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FILED  
MAY 10 2000

DEPARTMENT OF REAL ESTATE

By Shelly Ely

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of )  
)  
ANTELOPE VALLEY MORTGAGE CO. INC., )  
MICHAEL JOHN CHERIOLI, )  
)  
Respondents. )

No. H-25568 LA

ORDER GRANTING REINSTATEMENT OF LICENSE

On April 7, 1994, an Order was rendered herein revoking the real estate broker licenses of Respondents but granting Respondents the right to apply for restricted real estate broker licenses upon terms and conditions. Restricted real estate broker licenses were issued to Respondents on June 3, 1994 and Respondents have operated as restricted licensees without cause for disciplinary action against Respondents since that time.

On March 10, 1999, Respondents petitioned for reinstatement of their broker real estate broker licenses and the Attorney General of the State of California has been given notice of the filing of said petitions.

1 I have considered the petitions of Respondents and the  
2 evidence and arguments in support thereof including Respondents'  
3 records as restricted licensees. Respondents have demonstrated  
4 to my satisfaction that Respondents meet the requirements of law  
5 for the issuance to Respondents of unrestricted real estate  
6 broker licenses and that it would not be against the public  
7 interest to issue said licenses to Respondents.

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

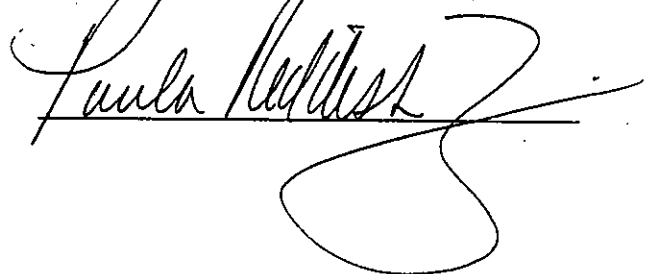
13 1. Submittal of completed applications and payment of  
14 the fees for real estate broker licenses.

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

20 This Order shall be effective immediately.

21 DATED: April 11, 2000.

22 PAULA REDDISH ZINNEMANN  
23 Real Estate Commissioner

24   
25  
26  
27

*Sachs*  
*Jan*

1 Department of Real Estate  
2 107 South Broadway, Room 8107  
3 Los Angeles, CA 90012  
4 (213) 897-3937

**FILED**  
AUG 30 1995  
DEPARTMENT OF REAL ESTATE

By *Laura B. Orton*

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DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \* \* \*

In the Matter of the Accusation of ) NO. H-25568 LA  
)  
12 ANTELOPE VALLEY MORTGAGE CO. INC., )  
DOUGLAS THOMAS ANDERSON, individually) )  
13 and as Designated Officer of Antelope )  
Valley Mortgage Co., Inc.; )  
14 MICHAEL JOHN CHERIOLI individually )  
and as Designated Officer of Antelope )  
15 Valley Mortgage Co. Inc.; JON )  
WILLIAM MOHLER; BRENT ALAN WALTERS; )  
16 JULIUS COLBERT; BEVERLEY SUESS )  
CHRISTENSEN; ARTURO CALVO; JACKI )  
17 DENISE MONTOYA; JACQUELINE HARTMANN )  
STUMP; JERRY LYNN JANUARY; )  
18 )  
19 )  
Respondents. )  
20 )

STIPULATION AND AGREEMENT IN SETTLEMENT AND ORDER

21  
22 It is hereby stipulated by and between BRENT ALAN  
23 WALTERS (hereinafter referred to as Respondent) and the  
24 Complainant, acting by and through V. Ahda Sands, Counsel for  
25 the Department of Real Estate, as follows, for the purpose of  
26 settling and disposing of the Accusation filed on September 23,  
27 1993, in this matter:

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

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

12           3. Respondent has filed a Notice of Defense pursuant  
13 to Section 11505 of the Government Code for the purpose of  
14 requesting a hearing on the allegations in this Accusation.  
15 Respondent hereby freely and voluntarily waives said Notice of  
16 Defense. Respondent acknowledges and understands that by  
17 waiving said Notice of Defense, Respondent thereby waives the  
18 right to require the Commissioner to prove the allegations in  
19 the Accusation at a contested hearing held in accordance with  
20 the provisions of the APA and that Respondent will waive other  
21 rights afforded to Respondent in connection with the hearing,  
22 such as the right to present evidence in defense of the  
23 allegations in the Accusation and the right to cross-examine  
24 witnesses.

25           4. Respondent, pursuant to the limitations set forth  
26 below, hereby admits that the factual allegations of the  
27 Accusation filed in this proceeding are true and correct and



1 the Real Estate Commissioner shall not be required to provide  
2 further evidence of such allegations.

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

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

20                             DETERMINATION OF ISSUES

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

26 /  
27 /

The conduct of Respondent, as described in the Accusation is grounds for the suspension or revocation of the real estate license and license rights of Respondent under the provisions of Section 10177(d) of the Business and Professions Code.

ORDER

All licenses and licensing rights of respondent under Real Estate Law are suspended for a period of ninety (90) days from the effective date of this Decision; provided, however, that ninety (90) days of said suspension shall be stayed for one (1) year upon the following terms and conditions:

1. Respondent shall obey all laws, rules and regulations governing the rights, duties and responsibilities of a real estate licensee in the State of California; and

2. That no final subsequent determination be made, after hearing or upon stipulation, that cause for disciplinary action occurred within one (1) year of the effective date of this Decision. Should such a determination be made, the Commissioner may, in his discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed suspension. Should no such determination be made, the stay imposed herein shall become permanent.

DATED: 8/13/95

V. Ahda Sands  
V. AHDA SANDS  
Counsel for Complainant





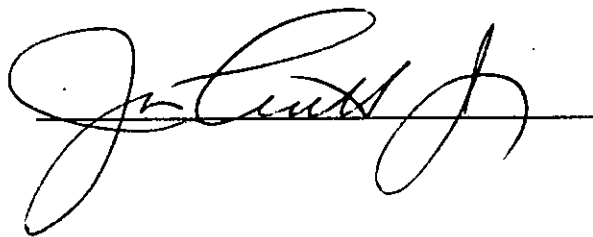
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The foregoing Stipulation and Agreement in Settlement  
and Order is hereby adopted by the Real Estate Commissioner as  
Decision and Order and shall become effective at 12 o'clock  
noon on September 19, 1995.

IT IS SO ORDERED 8/28/95

JIM ANTT, JR.  
Real Estate Commissioner





**FILED**  
APR 27 1994  
DEPARTMENT OF REAL ESTATE

By Laura B. Orson

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DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \* \* \*

In the Matter of the Accusation of ) NO. H-25568 LA  
)  
12 ANTELOPE VALLEY MORTGAGE CO. INC., ) L-61658  
MICHAEL JOHN CHERIOLI, )  
13 individually and as designated )  
officer of Antelope Valley )  
14 Mortgage Co. Inc., et. al. )  
Respondents.)

ORDER STAYING EFFECTIVE DATE

16 On April 7, 1994, a Decision was rendered in the  
17 above-entitled matter to become effective May 3, 1994.

18 IT IS HEREBY ORDERED that the effective date of the  
19 Decision of April 7, 1994, is stayed, as to Antelope Valley  
20 Mortgage Co. Inc. and Michael John Cherioli only, for a period of  
21 30 days.

