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FILED
 JUL 11 2007
 DEPARTMENT OF REAL ESTATE

H. McKeeth

BEFORE THE DEPARTMENT OF REAL ESTATE
 STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)) PETER LOUIS RECCHIA, JR.,)) Respondent.)))))))))	NO. H-24259 LA
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ORDER DENYING REINSTATEMENT OF LICENSE

On June 4, 1991, a Decision was rendered herein revoking Respondent's real estate broker license, but granting Respondent the right to the issuance of a restricted real estate broker license. A restricted real estate broker license was issued to Respondent or about October 16, 1991.

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1 On or about October 9, 2003, Respondent petitioned
2 for reinstatement of said license and the Attorney General of
3 the State of California has been given notice of the filing of
4 the petition.
5

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

12
13 I

14 On October 16, 1990, an Order to Desist and Refrain
15 was filed by the Department of Real Estate ("Department") in
16 Case No. H-24175 LA. A Department investigation had determined
17 that Respondent had violated Business and Professions Code
18 ("Code") Sections 10161.8, 10232(e), 10232.25 and 10240 and
19 Sections 2725, 2752, 2831, 2831.1, and 2834, Title 10, Chapter
20 6, California Code of Regulations ("Regulations").
21

22 II

23 In the Decision which revoked Respondent's real
24 estate broker license, there were Determination of Issues made
25 that there was cause to revoke Respondent's real estate license
26 pursuant to Code Section 10177(h) for failure to exercise the
27 required supervision and control over the activities of the

1 corporation for which he was the designated officer, and Code
2 Section 10165 for violation of Code Section 10161.8.

3
4 III

5 The burden of proving rehabilitation rests with the
6 petitioner (Feinstein v. State Bar (1952) 39 Cal. 2d 541).

7 A petitioner is required to show greater proof of honesty and
8 integrity than an applicant for first time licensure. The
9 proof must be sufficient to overcome the prior adverse judgment
10 on the applicant's character (Tardiff v. State Bar (1980) 27
11 Cal. 3d 395).

12 The Department has developed criteria in Regulation
13 2911 to assist in evaluating the rehabilitation of an applicant
14 for reinstatement of a license. Among the criteria relevant in
15 this proceeding are:

16
17 2911(k) - Respondent has not shown that he has
18 corrected business practices resulting in injury to others or
19 with the potential to cause such injury. Respondent is a
20 member of the State Bar of California and self-employed as an
21 attorney. Respondent has been disciplined by the State Bar on
22 three occasions. In 1994 he was disciplined for multiple acts
23 of dishonesty and concealment in one case and for not properly
24 supervising a law student who worked for him in another case.
25 In 1997 he was disciplined for a misdemeanor conviction of
26 carrying a concealed firearm.
27

1 2911(1) - Respondent has not provided proof of
2 Significant or conscientious involvement in community, church
3 or social programs.

4 2911 (n) (1) - Respondent has not shown a change in
5 attitude from that which existed at the time of the conduct in
6 question. Respondent failed to respond to the Department's
7 request for additional information in support of his petition
8 application.

9 2911 (n) (2) - Respondent has not provided
10 proof from others of a change in attitude from that which
11 existed at the time of the conduct in question.

12 Given the fact that Respondent has not established
13 that he has complied with Regulations 2911(k), 2911(l),
14 2911(n) (1) and 2911(n) (2), I am not satisfied that Respondent
15 is sufficiently rehabilitated to receive a real estate broker
16 license.

17 NOW, THEREFORE, IT IS ORDERED that Respondent's
18 petition for reinstatement of Respondent's real estate broker
19 license is denied.

20 This Order shall become effective at 12 o'clock noon
21 on JUL 31 2007.

22 DATED: 6/21/07

23 JEFF DAVI
24 Real Estate Commissioner
25
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27

By Jana B. Brown

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DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of)	
)	No. H-24259 LA
SAN NIGUEL LENDING GROUP, INC.)	
)	
Respondent)	
)	

ORDER GRANTING REINSTATEMENT OF LICENSE

On June 4, 1991, a Decision was rendered herein, revoking the corporate real estate broker license of SAN NIGUEL LENDING GROUP, INC., effective July 2, 1991. Respondent was given the right to apply for and receive a restricted corporate real estate broker license which was issued on July 2, 1991.

