDDISH ZINNEMANN  
9                    Real Estate Commissioner

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

FILED  
DEC 11 2000

DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

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

11 \* \* \*

13 In the Matter of the Accusation of )  
14 GREGORY S. KELISKY, ) NO. H-7699 SF  
15 Respondent. )  
16 \_\_\_\_\_ )

17 ORDER SUSPENDING RESTRICTED REAL ESTATE LICENSE

18 TO: GREGORY S. KELISKY:

19 On January 13, 2000, a restricted real estate  
20 salesperson license was issued by the Department of Real Estate  
21 to Respondent on the terms, conditions and restrictions set forth  
22 in the Real Estate Commissioner's Decision of December 28, 1999,  
23 in Case No. H-7699 SF. This Decision granted the right to the  
24 issuance of a restricted real estate salesperson license subject  
25 to the provisions of Section 10156.7 of the Business and  
26 Professions Code and to enumerated additional terms, conditions  
27 and restrictions imposed under authority of Section 10156.6 of

1 said Code. Among those terms, conditions and restrictions, you  
2 were required to submit proof of having taken and completed  
3 specified continuing education requirements within nine months  
4 from the effective date of the Decision. The Commissioner has  
5 determined that, as of November 1, 2000, you have failed to  
6 satisfy this condition, and as such, you are in violation of  
7 Section 10177(k) of the Business and Professions Code.

8 NOW, THEREFORE, IT IS ORDERED under authority of  
9 Section 10156.7 of the Business and Professions Code of the State  
10 of California that the restricted real estate salesperson license  
11 heretofore issued to Respondent and the exercise of any  
12 privileges thereunder is hereby suspended until such time as you  
13 provide proof satisfactory to the Department of compliance with  
14 the "condition" referred to above, or pending final determination  
15 made after hearing (see "Hearing Rights" set forth below).  
16 Furthermore, you have no right to renew your restricted license  
17 if this "condition" isn't satisfied by the date your restricted  
18 license expires.

19 IT IS FURTHER ORDERED that all license certificates and  
20 identification cards issued by the Department which are in the  
21 possession of Respondent be immediately surrendered by personal  
22 delivery or by mailing in the enclosed, self-addressed envelope  
23 to:

24 DEPARTMENT OF REAL ESTATE  
25 ATTN: FLAG SECTION  
26 P. O. Box 187000  
27 Sacramento, CA 95818-7000

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///

1           HEARING RIGHTS: Pursuant to the provisions of Section  
2 10156.7 of the Business and Professions Code, you have the right  
3 to a hearing to contest the Commissioner's determination that you  
4 are in violation of Section 10177(k). If you desire a hearing,  
5 you must submit a written request. The request may be in any  
6 form, as long as it is in writing and indicates that you want a  
7 hearing. Unless a written request for a hearing, signed by or on  
8 behalf of you, is delivered or mailed to the Department at:

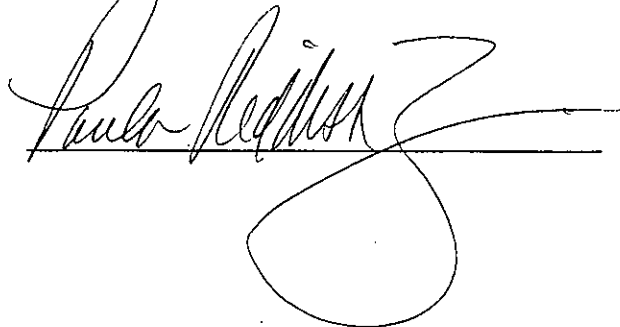
9           DEPARTMENT OF REAL ESTATE  
10          ATTN: LEGAL SECTION  
11          2201 Broadway  
            P. O. Box 187000  
            Sacramento, CA 95818-7000

12 within 20 days after the date that this Order was mailed to or  
13 served on you, the Department will not be obligated or required  
14 to provide you with a hearing.

15           This Order shall be effective immediately.

16           IT IS SO ORDERED December 6, 2000.

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18           PAULA REDDISH ZINNEMANN  
19           Real Estate Commissioner

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

FILED

JAN 19 2000

DEPARTMENT OF REAL ESTATE

By Jean Quinonez

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )  
12 GREGORY S. KELISKY, ) NO. H-7699 SF  
13 MD MORTGAGE DIRECT, INC., ) FIRST AMENDED  
14 and DEAN NICHOLAS DELIS, ) STIPULATION AND AGREEMENT  
15 Respondents. ) (as to MD MORTGAGE DIRECT, INC.  
and DEAN NICHOLAS DELIS)

16 It is hereby stipulated by and between MD MORTGAGE  
17 DIRECT, INC., and DEAN NICHOLAS DELIS only, (hereafter  
18 Respondents) represented by Lawrence R. Jannuzzi, Tobin &  
19 Tobin, Attorneys 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 filed on April 22, 1999, in this matter:

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

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

3 2. Respondents have received, read and understand the  
4 Statement to Respondent, and the Discovery Provisions of the APA  
5 filed by the Department of Real Estate in this proceeding.