22 The Decision of April 7, 1994, shall become effective  
23 at 12 o'clock noon on June 3, 1994.

24 DATED: 27 April 94.

25 CLARK WALLACE  
26 Real Estate Commissioner

27 By: Randolph Brendia  
RANDOLPH BRENDIA  
Regional Manager

1 Department of Real Estate  
2 107 South Broadway, Room 8107  
3 Los Angeles, CA 90012  
4 (213) 897-3937

**FILED**  
APR 13 1994  
DEPARTMENT OF REAL ESTATE

By Laura B. Orma

8 DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \* \* \*

11 In the Matter of the Accusation of ) NO. H-25568 LA  
12 ANTELOPE VALLEY MORTGAGE CO. INC., )  
13 DOUGLAS THOMAS ANDERSON, individually) and as Designated Officer of Antelope  
14 Valley Mortgage Co., Inc.; )  
15 MICHAEL JOHN CHERIOLI individually ) and as Designated Officer of Antelope  
16 Valley Mortgage Co. Inc.; JON )  
17 WILLIAM MOHLER; BRENT ALAN WALTERS; )  
18 JULIUS COLBERT; BEVERLEY SUESS )  
19 CHRISTENSEN; ARTURO CALVO; JACKI )  
20 DENISE MONTOYA; JACQUELINE HARTMANN )  
STUMP; JERRY LYNN JANUARY; )  
Respondents. )

21 STIPULATION AND AGREEMENT IN SETTLEMENT AND ORDER

22 It is hereby stipulated by and between ANTELOPE  
23 VALLEY MORTGAGE CO. INC., (AVM) DOUGLAS THOMAS ANDERSON  
24 (ANDERSON), individually and as Designated Officer of Antelope  
25 Valley Mortgage Co. Inc.; MICHAEL JOHN CHERIOLI (CHERIOLI)  
26 individually and as Designated Officer of Antelope Valley  
27 Mortgage Co. Inc.; (hereinafter referred to as Respondents) and

1 the Complainant, acting by and through V. Ahda Sands, Counsel  
2 for the Department of Real Estate, as follows, for the purpose  
3 of settling and disposing of the Accusation filed on September  
4 23, 1993, in this matter:

5           1. All issues which were to be contested and all  
6 evidence which was to be presented by Complainant and  
7 Respondents at a formal hearing on the Accusation, which  
8 hearing was to be held in accordance with the provisions of the  
9 Administrative Procedure Act (APA), shall instead and in place  
10 thereof be submitted solely on the basis of the provisions of  
11 this Stipulation.

12           2. Respondents have received, read and understand  
13 the Statement to Respondent, the Discovery Provisions of the  
14 APA and the Accusation filed by the Department of Real Estate  
15 in this proceeding.

16           3. Respondents have filed a Notice of Defense  
17 pursuant to Section 11505 of the Government Code for the  
18 purpose of requesting a hearing on the allegations in this  
19 Accusation. Respondents hereby freely and voluntarily waive  
20 said Notice of Defense. Respondents acknowledge and understand  
21 that by waiving said Notice of Defense, Respondents thereby  
22 waive the right to require the Commissioner to prove the  
23 allegations in the Accusation at a contested hearing held in  
24 accordance with the provisions of the APA and that Respondents  
25 will waive other rights afforded to Respondents in connection  
26 with the hearing, such as the right to present evidence in

27



1 pending Accusation without a hearing, it is stipulated and  
2 agreed that the following determination of issues shall be  
3 made:

4 I

5 The conduct of Respondent AVM and ANDERSON, as described  
6 in the Accusation is grounds for the suspension or revocation  
7 of the real estate license and license rights of Respondents  
8 under the provisions of Section 10137 and 10177(h) of the  
9 Business and Professions Code. The conduct of Respondent  
10 CHERIOLI, as described in the Accusation is grounds for the  
11 suspension or revocation of the real estate license and license  
12 rights of Respondents under the provisions of Section 10137 and  
13 10177(d) of the Business and Professions Code.

14 ORDER

15 All licenses and licensing rights of Respondents  
16 ANTELOPE VALLEY MORTGAGE COMPANY, INC., DOUGLAS THOMAS  
17 ANDERSON, and MICHAEL JOHN CHERIOLI individually and as  
18 Designated Officers, are hereby revoked; provided, however, a  
19 restricted real estate broker or corporate license shall be  
20 issued to Respondents pursuant to Section 10156.5 of the  
21 Business and Professions Code if Respondents make application  
22 therefor and pay to the Department of Real Estate the  
23 appropriate fee for said license within 90 days from the  
24 effective date of the Decision herein. The restricted license  
25 issued to Respondents shall be subject to all of the  
26 provisions of Section 10156.7 of the Business and Professions  
27 Code and to the following limitations, conditions and

1 restrictions imposed under authority of Section 10156.6 of the  
2 Code, where applicable:

3           1. The restricted license issued to Respondents may  
4 be suspended prior to hearing by Order of the Real Estate  
5 Commissioner in the event of Respondents' conviction or plea of  
6 guilty or nolo contendere to a crime which is substantially  
7 related to Respondents' fitness or capacity as a real estate  
8 licensee.

9           2. The restricted license issued to Respondents may  
10 be suspended prior to hearing by Order of the Real Estate  
11 Commissioner on evidence satisfactory to the Commissioner that  
12 Respondents have violated provisions of the California Real  
13 Estate Law, the Subdivided Lands Law, Regulations of the Real  
14 Estate Commissioner or conditions attaching to the restricted  
15 license.

16           3. Respondents shall not be eligible to apply for  
17 the issuance of an unrestricted real estate license nor for the  
18 removal of any of the conditions, limitations or restrictions  
19 attaching to the restricted license until four years have  
20 elapsed from the effective date of the Decision.

21           4. Respondents, ANDERSON and CHERIOLI, shall within  
22 twelve months from the effective date of this Decision, present  
23 evidence satisfactory to the Real Estate Commissioner that each  
24 Respondent has, since the most recent license, taken and  
25 successfully completed the continuing education requirements of  
26 Article 2.5 of Chapter 3 of the Real Estate Law for renewal of  
27 a real estate license. If a Respondents fails to satisfy this

1 condition, the Commissioner may order the suspension of the  
2 restricted license until the Respondents present such evidence.  
3 The Commissioner shall afford Respondents the opportunity for a  
4 hearing pursuant to the Administrative Procedure Act to present  
5 such evidence.

6           5. In addition, the license of Respondent CHERIOLI  
7 shall be actually suspended for a period of ninety (90) days  
8 from the date said restricted license is issued.

9           6. Pursuant to Section 10148 of the Business and  
10 Professions Code, Respondent AVM shall pay the Commissioner's  
11 reasonable cost, not to exceed \$4,000.00, for an audit to  
12 determine if Respondent has corrected the trust fund  
13 violations(s) found in the Determination of Issues. In  
14 calculating the amount of the Commissioner's reasonable cost,  
15 the Commissioner may use the estimated average hourly salary  
16 for all persons performing audits of real estate brokers, and  
17 shall include an allocation for travel time to and from the  
18 auditor's place of work. Respondent shall pay such cost within  
19 45 days of receiving an invoice from the Commissioner detailing  
20 the activities performed during the audit and the amount of  
21 time spent performing those activities. The Commissioner may  
22 suspend the restricted license issued to Respondent pending a  
23 hearing held in accordance with Section 11500, et. seq., of the  
24 Government Code, if payment is not timely made as provided for  
25 herein, or as provided for in a subsequent agreement between  
26 the Respondent and the Commissioner. The suspension shall  
27 remain in effect until payment is made in full or until

1 Respondent enters into an agreement satisfactory to the  
2 Commissioner to provide for payment, or until a decision  
3 providing otherwise is adopted following a hearing held  
4 pursuant to this condition.

5

6 DATED:

3/16/94

V. Ahda Sands

V. AHDA SANDS

Counsel for Complainant

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I have read the Stipulation and Agreement, 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 Amended 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.

ANTELOPE VALLEY  
MORTGAGE COMPANY INC.

DATED: 3/10/94 by: *Michael John Cherioli*  
Designated Officer

DATED: 3/10/94 *Douglas Thomas Anderson*  
Douglas Thomas Anderson

DATED: 3/10/94 *Michael John Cherioli*  
Michael John Cherioli


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\* \* \*

The foregoing Stipulation and Agreement in Settlement  
and Order is hereby adopted by the Real Estate Commissioner as  
Decision and Order and shall become effective at 12 o'clock  
noon on May 3, 1994.