On May 4, 1999, Respondent petitioned for reinstatement of its license. The Attorney General of the State of California has been given notice of said filing.

I have considered Respondent's petition and the evidence and arguments in support thereof. Respondent has demonstrated to my satisfaction that grounds do not presently

1 exist to deny the issuance of an unrestricted corporate real
2 estate broker license to Respondent.

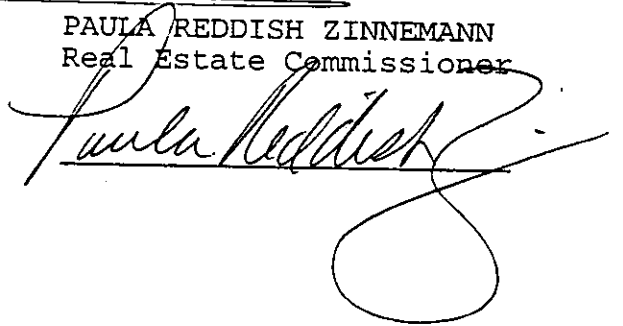
3 NOW, THEREFORE, IT IS ORDERED that Respondent SAN
4 NIGUEL LENDING GROUP, INC.'s petition for reinstatement is
5 granted and that an unrestricted corporate real estate broker
6 license be issued to this Respondent after it satisfies the
7 following condition within six (6) months from the date of
8 this Order:

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

12 This Order shall become effective immediately.

13 DATED: December 20, 1999.

14
15 PAULA REDDISH ZINNEMANN
16 Real Estate Commissioner

17 

18 SAN NIGUEL LENDING GROUP, INC.
19 c/o Joseph Valdez

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*Sachs
Flory*

James L. Beaver, Counsel
Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, California, 90012

JUN 11 1991

Telephone: (213) 620-4790

DEPARTMENT OF REAL ESTATE
Sybil Williams

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)	H- 24259	LA
)		
PETER LOUIS RECCHIA, JR,)		
et al.,)		
)		
Respondents.)		
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)		

STIPULATION IN SETTLEMENT AND ORDER

I

STIPULATION

It is hereby stipulated by and between Respondent PETER LOUIS RECCHIA, JR (sometimes referred to herein as "Respondent" or "RECCHIA") and the Complainant, acting by and through James L. Beaver, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on October 23, 1990 in this matter (hereinafter "the Accusation"):

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

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

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

8 C. Heretofore, Respondent filed a Notice of Defense
9 pursuant to Section 11505 of the Government Code for the purpose
10 of requesting a hearing on the allegations in the Accusation.
11 Respondent hereby freely and voluntarily withdraws said Notice of
12 Defense. Respondent acknowledges that it understands that by
13 withdrawing said Notice of Defense, Respondent will thereby waive
14 Respondent's right to require the Commissioner to prove the
15 allegations in the Accusation at a contested hearing held in
16 accordance with the provisions of the APA and that Respondent will
17 waive other rights afforded to Respondent in connection with the
18 hearing such as the right to present evidence in defense of the
19 allegations in the Accusation and the right to cross-examine
20 witnesses.

21 D. Pursuant to the limitations set forth below,
22 Respondent hereby admits that the factual allegations in
23 Paragraphs 1 through 16, inclusive, of the Accusation are true
24 and correct and the Real Estate Commissioner shall not be required
25 to provide further evidence of such allegations.

26 E. It is understood by the parties that the Real
27 Estate Commissioner may adopt the Stipulation In Settlement and

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

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

16 II

17 DETERMINATION OF ISSUES

18 By reason of the foregoing stipulations, admissions and
19 waivers and solely for the purpose of settlement of the pending
20 Accusation without a hearing, it is stipulated and agreed that the
21 following determination of Issues shall be made:

22 A. The conduct of Respondent RECCHIA described in
23 Paragraph 14 of the Accusation violated Section 10161.8 of the
24 Code and is cause for the suspension or revocation of all real
25 estate licenses and license rights of Respondent RECCHIA under the
26 provisions of Section 10165 of the Code.

