

By Frederick

STATE OF CALIFORNIA

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In the Matter of the Accusation of) No. H-22657 LA
)
ETHEL LUCILE NEILON)
)
Respondent.)

On October 1, 1990, a Decision was rendered herein revoking the real estate broker license of ETHEL LUCILE NEILON (hereinafter referred to as Respondent), effective November 13, 1990, but granting Respondent the right to a restricted real estate broker license which was issued on November 13, 1990.

I have considered the petition of Respondent and the evidence submitted in support thereof. Respondent has failed to demonstrate to my satisfaction that she has undergone sufficient

1 rehabilitation to warrant the reinstatement of her real estate
2 broker license at this time. This determination has been made
3 in light of Respondent's history of acts and conduct which are
4 substantially related to the qualifications, functions and
5 duties of a real estate licensee. That history includes:

6 1. On her petition for reinstatement of her real
7 estate broker license Respondent was asked if she had filed
8 bankruptcy. She replied "None". In truth and in fact Respondent
9 filed for bankruptcy on or about December 29, 1993, listing over
10 20 persons or entities to whom monies were owed. This
11 misrepresentation of a material fact is evidence of a lack of
12 rehabilitation and is cause to deny her petition pursuant to
13 Section 10177(a) of the California Business and Professions
14 Code.

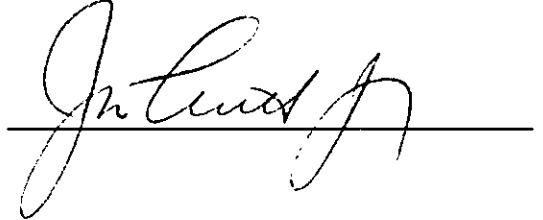
15 2. On or about December 31, 1993, a representative of
16 the Department of Real Estate attempted to audit the books and
17 records of Respondent doing business as Century 21 A-1 Empire
18 Realty for the period of time from January 1, 1992, to December
19 31, 1993. Despite the fact that Respondent had acquired some
20 dozen real estate listings during this period of time Respondent
21 was unable to produce any of said listings nor any of the
22 documents associated with said listings. This is further
23 evidence of a lack of rehabilitation and in violation of Section
24 10148 of the Code and is cause to deny Respondent's petition
25 pursuant to Section 10177(d) of the Code.
26
27

1 NOW, THEREFORE, IT IS ORDERED that Respondent's
2 petition for reinstatement of her real estate broker license is
3 hereby denied.

4 This order shall become effective at 12 o'clock noon
5 on September 5, 1995.

6
7 DATED: 8-7-95

8
9
10
11 JIM ANTT, JR.
12 Real Estate Commissioner

13
14 

15 ETHEL LUCILE NEILON
16 5650 Sumner Way #208
17 Culver City, California 90230

5/26/90

DEPARTMENT OF REAL ESTATE

OCT 22 1990

STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE
BY csen

* * * *

In the Matter of the Accusation of

ETHEL LUCILE NEILON,

No. H- 22657 LA

L- 38180

Respondent(s).

DECISION

The Proposed Decision dated August 29, 1990,
of Randolph Brendia, Regional Manager, Department of Real Estate,
is hereby adopted as the Decision of the Real Estate
Commissioner in the above-entitled matter.

This Decision shall become effective at 12 o'clock
noon on November 13, 1990.

IT IS SO ORDERED October 1, 1990.

JAMES A. EDMONDS, JR.
Real Estate Commissioner

John R. Liberator
by: JOHN R. LIBERATOR
Chief Deputy Commissioner

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of) NO. H-22657 LA
ETHEL LUCILE NEILON,)
Respondent.)

PROPOSED DECISION

This matter was presided over by Randolph Brendia, Regional Manager, Department of Real Estate, as the designee of the Real Estate Commissioner, in Los Angeles, California, on August 29, 1990.

Marjorie P. Mersel, Counsel, represented the Complainant. Respondent was represented by Counsel, Lawrence J. Moss.

The matter of the Accusation of ETHEL LUCILE NEILON was submitted upon a written Stipulation of the parties. Pursuant thereto, the following Decision is proposed, certified and recommended for adoption:

FINDINGS OF FACT

I

The Complainant, Randolph Brendia, a Deputy Real Estate Commissioner of the State of California, made the Accusation in his official capacity.

