

FILED
4-30-99

DEPARTMENT OF REAL ESTATE

By T. Baker

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DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)	No. H-27028 LA
CAROLE LYNN ROYLE)	
Respondent)	

ORDER VACATING SUSPENSION

In an Order effective November 22, 1998, the restricted license of CAROLE LYNN ROYLE was suspended pursuant to Section 10177(k) of the Business and Professions Code due to Respondent's failure to meet the terms, conditions and restrictions set forth in the Real Estate Commissioner's Order of August 15, 1997.

Good cause now appearing, the Order Suspending Restricted Real Estate License dated November 22, 1998, is hereby vacated.

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IT IS SO ORDERED this 21st day of

April, 1999.

JOHN R. LIBERATOR
Acting Commissioner

John R. Liberator



Sact

FILED
Dec. 3. 1998

DEPARTMENT OF REAL ESTATE

By *[Signature]*

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
) NO. H-27028 LA	
) CAROLE LYNN ROYLE,	
) Respondent.	

ORDER SUSPENDING RESTRICTED REAL ESTATE LICENSE

TO: CAROLE LYNN ROYLE:

On September 9, 1997, a restricted real estate salesperson license was issued by the Department of Real Estate to respondent on the terms, conditions and restrictions set forth in the Real Estate Commissioner's Order of August 15, 1997, in case No. H-27028 LA. This Order, which was effective September 9, 1997, granted the right to the issuance of a restricted real estate salesperson license subject to the provisions of Section 10156.7 of the Business and Professions Code and to enumerated additional terms, conditions and

1 restrictions imposed under authority of Section 10156.6 of said
2 Code. Among the conditions and restrictions, you were (1)
3 required to take and successfully complete the continuing
4 education requirements of Article 2.5 of Chapter 3 of the Real
5 Estate Law for renewal of a real estate license within one year
6 from the effective date of the Decision and (2) required to take
7 and pass the Professional Responsibility Examination administered
8 by the Department within one year from September 7, 1997. The
9 Commissioner has determined that as of the date of this Order,
10 you have failed to satisfy these conditions, and as such, you are
11 in violation of Section 10177(k) of the Business and Professions
12 Code. (You have no right to renew your restricted license if
13 this condition isn't satisfied by the date of its expiration.
14 Section 10156.7 of the Business and Professions Code.)

15 NOW, THEREFORE, IT IS ORDERED under authority of
16 Section 10156.7 of the Business and Professions Code of the State
17 of California that the restricted real estate salesperson license
18 heretofore issued to respondent and the exercise of any
19 privileges thereunder is hereby suspended pending final
20 determination made after hearing (see "Hearing Rights" set forth
21 below).

22 IT IS FURTHER ORDERED that all license certificates and
23 identification cards issued by Department which are in the
24 possession of respondent be immediately surrendered by personal
25 delivery or by mailing in the enclosed, self-addressed envelope
26 to:
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Department of Real Estate
Attn: Flag Section
P. O. Box 187000
Sacramento, CA 95818-7000

HEARING RIGHTS: Pursuant to the provisions of Section 10156.7 of the Business and Professions Code, you have the right to a hearing to contest the Commissioner's determination that you are in violation of Section 10177(k). If you desire a hearing, you must submit a written request. The request may be in any form, as long as it is in writing and indicates that you want a hearing. Unless a written request for a hearing, signed by or on behalf of you, is delivered or mailed to the Department at 107 S. Broadway, Los Angeles, California, within 20 days after the date that this Order was mailed to or served on you, the Department will not be obligated or required to provide you with a hearing.

This Order shall be effective immediately.

DATED: 11/22/98

JIM ANTT, JR.
Real Estate Commissioner



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

4 Telephone: (213) 897-3937

FILED
AUG 20 1997
DEPARTMENT OF REAL ESTATE

By CB

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * * *

11 In the Matter of the Accusation of)
12 CAROLE LYNN ROYLE,)
13 Respondent.)
14 _____)

NO. H-27028 LA
L-9702151

15 STIPULATION AND AGREEMENT IN SETTLEMENT AND ORDER

16 It is hereby stipulated by and between Respondent
17 CAROLE LYNN ROYLE (hereinafter "Respondent"), represented by
18 John A. Barthrop, Esq., and the Complainant, acting by and
19 through Chris Leong, Counsel for the Department of Real Estate,
20 as follows for the purpose of settling and disposing of the
21 Accusation filed on January 29, 1997, in this matter
22 (hereinafter "the Accusation"):