IT IS SO ORDERED April 7, 1994

CLARK WALLACE  
Real Estate Commissioner

  
\_\_\_\_\_

**BY: John R. Liberator**  
**Chief Deputy Commissioner**

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Sands*

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Department of Real Estate  
107 South Broadway, Room 8107  
Los Angeles, CA 90012  
  
(213) 897-3937

**FILED**  
APR 13 1994  
DEPARTMENT OF REAL ESTATE

By Laura B. Crow

DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \* \* \*

|  |   |                |
|--|---|----------------|
| In the Matter of the Accusation of     | ) | NO. H-25568 LA |
|  | ) |                |
| ANTELOPE VALLEY MORTGAGE CO. INC.,     | ) |                |
| DOUGLAS THOMAS ANDERSON, individually) | ) |                |
| and as Designated Officer of Antelope) | ) |                |
| Valley Mortgage Co., Inc.;             | ) |                |
| MICHAEL JOHN CHERIOLI individually     | ) |                |
| and as Designated Officer of Antelope) | ) |                |
| Valley Mortgage Co. Inc.; JON          | ) |                |
| WILLIAM MOHLER; BRENT ALAN WALTERS;    | ) |                |
| JULIUS COLBERT; BEVERLEY SUESS         | ) |                |
| CHRISTENSEN; ARTURO CALVO; JACKI       | ) |                |
| DENISE MONTOYA; JACQUELINE HARTMANN    | ) |                |
| STUMP; JERRY LYNN JANUARY;             | ) |                |
|  | ) |                |
|  | ) |                |
|  | ) |                |
| Respondents.                           | ) |                |
|  | ) |                |

STIPULATION AND AGREEMENT IN SETTLEMENT AND ORDER

It is hereby stipulated by and between JERRY LYNN  
JANUARY (hereinafter referred to as Respondent) and the  
Complainant, acting by and through V. Ahda Sands, Counsel for  
the Department of Real Estate, as follows, for the purpose of  
settling and disposing of the Accusation filed on September 23,  
1993, in this matter:

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

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

12           3. Respondent has filed a Notice of Defense pursuant  
13 to Section 11505 of the Government Code for the purpose of  
14 requesting a hearing on the allegations in this Accusation.  
15 Respondent hereby freely and voluntarily waives said Notice of  
16 Defense. Respondent acknowledges and understands that by  
17 waiving said Notice of Defense, Respondent thereby waives the  
18 right to require the Commissioner to prove the allegations in  
19 the Accusation at a contested hearing held in accordance with  
20 the provisions of the APA and that Respondent will waive other  
21 rights afforded to Respondent in connection with the hearing,  
22 such as the right to present evidence in defense of the  
23 allegations in the Accusation and the right to cross-examine  
24 witnesses.

25           4. Respondent, pursuant to the limitations set forth  
26 below, hereby admits that the factual allegations of the  
27 Accusation filed in this proceeding are true and correct and

1 the Real Estate Commissioner shall not be required to provide  
2 further evidence of such allegations.

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

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

20                           DETERMINATION OF ISSUES

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

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The conduct of Respondent, as described in the Accusation is grounds for the suspension or revocation of the real estate license and license rights of Respondent under the provisions of Section 10177(d) of the Business and Professions Code.

ORDER

All licenses and licensing rights of respondent under Real Estate Law are suspended for a period of ninety (90) days, from the effective date of this Decision; provided, however, that ninety (90) days of said suspension shall be stayed for one (1) year upon the following terms and conditions:

1. Respondent shall obey all laws, rules and regulations governing the rights, duties and responsibilities of a real estate licensee in the State of California; and

2. That no final subsequent determination be made, after hearing or upon stipulation, that cause for disciplinary action occurred within one (1) year of the effective date of this Decision. Should such a determination be made, the Commissioner may, in his discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed suspension. Should no such determination be made, the stay imposed herein shall become permanent.

DATED: 3/16/94

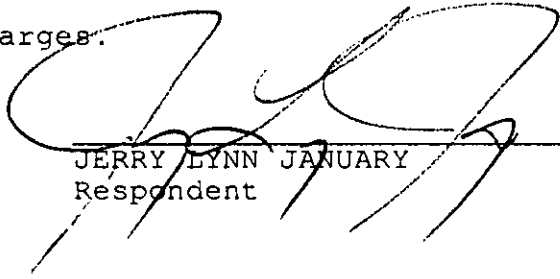
V. Alida Sands  
V. AHDA SANDS  
Counsel for Complainant

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I have read the Stipulation and Agreement, 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: 3-13-94

  
JERRY LYNN JANUARY  
Respondent

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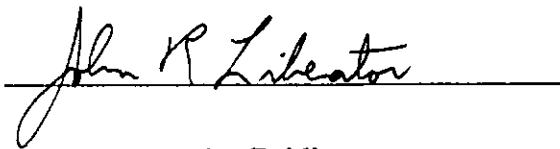
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The foregoing Stipulation and Agreement in Settlement  
and Order is hereby adopted by the Real Estate Commissioner as  
Decision and Order and shall become effective at 12 o'clock  
noon on May 3, 1994.

IT IS SO ORDERED April 7, 1994.

CLARK WALLACE  
Real Estate Commissioner



**BY: John R. Liberator  
Chief Deputy Commissioner**



*Sachs*  
*Hada*

Department of Real Estate  
107 South Broadway, Room 8107  
Los Angeles, CA 90012

(213) 897-3937

**FILED**  
APR 13 1994  
DEPARTMENT OF REAL ESTATE

By *Laura B. Dixon*

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DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \* \* \*

|  |   |                |
|--|---|----------------|
| In the Matter of the Accusation of     | ) | NO. H-25568 LA |
|  | ) |                |
| ANTELOPE VALLEY MORTGAGE CO. INC.,     | ) |                |
| DOUGLAS THOMAS ANDERSON, individually) | ) |                |
| and as Designated Officer of Antelope) | ) |                |
| Valley Mortgage Co., Inc.;             | ) |                |
| MICHAEL JOHN CHERIOLI individually     | ) |                |
| and as Designated Officer of Antelope) | ) |                |
| Valley Mortgage Co. Inc.; JON          | ) |                |
| WILLIAM MOHLER; BRENT ALAN WALTERS;    | ) |                |
| JULIUS COLBERT; BEVERLEY SUESS         | ) |                |
| CHRISTENSEN; ARTURO CALVO; JACKI       | ) |                |
| DENISE MONTOYA; JACQUELINE HARTMANN    | ) |                |
| STUMP; JERRY LYNN JANUARY;             | ) |                |
|  | ) |                |
|  | ) |                |
|  | ) |                |
| Respondents.                           | ) |                |

STIPULATION AND AGREEMENT IN SETTLEMENT AND ORDER

It is hereby stipulated by and between BEVERLEY SUESS  
CHRISTENSEN (hereinafter referred to as Respondent) and the  
Complainant, acting by and through V. Ahda Sands, Counsel for  
the Department of Real Estate, as follows, for the purpose of  
settling and disposing of the Accusation filed on September 23,  
1993, in this matter:

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

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

12           3. Respondent has filed a Notice of Defense pursuant  
13 to Section 11505 of the Government Code for the purpose of  
14 requesting a hearing on the allegations in this Accusation.  
15 Respondent hereby freely and voluntarily waives said Notice of  
16 Defense. Respondent acknowledges and understands that by  
17 waiving said Notice of Defense, Respondent thereby waives the  
18 right to require the Commissioner to prove the allegations in  
19 the Accusation at a contested hearing held in accordance with  
20 the provisions of the APA and that Respondent will waive other  
21 rights afforded to Respondent in connection with the hearing,  
22 such as the right to present evidence in defense of the  
23 allegations in the Accusation and the right to cross-examine  
24 witnesses.

25           4. Respondent, pursuant to the limitations set forth  
26 below, hereby admits that the factual allegations of the  
27 Accusation filed in this proceeding are true and correct and



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The conduct of Respondent, as described in the  
Accusation is grounds for the suspension or revocation of the  
real estate license and license rights of Respondent under the  
provisions of Section 10177(d) of the Business and Professions  
Code.

ORDER

All licenses and licensing rights of respondent under  
Real Estate Law are suspended for a period of ninety (90) days  
from the effective date of this Decision; provided, however,  
that ninety (90) days of said suspension shall be stayed for  
one (1) year upon the following terms and conditions:

1. Respondent shall obey all laws, rules and  
regulations governing the rights, duties and responsibilities  
of a real estate licensee in the State of California; and

2. That no final subsequent determination be made,  
after hearing or upon stipulation, that cause for disciplinary  
action occurred within one (1) year of the effective date of  
this Decision. Should such a determination be made, the  
Commissioner may, in his discretion, vacate and set aside the  
stay order and reimpose all or a portion of the stayed  
suspension. Should no such determination be made, the stay  
imposed herein shall become permanent.

DATED: 3/16/94

V. Ahda Sands  
V. AHDA SANDS  
Counsel for Complainant

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I have read the Stipulation and Agreement, 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: March 12, 1994

Beverly Sues Christensen  
BEVERLY SUESS CHRISTENSEN  
Respondent

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\* \* \*

The foregoing Stipulation and Agreement in Settlement  
and Order is hereby adopted by the Real Estate Commissioner as  
Decision and Order and shall become effective at 12 o'clock  
noon on May 3, 1994.

IT IS SO ORDERED April 7, 1994.

