

1 Department of Real Estate
2 107 South Broadway, Room 8107
3 Los Angeles, California 90012

4 (213) 897-3937

FILED
AUG 16 1995
DEPARTMENT OF REAL ESTATE

By C. San

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

11 In the Matter of the Accusation of) No. H-25940 LA
12) L-9412028
13 JOHN PETER SANGEORGE,) STIPULATION AND AGREEMENT
14) IN SETTLEMENT AND ORDER
Respondent.)

15 It is hereby stipulated by Stipulation and Agreement
16 in Settlement and Order and between JOHN PETER SANGEORGE
17 (hereinafter "Respondent"), represented by Mark L. Bradbury,
18 Esq., and the Complainant, acting by and through Chris Leong,
19 Counsel for the Department of Real Estate, as follows for the
20 purpose of settling and disposing of the Accusation, filed on
21 September 14, 1994, in this matter:

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

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

3 2. Respondent has received, reviewed and
4 understands the Accusation, the Statement to Respondent, and the
5 Discovery Provisions of the APA filed by the Department of Real
6 Estate in the above-captioned proceeding.

7 3. Respondent has filed a Notice of Defense
8 pursuant to Section 11505 of the Government Code for the purpose
9 of requesting a hearing on the allegations in the Accusation.
10 Respondent acknowledges that he understands that by withdrawing
11 said Notice of Defense he will thereby waive his right to
12 require the Commissioner to prove the allegations in the
13 Accusation at a contested hearing held in accordance with the
14 provisions of the APA and that he will waive other rights
15 afforded to him in connection with the hearing such as the right
16 to present evidence in defense of the allegations in the
17 Accusation and the right to cross-examine witnesses.

18 4. Respondent, pursuant to the limitations set
19 forth below, hereby admits that the factual allegations in
20 Paragraphs 1 through 12 of the Accusation filed in this
21 proceeding are true and correct and the Real Estate Commissioner
22 shall not be required to provide further evidence of such
23 allegations. In addition, Respondent agrees and stipulates that
24 his conduct is cause for discipline pursuant to Section 10177(f)
25 and (j) of the Code.

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

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

10 6. 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 disciplinary or civil proceedings by the Department of Real
14 Estate with respect to any matters which are not specifically
15 alleged to be causes for accusation in this proceeding.

16 DETERMINATION OF ISSUES

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

21 I

22 Respondent's conduct is cause under Section 10177(f)
23 and (j) of the Business and Professions Code for suspension or
24 revocation of all licenses and license rights of Respondent
25 under the Real Estate Law.

ORDER

A. Respondent JOHN PETER SANGEORGE's real estate broker license is hereby revoked.

B. A restricted real estate broker license shall be issued to Respondent pursuant to Section 10156.5 of the Business and Professions Code if Respondent makes application therefor, and pays to the Department of Real Estate the appropriate fee for said license within 120 days from the effective date of the Order herein. The restricted license issued to Respondent shall be subject to all of the provisions of Section 10156.7 of the Code and to the following limitations, conditions and restrictions imposed under authority of Section 10156.6 of the Code.

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

(2) The restricted license may be suspended, prior to and pending final determination after formal hearing by Order of the Real Estate Commissioner based upon evidence satisfactory to the Commissioner that Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to this restricted license.

(3) Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor the

1 removal of any of the conditions, limitations or restrictions of
2 the restricted license until at least one year has elapsed from
3 the date of this Order and restitution to Lawyers Surety
4 Corporation has been fully paid.

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

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

19 C. The restricted license and license rights of
20 Respondent, will be issued on the condition that Respondent is
21 current in his restitution payments to Lawyers Surety
22 Corporation. If Respondent is not current in his restitution
23 payments, the Department may suspend the restricted license of
24 Respondent indefinitely until Respondent provides proof that he
25 is current.