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

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

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

7 C. Respondent filed a Notice of Defense on
8 February 13, 1997, pursuant to Section 11505 of the Government
9 Code for the purpose of requesting a hearing on the allegations
10 in the Accusation. Respondent hereby freely and voluntarily
11 withdraws said Notice of Defense. Respondent acknowledges that
12 she understands that by withdrawing said Notice of Defense she
13 will thereby waive her right to require the Commissioner to
14 prove the allegations in the Accusation at a contested hearing
15 held in accordance with the provisions of the APA and that
16 Respondent will waive other rights afforded to her in connection
17 with the hearing, such as the right to present evidence in
18 defense of the allegations in the Accusation and the right to
19 cross-examine witnesses.

20 D. In the interest of expedience and economy,
21 Respondent chooses not to contest the factual allegations in
22 Paragraphs 1 through 15 of the Accusation, but to remain silent
23 and understands that, as a result thereof, these factual
24 statements, without being admitted or denied, will serve as a
25 prima facie basis for the disciplinary action stipulated to
26 herein. The Real Estate Commissioner shall not be required to
27 provide further evidence to prove such allegations.



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

13 DETERMINATION OF ISSUES

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

18 The acts and omissions of Respondent, described in
19 Paragraphs 1 through 15, of the Accusation, are cause for the
20 suspension or revocation of all real estate licenses and license
21 rights of Respondent under the provisions of Section 10137 of
22 the Code.

23 ORDER

24 WHEREFORE, THE FOLLOWING ORDER is hereby made:

25 The license and license rights of Respondent, under
26 the provisions of Part 1 of Division 4 of the Business and
27 Professions Code, are hereby revoked commencing on the effective

1 date of this Order.

2 1. However, Respondent shall be entitled to apply for
3 and shall be issued a restricted real estate salesperson license
4 pursuant to Section 10156.5 of the Code, if Respondent makes
5 application therefore and pays to the Department the appropriate
6 fee for said license within one year from the effective date of
7 this Order.

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

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

18 4. The restricted license may be suspended, prior to
19 and pending final determination after formal hearing by Order of
20 the Real Estate Commissioner based upon evidence satisfactory to
21 the Commissioner that Respondent has, subsequent to the date
22 hereof, violated provisions of the California Real Estate Law,
23 the Subdivided Lands Law, Regulations of the Real Estate
24 Commissioner or conditions attaching to this restricted license.

25 5. Respondent shall not be eligible to apply for the
26 issuance of an unrestricted real estate salesperson license nor
27 the removal of any of the conditions, limitations or



1 restrictions of the restricted license until at least one year
2 has elapsed from the effective date of this Order.

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

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

17 8. With the application for license, or with the
18 application for transfer to a new employing broker, Respondent
19 shall submit a statement signed by the prospective employing
20 broker on a form approved by the Department of Real Estate
21 wherein the employing broker shall certify as follows:

22 (a) That broker has read the Order herein which is
23 the basis for the issuance of the restricted license; and

24 (b) That broker will carefully review all transaction
25 documents prepared by the restricted licensee and otherwise
26 exercise close supervision over the licensee's performance of
27 acts for which a license is required.



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

10. Prior to the issuance of any restricted salesperson license, Respondent must pay \$1,500.00 to Clarice V. Fahy and provide proof of payment to the Department of Real Estate.

EXECUTION OF STIPULATION

I have read the Stipulation and Agreement in Settlement and Order 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.

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DATED: June 30, 1997

Carole Lynn Royle
CAROLE LYNN ROYLE
Respondent

DATED: June 30 1997

John A. Barthrop
JOHN A. BARTHROP, ESQ.
Counsel for Respondent
Carole Lynn Royle

DATED: 7/2/97

Chris Leong
CHRIS LEONG, ESQ.
Counsel for Complainant

* * * * *

The foregoing Stipulation and Agreement in Settlement
is hereby adopted as the Order of the Real Estate Commissioner
in the above-entitled matter with respect to Respondent, CAROLE
LYNN ROYLE.

This Order shall become effective at 12 o'clock
noon on September 9, 1997.