6 3. On May 20, 1999, Respondents filed Notices of  
7 Defense pursuant to Section 11505 of the Government Code for the  
8 purpose of requesting a hearing on the allegations in the  
9 Accusation. Respondents hereby freely and voluntarily withdraw  
10 their respective Notices of Defense. Respondents acknowledge  
11 that they each understand that by withdrawing said Notices of  
12 Defense they will each thereby waive their rights to require the  
13 Commissioner to prove the allegations in the Accusation at a  
14 contested hearing held in accordance with the provisions of the  
15 APA, and that they will waive other rights afforded to them in  
16 connection with the hearing, such as the right to present  
17 evidence in defense of the allegations in the Accusation and the  
18 right to cross-examine witnesses.

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

25 5. Without admitting the truth of the allegations  
26 pertaining to them contained in Paragraphs VII through XIV of the  
27 Accusation, Respondents stipulate that they 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, Respondents choose not to contest these  
4 allegations, but to remain silent and understand that, as a  
5 result thereof, these factual allegations pertaining to them,  
6 without being admitted or denied, will serve as a basis for the  
7 disciplinary action stipulated to herein. The Real Estate  
8 Commissioner shall not be required to provide further evidence to  
9 prove said factual allegations.

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

21           7. Respondents have received, read and understand  
22 the "Notice Concerning Costs of Subsequent Audit."  
23 Respondents understand, by agreeing to this Stipulation and  
24 Agreement, and after the findings set forth below in the  
25 "Determination of Issues" become final, that the Commissioner  
26 may charge Respondents for the cost of an audit that may be  
27 conducted pursuant to Section 10156.6 of the Business and

1 Professions Code. The maximum cost of said audit will not  
2 exceed \$1,600.00.

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

#### 10 DETERMINATION OF ISSUES

11 By reason of the foregoing stipulations, admissions and  
12 waivers, and for the purpose of settlement of the pending  
13 Accusation as to Respondents without a hearing, it is stipulated  
14 and agreed that the following determinations of issues shall be  
15 made:

#### 16 I

17 The acts and/or omissions of Respondent MD MORTGAGE  
18 DIRECT, INC., as stipulated above violate Section 10240 of the  
19 Code and Section 2726 of Title 10, California Code of Regulations  
20 and constitute grounds for disciplinary action against the real  
21 estate broker corporation license and license rights of  
22 Respondent under the provisions of Sections 10137 and 10177(d)  
23 of the Code.

#### 24 II

25 The acts and/or omissions of Respondent DEAN NICHOLAS  
26 DELIS as stipulated above constitute grounds for disciplinary  
27 action against the real estate broker and officer licenses and

1 license rights of Respondent under the provisions of Section  
2 10177(h) of the Code.

3  
4 ORDER

5 I

6 A. All real estate licenses and license rights of Respondent MD  
7 MORTGAGE DIRECT, INC., and DEAN NICHOLAS DELIS shall be  
8 suspended for a period of ninety (90) days from the effective  
9 date of the Decision.

10 B. Said suspensions shall be stayed for a period of one (1) year  
11 upon the following terms and conditions:

- 12 1. Respondents shall obey all laws, rules and regulations  
13 governing the rights, duties and responsibilities of a  
14 real estate licensee in the State of California;
- 15 2. That no final subsequent determination be made, after  
16 hearing or upon stipulation, that cause for disciplinary  
17 action against Respondents occurred within one (1) year  
18 of the effective date of this Decision. Should such a  
19 determination be made as to either Respondent, the  
20 Commissioner may, in his discretion, vacate and set aside  
21 the stay order as to that Respondent and reimpose all or  
22 a portion of the stayed suspension as to that Respondent.  
23 Should no such determination be made, the stay imposed  
24 herein shall become permanent.

- 25 3. Pursuant to Section 10156.6 of the Business and  
26 Professions Code, Respondents shall pay the  
27 Commissioner's reasonable cost for an audit as a

1 reasonable condition of the restricted licenses herein.  
2 In calculating the amount of the Commissioner's  
3 reasonable cost, the Commissioner may use the estimated  
4 average hourly salary for all persons performing audits  
5 of real estate brokers, and shall include an allocation  
6 for travel costs, including mileage, time to and from  
7 the auditor's place of work, and per diem. Respondents  
8 shall pay such cost within sixty (60) days of receiving  
9 an invoice from the Commissioner detailing the  
10 activities performed during the audit and the amount of  
11 time spent performing those activities. The total cost  
12 shall not exceed \$1,600.00. Both Respondents shall be  
13 jointly and severally liable for payment of the entire  
14 amount of said cost. The Commissioner may, in his  
15 discretion, vacate and set aside the stay order, if  
16 payment is not timely made as provided for herein, or as  
17 provided for in a subsequent agreement between the  
18 Respondents and the Commissioner. The vacation and the  
19 set aside of the stay shall remain in effect until  
20 payment is made in full, or until Respondent enters into  
21 an agreement satisfactory to the Commissioner to provide  
22 for payment. Should no order vacating the stay be  
23 issued, either in accordance with this condition or  
24 condition "2" above, the stay imposed herein shall  
25 become permanent in the event of either the passage of  
26 one year from the effective date of the Decision, or the  
27 payment of the audit cost in full, whichever occurs  
earlier.

1 4. Respondents shall pay a fine of \$8,000.00 pursuant to  
2 Section 10139.5 of the Business and Professions Code.

3 The fine of \$8,000.00 is the total for both Respondents,  
4 and both Respondents shall be jointly and severally  
5 liable for payment of the entire amount of said fine.