27

1 B. The conduct of Respondent RECCHIA described in
2 Paragraphs 15 and 16 of the Accusation constitutes the failure to
3 exercise reasonable supervision and control over the activities of
4 the corporation for which a real estate license is required, and
5 is cause for the suspension or revocation of all real estate
6 licenses and license rights of Respondent RECCHIA under the
7 provisions of Section 10177(h) of the Code.

8 III

9 ORDER

10 WHEREFORE, THE FOLLOWING ORDER is hereby made:

11 A. The license and license rights of Respondent PETER
12 LOUIS RECCHIA, JR. under the provisions of Part 1 of Division 4 of
13 the Business and Professions Code are hereby revoked; provided
14 however, a restricted real estate broker license shall be issued
15 to said Respondent if, within 90 days after the effective date of
16 the Decision entered herein, said Respondent makes application
17 therefor and pays to the Department of Real Estate the appropriate
18 fee for said license.

19 B. The restricted license issued to Respondent RECCHIA
20 shall be suspended for the thirty (30) day period commencing upon
21 issuance of said restricted license. However, the final fifteen
22 (15) day portion of the suspension period shall be permanently
23 stayed upon the condition that no further cause for discipline of
24 the licenses and license rights of Respondent RECCHIA occur within
25 one year of the effective date of the Decision herein, and the
26 initial fifteen (15) day portion of the suspension period shall be
27 permanently stayed if, prior to the effective date of the Decision

1 herein, said Respondent petitions pursuant to Section 10175.2 of
2 the Code and pays to the Real Estate Recovery Account \$250.00 for
3 each day stayed for a maximum of \$3,750.00. The adoption of this
4 provision in the Decision of the Real Estate Commissioner shall
5 constitute a determination that it would not be against the public
6 interest to permit said Respondent to pay a monetary penalty.
7 Payment of the monetary penalty shall be by certified or cashier's
8 check made payable to the Department of Real Estate.

9 C. The restricted license issued to Respondent RECCHIA
10 shall be subject to all of the provisions of Section 10156.7 of
11 the Business and Professions Code and to the following
12 limitations, conditions and restrictions imposed under authority
13 of Section 10156.6 of the Code:

14 (1) For so long as said restricted license shall remain in
15 effect, Respondent shall submit to the Department of Real
16 Estate a Quarterly Trust Funds Position Statement as of the
17 last day of each March, June, September and December. The
18 Position Statement shall cover all trust funds subject to the
19 provisions of Section 10145 of the Code held by Respondent as
20 agent or as trustee. The Position Statement shall be
21 submitted to the District Manager of the Department's Los
22 Angeles office not later than 60 days following the last day
23 of each such calendar quarter. The Position Statement shall
24 include the information and documents specified below and be
25 verified as true and accurate by Respondent under penalty of
26 perjury. If Respondent has no trust fund liability as of the
27 last day of the calendar quarter, the Position Statement
shall so state.

(a) The Position Statement shall consist of the following
information covering the calendar quarter for each trust
fund bank account:

(i) A statement identifying the account number and the
name and address of each trust fund depository.

(ii) A schedule of trust fund accountability as of the
last day of the calendar quarter which names each trust
fund beneficiary or principal, states the trust fund
liability to each such beneficiary or principal, and

1 states the aggregate trust fund liability as of that
day.

2 (iii) A statement explaining any discrepancy as of the
3 last day of the calendar quarter between the aggregate
4 trust fund liability and the balance of the trust fund
bank account adjusted for any uncleared checks drawn on
the account.

5 (b) The position statement shall be accompanied by the
6 following supporting documentation covering the calendar
quarter for each trust fund bank account:

7 (i) A copy of the bank statement covering the last day
8 of the calendar quarter, a schedule of uncleared checks
drawn on the account as of that day.

9 (ii) For each trust fund bank account, a copy of the
10 columnar record in chronological sequence of all
entrusted funds received and disbursed maintained by
11 Respondent in compliance with the provisions of Section
2831 of the Regulations, a copy of the separate
12 beneficiary or transactions records maintained in
compliance with Section 2831.1 of the Regulations, and
13 a copy of the records of reconciliations produced in
compliance with Section 2831.2 of the Regulations.