IT IS SO ORDERED 8/15/97

JIM ANTT, JR.
Real Estate Commissioner

Jim Antt Jr

SAC

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of) Case No. H-27028 LA
)
CAROLE LYNN ROYLE,) OAH No. L-9702151
)
_____)
Respondent (s)

FILED
FEB 27 1997
DEPARTMENT OF REAL ESTATE

NOTICE OF HEARING ON ACCUSATION

To the above-named Respondent (s):

By Chris 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 WEDNESDAY, JUNE 11, 1997, 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: February 27, 1997

By Chris Leong
CHRIS LEONG, Counsel

cc: Carole Lynn Royle
Sacto.
OAH

CEB

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

(213) 897-3937

FILED
JAN 29 1997
DEPARTMENT OF REAL ESTATE

By C. J.

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of) No. H-27028 LA
)
CAROLE LYNN ROYLE,) ACCUSATION
)
Respondent.)
_____)

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against CAROLE LYNN ROYLE (hereinafter "Respondent"), is informed and alleges as follows:

1.

The Complainant, Thomas McCrady, 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"). At all times herein mentioned, Respondent was licensed or had

1 license rights by the Department of Real Estate of the State
2 of California (hereinafter "the Department") as a real estate
3 salesperson. Respondent was employed by LSB, Inc. dba Realty
4 World Sunny Hills. The supervising broker was Susan Braun.

5 3.

6 At all times mentioned herein, for compensation or
7 in expectation of compensation, Respondent engaged in the
8 business of, acted in the capacity of, advertised or assumed
9 to act as a real estate broker in the State of California,
10 within the meaning of Section 10131(a) of the Code, including
11 the operation of a real estate sales business with the public
12 wherein buyers and sellers were solicited for real property,
13 wherein such sales and purchases were arranged, negotiated,
14 processed, and consummated on behalf of others for
15 compensation or in expectation of compensation.

16 4.

17 Respondent received compensation for performing
18 acts requiring a real estate license from someone other than
19 her employing broker. These activities included, but were
20 not limited to, negotiating a sale of a mobile home for
21 George and Clarice Fahy (hereinafter sometimes referred to as
22 "the Fahys"). This conduct was in violation of Section 10137
23 of the Code.

24 5.

25 In or about September, 1994, the Fahys met
26 Respondent (known to them as Carole Royle-Bruns). Clarice
27 Fahy casually asked if Respondent knew of anyone who wanted

1 to buy a mobile home in a seniors park. Respondent told them
2 she sold real estate. Clarice Fahy told Respondent that her
3 husband had three small strokes and they wanted to move to
4 Yorba Linda to be near their daughter and grandchildren and
5 get away from the responsibility of owning anything.

6 6.

7 In the latter part of October, 1994, the Fahys had
8 just re-listed the mobile home with the park, when Respondent
9 called and said she might have someone to purchase the home.
10 She came out and looked at the home and later called and said
11 a woman named Lisa Tumulty (hereinafter "Lisa") in Georgia,
12 was interested. Lisa's home was in escrow. Lisa had been
13 out here and couldn't find anything she could afford. She had
14 a job waiting for her. About the 1st of November, 1994,
15 Clarice Fahy gave Respondent the appraisal papers and some
16 pictures to send to Lisa. About the middle of November 1994,
17 the Fahys canceled the listing with the park and signed a
18 one-time preview paper for Respondent. This was to show the
19 property to Lisa. Respondent never gave them a copy of said
20 paper.

21 7.

22 On or about November 29, 1994, Lisa and Respondent
23 arrived at the Fahys' mobile home. The Fahys were then told
24 by Respondent, Lisa couldn't arrange a loan due to her being
25 from out of state and having a new job. Lisa's house had not
26 sold and she could not pay the Fahys anymore than \$5,000.00
27 until she got a loan and sold her house. The Fahys were told

1 by Respondent that Lisa had excellent credit and owned other
2 property. The Fahys told Respondent that they could not
3 accept only \$5,000.00 and still pay the Realtor's fee.
4 Respondent offered to take \$1,500.00 for her fee and told the
5 Fahys she would not go through her office. Respondent
6 reminded the Fahys it was between them and not to let anyone
7 know.

8 8.

