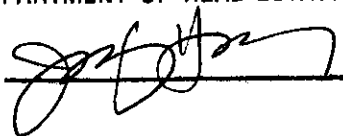


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FILED
MAR 27 2003
DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) NO. H-27034 LA
)
DALE EUGENE CARTER,)
)
Respondent.)
)

ORDER GRANTING REINSTATEMENT OF LICENSE

On January 22, 1998, a Decision was rendered herein
revoking the real estate broker license of Respondent.

On April 12, 1999, Respondent petitioned for
reinstatement of his real estate broker license. On or about
October 14, 1999, Respondents petition was denied, but he was
granted the right to the issuance of a restricted real estate
salesperson license. A restricted salesperson license was
issued to Respondent on December 2, 1999.

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///

1 On or about April 2, 2002, Respondent again
2 petitioned for reinstatement of his real estate broker license
3 and the Attorney General of the State of California has been
4 given notice of the filing of the petition.
5

6 I have considered Respondent's petition and the
7 evidence and arguments in support thereof, including
8 Respondents record as a restricted licensee. Respondent has
9 demonstrated to my satisfaction that Respondent meets the
10 requirements of law for the issuance to Respondent of an
11 unrestricted real estate broker license and that it would
12 not be against the public interest to issue said license to
13 Respondent DALE EUGENE CARTER.
14

15 NOW, THEREFORE, IT IS ORDERED that Respondent's
16 petition for reinstatement is granted and that a real estate
17 broker license be issued to Respondent if Respondent satisfies
18 the following conditions within nine (9) months from the date
19 of this Order:

20 1. Submittal of a completed application and payment
21 of the fee for a real estate broker license.

22 2. Submittal of evidence of having, since the most
23 recent issuance of an original or renewal real estate license,
24 taken and successfully completed the continuing education
25 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
26 for renewal of a real estate license.

27 ///

1 This Order shall become effective immediately.

2 DATED: March 24, 2003

3 PAULA REDDISH ZINNEMANN
4 Real Estate Commissioner

5 John R. Liberator
6
7

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10 BY: John R. Liberator
11 Chief Deputy Commissioner
12
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25 cc: Dale Eugene Carter
26 51 Candlewood Way
27 Buena Park, CA 90621

FILED
OCT 19 1999

DEPARTMENT OF REAL ESTATE

By K. Kiederholt

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of) NO. H-27034 LA
DALE EUGENE CARTER)
Respondent.)

ORDER DENYING REINSTATEMENT OF LICENSE

On January 22, 1998, a Decision was rendered herein revoking the real estate broker license of Respondent, DALE EUGENE CARTER (hereinafter "Respondent"), effective February 17, 1998.

On April 12, 1999, Respondent petitioned for reinstatement of said real estate broker license and the Attorney General of the State of California has been given notice of the filing of said petition.

I have considered the petition of Respondent and the evidence submitted in support thereof. Respondent has failed to demonstrate to my satisfaction that he has undergone sufficient rehabilitation to warrant the reinstatement of his real estate broker license at this time.

1 This determination has been made in light of Respondent's
2 history of acts and conduct which are substantially related
3 to the qualifications, functions and duties of a real estate
4 licensee. That history includes:

5 I

6 In the 1998 Decision which revoked the real estate
7 broker license of Respondent it was determined that there was
8 sufficient cause to revoke the license of Respondent pursuant
9 to Sections 10159.2 and 10177(h) of the California Business
10 and Professions Code (Code) because of his conduct in
11 allowing Action Network Realty Services, Inc., to violate
12 Sections 10148, 10145 and 10161.8 of the Code and Sections
13 2752, 2830, 2831, 2831.1, 2832 and 2950(h) of Chapter 6,
14 Title 10, California Code of Regulations (Regulations).

15 II

16 Due to the serious nature of the violations which
17 led to the revocation of Respondent's license, including his
18 failure to properly supervise the conduct of a corporation as
19 its designated broker officer, not enough time has passed to
20 determine if Respondent is sufficiently rehabilitated and now
21 able to exercise those duties expected of a real estate
22 broker to protect the public. This is cause to deny his
23 petition pursuant to Section 2911(a) of the Regulations.