6 Respondents shall pay the sum of \$8,000.00 in the form  
7 of a cashier's check or certified check made payable to  
8 the Recovery Account of the Real Estate Fund. Said  
9 check must be received by the Department prior to the  
10 effective date of the Order in this matter. If

11 Respondents fail to pay said monetary penalty when due,  
12 the Commissioner may order the indefinite suspension of  
13 Respondents' real estate licenses and license rights.

14 The suspensions shall remain in effect until payment is  
15 made in full, or until Respondents enter into an  
16 agreement satisfactory to the Commissioner to provide  
17 for such payment. The Commissioner may impose further  
18 reasonable disciplinary terms and conditions upon  
19 Respondents' real estate licenses and license rights as  
20 part of any such agreement.

21  
22  
23 January 14, 2000  
24 DATED

25 Deidre L. Johnson  
26 DEIDRE L. JOHNSON  
27 Counsel for the Complainant

\* \* \*

1 I have read the Stipulation and Agreement, have  
2 discussed it with my counsel or understand that I have the right  
3 to consult with counsel, and its terms are understood by me and  
4 are agreeable and acceptable to me. I understand that I am  
5 waiving rights given to me by the California Administrative  
6 Procedure Act, and I willingly, intelligently and voluntarily  
7 waive those rights, including the right of requiring the  
8 Commissioner to prove the allegations in the Accusation at a  
9 hearing at which I would have the right to cross-examine  
10 witnesses against me and to present evidence in defense and  
11 mitigation of the charges.

12  
13 MD MORTGAGE DIRECT, INC.  
Respondent

14 1-11-2000

15 DATED

16 By:

DEAN NICHOLAS DELIS, President

17  
18 1-11-2000

19 DATED

20 DEAN NICHOLAS DELIS, Respondent

21  
22 APPROVED AS TO FORM:

23  
24 1-13-2000

25 DATED

26 ~~LAWRENCE R. XXXXXXXXX~~  
Attorney for Respondents  
EUGENE C. PAYNE II

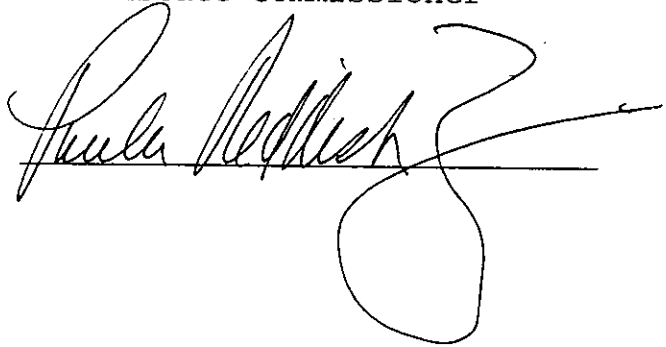
27 \* \* \*



1           The foregoing Stipulation and Agreement is hereby  
2 adopted as my Decision and shall become effective at 12 o'clock  
3 noon on     February 9                    , 2000.

4  
5           IT IS SO ORDERED January 18, 2000.

6                           PAULA REDDISH ZINNEMANN  
7                           Real Estate Commissioner

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FILED

JAN 5 2000

DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of )  
GREGORY S. KELISKY, ) NO. H-7699 SF  
MD MORTGAGE DIRECT, INC. )  
and DEAN NICHOLAS DELIS, )  
Respondents. )

ORDER GRANTING ADDITIONAL STAY

On November 8, 1999, a decision by Stipulation and Agreement was rendered in the above-entitled matter as to Respondents MD MORTGAGE DIRECT, INC., and DEAN NICHOLAS DELIS only, to become effective on December 6, 1999.

On December 6, 1999, an Order Staying Effective Date was rendered based on the petition of Respondents for reconsideration. The Decision was to become effective on January 5, 1999. For the purpose of additional time to evaluate the petition, a stay for an additional period not to exceed ten days is granted.

1 IT IS HEREBY ORDERED that the effective date of the  
2 decision as to Respondents MD MORTGAGE DIRECT, INC. and DEAN  
3 NICHOLAS DELIS only is stayed for a period of ten (10) days. The  
4 decision of November 8, 1999, shall become effective at  
5 12 o'clock noon on January 14, 2000.

6 DATED: January 5, 2000.

7 PAULA REDDISH ZINNEMANN  
8 Real Estate Commissioner

9  
10 By: 

11 STEVE ELLIS  
12 Regional Manager  
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FILED

DEC 6 1999

DEPARTMENT OF REAL ESTATE

By Kathleen Conteras

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of )

GREGORY S. KELISKY, )  
MD MORTGAGE DIRECT, INC., )  
and DEAN NICHOLAS DELIS, )

NO. H-7699 SF

Respondents. )

ORDER STAYING EFFECTIVE DATE

On November 8, 1999, a decision by Stipulation and Agreement was rendered in the above-entitled matter as to Respondents MD MORTGAGE DIRECT, INC., and DEAN NICHOLAS DELIS only, to become effective on December 6, 1999.

On December 2, 1999, Respondents petitioned for reconsideration of the decision of November 8, 1999.

IT IS HEREBY ORDERED that the effective date of the decision as to Respondents MD MORTGAGE DIRECT, INC., and DEAN NICHOLAS DELIS only is stayed for a period of thirty (30) days. The decision of November 8, 1999, shall become effective at 12 o'clock noon on January 5, 2000.