14 (2) The restricted license may be suspended, prior to a hearing
15 by Order of the Real Estate commissioner, in the event of
16 Respondent's conviction or plea of nolo contendere to a crime
17 which bears a substantial relation to Respondent's fitness or
18 capacity as a real estate licensee, or upon receipt of
19 evidence satisfactory to the Real Estate Commissioner that
20 Respondent has violated provisions of the Real Estate Law of
21 the State of California, the Subdivided Lands Act, the Real
22 Estate Regulations of the State of California, or any of the
23 conditions attached to the restricted license.

24 (3) Respondent shall, within nine (9) months from the effective
25 date of the restricted license, take and pass the
26 Professional Responsibility Examination administered by the
27 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.

(4) Respondent shall, within nine (9) months from the effective
date of the Decision herein, present evidence satisfactory to
the Real Estate Commissioner that he 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

1 Respondent presents such evidence. The Commissioner shall
2 afford Respondent the opportunity for a hearing pursuant to
the Administrative Procedure Act to present such evidence.

3 (5) Respondent shall not be eligible to apply for the issuance of
4 an unrestricted real estate license nor the removal of any of
5 the restrictions, conditions or limitations set forth herein
6 until one (1) year has elapsed from the date of issuance of
7 the restricted license to Respondent.

8 IV

9 EXECUTION OF STIPULATION

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

19 DATED: 5-28-91


20 PETER LOUIS RECCHIA, JR.

21
22 DATED: 5-28-91


23 JAMES L. BEAVER, Counsel

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27 ///

V

DECISION

1
2
3 The foregoing Stipulation In Settlement and Order is
4 hereby adopted by the Chief Deputy Commissioner as the Decision
5 and Order in the above entitled matter with respect to Respondent
6 PETER LOUIS RECCHIA, JR. This Decision shall become effective at
7 12 o'clock noon on July 31, 1991.

8 IT IS SO ORDERED June 4, 1991.

9 John R. Liberator
10 JOHN R. LIBERATOR
11 Chief Deputy Real Estate Commissioner

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1 James L. Beaver, Counsel
2 Department of Real Estate
3 107 South Broadway, Room 8107
4 Los Angeles, California, 90012

5 Telephone: (213) 620-4790

JUL 11 1991

Sybil Williams

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7
8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * * *

11 In the Matter of the Accusation of) H- 24259 LA
12)
13 SAN NIGUEL LENDING GROUP,)
14 INC., a corporation; et al.,)
15 Respondents.)

16 STIPULATION IN SETTLEMENT AND ORDER

17 I

18 STIPULATION

19 It is hereby stipulated by and between Respondent SAN
20 NIGUEL LENDING GROUP, INC. (sometimes referred to herein as
21 "Respondent" or "SNLG") acting by and through SNLG's President,
22 VICKI BRISKMAN, and SNLG's attorney of record herein, DON L.
23 SLAYTON, Esq., and the Complainant, acting by and through James L.
24 Beaver, Counsel for the Department of Real Estate, as follows for
25 the purpose of settling and disposing of the Accusation filed on
26 October 23, 1990 in this matter (hereinafter "the Accusation"):

27 A. All issues which were to be contested and all
evidence which was to be presented by Complainant and Respondent

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

6 B. Respondent has received, read and understands the
7 Statement to Respondent, the Discovery Provisions of the APA and
8 the Accusation, filed by the Department of Real Estate in this
9 proceeding.

10 C. On November 6, 1990, Respondent filed a Notice of
11 Defense pursuant to Section 11505 of the Government Code for the
12 purpose of requesting a hearing on the allegations in the
13 Accusation. Respondent hereby freely and voluntarily withdraws
14 said Notice of Defense. Respondent acknowledges that it
15 understands that by withdrawing said Notice of Defense, Respondent
16 will thereby waive Respondent's right to require the Commissioner
17 to prove the allegations in the Accusation at a contested hearing
18 held in accordance with the provisions of the APA and that
19 Respondent will waive other rights afforded to Respondent in
20 connection with the hearing such as the right to present evidence
21 in defense of the allegations in the Accusation and the right to
22 cross-examine witnesses.