9 On November 29, 1994, Respondent filled out the
10 Mobile Home Purchase Contract and Receipt for Deposit and it
11 was accepted by the buyer and seller at that time. When
12 Respondent wrote the purchase agreement, Clarice Fahy wrote
13 Respondent a check for \$1,500.00. To show her appreciation
14 Clarice Fahy also gave Respondent two mink stoles. The check
15 is dated November 27, 1994 and not November 29, 1994. Mrs.
16 Fahy explains that the check was written at the same time as
17 the Mobile Home Purchase Contract was written and accepted by
18 the buyer and sellers. She was very flustered at the time
19 and whatever date is on the offer is the correct date. The
20 check is made payable to Carole Royle Bruns and endorsed by
21 Carole Royle.

22 9.

23 The Mobile Home Purchase Contract appears to have
24 numerous errors. One line indicates that a \$5,000.00 deposit
25 was received from the buyer and later says that \$10,000.00
26 was received. Lisa was to pay an additional \$5,000.00 by
27

1 June 1st (No year indicated) and she was to qualify and
2 obtain a new First Loan in the amount of \$55,000.00 for a
3 total purchase price of \$69,500.00 when the purchase price
4 agreed on was \$65,000.00 and none of the figures on the
5 Deposit Receipt add up to \$69,500.00. There was no escrow.
6 The Mobile Home Purchase Contract and Receipt for Deposit was
7 the only contract between the buyer and sellers as written by
8 Carole L. Royle.

9
10 10.

11 About January 1, 1995, Lisa told the Fahys she
12 needed to move and she was placing the house on the market
13 with Respondent. She assured the Fahys she would honor her
14 commitment and they would get their money. The Fahys had
15 bought the license tags for 1995 and renewed the insurance.
16 Lisa was making the existing loan payments and utilities and
17 Park rent. In or about May of 1995, Lisa stopped making the
18 payments. She sent the Fahys a registered letter saying she
19 was moving in June. Lisa then took the Fahys to Small Claims
20 Court to get back the original \$5,000.00 she gave the Fahys
21 as a down payment. Respondent was at court and told the
22 judge she was a friend of both parties and that she set up
23 the contract because Clarice Fahy didn't want to pay Realtor
24 fees. The judge said this never got off the ground and he
25 would go over everything and rule later. A few weeks later
26 the judge sent a letter to the Fahys that they were to pay
27 Lisa \$5,000.00 plus \$40.00 court cost. The Fahys did not
have the money and couldn't pay and had to declare

1 bankruptcy. They could not make the loan payments on the
2 mobile home and the Park rent. The mobile home was foreclosed
3 on in approximately September, 1995.

4 11.

5 Susan M. Braun, Carole Royle's employing broker, in
6 a letter of complaint states: "I met with Carole Royle on
7 October 31, 1995. She said she had written the contract for
8 the mobile home purchase, however, the \$1500. check from Mr.
9 & Mrs. Fahy to her was for payment to rent Carole's desert
10 condominium. She also said she gave the mink coats to
11 charity... Carole was given her license on October 31, 1995
12 and she now works at Century 21-Sunny Hills."

13 FIRST CAUSE OF ACCUSATION

14 (Violation by Respondent of Section 10137 of the Code)

15 12.

16 As a First Cause of Accusation, Complainant
17 incorporates herein by this reference the Preamble and each
18 of the allegations in Paragraphs 1 through 11, herein above.

19 13.

20 The conduct of Respondent, in accepting
21 compensation from someone other than her employing broker, as
22 described above, constitutes compensating persons for
23 performing acts requiring a real estate broker license
24 without having one. Said conduct and violation is cause to
25 suspend or revoke the real estate license and license rights
26 of Respondent under Section 10137 of the Code.

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SECOND CAUSE OF ACCUSATION

(Violation by Respondent of Section 10177(g) of the Code)

14.

As a Second Cause of Accusation, Complainant incorporates herein by this reference the Preamble and each of the allegations in Paragraphs 1 through 11, herein above.

15.

The conduct of Respondent, in handling the Fahys transaction resulting in foreclosure; constitutes negligence and incompetence and is cause to suspend or revoke the real estate license and license rights of Respondent under Section 10177(g) of the Code.

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against all licenses and license rights of Respondent, CAROLE LYNN ROYLE, under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code), and for such other and further relief as may be proper under other applicable provisions of law.

Dated at Los Angeles, California
thos 29th day of January, 1997.

THOMAS McCRADY
Deputy Real Estate Commissioner

cc: Carole Lynn Royle
Sacto.
DKB