CLARK WALLACE  
Real Estate Commissioner

John R. Liberator

**BY: John R. Liberator**  
**Chief Deputy Commissioner**

*Sachs  
Hays*

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Department of Real Estate  
107 South Broadway, Room 8107  
Los Angeles, CA 90012  
  
(213) 897-3937

**FILED**  
APR 13 1994  
DEPARTMENT OF REAL ESTATE  
By *Laura B. Brown*

DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \* \* \*

In the Matter of the Accusation of ) NO. H-25568 LA  
)  
ANTELOPE VALLEY MORTGAGE CO. INC., )  
DOUGLAS THOMAS ANDERSON, individually) )  
and as Designated Officer of Antelope) )  
Valley Mortgage Co., Inc.; ) )  
MICHAEL JOHN CHERIOLI individually ) )  
and as Designated Officer of Antelope) )  
Valley Mortgage Co. Inc.; JON ) )  
WILLIAM MOHLER; BRENT ALAN WALTERS; ) )  
JULIUS COLBERT; BEVERLEY SUESS ) )  
CHRISTENSEN; ARTURO CALVO; JACKI ) )  
DENISE MONTOYA; JACQUELINE HARTMANN ) )  
STUMP; JERRY LYNN JANUARY; ) )  
) )  
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) )  
Respondents. ) )

STIPULATION AND AGREEMENT IN SETTLEMENT AND ORDER

It is hereby stipulated by and between ARTURO CALVO  
(hereinafter referred to as Respondent) and the Complainant,  
acting by and through V. Ahda Sands, Counsel for the Department  
of Real Estate, as follows, for the purpose of settling and  
disposing of the Accusation filed on September 23, 1993, in  
this matter:

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

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

12           3. Respondent has filed a Notice of Defense pursuant  
13 to Section 11505 of the Government Code for the purpose of  
14 requesting a hearing on the allegations in this Accusation.  
15 Respondent hereby freely and voluntarily waives said Notice of  
16 Defense. Respondent acknowledges and understands that by  
17 waiving said Notice of Defense, Respondent thereby waives the  
18 right to require the Commissioner to prove the allegations in  
19 the Accusation at a contested hearing held in accordance with  
20 the provisions of the APA and that Respondent will waive other  
21 rights afforded to Respondent in connection with the hearing,  
22 such as the right to present evidence in defense of the  
23 allegations in the Accusation and the right to cross-examine  
24 witnesses.

25           4. Respondent, pursuant to the limitations set forth  
26 below, hereby admits that the factual allegations of the  
27 Accusation filed in this proceeding are true and correct and



1 the Real Estate Commissioner shall not be required to provide  
2 further evidence of such allegations.

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

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

20                           DETERMINATION OF ISSUES

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

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I

The conduct of Respondent, as described in the Accusation is grounds for the suspension or revocation of the real estate license and license rights of Respondent under the provisions of Section 10177(d) of the Business and Professions Code.

ORDER

All licenses and licensing rights of respondent under Real Estate Law are suspended for a period of ninety (90) days from the effective date of this Decision; provided, however, that ninety (90) days of said suspension shall be stayed for one (1) year upon the following terms and conditions:

1. Respondent shall obey all laws, rules and regulations governing the rights, duties and responsibilities of a real estate licensee in the State of California; and

2. That no final subsequent determination be made, after hearing or upon stipulation, that cause for disciplinary action occurred within one (1) year of the effective date of this Decision. Should such a determination be made, the Commissioner may, in his discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed suspension. Should no such determination be made, the stay imposed herein shall become permanent.

DATED: 3/16/94

V. Ahda Sands  
V. AHDA SANDS  
Counsel for Complainant

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I have read the Stipulation and Agreement, 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: 3-8-94

  
ARTURO CALVO  
Respondent

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\* \* \*

The foregoing Stipulation and Agreement in Settlement  
and Order is hereby adopted by the Real Estate Commissioner as  
Decision and Order and shall become effective at 12 o'clock  
noon on May 3, 1994.

IT IS SO ORDERED April 7, 1994.

CLARK WALLACE  
Real Estate Commissioner

John R. Liberator

**BY: John R. Liberator**  
**Chief Deputy Commissioner**

*Sachs, Gary*

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Department of Real Estate  
107 South Broadway, Room 8107  
Los Angeles, CA 90012  
  
(213) 897 3937

**FILED**  
APR 13 1994  
DEPARTMENT OF REAL ESTATE

By *James B. Cannon*

DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \* \* \*

In the Matter of the Accusation of ) NO. H-25568 LA  
)  
ANTELOPE VALLEY MORTGAGE CO. INC., )  
DOUGLAS THOMAS ANDERSON, individually) )  
and as Designated Officer of Antelope) )  
Valley Mortgage Co., Inc.; ) )  
MICHAEL JOHN CHERIOLI individually ) )  
and as Designated Officer of Antelope) )  
Valley Mortgage Co. Inc.; JON ) )  
WILLIAM MOHLER; BRENT ALAN WALTERS; ) )  
JULIUS COLBERT; BEVERLEY SUESS ) )  
CHRISTENSEN; ARTURO CALVO; JACKI ) )  
DENISE MONTOYA; JACQUELINE HARTMANN ) )  
STUMP; JERRY LYNN JANUARY; ) )  
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Respondents. ) )

STIPULATION AND AGREEMENT IN SETTLEMENT AND ORDER

It is hereby stipulated by and between JON WILLIAM MOHLER (hereinafter referred to as Respondent) and the Complainant, acting by and through V. Ahda Sands, Counsel for the Department of Real Estate, as follows, for the purpose of settling and disposing of the Accusation filed on September 23, 1993, in this matter:

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

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

12           3. Respondent has filed a Notice of Defense pursuant  
13 to Section 11505 of the Government Code for the purpose of  
14 requesting a hearing on the allegations in this Accusation.  
15 Respondent hereby freely and voluntarily waives said Notice of  
16 Defense. Respondent acknowledges and understands that by  
17 waiving said Notice of Defense, Respondent thereby waives the  
18 right to require the Commissioner to prove the allegations in  
19 the Accusation at a contested hearing held in accordance with  
20 the provisions of the APA and that Respondent will waive other  
21 rights afforded to Respondent in connection with the hearing,  
22 such as the right to present evidence in defense of the  
23 allegations in the Accusation and the right to cross-examine  
24 witnesses.

25           4. Respondent, pursuant to the limitations set forth  
26 below, hereby admits that the factual allegations of the  
27 Accusation filed in this proceeding are true and correct and

1 the Real Estate Commissioner shall not be required to provide  
2 further evidence of such allegations.

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

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

20                           DETERMINATION OF ISSUES

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

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The conduct of Respondent, as described in the Accusation is grounds for the suspension or revocation of the real estate license and license rights of Respondent under the provisions of Section 10177(d) of the Business and Professions Code.

ORDER

All licenses and licensing rights of respondent under Real Estate Law are suspended for a period of ninety (90) days from the effective date of this Decision; provided, however, that ninety (90) days of said suspension shall be stayed for one (1) year upon the following terms and conditions:

1. Respondent shall obey all laws, rules and regulations governing the rights, duties and responsibilities of a real estate licensee in the State of California; and

2. That no final subsequent determination be made, after hearing or upon stipulation, that cause for disciplinary action occurred within one (1) year of the effective date of this Decision. Should such a determination be made, the Commissioner may, in his discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed suspension. Should no such determination be made, the stay imposed herein shall become permanent.

DATED: 3/16/94

V. Ahda Sands  
V. AHDA SANDS  
Counsel for Complainant



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I have read the Stipulation and Agreement, 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: 3-9-94

*Jon William Mohler*  
JON WILLIAM MOHLER  
Respondent

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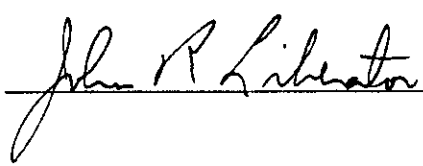
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The foregoing Stipulation and Agreement in Settlement  
and Order is hereby adopted by the Real Estate Commissioner as  
Decision and Order and shall become effective at 12 o'clock  
noon on May 3, 1994.

IT IS SO ORDERED April 7, 1994.