23 D. Pursuant to the limitations set forth below,
24 Respondent hereby admits that the factual allegations in
25 Paragraphs 1 through 12, inclusive, of the Accusation are true
26 and correct and the Real Estate Commissioner shall not be required
27 to provide further evidence of such allegations.

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

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

II

DETERMINATION OF ISSUES

By reason of the foregoing stipulations, admissions and waivers and solely for the purpose of settlement of the pending Accusation without a hearing, it is stipulated and agreed that the following determination of Issues shall be made:

A. The conduct of Respondent SNLG described in Paragraphs 10(a), 10(b), 10(c), 11 and 12, inclusive, of the Accusation violated the provisions of Part 1 of Division 4 of the California Business and Professions Code (hereinafter "the Code")

1 and the provisions of Chapter 6, Title 10, California Code of
2 Regulations (hereinafter "the Regulations") as set forth below:

3 <u>PARAGRAPH</u>	<u>PROVISIONS VIOLATED</u>	
4 10(a)	Sec. <u>2831</u>	of the Regulations;
5 10(b)	Sec. <u>2831.1</u>	of the Regulations;
6 10(c)	Sec. <u>2834</u>	of the Regulations;
7 11	Sec. <u>10232(e)</u>	of the Code;
8 12	Sec. <u>10232.25</u>	of the Code.

9 Each of the foregoing violations separately constitutes grounds
10 for the suspension or revocation of all real estate licenses and
11 license rights of Respondent SNLG under the provisions of Section
12 10177(d) of the Code.

13 B. The conduct of Respondent SNLG described in
14 Paragraph 10(d) of the Accusation constitutes grounds for the
15 suspension or revocation of all real estate licenses and license
16 rights of Respondent SNLG under the provisions of Section 10176(e)
17 of the Code.

18 III

19 ORDER

20 WHEREFORE, THE FOLLOWING ORDER is hereby made:

21 A. The license and license rights of Respondent SNLG
22 under the provisions of Part 1 of Division 4 of the Business and
23 Professions Code are hereby revoked; provided however, a
24 restricted real estate broker license shall be issued to said
25 Respondent if, within 90 days after the effective date of the
26 Decision entered herein, said Respondent makes application
27 therefor and pays to the Department of Real Estate the appropriate
fee for said license.

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2 B. The restricted license issued to Respondent SNLG
3 shall be suspended for the thirty (30) day period commencing upon
4 issuance of said restricted license. However, the thirty (30) day
5 suspension period shall be permanently stayed if, prior to the
6 effective date of the Decision herein, said Respondent petitions
7 pursuant to Section 10175.2 of the Code and pays to the Real
8 Estate Recovery Account \$250.00 for each day stayed for a maximum
9 of \$7,500.00. The adoption of this provision in the Decision of
10 the Real Estate Commissioner shall constitute a determination that
11 it would not be against the public interest to permit said
12 Respondent to pay a monetary penalty. Payment of the monetary
13 penalty shall be by certified or cashier's check made payable to
14 the Department of Real Estate.

15 C. The restricted license issued to Respondent SNLG
16 shall be subject to all of the provisions of Section 10156.7 of
17 the Business and Professions Code and to the following
18 limitations, conditions and restrictions imposed under authority
19 of Section 10156.6 of the Code:

- 20 (1) For so long as said restricted license shall remain in
21 effect, Respondent shall submit to the Department of Real
22 Estate a Quarterly Trust Funds Position Statement as of the
23 last day of each March, June, September and December. The
24 Position Statement shall cover all trust funds subject to the
25 provisions of Section 10145 of the Code held by Respondent as
26 agent or as trustee. The Position Statement shall be
27 submitted to the District Manager of the Department's Los
Angeles office not later than 60 days following the last day
of each such calendar quarter. The Position Statement shall
include the information and documents specified below and be
verified as true and accurate by Respondent under penalty of
perjury. If Respondent has no trust fund liability as of the
last day of the calendar quarter, the Position Statement
shall so state.