II

ETHEL LUCILE NEILON (hereinafter referred to as respondent) is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code).

III

At all times herein mentioned, respondent was and now is licensed by the Department of Real Estate (hereinafter "Department") as a real estate broker.

IV

In performing the acts described below, respondent was at all times performing acts for which a real estate license is required, for or in expectation of compensation.

V

On or about September 29, 1982, Century 21-Empireland Corporation (hereinafter, Empireland) became incorporated in the State of California, by filing Articles of Incorporation with the California Secretary of State.

VI

On or about October 25, 1982, respondent executed a franchise agreement with Century 21 Regional to franchise Empireland, beginning October 21, 1982, until October 20, 1987.

VII

On or about May 9, 1983, Empireland filed a Statement by Domestic Stock Corporation with the Secretary of State to the effect that respondent was chief operating officer and Jaime Ferman was vice-president; that said corporation was located at 10807 Crenshaw Boulevard, Inglewood, and the type of business was listed as real estate brokerage.

VIII

On or about September 4, 1984, the corporate powers, rights and privileges of Empireland were suspended pursuant to the provisions of the California Bank and Corporation Tax Law.

IX

On or about February 12, 1985, while the corporate powers, rights and privileges of Empireland were suspended, respondent obtained a listing agreement on behalf of and in the name of Empireland to sell real property located at 4332 West 106 Street, Lennox, California (hereinafter referred to as the Property);

X

Subsequently, on or about February 12, 1985, respondent obtained, in the name of and on behalf of Empireland, an offer from Joseph Chryar, Jr. and Pauline Allen to purchase the Property.

XI

At no time mentioned herein was Empireland licensed in any capacity by the Department. Also, at no time mentioned herein

was respondent authorized by the Department to use Empireland or any other name as a "dba" in conducting business requiring a real estate license.

DETERMINATION OF ISSUES

I

The acts of respondent set forth hereinabove require that Empireland be licensed as a corporation real estate broker pursuant to Section 10211 of the Business and Professions Code (hereinafter "the Code") and/or that respondent be authorized by the Department to use Empireland as a "dba" pursuant to Section 10159.5 of the Code. Respondent's failure to comply with either of the above sections of the Code is respectively a violation of Sections 10130 and 10159.5 of the Code. The said violations of the Code constitute grounds for the suspension or revocation of the real estate license and license rights of respondent. Cause for disciplinary action against respondent exists under the above Findings of Facts and Determination of Issues pursuant to the provisions of Section 10177(d) of the Code.

ORDER

All licenses and license rights of Respondent ETHEL LUCILE NEILON under the provisions of Part 1 of Division 4 of the Business and Professions Code are hereby revoked.

A restricted real estate broker license shall be issued to Respondent upon her application therefor and the payment of the appropriate fee provided the application is made not later than 90 days from the effective date of the Decision herein.

The restricted license issued to Respondent shall be subject to all of the provisions of Section 10156.7 of the Code and to the following limitations, conditions and restrictions imposed under authority of Section 10156.6 of said Code:

1. The restricted license may be suspended prior to hearing by Order of the Real Estate Commissioner in the event of Respondent's conviction (including conviction on a plea of nolo contendere) of a crime which bears a significant relation to Respondent's fitness or capacity as a real estate licensee.

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

3. Respondent shall, within twelve (12) months from the effective date of the Decision, present evidence satisfactory

to the Real Estate Commissioner that she has, since the most recent issuance of an original or renewal real estate license, taken and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate license. If Respondent fails to satisfy this condition the Commissioner may order the suspension of the restricted license until the Respondent presents such evidence. The Commissioner shall afford Respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.

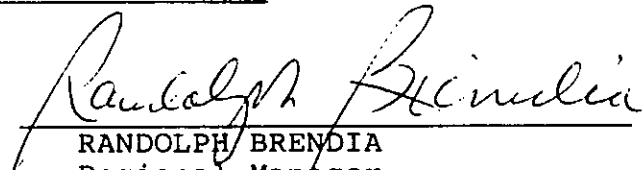
4. Respondent shall obey all laws of the United States, the State of California and its political subdivisions, and shall further obey and comply with all rules and regulations of the Real Estate Commissioner.

5. Respondent shall report in writing to the Department and the Real Estate Commissioner shall direct, by his decision herein or by separate written order issued while the restricted license is in effect, such information concerning Respondent's activities for which a real estate license is required as the Real Estate Commissioner shall deem to be appropriate to protect the public interest.