CLARK WALLACE  
Real Estate Commissioner

  
\_\_\_\_\_

**BY: John R. Liberator**  
**Chief Deputy Commissioner**

*Sandra J. ...*

1 Department of Real Estate  
2 107 South Broadway, Room 8107  
3 Los Angeles, CA 900012  
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5 (213) 897-3937  
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**FILED**  
**APR 13 1994**  
DEPARTMENT OF REAL ESTATE

By *Laura B. Orma*

8 DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \* \* \*

11 In the Matter of the Accusation of ) NO. H-25568 LA  
12 )  
13 ANTELOPE VALLEY MORTGAGE CO. INC., )  
14 DOUGLAS THOMAS ANDERSON, individually) and as Designated Officer of Antelope  
15 Valley Mortgage Co., Inc.; )  
16 MICHAEL JOHN CHERIOLI individually ) and as Designated Officer of Antelope  
17 Valley Mortgage Co. Inc.; JON )  
18 WILLIAM MOHLER; BRENT ALAN WALTERS; )  
19 JULIUS COLBERT; BEVERLEY SUESS )  
20 CHRISTENSEN; ARTURO CALVO; JACKI )  
DENISE MONTOYA; JACQUELINE HARTMANN )  
STUMP; JERRY LYNN JANUARY; )  
Respondents. )

21 STIPULATION AND AGREEMENT IN SETTLEMENT AND ORDER

22 It is hereby stipulated by and between JACQUELINE  
23 HARTMANN STUMP (hereinafter referred to as Respondent) and the  
24 Complainant, acting by and through V. Ahda Sands, Counsel for  
25 the Department of Real Estate, as follows, for the purpose of  
26 settling and disposing of the Accusation filed on September 23,  
27 1993, in this matter:

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

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

12           3. Respondent has filed a Notice of Defense pursuant  
13 to Section 11505 of the Government Code for the purpose of  
14 requesting a hearing on the allegations in this Accusation.  
15 Respondent hereby freely and voluntarily waives said Notice of  
16 Defense. Respondent acknowledges and understands that by  
17 waiving said Notice of Defense, Respondent thereby waives the  
18 right to require the Commissioner to prove the allegations in  
19 the Accusation at a contested hearing held in accordance with  
20 the provisions of the APA and that Respondent will waive other  
21 rights afforded to Respondent in connection with the hearing,  
22 such as the right to present evidence in defense of the  
23 allegations in the Accusation and the right to cross-examine  
24 witnesses.

25           4. Respondent, pursuant to the limitations set forth  
26 below, hereby admits that the factual allegations of the  
27 Accusation filed in this proceeding are true and correct and



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I

The conduct of Respondent, as described in the Accusation is grounds for the suspension or revocation of the real estate license and license rights of Respondent under the provisions of Section 10177(d) of the Business and Professions Code.

ORDER

All licenses and licensing rights of respondent under Real Estate Law are suspended for a period of ninety (90) days from the effective date of this Decision; provided, however, that ninety (90) days of said suspension shall be stayed for one (1) year upon the following terms and conditions:

1. Respondent shall obey all laws, rules and regulations governing the rights, duties and responsibilities of a real estate licensee in the State of California; and

2. That no final subsequent determination be made, after hearing or upon stipulation, that cause for disciplinary action occurred within one (1) year of the effective date of this Decision. Should such a determination be made, the Commissioner may, in his discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed suspension. Should no such determination be made, the stay imposed herein shall become permanent.

DATED: 3/16/94

V. Ahda Sands  
V. AHDA SANDS  
Counsel for Complainant

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I have read the Stipulation and Agreement, 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: 3/9/94

*Jacqueline Hartmann Stump*  
JACQUELINE HARTMANN STUMP  
Respondent

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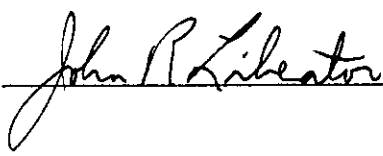
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\* \* \*

The foregoing Stipulation and Agreement in Settlement  
and Order is hereby adopted by the Real Estate Commissioner as  
Decision and Order and shall become effective at 12 o'clock  
noon on May 3, 1994.

IT IS SO ORDERED April 7, 1994.

CLARK WALLACE  
Real Estate Commissioner

  
\_\_\_\_\_

**BY: John R. Liberator**  
**Chief Deputy Commissioner**



*Handwritten signature/initials*

1 Department of Real Estate  
2 107 South Broadway, Room 8107  
3 Los Angeles, CA 90012  
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**FILED**  
APR 13 1994  
DEPARTMENT OF REAL ESTATE

By Laura B. Oron

DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \* \* \*

In the Matter of the Accusation of ) NO. H-25568 LA  
)  
12 ANTELOPE VALLEY MORTGAGE CO. INC., )  
DOUGLAS THOMAS ANDERSON, individually) )  
13 and as Designated Officer of Antelope) )  
Valley Mortgage Co., Inc.; ) )  
14 MICHAEL JOHN CHERIOLI individually ) )  
and as Designated Officer of Antelope) )  
15 Valley Mortgage Co. Inc.; JON ) )  
WILLIAM MOHLER; BRENT ALAN WALTERS; ) )  
16 JULIUS COLBERT; BEVERLEY SUESS ) )  
CHRISTENSEN; ARTURO CALVO; JACKI ) )  
17 DENISE MONTOYA; JACQUELINE HARTMANN ) )  
STUMP; JERRY LYNN JANUARY; ) )  
18 ) )  
19 ) )  
20 Respondents. ) )

STIPULATION AND AGREEMENT IN SETTLEMENT AND ORDER

22 It is hereby stipulated by and between JACKI DENISE  
23 MONTOYA (hereinafter referred to as Respondent) and the  
24 Complainant, acting by and through V. Ahda Sands, Counsel for  
25 the Department of Real Estate, as follows, for the purpose of  
26 settling and disposing of the Accusation filed on September 23,  
27 1993, in this matter:

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

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

12           3. Respondent has filed a Notice of Defense pursuant  
13 to Section 11505 of the Government Code for the purpose of  
14 requesting a hearing on the allegations in this Accusation.  
15 Respondent hereby freely and voluntarily waives said Notice of  
16 Defense. Respondent acknowledges and understands that by  
17 waiving said Notice of Defense, Respondent thereby waives the  
18 right to require the Commissioner to prove the allegations in  
19 the Accusation at a contested hearing held in accordance with  
20 the provisions of the APA and that Respondent will waive other  
21 rights afforded to Respondent in connection with the hearing,  
22 such as the right to present evidence in defense of the  
23 allegations in the Accusation and the right to cross-examine  
24 witnesses.

25           4. Respondent, pursuant to the limitations set forth  
26 below, hereby admits that the factual allegations of the  
27 Accusation filed in this proceeding are true and correct and

1 the Real Estate Commissioner shall not be required to provide  
2 further evidence of such allegations.

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

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

20                           DETERMINATION OF ISSUES

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

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The conduct of Respondent, as described in the Accusation is grounds for the suspension or revocation of the real estate license and license rights of Respondent under the provisions of Section 10177(d) of the Business and Professions Code.

ORDER

All licenses and licensing rights of respondent under Real Estate Law are suspended for a period of ninety (90) days from the effective date of this Decision; provided, however, that ninety (90) days of said suspension shall be stayed for one (1) year upon the following terms and conditions:

1. Respondent shall obey all laws, rules and regulations governing the rights, duties and responsibilities of a real estate licensee in the State of California; and

2. That no final subsequent determination be made, after hearing or upon stipulation, that cause for disciplinary action occurred within one (1) year of the effective date of this Decision. Should such a determination be made, the Commissioner may, in his discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed suspension. Should no such determination be made, the stay imposed herein shall become permanent.

DATED: 3/16/94

V. Ahdah Sands  
V. AHDA SANDS  
Counsel for Complainant

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I have read the Stipulation and Agreement, 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: 3-10-94

*Jacki Denise Montoya*  
JACKI DENISE MONTOYA  
Respondent

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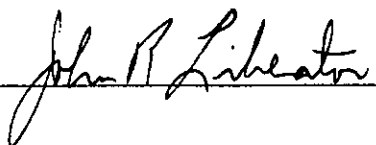
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\* \* \*

The foregoing Stipulation and Agreement in Settlement  
and Order is hereby adopted by the Real Estate Commissioner as  
Decision and Order and shall become effective at 12 o'clock  
noon on May 3, 1994.

IT IS SO ORDERED April 7, 1994.