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(a) The Position Statement shall consist of the following information covering the calendar quarter for each trust fund bank account:

(i) A statement identifying the account number and the name and address of each trust fund depository.

(ii) A schedule of trust fund accountability as of the last day of the calendar quarter which names each trust fund beneficiary or principal, states the trust fund liability to each such beneficiary or principal, and states the aggregate trust fund liability as of that day.

(iii) A statement explaining any discrepancy as of the last day of the calendar quarter between the aggregate trust fund liability and the balance of the trust fund bank account adjusted for any uncleared checks drawn on the account.

(b) The position statement shall be accompanied by the following supporting documentation covering the calendar quarter for each trust fund bank account:

(i) A copy of the bank statement covering the last day of the calendar quarter, a schedule of uncleared checks drawn on the account as of that day.

(ii) For each trust fund bank account, a copy of the columnar record in chronological sequence of all entrusted funds received and disbursed maintained by Respondent in compliance with the provisions of Section 2831 of the Regulations, a copy of the separate beneficiary or transactions records maintained in compliance with Section 2831.1 of the Regulations, and a copy of the records of reconciliations produced in compliance with Section 2831.2 of the Regulations.

(2) The restricted license may be suspended, prior to a hearing by Order of the Real Estate commissioner, in the event of Respondent's conviction or plea of nolo contendere to a crime which bears a substantial relation to Respondent's fitness or capacity as a real estate licensee, or upon receipt of evidence satisfactory to the Real Estate Commissioner that Respondent has violated provisions of the Real Estate Law of the State of California, the Subdivided Lands Act, the Real Estate Regulations of the State of California, or any of the conditions attached to the restricted license.

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

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IV

EXECUTION OF STIPULATION


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

DATED: 5-23-91

SAN NIGUEL LENDING GROUP, INC.
Respondent


By VICKI BRISKMAN, President

DATED: 5/22/91


DON L. SLAYTON
Attorney for Respondent
SAN NIGUEL LENDING GROUP

DATED: 5-28-91


JAMES L. BEAVER, Counsel

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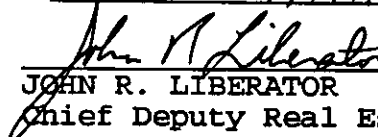
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V

DECISION

The foregoing Stipulation In Settlement and Order
is hereby adopted by the Chief Deputy Commissioner as the Decision
and Order in the above entitled matter with respect to Respondent
SAN NIGUEL LENDING GROUP, INC. This Decision shall become
effective at 12 o'clock noon on July 2nd, 1991.

IT IS SO ORDERED June 4, 1991.



JOHN R. LIBERATOR
Chief Deputy Real Estate Commissioner

SACTO
FLAG

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FD
MAR 11 1991

DEPARTMENT OF REAL ESTATE
By Sybil Wilson

In the Matter of the Accusation of

SAN NIGUEL LENDING GROUP, INC., a
corporation; and PETER LOUIS RECCHIA, JR.,
individually and as designated officer
of San Niguel Lending Group, Inc.,

}

Case No. H-24259 LA

OAH No. None Assigned

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 Street, Los Angeles, CA 90012

on the 28th and 29th days of May, 1991, 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.

Dated: March 11, 1991

DEPARTMENT OF REAL ESTATE
By James L. Bear
Counsel

cc: San Niguel Lending Group, Inc.
Peter Louis Recchi, Jr.
OAH
Sacto
MJG

1 JAMES L. BEAVER, Counsel
2 Department of Real Estate
3 107 South Broadway, Room 8107
4 Los Angeles, California 90012
5 (213) 620-4790

OCT 23 1990

DEPARTMENT OF REAL ESTATE
BY *Sylvia M. M...*

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * * *

11	In the Matter of the Accusation of)	No. H-24259 LA
12	SAN NIGUEL LENDING GROUP, INC.,)	<u>A</u> <u>C</u> <u>C</u> <u>U</u> <u>S</u> <u>A</u> <u>T</u> <u>I</u> <u>O</u> <u>N</u>
13	a corporation; and PETER LOUIS)	
14	RECCHIA, JR., individually and)	
15	as designated officer of San)	
16	Niguel Lending Group, Inc.,)	
	Respondents.)	