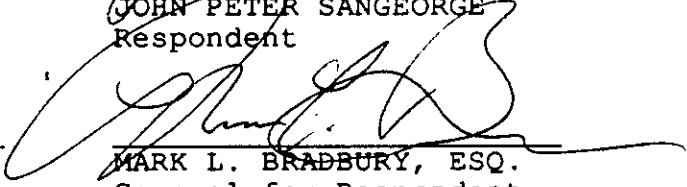
26 * * *

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

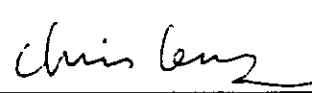
12 DATED: July 31, 1995


JOHN PETER SANGEORGE
Respondent

14
15 DATED: July 27, 1995


MARK L. BRADBURY, ESQ.
Counsel for Respondent.

16
17 DATED: 8/2/95

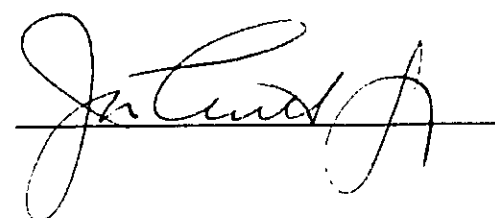

CHRIS LEONG
Counsel for Complainant

18
19 * * *

20 The foregoing Stipulation and Agreement for settlement
21 is hereby adopted as my Decision and Order and shall become
22 effective at 12 o'clock noon on September 5, 1995.

23 IT IS SO ORDERED 8-8-95

24 JIM ANTT, JR.
25 Real Estate Commissioner

26
27 

Sacto

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

In the Matter of the Accusation of) Case No. H-25940 LA

JOHN PETER SANGEORGE,

) OAH No. L-9412028

Respondent(s)

FILE
JUL 11 1995
DEPARTMENT OF REAL ESTATE

NOTICE OF CONTINUED HEARING ON ACCUSATION *C. Leong*

To the above-named Respondent(s):

You are hereby notified that a hearing will be held before the Department of Real Estate at the Office of Administrative Hearings, 314 W. First Street, Los Angeles, CA 90012 on JULY 25, 26 and 27, 1995, 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.

DEPARTMENT OF REAL ESTATE

Dated: July 11, 1995

By

Christopher K.D. Leong

CHRISTOPHER K.D. LEONG, Counsel

cc: John Peter Sangeorge
✓ Sacto.
OAH

CEB

RE 501 (La Mac 11/92)

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

In the Matter of the Accusation of) Case No. H-25940 LA
JOHN PETER SANGEORGE,) OAH No. L-9412028
_____) Respondent(s)

FILED
DEC 30 1994

NOTICE OF HEARING ON ACCUSATION DEPARTMENT OF REAL ESTATE

To the above-named Respondent(s):

By C. Leong

You are hereby notified that a hearing will be held before the Department of Real Estate at the Office of Administrative Hearings, 314 W. First Street, Los Angeles, CA 90012 on MARCH 20, 21, 22, 23 and 24, 1995, 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.

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DEPARTMENT OF REAL ESTATE

Dated: December 30, 1994

By

Chris Leong
CHRISTOPHER K.D. LEONG, Counsel

cc: John Peter Sangeorge
✓ Sacto.
OAH

CEB

RE 501 (La Mac 11/92)

1 CHRISTOPHER K.D. LEONG, Counsel
2 Department of Real Estate
3 107 South Broadway, Room 8107
4 Los Angeles, CA 90012

5 (213) 897-3937



By C. Bay

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of) No. H-25940 LA
JOHN PETER SANGEORGE,) A C C U S A T I O N
Respondent.)

The Complainant, Steven J. Ellis, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against JOHN PETER SANGEORGE (hereinafter "Respondent") is informed and alleges as follows:

1.

The Complainant, Steven J. Ellis, a Deputy Real Estate Commissioner of the State of California, makes this Accusation against Respondent in his official capacity.

2.

Respondent is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the Business and Professions Code (hereinafter "the Code").

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3.

From March 31, 1994 to present, Respondent was licensed or had license rights by the Department of Real Estate of the State of California (hereinafter "the Department") as a real estate broker. From March 20, 1990 to March 19, 1994, Respondent was licensed as a real estate salesperson.

4.

On or about October 17, 1989, Kenneth V. Wooley and Pamela Gaye Wooley (hereinafter "the Wooleys") obtained a \$214,424.00 loan secured by a third deed of trust on their property located at 445 Buena Vista Street, San Marino CA 91108 (hereinafter "the Buena Vista property"). The beneficiary on said trust deed was Pacific Thrift and Loan (hereinafter "PTL").