6. Respondent shall, within six months from the effective date of the restricted license, take and pass the Professional Responsibility Examination administered by the Department including the payment of the appropriate examination fee. If Respondent fails to satisfy this condition the Commissioner may order suspension of the restricted license until Respondent passes the examination.

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

DATED: 29 August 1990.


RANDOLPH BRENDIA
Regional Manager
Department of Real Estate

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

**FILED
JAN -4 1990**

DEPARTMENT OF REAL ESTATE
BY *R. H. H. H. H.*

In the Matter of the Accusation of

ETHEL LUCILE NEILON,

} Case No. H-22657 LA

} OAH No. L-38180

Respondent(s)

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 _____
Office of Administrative Hearings, 314 West First Street, Los Angeles
on the 2nd day of April, 19 90, at the hour of 9:00 a.m., or as soon thereafter
as the matter can be heard, upon the charges made in the Accusation served upon you.

You may be present at the hearing, and you may be represented by counsel, but you are neither required to be present at the hearing nor to be represented by counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you upon any express admissions, or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter. The interpreter must be approved by the hearing officer conducting the hearing as someone who is proficient in both English and the language in which the witness will testify. You are required to pay the costs of the interpreter unless the hearing officer directs otherwise.

DEPARTMENT OF REAL ESTATE

By

Margie V. Morel
Counsel

Dated: January 4, 1990

cc: Ethel Lucile Neilon
Lawrence J. Moss, Esq.
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BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

JUL 31 1989

DEPARTMENT OF REAL ESTATE

BY *Sybil Williams*

In the Matter of the Accusation of

ETHEL LUCILE NEILON,

Case No. H-22657 LA

OAH No. L-38180

Respondent(s)

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 _____

OFFICE OF ADMINISTRATIVE HEARINGS, 314 W. First St., Los Angeles, CA

on the 27th day of October, 19 89, at the hour of 9:00 a.m., or as soon thereafter as the matter can be heard, upon the charges made in the Accusation served upon you.

You may be present at the hearing, and you may be represented by counsel, but you are neither required to be present at the hearing nor to be represented by counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you upon any express admissions, or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter. The interpreter must be approved by the hearing officer conducting the hearing as someone who is proficient in both English and the language in which the witness will testify. You are required to pay the costs of the interpreter unless the hearing officer directs otherwise.

DEPARTMENT OF REAL ESTATE

Dated: July 31, 1989

By

Marjorie P. Mersel
MARJORIE P. MERSEL, Counsel

cc: Ethel Lucile Neilon
Lawrence J. Moss, Esq.
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Sacto. 2/28/88

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

FILED

MAR -3 1988

DEPARTMENT OF REAL ESTATE
BY *John Young*

In the Matter of the Accusation of

ETHEL LUCILE NEILON

Respondent(s)

Case No. H-22657 LA

OAH No. L-38180

**NOTICE OF HEARING ON ACCUSATION
(AMENDED)**

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, 314 West First Street, Los Angeles, CA,

on the 19th day of May, 19 88, at the hour of 9:00 a.m., or as soon thereafter as the matter can be heard, upon the charges made in the Accusation served upon you.

You may be present at the hearing, and you may be represented by counsel, but you are neither required to be present at the hearing nor to be represented by counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you upon any express admissions, or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter. The interpreter must be approved by the hearing officer conducting the hearing as someone who is proficient in both English and the language in which the witness will testify. You are required to pay the costs of the interpreter unless the hearing officer directs otherwise.

**JAMES A. EDMONDS, JR.
DEPARTMENT OF REAL ESTATE**

By

Marjorie P. Merse
MARJORIE P. MERSEL, Counsel

Dated: March 3, 1988

**cc: Ethel Lucile Neilon
Lawrence J. Moss, Esq.
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BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED

SEP 25 1987

DEPARTMENT OF REAL ESTATE
BY *[Signature]*

In the Matter of the Accusation of

ETHEL LUCILE NEILON

Case No. H-22657 LA

OAH No. L-38180

Respondent(s)

NOTICE OF HEARING ON ACCUSATION
(AMENDED)

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at Office
of Administrative Hearings, 314 West First Street, Los Angeles, CA,
on the 31st day of March, 19 88, at the hour of 9:00 a.m., or as soon thereafter
as the matter can be heard, upon the charges made in the Accusation served upon you.

