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FILED
JUL 17 2003
DEPARTMENT OF REAL ESTATE

By Laura B. Stone

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) NO. H-28100 LA
)
JUAN ALBERTO CORELLA,)
)
Respondent.)
)

ORDER DENYING REINSTATEMENT OF LICENSE

On April 24, 2000, a Decision was rendered herein
revoking Respondent's real estate salesperson license.

On or about July 1, 2002, Respondent petitioned
for reinstatement of his real estate salesperson license
and the Attorney General of the State of California has
been given notice of the filing of the petition.

I have considered Respondent's petition and
the evidence and arguments in support thereof. Respondent
has failed to demonstrate to my satisfaction that Respondent
has undergone sufficient rehabilitation to warrant the

1 reinstatement of Respondent's real estate salesperson license,
2 in that:

3
4 I

5 In the Decision which revoked Respondent's real
6 estate license, there was a Determination of Issues made that
7 there was cause to revoke Respondent's real estate license
8 pursuant to Business and Professions Code ("Code") Section
9 10177(g) for negligence or incompetence in performing an act
10 which required a real estate license.

11 The underlying circumstances were that during the
12 period of 1996 through 1997, while employed by a licensed
13 real estate broker, Respondent represented the seller of real
14 property. Respondent obtained a written authorization from the
15 seller which granted Respondent a \$9,000 "bonus", in addition
16 to the sales commission of \$6,600. The "bonus" was actually
17 to be used as part of the buyer's down payment. Respondent
18 assured the seller that the \$9,000 would not be subtracted from
19 the seller's share of the proceeds. After close of escrow, the
20 seller discovered that it had in fact been so subtracted. In
21 addition, Respondent failed to disclose the source of part of
22 the buyer's down payment to the lender.

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II

Respondent's petition for reinstatement of his license is governed by the Criteria of Rehabilitation set forth in the California Administrative Code, Section 2911, Title 10, Chapter 6, California Code of Regulations ("Regulations").

Section 2911 provides as follows: "The following criteria have been developed by the department pursuant to Section 482(a) of the Business and Professions Code for the purpose of evaluating the rehabilitation of an applicant for issuance or for reinstatement of a license in considering whether or not to deny the issuance or reinstatement on account of a crime or act committed by the applicant."

The Criteria of Rehabilitation applied to Respondent, are as follows: Regulation 2911 (a) two (2) years since acts; (b) restitution is not applicable; (c) expungement of conviction is not applicable; (d) registration pursuant to Penal Code Section 290 is not applicable; (e) discharge from probation is not applicable; (f) abstinence from use of alcohol is not applicable; (g) payment of fine or monetary penalty is not applicable; (h) stability of family life appears to be met; (j) discharge of debts appears to be met; (k) correction of business practices appears to be met; (m) new and different social and business relationships.

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III

Respondent has not provided proof of completion or enrollment in educational or vocational training courses. This evidences a lack of rehabilitation and is cause to deny Respondent's petition pursuant to Section 2911(i), Title 10, Chapter 6, California Code of Regulations ("Regulations").

IV

Respondent has not provided proof of involvement in community, church or social programs. This evidences a lack of rehabilitation and is cause to deny Respondent's petition pursuant to Regulation 2911(1).

V

As part of the petition application process, a Deputy Real Estate Commissioner ("Deputy") requested an interview with Respondent. Despite multiple requests, Respondent failed to appear for an interview. This evidences a lack of change in attitude and a lack of rehabilitation and is cause to deny Respondent's petition pursuant to Regulation 2911(n)(1).

VI

Respondent has not provided evidence of a change in attitude from persons familiar with Respondent's previous conduct and with his subsequent attitudes and behavioral patterns. This evidences a lack of rehabilitation and is cause to deny Respondent's petition pursuant to Regulation 2911(n)(2).

VII

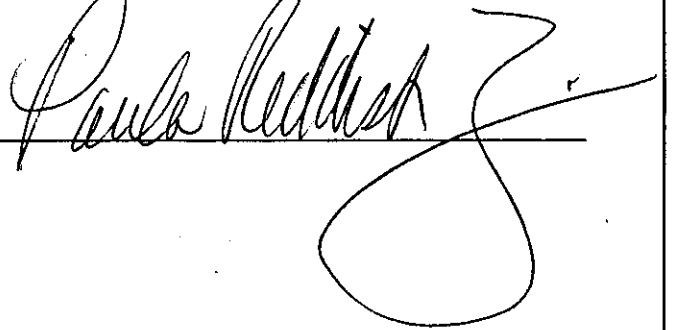
1
2 Due to the serious nature of the conduct which led
3 to the revocation of Respondent's real estate salesperson and
4 the facts set forth in Paragraphs III through VI, a longer
5 period of time is required to measure Respondent's
6 rehabilitation.
7

8 NOW, THEREFORE, IT IS ORDERED that Respondent's
9 petition for reinstatement of Respondent's real estate
10 salesperson license is denied.
11