17 The complainant, Steven J. Ellis, a Deputy Real Estate
18 Commissioner of the State of California, for cause of accusation
19 against SAN NIGUEL LENDING GROUP, INC., a corporation; and PETER
20 LOUIS RECCHIA, JR., individually and as designated officer of
21 San Niguel Lending Group, Inc., alleges as follows:

22 1.

23 The complainant, Steven J. Ellis, a Deputy Real Estate
24 Commissioner of the State of California, makes this Accusation
25 in his official capacity.

26 2.

27 All sections of Title 10, Chapter 6, California Code

1 of Regulations are hereinafter referred to as the "Regulations".

2 3.

3 SAN NIGUEL LENDING GROUP, INC., and PETER LOUIS
4 RECCHIA, JR. (both of whom are sometimes hereinafter referred to
5 as Respondents) are presently licensed and/or have license
6 rights under the Real Estate Law (Part 1 of Division 4 of the
7 Business and Professions Code; hereinafter the Code).

8 4.

9 At all times herein mentioned, SAN NIGUEL LENDING
10 GROUP, INC. (hereinafter sometimes referred to as SNLG) was
11 licensed by the Department of Real Estate of the State of Cali-
12 fornia (hereinafter the Department) as a corporate real estate
13 broker by and through PETER LOUIS RECCHIA, JR. as the designated
14 officer of SNLG to qualify said corporation and to act for said
15 corporation as a real estate broker.

16 5.

17 At all times herein mentioned, PETER LOUIS RECCHIA,
18 JR. (hereinafter sometimes referred to as RECCHIA) was and is
19 now licensed by the Department as a real estate broker in his
20 individual capacity. At all times herein mentioned, RECCHIA was
21 the designated officer of SNLG until the said designated officer
22 was cancelled on about November 30, 1989. As said designated
23 officer, RECCHIA was responsible for the supervision of the
24 activities of the officers and employees of SNLG for which a
25 license is required, pursuant to Section 10159.2 of the Code.

26 6.

27 All further references to Respondents and/or SNLG

1 shall be deemed to refer to, in addition to Respondents and/or
2 SNLG, the officers, directors, employees, agents and real estate
3 licensees employed by or associated with Respondents and/or
4 SNLG who at all times herein mentioned were engaged in the
5 furtherance of the business or operations of Respondents and/or
6 SNLG and who were acting within the course and scope of their
7 authority and employment.

8 7.

9 At all times herein mentioned, Respondents engaged in
10 the business of, acted in the capacity of, advertised, or
11 assumed to act as real estate brokers in the State of California
12 within the meaning of Section 10131 of the Code, including the
13 operation of a mortgage loan brokerage business with the public
14 wherein Respondents solicited lenders and borrowers for loans
15 secured by liens on real properties, for or in expectation of
16 compensation.

17 8.

18 In connection with the activities described in Para-
19 graph 7 above, Respondents accepted or received funds in trust
20 (hereinafter trust funds) from or on behalf of borrowers and
21 lenders and thereafter made disbursements of said funds. These
22 trust funds were maintained by Respondents in Security Pacific
23 National Bank in Woodland Hills, California, Account No. 107443
24 (hereinafter trust account).

25 9.

26 On or about November 21, 1989, a representative of the
27 Department completed an examination of the books and records

1 maintained by Respondents in connection with SNLG's real estate
2 activities for a nine-month period ending September 30, 1989,
3 which revealed violations of the Code and Regulations as set
4 forth below in the following paragraphs.

5 10.

6 In connection with the trust funds described in Para-
7 graph 8, Respondents acted in violation of the Code and Regu-
8 lations in that:

9 a. Respondents failed to maintain an adequate formal
10 trust fund receipts journal and a formal trust fund disbursements
11 journal or other records, in connection with SNLG's trust account,
12 of the trust funds received by SNLG, as required by Section 2831
13 of the Regulations.

14 b. Respondents failed to maintain separate records
15 for each beneficiary or transaction, accounting therein for all
16 trust funds received, deposited, and disbursed, as required by
17 Section 2831.1 of the Regulations.