You may be present at the hearing, and you may be represented by counsel, but you are neither required to be present at the hearing nor to be represented by counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you upon any express admissions, or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter. The interpreter must be approved by the hearing officer conducting the hearing as someone who is proficient in both English and the language in which the witness will testify. You are required to pay the costs of the interpreter unless the hearing officer directs otherwise.

JAMES A. EDMONDS, JR.
DEPARTMENT OF REAL ESTATE

By

[Signature]
MARJORIE P. MERSEL, Counsel

Dated: September 25, 1987

cc: Ethel Lucile Neilon
Lawrence J. Moss, Esq.
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AUG -3 1987

DEPARTMENT OF REAL ESTATE

BY Wm. J. King

Case No. H-22657 LA
L-38180

TO THE ABOVE-NAMED RESPONDENT:

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.

DATED: August 3, 1987

By :

cc: Ethel Lucile Neilon
Lawrence J. Moss, Esq.
Sacto.
OAH
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NOV 26 1990

VERIFIED BY Chaitin DATE 10/10/88

Case No. H-22657 LA
L-38180

TO THE ABOVE-NAMED RESPONDENT:

You may be present at the hearing, and you may be represented by counsel, but you are neither required to be present at the hearing nor to be represented by counsel. If you are not present in person, nor represented by counsel at the hearing, the Department may take disciplinary action against you upon any express admissions, 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.

JAMES A. EDMONDS, JR.
DEPARTMENT OF REAL ESTATE

By: Marjorie P. Merseil
MARJORIE P. MERSEL
Counsel

SACD.
HLS

FILED

AUG-6 1986

DEPARTMENT OF REAL ESTATE
BY *[Signature]*

MARJORIE P. MERSEL, Counsel
Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, California 90012
(213) 620-4790

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of)	No. H-22657 LA
ETHEL LUCILE NEILON,)	<u>A C C U S A T I O N</u>
Respondent.)	

The complainant, Randolph Brendia, a Deputy Real Estate Commissioner of the State of California, for cause of accusation against ETHEL LUCILE NEILON, alleges as follows:

I

The complainant, Randolph Brendia, a Deputy Real Estate Commissioner of the State of California, makes this Accusation in his official capacity.

II

ETHEL LUCILE NEILON (hereinafter referred to as respondent) is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code).

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III

At all times herein mentioned, respondent was and now is licensed by the Department of Real Estate as a real estate broker.

IV

In performing the acts described below, respondent was at all times performing acts for which a real estate license is required, for or in expectation of compensation.

V

On or about February 12, 1985, respondent obtained a listing agreement on behalf of Century 21-Empireland Corporation to sell real property located at 4332 West 106 Street, Lennox, California (hereinafter referred to as the Property). The terms of the listing were a selling price of \$84,450 with a 6% commission for the selling broker. Walter Reamy, Jr. (hereinafter referred to as Seller) was the seller of the Property.

VI

On or about February 12, 1985, respondent procured a Real Estate Purchase Contract and Receipt for Deposit from Joseph Chryar, Jr., and Pauline Allen (hereinafter referred to as Buyers for a purchase price of \$80,000. According to the terms of the above-mentioned Purchase Contract, "Buyers waives termite report due to bankruptcy." The Seller of the Property had been in bankruptcy under Chapter 13 since January, 1985. On or about February 12, 1985, Seller accepted the offer.

VII

On or about February 19, 1985, respondent obtained an executed grant deed for the Property from Seller based upon

1 respondent's representation that said grant deed would be placed
2 in escrow.

3 VIII

4 Respondent failed and neglected to place said grant deed
5 into escrow. On or about February 21, 1985, respondent recorded
6 the grant deed at the County Recorder's Office as Document No.
7 85-196833.

8 IX

9 On or about March 8, 1985, Escrow No. 8724-W was opened
10 on the Property at Metropolitan Company, Torrance, California.
11 The escrow instructions stated "THIS ESCROW IS SUBJECT TO
12 APPROVAL BY BANKRUPTCY COURT OF THIS SALE."

13 X

14 On or about March 8, 1985, respondent executed a
15 commission authorization to pay \$4,800 to C-21 Empireland Realty.