CLARK WALLACE  
Real Estate Commissioner

  
\_\_\_\_\_

**BY: John R. Liberator**  
**Chief Deputy Commissioner**

*S. A. Sands*

1 Department of Real Estate  
107 South Broadway, Room 8107  
2 Los Angeles, CA 90012  
3 (213) 897 -3937

**FILED**  
APR 13 1994  
DEPARTMENT OF REAL ESTATE

By *Laura B. Orone*

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DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \* \* \*

|  |   |                |
|--|---|----------------|
| In the Matter of the Accusation of     | ) | NO. H-25568 LA |
|  | ) |                |
| ANTELOPE VALLEY MORTGAGE CO. INC.,     | ) |                |
| DOUGLAS THOMAS ANDERSON, individually) | ) |                |
| and as Designated Officer of Antelope) | ) |                |
| Valley Mortgage Co., Inc.;             | ) |                |
| MICHAEL JOHN CHERIOLI individually     | ) |                |
| and as Designated Officer of Antelope) | ) |                |
| Valley Mortgage Co. Inc.; JON          | ) |                |
| WILLIAM MOHLER; BRENT ALAN WALTERS;    | ) |                |
| JULIUS COLBERT; BEVERLEY SUESS         | ) |                |
| CHRISTENSEN; ARTURO CALVO; JACKI       | ) |                |
| DENISE MONTOYA; JACQUELINE HARTMANN    | ) |                |
| STUMP; JERRY LYNN JANUARY;             | ) |                |
|  | ) |                |
|  | ) |                |
|  | ) |                |
| Respondents.                           | ) |                |

STIPULATION AND AGREEMENT IN SETTLEMENT AND ORDER

21  
22 It is hereby stipulated by and between JULIUS COLBERT  
23 (hereinafter referred to as Respondent) and the Complainant,  
24 acting by and through V. Ahda Sands, Counsel for the Department  
25 of Real Estate, as follows, for the purpose of settling and  
26 disposing of the Accusation filed on September 23, 1993, in  
27 this matter:

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

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

12           3. Respondent has filed a Notice of Defense pursuant  
13 to Section 11505 of the Government Code for the purpose of  
14 requesting a hearing on the allegations in this Accusation.  
15 Respondent hereby freely and voluntarily waives said Notice of  
16 Defense. Respondent acknowledges and understands that by  
17 waiving said Notice of Defense, Respondent thereby waives the  
18 right to require the Commissioner to prove the allegations in  
19 the Accusation at a contested hearing held in accordance with  
20 the provisions of the APA and that Respondent will waive other  
21 rights afforded to Respondent in connection with the hearing,  
22 such as the right to present evidence in defense of the  
23 allegations in the Accusation and the right to cross-examine  
24 witnesses.

25           4. Respondent, pursuant to the limitations set forth  
26 below, hereby admits that the factual allegations of the  
27 Accusation filed in this proceeding are true and correct and



1 the Real Estate Commissioner shall not be required to provide  
2 further evidence of such allegations.

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

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

20                           DETERMINATION OF ISSUES

21           By reason of the foregoing stipulations, admissions  
22 and waivers and solely for the purpose of settlement of the  
23 pending Accusation without a hearing, it is stipulated and  
24 agreed that the following determination of issues shall be  
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The conduct of Respondent, as described in the  
Accusation is grounds for the suspension or revocation of the  
real estate license and license rights of Respondent under the  
provisions of Section 10177(d) of the Business and Professions  
Code.

ORDER

All licenses and licensing rights of respondent under  
Real Estate Law are suspended for a period of ninety (90) days  
from the effective date of this Decision; provided, however,  
that ninety (90) days of said suspension shall be stayed for  
one (1) year upon the following terms and conditions:

1. Respondent shall obey all laws, rules and  
regulations governing the rights, duties and responsibilities  
of a real estate licensee in the State of California; and

2. That no final subsequent determination be made,  
after hearing or upon stipulation, that cause for disciplinary  
action occurred within one (1) year of the effective date of  
this Decision. Should such a determination be made, the  
Commissioner may, in his discretion, vacate and set aside the  
stay order and reimpose all or a portion of the stayed  
suspension. Should no such determination be made, the stay  
imposed herein shall become permanent.

DATED: 3/16/94


V. Ahda Sands  
V. AHDA SANDS  
Counsel for Complainant

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I have read the Stipulation and Agreement, 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: 4/9/94

  
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JULIUS COLBERT  
Respondent

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The foregoing Stipulation and Agreement in Settlement  
and Order is hereby adopted by the Real Estate Commissioner as  
Decision and Order and shall become effective at 12 o'clock  
noon on May 3, 1994.

IT IS SO ORDERED April 7, 1994.

CLARK WALLACE  
Real Estate Commissioner

John R. Liberator

**BY: John R. Liberator**  
**Chief Deputy Commissioner**

*Sachs*

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\*\*\*\*\*

FILED

In the Matter of the Accusation of ) Case No. H-25568 LA  
) OAH No. L-61658  
ANTELOPE VALLEY MORTGAGE CO., )  
INC., ET AL., )  
)  
Respondents. )

NOV -2 1993

Jana B. Oran

NOTICE OF HEARING ON ACCUSATION

To the above-named Respondent(s):

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, California, on MARCH 16, 17 & 18 1994 at the hour of 9:00 a.m. or as soon thereafter as the matter can be heard, upon the Accusation served upon you.

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. The interpreter must be approved by the Administrative Law Judge 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 Administrative Law Judge directs otherwise.

Dated: November 2, 1993

DEPARTMENT OF REAL ESTATE

By: V. Ahda Sands  
V. AHDA SANDS, Counsel

- cc: Antelope Valley Mortgage Co., Inc.
- Douglas Thomas Anderson
- Michael John Cherioli
- John William Mohler
- Brent Alan Walters
- Julius Colbert
- Beverly Suess Christensen

cc: Arturo Calvo  
Jacki Denise Montoya  
Jacqueline Hartmann Stump  
Jerry Lynn January  
Richard Van Sickle, Esq.  
Bayside First Mortgage, Inc.  
Alfred Raymond Yarrow  
Western Cities Mortgage Corporation  
James Howard Tassell  
National Pacific Mortgage Corp.  
Medallion Mortgage Company  
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RE 501 (Mac 8/92lbo)

*facts. [unclear]*

1 V. AHDA SANDS, Counsel  
2 Department of Real Estate  
3 107 South Broadway, Room 8107  
4 Los Angeles, California 90012  
5 (213) 897-3937

SEP 23 1993

DEPARTMENT OF REAL ESTATE  
BY Jane S. Brown

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \* \* \*

|    |  |   |                |
|----|--|---|----------------|
| 11 | In the Matter of the Accusation of     | ) | NO. H-25568 LA |
| 12 | ANTELOPE VALLEY MORTGAGE CO. INC.,     | ) | ACCUSATION     |
| 13 | DOUGLAS THOMAS ANDERSON, individually) | ) |                |
| 14 | and as Designated Officer of Antelope) | ) |                |
| 15 | Valley Mortgage Mortgage Co., Inc.;    | ) |                |
| 16 | MICHAEL JOHN CHERIOLI individually     | ) |                |
| 17 | and as Designated Officer of Antelope) | ) |                |
| 18 | Valley Mortgage Co. Inc.; JON          | ) |                |
| 19 | WILLIAM MOHLER; BRENT ALAN WALTERS;    | ) |                |
| 20 | JULIUS COLBERT; BEVERLEY SUESS         | ) |                |
|    | CHRISTENSEN; ARTURO CALVO; JACKI       | ) |                |
|    | DENISE MONTOYA; JACQUELINE HARTMANN    | ) |                |
|    | STUMP; JERRY LYNN JANUARY;             | ) |                |
|    |  | ) |                |
|    |  | ) |                |
|    | Respondents.                           | ) |                |

21 Complainant, Steven J. Ellis, a Deputy Real Estate  
22 Commissioner of the State of California, as and for cause of  
23 Accusation against ANTELOPE VALLEY MORTGAGE CO. INC.; DOUGLAS  
24 THOMAS ANDERSON, individually and as Designated Officer of  
25 Antelope Valley Mortgage Mortgage Co., Inc.; MICHAEL JOHN CHERIOLI  
26 individually and as Designated Officer of Antelope Valley Mortgage  
27 Co. Inc.; JERRY LYNN JANUARY; JON WILLIAM MOHLER; BRENT ALAN  
28 WALTERS; JULIUS COLBERT; BEVERLEY SUESS CHRISTENSEN; ARTURO CALVO;

1 JACKI DENISE MONTOYA; JACQUELINE HARTMANN STUMP; (herein  
2 "Respondents"), in his official capacity alleges as follows:

3 1

4 The term "the Regulations" as used herein refers to  
5 provisions of Chapter 6, Title 10, California Code of Regulations.