DATED: December 6, 1999.

PAULA REDDISH ZINNEMANN  
Real Estate Commissioner

Paula Reddish Zinnemann



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

FILED  
NOV 16 1999

DEPARTMENT OF REAL ESTATE

By Jean Burchard

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )  
12 GREGORY S. KELISKY, ) NO. H-7699 SF  
13 MD. MORTGAGE DIRECT, INC., )  
14 and DEAN NICHOLAS DELIS, ) STIPULATION AND AGREEMENT  
15 Respondents. ) (as to MD MORTGAGE DIRECT, INC.  
and DEAN NICHOLAS DELIS)

16 It is hereby stipulated by and between MD MORTGAGE  
17 DIRECT, INC., and DEAN NICHOLAS DELIS only, (hereafter  
18 Respondents) represented by Lawrence R. Jannuzzi, Tobin &  
19 Tobin, Attorneys 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 filed on April 22, 1999, in this matter:

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

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

3           2. Respondents have received, read and understand the  
4 Statement to Respondent, and the Discovery Provisions of the APA  
5 filed by the Department of Real Estate in this proceeding.

6           3. On May 20, 1999, Respondents filed Notices of  
7 Defense pursuant to Section 11505 of the Government Code for the  
8 purpose of requesting a hearing on the allegations in the  
9 Accusation. Respondents hereby freely and voluntarily withdraw  
10 their respective Notices of Defense. Respondents acknowledge  
11 that they each understand that by withdrawing said Notices of  
12 Defense they will each thereby waive their rights to require the  
13 Commissioner to prove the allegations in the Accusation at a  
14 contested hearing held in accordance with the provisions of the  
15 APA, and that they will waive other rights afforded to them in  
16 connection with the hearing, such as the right to present  
17 evidence in defense of the allegations in the Accusation and the  
18 right to cross-examine witnesses.

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

25           5. Without admitting the truth of the allegations  
26 pertaining to them contained in Paragraphs VII through XIV of the  
27 Accusation, Respondents stipulate that they 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, Respondents choose not to contest these  
4 allegations, but to remain silent and understand that, as a  
5 result thereof, these factual allegations pertaining to them,  
6 without being admitted or denied, will serve as a basis for the  
7 disciplinary action stipulated to herein. The Real Estate  
8 Commissioner shall not be required to provide further evidence to  
9 prove said factual allegations.

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

21 7. Respondents have received, read and understand  
22 the "Notice Concerning Costs of Subsequent Audit."  
23 Respondents understand, by agreeing to this Stipulation and  
24 Agreement, and after the findings set forth below in the  
25 "Determination of Issues" become final, that the Commissioner  
26 may charge Respondents for the cost of an audit that may be  
27 conducted pursuant to Section 10156.6 of the Business and

1 Professions Code. The maximum cost of said audit will not  
2 exceed \$1,600.00.

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

10 DETERMINATION OF ISSUES

11 By reason of the foregoing stipulations, admissions and  
12 waivers, and for the purpose of settlement of the pending  
13 Accusation as to Respondents without a hearing, it is stipulated  
14 and agreed that the following determinations of issues shall be  
15 made:

16 I.

17 The acts and/or omissions of Respondent MD MORTGAGE  
18 DIRECT, INC., as stipulated above violate Section 10240 of the  
19 Code and Section 2726 of Title 10, California Code of Regulations  
20 and constitute grounds for disciplinary action against the real  
21 estate broker corporation license and license rights of  
22 Respondent under the provisions of Sections 10137 and 10177(d)  
23 of the Code.

24 II

25 The acts and/or omissions of Respondent DEAN NICHOLAS  
26 DELIS as stipulated above constitute grounds for disciplinary  
27 action against the real estate broker and officer licenses and



1 license rights of Respondent under the provisions of Section  
2 10177(h) of the Code.

3  
4 ORDER

5 I

6 A. All real estate licenses and license rights of Respondent MD  
7 MORTGAGE DIRECT, INC., and DEAN NICHOLAS DELIS shall be  
8 suspended for a period of ninety (90) days from the effective  
9 date of the Decision.

10 B. Said suspensions shall be stayed for a period of one (1) year  
11 upon the following terms and conditions:

- 12 1. Respondents shall obey all laws, rules and regulations  
13 governing the rights, duties and responsibilities of a  
14 real estate licensee in the State of California;
- 15 2. That no final subsequent determination be made, after  
16 hearing or upon stipulation, that cause for disciplinary  
17 action against Respondents occurred within one (1) year  
18 of the effective date of this Decision. Should such a  
19 determination be made as to either Respondent, the  
20 Commissioner may, in his discretion, vacate and set aside  
21 the stay order as to that Respondent and reimpose all or  
22 a portion of the stayed suspension as to that Respondent.  
23 Should no such determination be made, the stay imposed  
24 herein shall become permanent.