24 NOW, THEREFORE, IT IS ORDERED that Respondent's
25 petition for reinstatement of his broker's license is denied.
26 However, Respondent has offered evidence that he is partially
27 rehabilitated and it appears that Respondent will pose no



danger to the public if issued a properly restricted real estate salesperson license.

Therefore, a restricted real estate salesperson license shall be issued to Respondent pursuant to Section 10156.5 of the Code after Respondent first satisfies the following conditions within six (6) months from the date of this Order:

1. Submittal of a completed application and payment of the fee for a real estate salesperson license.

2. Submittal of evidence satisfactory to the Real Estate Commissioner that Respondent has, since his license was revoked, taken and successfully completed the 45 hours of education required in Section 10170.5 of the Business and Professions Code for renewal of a real estate license.

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 10156.5 of said Code:

1. The restricted license shall not confer any property right in the privileges to be exercised thereunder and the Real Estate Commissioner may by appropriate order suspend prior to hearing the right of Respondent to exercise any privileges granted under the restricted license in the event of:

(a) The conviction of Respondent (including a plea of nolo contendere) of a crime which bears a significant



relationship to Respondent's fitness or capacity as a real estate licensee.

(b) The receipt of evidence satisfactory to
the Real Estate Commissioner that subsequent to the date of the Order herein Respondent has violated provisions of the California Real Estate Law, Regulations of the Real Estate Commissioner, or conditions attaching to said restricted license.

2. Respondent shall submit with his application for
said restricted license under an employing broker or any application in the future for a transfer of said restricted license to a new employing broker, a statement signed by the prospective employing broker which shall certify:

(a) That said employing broker has read the Order
of the Commissioner which granted the right to a restricted license; and

(b) That said employing broker will exercise close
supervision over the performance of the restricted license of activities for which a real estate license is required.

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



This Order shall become effective at 12

o'clock noon on October 14, 1999.

JOHN R. LIBERATOR
Acting Commissioner

John R. Liberator

DALE EUGENE CARTER
RRI Box 48
Pearl, Illinois 62361

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
JAN 28 1998
DEPARTMENT OF REAL ESTATE

* * *

By 137

In the Matter of the Accusation of)
ACTION NETWORK REALTY SERVICES,)
INC., a corporation and dba)
Action Network Realty; and)
DALE EUGENE CARTER, individually and)
as designated officer of Action)
Network Realty Services, Inc.,)
Respondents.)

NO. H-27034 LA
L-9702152

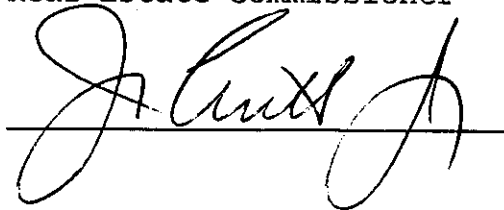
DECISION

The Proposed Decision dated January 5, 1998,
of the Administrative Law Judge of the Office of
Administrative Hearings, is hereby adopted as the Decision
of the Real Estate Commissioner in the above-entitled matter.

This Decision shall become effective at 12 o'clock
noon on February 17, 1998

IT IS SO ORDERED

1/22/98
JIM ANTT, JR.
Real Estate Commissioner



BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation
of:

No. H-27034 LA

ACTION NETWORK REALTY SERVICES,
INC., a corporation and dba
Action Network Realty; and
DALE EUGENE CARTER, individually and
as designated officer of Action
Network Realty Services, Inc.,

L-9702152

Respondents.

PROPOSED DECISION

This matter came on regularly for hearing before Milford A. Maron, Administrative Law Judge of the Office of Administrative Hearings at Los Angeles, California, on December 10, 1997. Christopher Leong, Counsel, appeared on behalf of the Complainant. None of the Respondents appeared in-person or by counsel, although legally and properly noticed. Oral and documentary evidence having been received, the matter stood submitted and the Administrative Law Judge finds the following facts:

I

Thomas McCrady, Complainant, is a Deputy Real Estate Commissioner of the State of California, and made the Accusation in his official capacity.

II

A. As of about December 13, 1993, Action Network Realty Services, Inc., a corporation, and using a dba of Action Network Realty (ANRS) was and still is licensed by the Department of Real Estate as a corporate real estate broker.