6 2

7 Respondents are presently licensed and/or have license  
8 rights under the Real Estate Law, Part 1 of Division 4 of the  
9 Business and Professions Code (herein "the Code").

10 3

11 At all times mentioned herein, Respondents DOUGLAS  
12 THOMAS ANDERSON and MICHAEL JOHN CHERIOLI (hereinafter ANDERSON  
13 and CHERIOLI, respectively) were and now are licensed by the  
14 Department as individual real estate brokers and were or are  
15 licensed as the designated broker of ANTELOPE VALLEY MORTGAGE CO.,  
16 INC. (AVM). ANDERSON served as the designated officer of AVM from  
17 June 21, 1988 to August 26, 1991. CHERIOLI served as the  
18 designated officer from August 27, 1991 to present. During these  
19 periods each was responsible for conduct of AVM pursuant to  
20 Sections 10159.2 of the Code.

21 4

22 Respondents JERRY LYNN JANUARY; JON WILLIAM MOHLER;  
23 BRENT ALAN WALTERS; JULIUS COLBERT; BEVERLEY SUESS CHRISTENSEN;  
24 ARTURO CALVO; JACKI DENISE MONTOYA; JACQUELINE HARTMANN STUMP;  
25 (JANUARY; MOHLER; WALTERS; COLBERT; CHRISTENSEN; CALVO; MONTOYA;  
26 STUMP respectively) were unlicensed during the audit period  
27 stated. Rob Zeihen and Michael Ainsworth have never been licensed  
28 by the Department.



5  
Respondents JANUARY; MOHLER; WALTERS; COLBERT;  
CHRISTENSEN; CALVO; MONTOYA and STUMP were subsequently licensed  
by the Department as individual real estate salespersons.

All further references herein to "Respondents" include  
the parties identified in Paragraphs 3 through 5, above, and also  
include the officers, directors, employees, agents and real estate  
licensees employed by or associated with said parties and who at  
all times herein mentioned were engaged in the furtherance of the  
business or operations of said parties and who were acting within  
the course and scope of their authority and employment.

At all times herein mentioned, Respondents engaged in  
the business of, acted in the capacity of, advertised or assumed  
to act as real estate brokers in the State of California within  
the meaning of Section 10131(d) of the Code, including the  
operation and conduct of a mortgage brokerage business in which  
Respondents, in expectation of compensation Respondents negotiated  
trust deed loans secured by real property.

In connection with the aforesaid real estate brokerage  
activities, Respondents, AVM and ANDERSON and CHERIOLI accepted or  
received funds in trust (hereinafter "trust funds") from or on  
behalf of others and thereafter made disbursements of such funds.  
Respondents deposited certain of said funds into the following  
accounts (herein "said accounts")

- 1 (a) Account No. 322140460 (hereinafter "General  
2 Account"),  
3 (b) Account Number 322140819 (hereinafter "Payroll  
4 Account),  
5 (c) Account Number 322140495 (hereinafter Trust  
6 Account).

7 9

8 On August 22, 1991, the Department concluded its  
9 examination of Respondents' books and records pertaining to the  
10 real estate brokerage activities described in Paragraph 7, above,  
11 for the six-month period ending June 30, 1991, which examination  
12 revealed violations of the Code and of the Regulations as set  
13 forth in the following paragraphs.

14 FIRST CAUSE OF ACCUSATION

15 10

16 In connection with the trust funds referred to in  
17 Paragraph 8, above, Respondent AVM and ANDERSON acted in violation  
18 of the Code and the Regulations in that:

19 (a) They violated Section 10145 of the Code and Section  
20 2830 of the Regulations by depositing funds which belonged to  
21 other persons into regular checking, rather than into a trust  
22 account in AVM name as broker and as trustee;

23 (b) They violated Section 2832.1 of the Regulations by  
24 disbursing or causing or allowing the disbursement of trust funds  
25 from the trust account, wherein the disbursement of said funds  
26 reduced the funds in the said account to an amount which, on June  
27 30, 1992, was approximately \$20,015.67 less than the existing  
28 aggregate trust fund liability to all owners of said funds,

1 without first obtaining the prior written consent of every  
2 principal who was an owner of said funds.

3 (c) They failed to maintain adequate separate records  
4 for each beneficiary or transaction, accounting therein for all  
5 trust funds received, deposited, and disbursed, in violation of  
6 of Sections 2831.1 and 2951 of the Regulations;

7 (d) They violated Section 2831.2 of the Regulations by  
8 failing to perform a monthly reconciliation of the records of the  
9 receipt and disposition of all trust funds received and the  
10 balance of all separate beneficiary or transaction records;

11 (e) They allowed JERRY LYNN JANUARY, an unlicensed  
12 person to be a signatory on Respondent's trust account and failed  
13 to obtain fidelity bond coverage for said person, in violation of  
14 Section 2834 of the Code.

15 (f) They failed to notify the Department that AVM met  
16 the threshold criteria in violation of Code 10232.

17 (g) In connection with the real estate activities  
18 described above Respondents collected certain "non-refundable" fees  
19 attributed to appraisal and credit report fees, however  
20 Respondents failed to obtain permission of the Department prior to  
21 collecting these advance fees in violation of Section 10026 of the  
22 code.

23 SECOND CAUSE OF ACCUSATION

24 11

25 Complainant incorporates herein the allegations of  
26 Paragraphs 1 to 9, inclusive, herein above.

27 //

28 //

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2 In the course of the activities described in Paragraph  
3 7, above, AVM and ANDERSON employed and compensated JANUARY,  
4 who, on or about June 30, 1991 was not licensed by the  
5 Department and known to Respondents not to be licensed by the  
6 Department, to perform acts requiring a real estate license for  
7 and in the name of AVM during the first quarter of 1992,  
8 including but not limited to negotiating loans secured by real  
9 property. In employing JANUARY Respondent AVM, by and through  
10 ANDERSON, violated Section 10137 of the Code. Each said  
11 violation constitutes cause for suspension or revocation of all  
12 real estate licenses and license rights of Respondent ANDERSON  
13 and AVM pursuant to the provisions of Section 10137 of the Code.

14 THIRD CAUSE OF ACCUSATION

15  
16 Complainant incorporates herein the allegations of  
17 Paragraphs 1 to 11, inclusive, herein above.

18  
19 In the course of the activities described in Paragraph  
20 7, above, Respondents AVM and ANDERSON employed and compensated  
21 MOHLER, who, on or about June 30, 1991 was not licensed by the  
22 Department and known to Respondents not to be licensed by the  
23 Department, to perform acts requiring a real estate license for  
24 and in the name of AVM during the first quarter of 1992,  
25 including but not limited to negotiating loans secured by real  
26 property. In employing MOHLER Respondent AVM, by and through  
27 ANDERSON, violated Section 10137 of the Code. Each said  
28 violation constitutes cause for suspension or revocation of all

1 real estate licenses and license rights of Respondent ANDERSON  
2 and AVM pursuant to the provisions of Section 10137 of the Code.

3  
4 FOURTH CAUSE OF ACCUSATION

5 15

6 Complainant incorporates herein the allegations of  
7 Paragraphs 1 to 13, inclusive, herein above.

8 16

9 In the course of the activities described in Paragraph  
10 7, above, Respondents AVM and ANDERSON employed and compensated  
11 WALTERS, who, on or about June 30, 1991 was not licensed by the  
12 Department and known to Respondents not to be licensed by the  
13 Department, to perform acts requiring a real estate license for  
14 and in the name of AVM during the first quarter of 1992,  
15 including but not limited to negotiating loans secured by real  
16 property. In employing WALTERS Respondent AVM, by and through  
17 ANDERSON, violated Section 10137 of the Code. Each said  
18 violation constitutes cause for suspension or revocation of all  
19 real estate licenses and license rights of Respondent ANDERSON  
20 and AVM pursuant to the provisions of Section 10137 of the Code.