- 25 3. Pursuant to Section 10156.6 of the Business and  
26 Professions Code, Respondents shall pay the  
27 Commissioner's reasonable cost for an audit as a result

1 of the trust fund violations found in the Determination  
2 of Issues. In calculating the amount of the  
3 Commissioner's reasonable cost, the Commissioner may use  
4 the estimated average hourly salary for all persons  
5 performing audits of real estate brokers, and shall  
6 include an allocation for travel costs, including  
7 mileage, time to and from the auditor's place of work,  
8 and per diem. Respondents shall pay such cost within  
9 sixty (60) days of receiving an invoice from the  
10 Commissioner detailing the activities performed during  
11 the audit and the amount of time spent performing those  
12 activities. The total cost shall not exceed \$1,600.00.  
13 Both Respondents shall be jointly and severally liable  
14 for payment of the entire amount of said cost. The  
15 Commissioner may, in his discretion, vacate and set  
16 aside the stay order, if payment is not timely made as  
17 provided for herein, or as provided for in a subsequent  
18 agreement between the Respondents and the Commissioner.  
19 The vacation and the set aside of the stay shall remain  
20 in effect until payment is made in full, or until  
21 Respondent enters into an agreement satisfactory to the  
22 Commissioner to provide for payment. Should no order  
23 vacating the stay be issued, either in accordance with  
24 this condition or condition "2" above, the stay imposed  
25 herein shall become permanent in the event of either the  
26 passage of one year from the effective date of the  
27 Decision, or the payment of the audit cost in full,  
whichever occurs earlier.

1 4. Respondents shall pay a fine of \$8,000.00 pursuant to  
2 Section 10139.5 of the Business and Professions Code.

3 The fine of \$8,000.00 is the total for both Respondents,  
4 and both Respondents shall be jointly and severally  
5 liable for payment of the entire amount of said fine.

6 Respondents shall pay the sum of \$8,000.00 in the form  
7 of a cashier's check or certified check made payable to  
8 the Recovery Account of the Real Estate Fund. Said  
9 check must be received by the Department prior to the  
10 effective date of the Order in this matter. If

11 Respondents fail to pay said monetary penalty when due,  
12 the Commissioner may order the indefinite suspension of  
13 Respondents' real estate licenses and license rights.

14 The suspensions shall remain in effect until payment is  
15 made in full, or until Respondents enter into an  
16 agreement satisfactory to the Commissioner to provide  
17 for such payment. The Commissioner may impose further  
18 reasonable disciplinary terms and conditions upon  
19 Respondents' real estate licenses and license rights as  
20 part of any such agreement.

21  
22  
23 October 15, 1999

24 DATED

25 Deidre L. Johnson

26 DEIDRE L. JOHNSON  
27 Counsel for the Complainant

\* \* \*

1 I have read the Stipulation and Agreement, have  
2 discussed it with my counsel or understand that I have the right  
3 to consult with counsel, and its terms are understood by me and  
4 are agreeable and acceptable to me. I understand that I am  
5 waiving rights given to me by the California Administrative  
6 Procedure Act, and I willingly, intelligently and voluntarily  
7 waive those rights, including the right of requiring the  
8 Commissioner to prove the allegations in the Accusation at a  
9 hearing at which I would have the right to cross-examine  
10 witnesses against me and to present evidence in defense and  
11 mitigation of the charges.

12  
13 MD MORTGAGE DIRECT, INC.  
Respondent

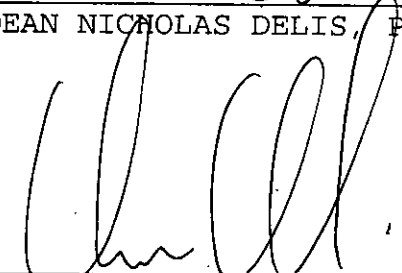
14  
15 10-7-99

16 DATED

17 By:   
18 DEAN NICHOLAS DELIS, President

19 10-7-99

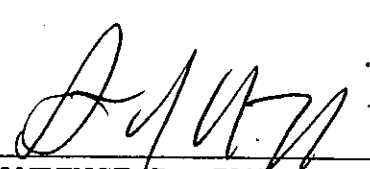
20 DATED

21   
22 DEAN NICHOLAS DELIS, Respondent

23 APPROVED AS TO FORM:

24 10/13/99

25 DATED

26   
27 LAWRENCE R. JANNUZZI  
Attorney for Respondents

\* \* \*

1           The foregoing Stipulation and Agreement is hereby  
2 adopted as my Decision and shall become effective at 12 o'clock  
3 noon on       December 6       , 1999.

4  
5           IT IS SO ORDERED       November 8       , 1999.

6                               JOHN R. LIBERATOR  
7                               Acting Real Estate Commissioner

8  
9                               John R. Liberator

1 Department of Real Estate  
2 P. O. BOX 187000  
3 Sacramento, California 95818-7000  
4  
5 Telephone: (916) 227-0789  
6  
7  
8

FILED

DEC 08 1999

DEPARTMENT OF REAL ESTATE

By Jean Aron

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

\* \* \*

12 In the Matter of the Accusation of

13 GREGORY S. KELISKY,  
14 MD MORTGAGE DIRECT, INC.,  
15 and DEAN NICHOLAS DELIS,

Respondent.

)  
) NO. H-7699 SF  
)

) STIPULATION AND AGREEMENT  
) AS TO GREGORY S. KELISKY  
)

16 In the Matter of the Application of)

17 GREGORY S. KELISKY,  
18  
19

Respondent.