5.

On or about March 22, 1991 the Wooleys obtained an additional \$70,000.00 loan secured by a fourth deed of trust on the Buena Vista property. The beneficiary on said trust deed was Edward and Siham Totry (hereinafter "the Totrys").

6.

On or about November 19, 1991, the Wooleys attempted to refinance the loan secured by the third trust deed held by PTL. The new loan was to be in the amount of \$379,441.70 and was to be secured by trust deeds on two properties: 1) the Buena Vista property and 2) 147 Bradbury Drive, San Gabriel, CA 91776. As part of the requirements to obtain the refinance loan, the lender, PTL required the

1 Wooleys to obtain a Subordination Agreement placing the
2 Totrys' trust deed in a lesser position to the new PTL trust
3 deed.

4 7.

5 On or about October 31, 1991, someone approached
6 Respondent as a notary and asked Respondent to notarize the
7 signature of the Totrys on a Subordination Agreement.
8 Respondent notarized the signatures on the Subordination
9 Agreement and attached a jurat that stated:

10 "On October 31, 1991 before me, the undersigned, a
11 Notary Public in and for said State, personally appeared
12 EDWARD TOTRY AND SIHAM TOTRY personally known to me (or
13 proven to me on the basis of satisfactory evidence) to
14 be the person(s) whose name(s) is/are subscribed to the
15 within instrument and acknowledged to me that
16 he/she/they executed the same in his/her/their
17 authorized capacity(ies), and that by his/her/their
18 signatures(s) on the instrument the person(s) or the
19 entity upon behalf of which the person(s) acted,
20 executed the instrument."

21 In fact, Respondent knew that the person who signed the
22 Totrys' signatures to the Subordination Agreement was not the
23 Totrys.

24 8.

25 The Wooleys delivered the Subordination Agreement
26 notarized by Respondent to PTL. Based on this Subordination
27 Agreement, Stewart Title Company issued a title insurance

1 policy in the amount of the loan in favor of the beneficiary,
2 PTL.

3 9.

4 On or about February 22, 1992, PTL recorded a
5 Notice of Default and Election to Sell under Deed of Trust
6 based on a \$17,134.11 delinquency on its November 1991 loan
7 to the Wooleys.

8 10.

9 On or about December 28, 1992, Stewart Title paid
10 \$53,750.00 to PTL in order to honor its obligations to the
11 title insurance policy. Stewart Title brought suit against
12 Respondent for the losses paid to PTL; however, Respondent's
13 notary bond of \$10,000 was already forfeited by Lawyers
14 Surety Corporation.

15 FIRST CAUSE OF ACCUSATION

16 (Violation by Respondent of Section 10177(f) and (j) of the
17 Code)

18 11.

19 As a First Cause of Accusation, Complainant
20 incorporates by this reference the Preamble and each of the
21 allegations in Paragraphs 1 through 10, herein above.

22 12.

23 The conduct of Respondent as a notary, in:
24 notarizing a Subordination Agreement for the Totrys when he
25 knew that the signer was not the Totrys, constitutes fraud or
26 dishonest dealing, or conduct which would warrant the denial
27 of an application for a real estate license, and is grounds,

1 under Code Sections 10177(j) and 10177(f), respectively for
2 the suspension or revocation of the real estate license and
3 license rights of Respondent.

4
5 WHEREFORE, Complainant prays that a hearing be
6 conducted on the allegations of this Accusation and that upon
7 proof thereof, a decision be rendered imposing disciplinary
8 action against all licenses and license rights of Respondent
9 JOHN PETER SANGEORGE, under the Real Estate Law (Part 1 of
10 Division 4 of the Business and Professions Code), and for
11 such other and further relief as may be proper under other
12 applicable provisions of law.

13 Dated at Los Angeles, California
14 this 14th day of September, 1994.

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16
17 STEVEN J. ELLIS
18 Deputy Real Estate Commissioner
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25 cc: John Peter Sangeorge
26 Sacto.
27 MA