21  
22 FIFTH CAUSE OF ACCUSATION

23 17

24 Complainant incorporates herein the allegations of  
25 Paragraphs 1 to 15, inclusive, herein above.

26 18

27 In the course of the activities described in Paragraph  
28 7, above, Respondents AVM and ANDERSON employed and compensated

1 COLBERT, who, on or about June 30, 1991 was not licensed by the  
2 Department and known to Respondents not to be licensed by the  
3 Department, to perform acts requiring a real estate license for  
4 and in the name of AVM during the first quarter of 1992, including  
5 but not limited to negotiating loans secured by real property .  
6 In employing COLBERT Respondent AVM, by and through ANDERSON,  
7 violated Section 10137 of the Code. Each said violation  
8 constitutes cause for suspension or revocation of all real estate  
9 licenses and license rights of Respondent ANDERSON and AVM  
10 pursuant to the provisions of Section 10137 of the Code.

11 SIXTH CAUSE OF ACCUSATION

12 19

13 Complainant incorporates herein the allegations of  
14 Paragraphs 1 to 17, inclusive, herein above.

15 20

16 In the course of the activities described in Paragraph  
17 7, above, Respondents AVM and ANDERSON employed and compensated  
18 Rob Zeihen, who, on or about June 30, 1991 was not licensed by the  
19 Department and known to Respondents not to be licensed by the  
20 Department, to perform acts requiring a real estate license for  
21 and in the name of AVM during the first quarter of 1992, including  
22 but not limited to negotiating loans secured by real property.  
23 In employing Zeihen Respondent AVM, by and through ANDERSON,  
24 violated Section 10137 of the Code. Each said violation  
25 constitutes cause for suspension or revocation of all real estate  
26 licenses and license rights of Respondent ANDERSON and AVM  
27 pursuant to the provisions of Section 10137 of the Code.

28 //

1 SEVENTH CAUSE OF ACCUSATION

2 21

3 Complainant incorporates herein the allegations of  
4 Paragraphs 1 to 18, inclusive, herein above.

5 22

6 In the course of the activities described in Paragraph  
7 7, above, Respondents AVM and ANDERSON employed and compensated  
8 CHRISTENSEN, who, on or about June 30, 1991 was not licensed by  
9 the Department and known to Respondents not to be licensed by the  
10 Department, to perform acts requiring a real estate license for  
11 and in the name of AVM during the first quarter of 1992, including  
12 but not limited to negotiating loans secured by real property.  
13 In employing CHRISTENSEN Respondent, AVM by and through ANDERSON,  
14 violated Section 10137 of the Code. Each said violation  
15 constitutes cause for suspension or revocation of all real estate  
16 licenses and license rights of Respondent ANDERSON and AVM  
17 pursuant to the provisions of Section 10137 of the Code.

18 EIGHT CAUSE OF ACCUSATION

19 23

20 Complainant incorporates herein the allegations of  
21 Paragraphs 1 to 21, inclusive, herein above.

22 24

23 In the course of the activities described in Paragraph  
24 7, above, Respondents AVM and ANDERSON employed and compensated  
25 CALVO, who, on or about June 30, 1991 was not licensed by the  
26 Department and known to Respondents not to be licensed by the  
27 Department, to perform acts requiring a real estate license for  
28 and in the name of AVM during the first quarter of 1992, including

1 but not limited to negotiating over 10 loans secured by real  
2 property involving over 25 different borrowers. In employing  
3 CALVO Respondent AVM, by and through ANDERSON, violated Section  
4 10137 of the Code. Each said violation constitutes cause for  
5 suspension or revocation of all real estate licenses and license  
6 rights of Respondent ANDERSON and AVM pursuant to the provisions  
7 of Section 10137 of the Code.

8 NINTH CAUSE OF ACCUSATION

9 25

10 Complainant incorporates herein the allegations of  
11 Paragraphs 1 to 23, inclusive, herein above.

12 26

13 In the course of the activities described in Paragraph  
14 7, above, Respondent AVM and CHERIOLI employed and compensated  
15 CALVO, who, on or about August 30, 1991 was not licensed by the  
16 Department and known to Respondent CHERIOLI not to be licensed by  
17 the Department, to perform acts requiring a real estate license  
18 for and in the name of AVM from August 30, 1991 until May 7, 1992,  
19 including but not limited to negotiating loans secured by real  
20 property. In employing CALVO Respondent AVM, by and through  
21 CHERIOLI, violated Sections 10137 of the Code. Further CHERIOLI  
22 continued employing CALVO even after having been warned by the  
23 Department that such employment was in violation of the  
24 Department's regulation resulting in CHERIOLI committing a willful  
25 violation of Department rules. Each said violation constitutes  
26 cause for suspension or revocation of all real estate licenses and  
27 license rights of Respondent CHERIOLI and AVM pursuant to the  
28 provisions of Section 10137 of the Code.



1   TENTH CAUSE OF ACCUSATION

2   27

3                 Complainant incorporates herein the allegations of  
4         Paragraphs 1 to 25, inclusive, herein above.

5   28

6                 In the course of the activities described in Paragraph  
7         7, above, Respondents AVM and ANDERSON employed and compensated  
8         Michael Ainsworth, who, on or about June 30, 1991 was not licensed  
9         by the Department and known to Respondents not to be licensed by  
10         the Department, to perform acts requiring a real estate license  
11         for and in the name of AVM during the first quarter of 1992,  
12         including but not limited to negotiating loans secured by real  
13         property. In employing Ainsworth Respondent AVM, by and through  
14         ANDERSON, each violated Section 10137 of the Code. Each said  
15         violation constitutes cause for suspension or revocation of all  
16         real estate licenses and license rights of Respondent ANDERSON and  
17         AVM pursuant to the provisions of Section 10137 of the Code.

18   ELEVENTH CAUSE OF ACCUSATION

19   29

20                 Complainant incorporates herein the allegations of  
21         Paragraphs 1 to 27, inclusive, herein above.

22   30

23                 In the course of the activities described in Paragraph  
24         7, above, Respondents AVM and ANDERSON employed and compensated  
25         MONTROYA , who, on or about June 30, 1991 was not licensed by the  
26         Department and known to Respondents not to be licensed by the  
27         Department, to perform acts requiring a real estate license for  
28         and in the name of AVM during the first quarter of 1992, including

1 but not limited to negotiating loans secured by real property .  
2 In employing MONTOYA Respondent AVM, by and through ANDERSON,  
3 violated Section 10137 of the Code. Each said violation  
4 constitutes cause for suspension or revocation of all real estate  
5 licenses and license rights of Respondent ANDERSON and AVM  
6 pursuant to the provisions of Section 10137 of the Code.

7 TWELFTH CAUSE OF ACCUSATION

8 31

9 Complainant incorporates herein the allegations of  
10 Paragraphs 1 to 29, inclusive, herein above.

11 32

12 In the course of the activities described in Paragraph  
13 7, above, Respondents AVM and ANDERSON employed and compensated  
14 STUMP, who, on or about June 30, 1991 was not licensed by the  
15 Department and known to Respondents not to be licensed by the  
16 Department, to perform acts requiring a real estate license for  
17 and in the name of AVM during the first quarter of 1992,  
18 including but not limited to negotiating loans secured by real  
19 property. In employing STUMP Respondent AVM, by and through  
20 ANDERSON, violated Section 10137 of the Code. Each said  
21 violation constitutes cause for suspension or revocation of all  
22 real estate licenses and license rights of Respondent ANDERSON  
23 and AVM pursuant to the provisions of Section 10137 of the Code.

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1 THIRTEENTH CAUSE OF ACCUSATION

2 33

3 Complainant incorporates herein the allegations of  
4 Paragraphs 1 through 31, inclusive, herein.

5 34

6 Respondents, JANUARY; MOHLER; COLBERT; CHRISTENSEN;  
7 CALVO; MONTOYA and STUMP performed duties for which a real estate  
8 license is required during a time when they were not licensed by  
9 the Department. These acts are in violation of Section 10130.  
10 Each said violation constitutes cause for suspension or revocation  
11 of all real estate licenses and license rights of Respondents  
12 pursuant to the provision of Section 10177(d) of the Code.

13 FOURTEENTH CAUSE OF ACCUSATION

14 35

15 The conduct, acts and omissions of Respondents ANDERSON,  
16 and CHERIOLI as described in Paragraphs 9 to 31, above,  
17 independently and collectively constitute failure on the part of  
18 ANDERSON, to exercise the reasonable supervision and control over  
19 the licensed activities of AVM, and are cause for the suspension  
20 or revocation of all real estate licenses and license rights of  
21 ANDERSON and CHERIOLI pursuant to the provisions of Section  
22 10177(d) and 10177(h) of the Code.

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