)  
) NO. H-7700 SF  
)  
)  
)

20  
21 It is hereby stipulated by and between GREGORY S.  
22 KELISKY only, (hereafter Respondent) represented by Joseph  
23 Russoniello, Cooley Godward LLP, Attorneys at Law, and the  
24 Complainant, acting by and through Deidre L. Johnson, Counsel  
25 for the Department of Real Estate, as follows for the purpose  
26 of settling and disposing the Accusation filed on April 22,  
27 1999, and the Statement of Issues filed on April 22, 1999:

1           1. All issues which were to be contested and all  
2 evidence which was to be presented by Complainant and Respondent  
3 at a formal hearing on the Accusation and the Statement of  
4 Issues, which hearing was to be held in accordance with the  
5 provisions of the Administrative Procedures Act (APA), shall  
6 instead and in place thereof be submitted solely on the basis of  
7 the provisions of this Stipulation and Agreement.

8           2. Respondent has received, read and understands the  
9 Statement to Respondent, and the Discovery Provisions of the APA  
10 filed by the Department of Real Estate in these proceedings.

11           3. On May 20, 1999, Respondent filed a Notice of  
12 Defense in the matter of the Accusation, and on July 30, 1999, he  
13 filed a Notice of Defense in the matter of the Statement of  
14 Issues herein, pursuant to Section 11505 of the Government Code,  
15 for the purpose of requesting a hearing on the allegations in the  
16 Accusation and the Statement of Issues. Respondent hereby freely  
17 and voluntarily withdraws said Notices of Defense. Respondent  
18 acknowledges that he understands that by withdrawing said Notices  
19 of Defense he will thereby waive his rights to require the  
20 Commissioner to prove the allegations in the Accusation and the  
21 Statement of Issues at a contested hearing held in accordance  
22 with the provisions of the APA, and that he will waive other  
23 rights afforded to him in connection with the hearing, such as  
24 the right to present evidence in defense of the allegations and  
25 the right to cross-examine witnesses.

26           4. Respondent, pursuant to the limitations set forth  
27 below, hereby admits that the factual allegations pertaining to



1 him in Paragraphs I through VI of the Accusation filed in this  
2 proceeding are true and correct and the Real Estate Commissioner  
3 shall not be required to provide further evidence of such  
4 allegations.

5           5. Without admitting the truth of the allegations  
6 pertaining to him contained in Paragraphs VII through XIV of the  
7 Accusation, Respondent stipulates that he will not interpose a  
8 defense thereto. This Stipulation is based on the factual  
9 allegations contained in the Accusation. In the interests of  
10 expedience and economy, Respondent chooses not to contest these  
11 allegations, but to remain silent and understands that, as a  
12 result thereof, these factual allegations pertaining to him,  
13 without being admitted or denied, will serve as a basis for the  
14 disciplinary action stipulated to herein. The Real Estate  
15 Commissioner shall not be required to provide further evidence to  
16 prove said factual allegations.

17           6. In connection with the Statement of Issues,  
18 Respondent understands that by filing the Statement of Issues the  
19 Real Estate Commissioner has shifted the burden to him to make a  
20 satisfactory showing that he meets all requirements for issuance  
21 of a real estate broker license, and that by entering into this  
22 stipulation and agreement he stipulates that the Real Estate  
23 Commissioner has found that he has failed to make such a showing,  
24 thereby justifying the denial of the issuance to him of a real  
25 estate broker license.

26           7. It is understood by the parties that the Real  
27 Estate Commissioner may adopt the Stipulation and Agreement as





1 the decision in this matter as to this Respondent, thereby  
2 denying the application and imposing the penalty and sanctions on  
3 the real estate licenses and license rights of Respondent, and  
4 as set forth in the below "Order". In the event that the  
5 Commissioner in his discretion does not adopt the Stipulation and  
6 Agreement as to this Respondent, it shall be void and of no  
7 effect, and Respondent shall retain the right to a hearing and  
8 proceeding on the Accusation and the Statement of Issues under  
9 all the provisions of the APA and shall not be bound by any  
10 admission or waiver made herein.

11 8. The Order or any subsequent Order of the Real  
12 Estate Commissioner made pursuant to this Stipulation and  
13 Agreement shall not constitute an estoppel, merger or bar to any  
14 further administrative or civil proceedings by the Department of  
15 Real Estate with respect to any matters which were not  
16 specifically alleged to be causes for accusation or statement of  
17 issues in these proceedings.

18 DETERMINATION OF ISSUES

19 By reason of the foregoing stipulations, admissions and  
20 waivers and for the purpose of settlement of the pending  
21 Accusation and Statement of Issues as to Respondent without a  
22 hearing, it is stipulated and agreed that the following  
23 determinations of issues shall be made:

24 I

25 The acts and/or omissions of Respondent GREGORY S.  
26 KELSIKY as stipulated in Paragraphs 4 and 5 above violate Section  
27 10130 of the Code and constitute grounds for disciplinary action



1 against the real estate salesperson license and license rights of  
2 Respondent under the provisions of Sections 10137 and 10177(d) of  
3 the Code.

4 II

5 The acts, omissions and/or waivers of Respondent  
6 GREGORY S. KELSIKY as stipulated in Paragraphs 4, 5, and 6 above  
7 constitute cause for denial of Respondent's application for a  
8 real estate broker license under Sections 10177(d) and 10177(f)  
9 of the Code.