B. At all times mentioned herein, Dale Eugene Carter was and still is licensed by the Department of Real Estate as a real estate broker. From about December 13, 1993 to October 31, 1994, Carter was responsible for the supervision and control of the activities conducted on behalf of ANRS by its officers and employees.

C. At all times mentioned herein, in Los Angeles County, California, ANRS and Carter, engaged in business as real estate brokers in the State of California, wherein they arranged, negotiated, processed, and consummated on behalf of others, sales of real property to the public for compensation.

III

On or about January 20, 1995, the Department of Real Estate completed an audit of the activities of said respondents, audit numbers LA 940137 and LA 940195. The records of ANRS were reviewed for the period from December 13, 1993 through October 31, 1994.

IV

A. During 1993 and 1994, in connection with their real estate business activities, said respondents accepted or received funds in trust from or on behalf of borrowers and thereafter made disbursements of such funds. These trust funds were maintained in a trust account no. 068682-25376 at Metro Bank, 21535 Hawthorne Boulevard, Torrance, California 90503. Said account was designated as the Realty World Action Escrow Division Trust Account.

B. In connection with the subject trust funds respondents engaged in the following:

(a) failed to provide to the Department or maintain deposit slips for the period covered by the audit for the escrow trust account, in violation of Section 10148 of the Business and Professions Code;

(b) failed to maintain the escrow trust account in the name of the broker, in violation of Section 10145 of the Business and Professions Code and Title 10, California Administrative Code, Section 2830;

(c) failed to maintain: 1) a trust fund control account record for the escrow trust account and 2) a record of earnest fund deposits, in violation of Title 10, California Administrative Code, Section 2831;

(d) failed to maintain separate records for each escrow during the audit period, in violation of Title 10, California Administrative Code, Section 2831.1;

(e) failed to prepare a monthly reconciliation of the control account record, with the separate records for each escrow during the audit period, in violation of Title 10, California Administrative Code, Section 2831.2;

(f) failed to forward the earnest fund deposits to escrow by the following business day for clients including S. Barrios, R. Hernandez, A. Torres, M. Torres, H. Torres, and R. & R. Preciado, in violation of Title 10, California Administrative Code, Section 2832;

(g) failed to maintain the designated officer as a signatory on the trust account, in violation of Title 10, California Administrative Code, Section 2834;

(h) Carter, failed to adequately exercise control over the activities of ANRS and failed to review, initial and date escrow instructions, in violation of Title 10, California Administrative Code, Section 2725 and Section 10159.2 of the Business and Professions Code;

(i) failed to notify the Department that most of the 62 salespersons licensed under Action Network Realty Services, Inc., had transferred to ANRS on about December 13, 1993, including H. Alamin, R. Carrizalez, P. Garcia, L. Hernandez, J. Mendoza and D. Porter, in violation of Title 10, California Administrative Code, Section 2752 and Section 10161.8 of the Business and Professions Code; and

(j) failed to advise all parties in writing that they, as agents in the sales transactions, were also the owners of the agency holding the escrow, in violation of Title 10, California Administrative Code, Section 1950(h).

* * * * *

Pursuant to the foregoing findings of fact, the Administrative Law Judge makes the following determination of issues:

I

The conduct of Respondents Action Network Realty Services, Inc., and Carter, in handling trust funds, as found above, constitutes violations under Sections 10148, 10145 and 10161.8 of the Business and Professions Code and

Title 10, California Administrative Code, Sections 2752, 2830, 2831, 2831.1, 2831.2, 2832, 2834 and 2950(h), and therefore is cause for discipline pursuant to Section 10177(d) of the Business and Professions Code.

II

The conduct of Respondent Carter, in allowing Action Network Realty Services, Inc., to violate Sections 10148, 10145 and 10161.8 of the Business and Professions Code and Title 10, California Administrative Code, Sections 2752, 2830, 2831, 2831.1, 2831.2, 2832, 2834 and 2950(h), as found above, constitutes failure to supervise, and therefore is cause for discipline pursuant to Sections 10159.2 and 10177(h) of the Business and Professions Code.