16 XI

17 On or about March 20, 1985, new escrow instructions were
18 drawn reflecting a second trust deed of \$45,000 to be sold at a
19 30% discount and the proceeds to pay off the existing
20 encumbrances. The escrow instructions of March 20, 1985, stated
21 "THIS ESCROW IS SUBJECT TO APPROVAL BY BANKRUPTCY COURT OF THIS
22 SALE."

23 XII

24 On or about March 20, 1985, Seller wrote a letter to
25 respondent requesting that respondent put the grant deed back in
26 his name since it was illegal to put the Property in anyone else's
27 name without approval of the Bankruptcy Court.

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XIII

Respondent failed, neglected and refused to return Seller's grant deed until April 25, 1985, when the grant deed was recorded back to him.

XIV

Respondent's conduct, as alleged hereinabove, is grounds for the suspension or revocation of her license and license rights under the provisions of Sections 10176(a) and (i), and Sections 10177(d), 10177(f), and/or 10177(g) of the California Business and Professions Code.

SECOND CAUSE OF ACCUSATION

XV

The complainant, Randolph Brendia, a Deputy Real Estate Commissioner of the State of California, for a Second Cause of Accusation alleges as follows:

XVI

Complainant repleads and realleges Paragraphs I through XIII of the First Cause of Accusation.

XVII

On or about September 29, 1982, Century 21-Empireland Corporation became incorporated in the State of California as Corporate No. 1158875, by filing Articles of Incorporation with the California Secretary of State.

XVIII

On or about October 25, 1982, respondent executed a franchise agreement with Century 21 Regional to franchise Century 21 Empireland Corporation beginning October 21, 1982,

1 until October 20, 1987.

2 XIX

3 On or about May 9, 1983, Empireland Corporation filed a
4 Statement by Domestic Stock Corporation with the Secretary of
5 State to the effect that respondent was chief operating officer
6 and Jaime Ferman was vice-president; that said corporation was
7 located at 10807 Crenshaw Boulevard, Inglewood, and the type of
8 business was listed as real estate brokerage.

9 XX

10 On or about September 4, 1984, the corporate powers,
11 rights and privileges of Century 21 Empireland Corporation were
12 suspended pursuant to the provisions of the California Bank and
13 Corporation Tax Law.

14 XXI

15 On or about February 12, 1985, while the corporate
16 powers, rights and privileges of Century 21-Empireland Corporation
17 were suspended, respondent took a listing to sell the Property on
18 behalf of Century 21-Empireland Corporation.

19 XXII

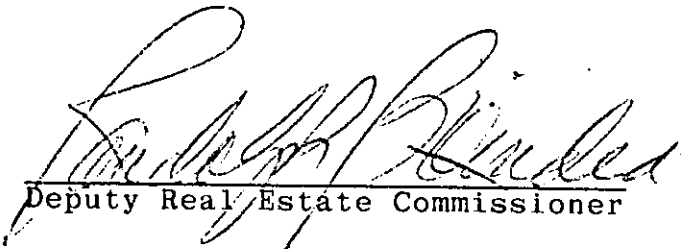
20 The conduct of respondent as described hereinabove is
21 grounds for the suspension or revocation of her real estate
22 licenses and license rights under the provisions of Sections
23 10211 and 10177(h) of the Business and Professions Code and
24 Section 2742 of the Regulations of the Real Estate Commissioner.

25 XXIII

26 At no time mentioned herein was Century 21-Empireland
27 Corporation licensed by the Department of Real Estate in any

1 capacity. The acts, by or on behalf of the said corporation,
2 described hereinabove, require a corporate real estate broker
3 license and were in violation of Section 10130 of the Business and
4 Professions Code. The conduct of respondent, described
5 hereinabove, is grounds for suspension or revocation of her real
6 estate license and/or license rights under the provisions of
7 Section 10177(d) of the Business and Professions Code.
8

9 WHEREFORE, complainant prays that a hearing be conducted
10 on the allegations of this Accusation and, that upon proof
11 thereof, a decision be rendered imposing disciplinary action
12 against all licenses and license rights of respondent ETHEL LUCILE
13 NEILON under the Real Estate Law and for such other and further
14 relief as may be proper under other applicable provisions of law.
15 Dated at Los Angeles, California
16 this 6th day of August, 1986.


Deputy Real Estate Commissioner

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23
24
25 cc: Ethel Lucile Neilon
26 Lawrence J. Moss, Esq.
27 Sacto.
AS