10  
11 ORDER

12 A. All real estate license(s) and license rights of  
13 Respondent GREGORY S. KELISKY are hereby revoked.

14 B. A restricted real estate salesperson license shall  
15 be issued to Respondent pursuant to Section 10156.6 of the Code  
16 if he makes application therefor and pays to the Department of  
17 Real Estate the appropriate fee for said license within ninety  
18 (90) days from the effective date of the decision.

19 C. The restricted license issued to Respondent shall  
20 be subject to all of the provisions of Section 10156.7 of the  
21 Business and Professions Code and to the following limitations,  
22 conditions and restrictions imposed under authority of Section  
23 10156.6 of that Code:

- 24 (1) The restricted license issued to Respondent may  
25 be suspended prior to hearing by Order of the  
26 Real Estate Commissioner in the event of  
27 Respondent's conviction or plea of nolo



1                   contendere to a crime which is substantial  
2                   related to Respondent's fitness or capacity as a  
3                   real estate licensee.

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

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

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

25                  (a) That the employing broker has read the  
26                  Decision of the Commissioner which granted the  
27                  right to a restricted license; and



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

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

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



restricted license until Respondent passes the examination.

D. The application of Respondent GREGORY S. KELISKY  
for a real estate broker license is hereby denied.

DATED:

November 16, 1999

*David R. Brown*

DEIDRE L. JOHNSON  
Counsel for the Complainant

\* \* \*

I have read the Stipulation and Agreement, have discussed it with my counsel or understand that I have the right to consult with 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, and I willingly, intelligently and voluntarily waive those rights, including but not limited to 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; as well as the right of presenting evidence to prove my qualifications for licensure as to the allegations in the Statement of Issues.



1 DATED:

11/1/99

2  
3 GREGORY S. KELISKY  
4 Respondent

5 APPROVED AS TO FORM:

6 DATED:

11/9/99

7  
8  
9 LAWRENCE R. JANNUZZI  
10 Attorney 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 December 28, 1999.

16  
17  
18 IT IS SO ORDERED December 3, 1999.

19 PAULA REDDISH ZINNEMANN  
20 Real Estate Commissioner

21 John R. Liberator  
22

23  
24  
25 BY: John R. Liberator  
26 Chief Deputy Commissioner  
27

FILED

OCT - 7 1999

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

In the Matter of the Accusation/Application of

GREGORY S. KELISKY,

Case No. H-7699 SF/H-7700 SF

OAH No. N-1999060119

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 October 25, 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: October 6, 1999

By Deidre L. Johnson  
DEIDRE L. JOHNSON Counsel

FILED

OCT - 7 1999

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

In the Matter of the Accusation / Application of

GREGORY S. KELISKY,

Case No. H-7699 SF/H-7700 SF

OAH No. N-1999060199

Respondent

AMENDED 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 October 22, 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: October 7, 1999

By

Deidre L. Johnson  
DEIDRE L. JOHNSON

Counsel



FILED

AUG 10 1999

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

In the Matter of the Accusation of

GREGORY S. KELISKY,  
MD MORTGAGE DIRECT, INC., and  
DEAN NICHOLAS DELIS,Case No. H-7699 SFOAH No. N-1999060119

---

RespondentFIRST 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 October 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: August 10, 1999

By

Deidre Johnson  
DEIDRE V. JOHNSON

Counsel

FILED

JUN 23 1999

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

In the Matter of the Accusation of

GREGORY S. KELISKY,  
MD MORTGAGE DIRECT, INC., and  
DEAN NICHOLAS DELIS,Case No. H-7699 SFOAH No. N-1999060119Respondent

## 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 TheOffice of Administrative Hearings, the Elihu Harris StateBuilding, 1515 Clay Street, Suite 206, Oakland, CA 94612

on August 3, 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, 1999By Deidre L. Johnson  
DEIDRE L. JOHNSON Counsel

1 DEIDRE L. JOHNSON, Counsel  
2 State Bar No. 66322  
3 Department of Real Estate  
4 P. O. Box 187000  
5 Sacramento, CA 95818-7000  
6  
7 Telephone: (916) 227-0789

FILED  
APR 22 1999

DEPARTMENT OF REAL ESTATE

By Jean H. Hunsaker

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )

12 GREGORY S. KELISKY, )  
13 MD MORTGAGE DIRECT, INC., )  
14 and DEAN NICHOLAS DELIS, )

NO. H- 7699 SF

ACCUSATION

Respondents. )

15 The Complainant, Les R. Bettencourt, a Deputy Real  
16 Estate Commissioner of the State of California, for causes of  
17 Accusation against GREGORY S. KELISKY, MD MORTGAGE DIRECT, INC.,  
18 and DEAN NICHOLAS DELIS, is informed and alleges as follows:

19 PRELIMINARY ALLEGATIONS

20 I

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

25 II

26 Respondents GREGORY S. KELISKY, MD MORTGAGE DIRECT,  
27 INC., and DEAN NICHOLAS DELIS are presently licensed and/or have

1 license rights under the Real Estate Law, Part 1 of Division 4 of  
2 the California Business and Professions Code (hereafter the Code).

3 III

4 At all times herein mentioned, Respondent MD MORTGAGE  
5 DIRECT, INC. (hereafter MD MORTGAGE) was and is licensed by the  
6 Department of Real Estate (hereafter the Department) as a real  
7 estate broker corporation, with DEAN NICHOLAS DELIS as its  
8 designated broker officer.