* * * * *

WHEREFORE, THE FOLLOWING ORDER is hereby made:

All licenses and licensing rights of respondents Action Network Realty Services, Inc., a corporation, and using a dba of Action Network Realty; and Dale Eugene Carter, individually and as designated officer of Action Network Realty Services, Inc., are each revoked.

DATED: Jan 5, 1998



MILFORD A. MARON
Administrative Law Judge
Office of Administrative Hearings

MAM:btm

SAC

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of) Case No. H-27034 LA
)
ACTION NETWORK REALTY SERVICES, INC.,) OAH No. L-9702152
a corporation and dba Action Network)
Realty; and DALE EUGENE CARTER,)
individually and as designated officer)
of Action Network Realty Services, Inc.)

Respondent(s)

FILED
FEB 27 1997
DEPARTMENT OF REAL ESTATE

NOTICE OF HEARING ON ACCUSATION

By 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 WEDNESDAY, DECEMBER 10, 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: Action Network Realty Services, Inc.
Dale Eugene Carter
Sacto.
OAH

CEB

RE 501 (La Mac 11/92)

SAC

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

(213) 897-3937

FILED
FEB - 3 1997
DEPARTMENT OF REAL ESTATE

By CB

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

11 In the Matter of the Accusation of) No. H-27034 LA
12 ACTION NETWORK REALTY SERVICES,)
13 INC., a corporation and dba) A C C U S A T I O N
14 Action Network Realty; and)
15 DALE EUGENE CARTER, individually and)
as designated officer of Action)
Network Realty Services, Inc.,)
Respondent(s).)

17 The Complainant, Thomas McCrady, a Deputy Real Estate
18 Commissioner of the State of California, for cause of Accusation
19 against ACTION NETWORK REALTY SERVICES, INC., a corporation and
20 dba Action Network Realty (hereinafter "ANRS"); and DALE EUGENE
21 CARTER, individually and as designated officer of Action Network
22 Realty Services, Inc. (hereinafter "CARTER") (hereinafter
23 sometimes collectively referred to as "Respondents"), is
24 informed and alleges as follows:

25 1.

26 The Complainant, Thomas McCrady, a Deputy Real Estate
27 Commissioner of the State of California, makes this Accusation

1 against Respondents in his official capacity.

2 2.

3 All Sections of Title 10, Chapter 6, California Code
4 of Regulations, are hereinafter referred to as "Regulations".

5 3.

6 As of about December 13, 1993, ANRS was and still is
7 licensed by the Department as a corporate real estate broker.

8 4.

9 At all times herein mentioned, CARTER was and still is
10 licensed by the Department as a real estate broker. From about
11 December 13, 1993 to October 31, 1994, CARTER was responsible
12 for the supervision and control of the activities conducted on
13 behalf of ANRS by its officers and employees as necessary to
14 secure full compliance with the Real Estate Law as set forth in
15 Section 10159.2 of the Code.

16 5.

17 All further references to ANRS shall be deemed to
18 refer to, in addition to ANRS, the officers, directors,
19 employees, agents and real estate licensees employed by or
20 associated with ANRS, who at all times herein mentioned were
21 engaged in the furtherance of the business or operations of said
22 parties and who were acting within the course and scope of their
23 corporate authority and employment.

24 6.

25 At all times mentioned herein, in Los Angeles County,
26 California, ANRS and CARTER, engaged in the business of, acted
27 in the capacity of, advertised or assumed to act as real estate

1 brokers in the State of California, within the meaning of
2 Section 10131(a) of the Code, wherein they arranged, negotiated,
3 processed, and consummated on behalf of others sales of real
4 property to the public for compensation or in expectation of
5 compensation.

6 AUDIT

7 7.

8 On or about January 20, 1995, the Department completed
9 an audit of the activities of Respondents, audit numbers LA
10 940137 and LA 940195. The records of ANRS were reviewed for the
11 period from December 13, 1993 through October 31, 1994. The
12 results of that audit are set forth in Paragraphs 8 and 9.

13 8.