18 c. Respondents failed to limit withdrawals from your
19 trust account to salespersons licensed to SNLG, or to corporate
20 officers or unlicensed employees with a fiduciary bond equal to
21 the maximum amount of trust funds to which said officer or
22 employee had access to at any time, in violation of Section 2834
23 of the Regulations.

24 d. In connection with those trust funds in SNLG's
25 trust account, Respondents permitted, caused or allowed the
26 commingling of SNLG's own money or property with said funds in
27 violation of Section 10176(e) of the Code.

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11.

During the twelve-month period prior to March 30, 1989, twenty (20) or more loans secured directly or collaterally by liens on real property in an aggregate amount of more than two million dollars (\$2,000,000) were negotiated through SNLG. Having thereby satisfied the criteria of Section 10232(a) of the Code, Respondents failed to notify the Department in writing of that fact within 30 days thereafter as required by Section 10232(e) of the Code.

12.

Further, having satisfied the criteria of Section 10232(a) of the Code, Respondents failed to submit a Trust Funds Status Report for the quarters ending March 31, 1989, and June 30, 1989, as required by Section 10232.25 of the Code.

13.

After negotiating certain loans for which a disclosure statement was required by Section 10240 of the Code, Respondents obtained the signature of prospective borrowers without a completed Mortgage Loan Disclosure Statement first being signed by both the borrower and a licensee negotiating the loan.

14.

Respondents failed to immediately notify the Commissioner in writing when a real estate salesperson entered SNLG's employ and/or of the termination of real estate salespersons licensed in SNLG's employ as required by Section 10161.8 of the Code.

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15.

Respondent RECCHIA failed to review and initial every instrument prepared or signed by a real estate salesperson in connection with any transaction for which a real estate license is required, which may have a material effect upon the rights or obligations of a party to the transaction, as required by Section 2725 of the Regulations.

16.

At all times herein mentioned, while acting as designated officer of SNLG, RECCHIA caused, allowed, or permitted the conduct, acts or omissions of SNLG, as set forth hereinabove, thereby failing to exercise reasonable supervision and control over the activities of the corporation for which a real estate license is required.

17.

The conduct of Respondent SNLG, as set forth in Paragraph 10 a. through 10 b., is in violation of Section 2831, 2831.1 and 2834, respectively, of the Regulations and is cause for the suspension or revocation of all licenses and license rights of SNLG under the provisions of Section 10177(d) of the Code.

18.

The conduct of Respondents of commingling SNLG's money or property with trust funds, as set forth in Paragraph 10 d., is cause for the suspension or revocation of all licenses and license rights of SNLG under the provisions of Section 10176(e) of the Code.

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19.

The conduct, acts and omissions of Respondents, as set forth in Paragraphs 11, 12, and 13, is in violation of Section 10232(e), 10232.25, and 10240, respectively, of the Code and is cause for the suspension or revocation of all licenses and license rights of SNLG under the provisions of Section 10177(d) of the Code.

20.


The conduct of Respondents, as set forth in Paragraph 14, is a violation of Section 10161.8 of the Code and is cause for the suspension or revocation of all licenses and license rights under the provisions of Section 10165 of the Code.

21.

The conduct of Respondent RECCHIA, as set forth in Paragraphs 15 and 16, constitutes the failure to exercise reasonable supervision and control over the activities of the corporation for which a real estate license is required, and is cause for the suspension or revocation of all licenses and license rights of RECCHIA under the provisions of Section 10177(h) of the Code.

WHEREFORE, complainant prays that a hearing be conducted on the allegations of this Accusation and, that upon proof thereof, a decision be rendered imposing disciplinary action against all licenses and license rights of Respondents SAN NIGUEL LENDING GROUP, INC., a corporation, and PETER LOUIS RDCCHIA, under the Real Estate Law (Part 1 of Division 4 of the Business and

1 Professions Code) and for such other and further relief as may
2 be proper under other applicable provisions of law.
3 Dated at Los Angeles, California,
4 this 23rd day of October, 1990.


Deputy Real Estate Commissioner

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cc: San Niguel Lending Group, Inc.
Peter Louis Recchia, Jr.
Sacto
MJG