9 IV

10 At all times herein mentioned, Respondent DEAN NICHOLAS  
11 DELIS (hereafter DELIS) was and is licensed by the Department of  
12 Real Estate (hereafter the Department) as an individual real  
13 estate broker, and as the designated broker officer of MD  
14 MORTGAGE.

15 V

16 On or about July 26, 1998, the restricted real estate  
17 salesperson license issued to GREGORY S. KELISKY (hereafter  
18 KELISKY) expired. At no time herein between about July 26, 1998,  
19 and January 7, 1999, was KELISKY licensed by the Department as  
20 either a real estate broker or salesperson. On or about  
21 January 7, 1999, KELISKY was licensed by the Department as a  
22 restricted real estate salesperson.

23 VI

24 At all times herein mentioned, Respondent MD MORTGAGE  
25 engaged in the business of, acted in the capacity of, advertised  
26 or assumed to act as a real estate broker within the State of  
27 California, including the operation and conduct of a mortgage loan

1 brokerage business with the public wherein lenders and/or  
2 borrowers were solicited for loans secured directly or  
3 collaterally by liens on real property, and wherein such loans  
4 were arranged, negotiated, processed, and consummated on behalf of  
5 others, for or in expectation of compensation.

6 FIRST CAUSE OF ACTION

7 VII

8 During the period from at least July 26, 1998, to about  
9 January 7, 1999, when KELISKY's license was expired, KELISKY was  
10 employed or associated with MD MORTGAGE and performed activities  
11 for MD MORTGAGE for which a real estate license is required, for  
12 or in expectation of compensation. KELISKY solicited and/or  
13 negotiated sales and purchases of real property and was paid  
14 commissions by MD MORTGAGE in various transactions, including but  
15 not limited to the following:

16

DATE	CLIENT	PROPERTY	COMMISSION
17 7/31/98	CASALE, et al.	Known to Respondents	\$9,271
18 8/21/98	TURNER	285 Brook Drive, Boulder Creek CA	\$4,770
19 9/4/98	NOLL	1926 Ortega Avenue, San Francisco CA	\$2,862
20 10/9/98	ABELE, et al.	8407 Chenin Blanc Lane, San Jose CA	\$8,235
21 10/16/98	FEWER	642 Girard Street, San Francisco, CA	\$2,100
22 10/16/98	SALAZAR	358 Swaps Drive, San Jose, CA	\$3,600
23 10/23/98	BENSON	1998 Belle Avenue San Carlos, CA	\$7,864
24 10/30/98	GARATE	1600 Treat Street San Francisco, CA	\$1,980
25 11/6/98	KORNAROS	866 Morningside Drive Millbrae, CA	\$2,740
26 11/13/98	ROSAS	801 S. Norfolk San Mateo, CA	\$3,747

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DATE	CLIENT	PROPERTY	COMMISSION
11/17/98	THOMPSON	15 Rocca Ct., South San Francisco, CA	\$6,363
11/24/98	MCJUNKIN	460 Distel Drive Los Altos, CA	\$5,381

#### VIII

The acts and/or omissions of Respondent KELISKY as alleged above violate Section 10130 of the Code, and constitute grounds for disciplinary action against KELISKY pursuant to Sections 10137 and 10177(d) of the Code.

#### IX

The above acts and/or omissions of MD MORTGAGE and DELIS, in employing and/or compensating KELISKY when KELISKY was not duly licensed by the Department, violate Section 10130 of the Code, and constitute grounds for disciplinary action against MD MORTGAGE and DELIS pursuant to Sections 10137 and 10177(d) of the Code.

#### SECOND CAUSE OF ACTION

#### X

Within the last three years, in connection with the mortgage loan brokerage business as above alleged, Respondent MD MORTGAGE failed to prepare and deliver to borrowers; or cause to be delivered, a written borrower disclosure statement as required by Section 10240 of the Code within three business days after receipt of a completed written loan application, or prior to the borrower becoming obligated on the note, whichever is earlier, and/or failed to retain executed copies of such statements with the records of the company.

1 XI

2 Respondent MD MORTGAGE failed to have a written broker-  
3 salesperson agreement with the real estate salespersons employed  
4 by or associated with the company, including but not limited to  
5 KELISKY, covering material aspects of the relationship as required  
6 by Section 2726 of Title 10, California Code of Regulations  
7 (hereafter the Regulations).

8 XII

9 As the designated officer of MD MORTGAGE, DELIS failed  
10 to supervise the activities conducted on behalf of MD MORTGAGE by  
11 its officers and employees as necessary to secure full compliance  
12 with the provisions of the Real Estate Law, and in particular  
13 failed to supervise and/or maintain systems for licensing and  
14 compensation of agents, and for disclosure statements, such that  
15 the above violations occurred.

16 XIII

17 The acts and/or omissions of MD MORTGAGE alleged in  
18 Paragraphs X and XI above violate Section 10240 of the Code and  
19 Section 2726 of the Regulations, and constitute grounds for  
20 disciplinary action under the provisions of Section 10177(d) of  
21 the Code.

22 XIV

23 The acts and/or omissions of DELIS alleged in Paragraph  
24 XII above constitute grounds for disciplinary action under the  
25 provisions of Section 10177(h) of the Code.

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