14 During 1993 and 1994, in connection with their real
15 estate business activities, Respondents accepted or received
16 funds in trust (hereinafter "trust funds") from or on behalf of
17 borrowers and thereafter made disbursements of such funds.
18 These trust funds were maintained by Respondents in a trust
19 account at Metro Bank, 21535 Hawthorn Blvd., Torrance, CA 90503,
20 Account No. 068 682-253576, known as Realty World Action Escrow
21 Division Trust Account (hereinafter "TA#1").

22 9.

23 In connection with those trust funds described in
24 Paragraph 8, Respondents:

25 (a) failed to provide to the Department or maintain
26 deposit slips for the period covered by the audit for the escrow
27 trust account, in violation of Section 10148 of the Code;

1 (b) failed to maintain the escrow trust account, in
2 the name of the broker, in violation of Section 10145 of the
3 Code and Section 2830 of the Regulations;

4 (c) failed to maintain: 1) a trust fund control
5 account record for the escrow trust account and 2) a record of
6 earnest fund deposits, in violation of Section 2831 of the
7 Regulations;

8 (d) failed to maintain separate records for each
9 escrow during the audit period, in violation of Section 2831.1
10 of the Regulations;

11 (e) failed to prepare a monthly reconciliation of the
12 control account record, with the separate records for each
13 escrow during the audit period, in violation of Section 2831.2
14 of the Regulations;

15 (f) failed to forward the earnest fund deposits to
16 escrow by the following business day for clients including S.
17 Barrios, R. Hernandez, A. Torres, M. Torres, H. Torres, and R. &
18 R. Preciado, in violation of Section 2832 of the Regulations;

19 (g) failed to maintain the designated officer as a
20 signatory on the trust account, in violation of Section 2834 of
21 the Regulations;

22 (h) CARTER, failed to adequately exercise control
23 over the activities of the ANRS and failed to review, initial
24 and date escrow instructions, in violation of Section 2725 of
25 the Regulations and Section 10159.2 of the Code;

26 (i) failed to notify the Department that most of the
27 62 salespersons licensed under ANR Realty, Inc., had transferred

1 to ANRS. on about December 13, 1993, including H. Alamin, R.
2 Carrizalez, P. Garcia, L.Hernandez, J. Mendoza and D. Porter,
3 in violation of Section 2752 of the Regulations and Section
4 10161.8 of the Code;

5 (j) failed to advise all parties, including in
6 writing that they, as agents in the sales transactions, were
7 also the owners of the agency holding the escrow, in violation
8 of Section 2950(h) of the Regulations;

9 FIRST CAUSE OF ACCUSATION

10 (Violation by Respondents ANRS and CARTER of Sections 10148, 10145
11 and 10161.8 of the Code and Sections 2752, 2830, 2831, 2831.1,
12 2831.2, 2832, 2834 and 2950(h) of the Regulations)

13 10.

14 As a First Cause of Accusation, Complainant
15 incorporates herein by this reference the Preamble and each of
16 the allegations in Paragraphs 1 through 9, herein above.

17 11.

18 The conduct of Respondents ANRS and CARTER, in
19 handling trust funds, as alleged in Paragraphs 7 through 9,
20 constitutes violation under Sections 10148, 10145 and 10161.8 of
21 the Code and Sections 2752, 2830, 2831, 2831.1, 2831.2, 2832,
22 2834 and 2950(h) of the Regulations. Said conduct is cause
23 pursuant to Section 10177(d) of the Code for the suspension or
24 revocation of all licenses and license rights of Respondents
25 under Real Estate Law.

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1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations of this Accusation and that upon
3 proof thereof, a decision be rendered imposing disciplinary
4 action against all licenses and license rights of Respondents
5 ACTION NETWORK REALTY SERVICES, INC., a corporation and dba
6 Action Network Realty; and DALE EUGENE CARTER, individually
7 and as designated officer of Action Network Realty Services,
8 Inc., under the Real Estate Law (Part 1 of Division 4 of the
9 Business and Professions Code), and for such other and
10 further relief as may be proper under other applicable
11 provisions of law.

12 Dated at Los Angeles, California
13 this 3rd day of February, 1997.

14
15
16 THOMAS MCCRADY

17 Deputy Real Estate Commissioner
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24

25 cc: Action Network Realty Services, Inc.
26 Dale Eugene Carter
27 Sacto.
LA Audit Section
CR-C