12 This Order shall become effective at 12 o'clock noon
13 on August 6, 2003.

14 DATED: July 10, 2003

15 PAULA REDDISH ZINNEMANN
16 Real Estate Commissioner

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23
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25 cc: Juan Alberto Corella
26 8124 San Carlos Avenue
27 South Gate, CA 90280

1 Department of Real Estate
2 320 West 4th Street, Suite 350
3 Los Angeles, California 90013-1105

4 (213) 576-6911

FILED
AUG 16 2000
DEPARTMENT OF REAL ESTATE

By Kniderhols

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * *

11	In the Matter of the Accusation of)	DRE No. H-28100 LA
12	TEAMWORK REALTY, INC. and)	
13	D. JOEL CRUZADO,)	
14	individually and as)	
15	designated officer of)	<u>STIPULATION AND AGREEMENT</u>
16	Teamwork Realty, Inc.,)	
)	
)	
	Respondents.)	
	_____)	

17 It is hereby stipulated by and between TEAMWORK REALTY,
18 INC. (sometimes referred to as Respondent), and the Complainant,
19 acting by and through Elliott Mac Lennan, Counsel for the
20 Department of Real Estate, as follows for the purpose of settling
21 and disposing of the Accusation filed on April 30, 1999, in this
22 matter:

23 1. 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

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

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

8 3. Respondent filed a Notice of Defense pursuant to
9 Section 11506 of the Government Code for the purpose of requesting
10 a hearing on the allegations in the Accusation. Respondent hereby
11 freely and voluntarily withdraws said Notice of Defense.

12 Respondent acknowledges that it understands that by withdrawing
13 said Notice of Defense it thereby waives its right to require the
14 Commissioner to prove the allegations in the Accusation at a
15 contested hearing held in accordance with the provisions of the
16 APA and that it will waive other rights afforded to it in
17 connection with the hearing such as the right to present evidence
18 in its defense of the allegations in the Accusation and the right
19 to cross-examine witnesses.

20 4. This Stipulation is based on the allegations
21 contained in the Accusation. In the interest of expedience and
22 economy, Respondent chooses not to contest these allegations, but
23 to remain silent and understands that, as a result thereof, these
24 allegations, 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 said allegations.



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5. This Stipulation is based on Respondent's decision not to contest the allegations set forth in the Accusation as a result of the agreement negotiated between the parties. This Stipulation is expressly limited to this proceeding and any further proceeding initiated by or brought before the Department of Real Estate based upon the factual allegations in the Accusation and is made for the sole purpose of reaching an agreed disposition of this proceeding. The decision of Respondent not to contest the allegations contained in the "Order" herein below, is made solely for the purpose of effectuating this Stipulation. It is the intent and understanding of the parties that this Stipulation shall not be binding or admissible against Respondent in any actions against Respondent by third parties.

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

7. The Order or any subsequent Order of the Real Estate Commissioner made pursuant to this Stipulation shall not constitute an estoppel, merger or bar to any further administrative or civil proceedings by the Department of Real



1 Estate with respect to any matters which were not specifically
2 alleged to be causes for accusation in this proceeding.

3 DETERMINATION OF ISSUES

4 By reason of the foregoing stipulations and solely for
5 the purpose of settlement of the Accusation without a hearing, it
6 is stipulated and agreed that the following determination of
7 issues shall be made:

8 I

9 The conduct of TEAMWORK REALTY, INC. as described in
10 Paragraph 4, is in violation of Section 10145 of the Business and
11 Professions Code (Code) and Sections 2831, 2831.1, 2831.2, 2950(d)
12 and 2951 of Title 10, Chapter 6 of the California Code of
13 Regulations (Regulations) and is a basis for the suspension or
14 revocation of Respondent's license and license rights as a
15 violation of the Real Estate Law pursuant to Section 10177(d) of
16 the Code.

17 ORDER

18 WHEREFORE THE FOLLOWING ORDER IS MADE PURSUANT
19 TO THE WRITTEN STIPULATION OF THE PARTIES:

20 I

21 The license and license rights of TEAMWORK REALTY, INC.
22 under the Real Estate Law are revoked; provided, however, a
23 restricted real estate broker license shall be issued to
24 Respondent pursuant to Section 10156.5 of the Business and
25 Professions Code if Respondent makes application therefor and pays
26 to the Department of Real Estate the appropriate fee for the
27 restricted license within 90 days from the effective date of this



1 Decision. The restricted license issued to Respondent shall be
2 subject to all of the provisions of Section 10156.7 of the
3 Business and Professions Code and to the following limitations,
4 conditions and restrictions imposed under authority of Section
5 10156.6 of that Code:

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

12 2. The restricted license issued to Respondent may be
13 suspended prior to hearing by Order of the Real Estate
14 Commissioner on evidence satisfactory to the
15 Commissioner that Respondent has violated provisions of
16 the California Real Estate Law, the Subdivided Lands
17 Law, Regulations of the Real Estate Commissioner or
18 conditions attaching to the restricted license.

19 3. Respondent shall not be eligible to petition for the
20 issuance of an unrestricted real estate license nor for
21 the removal of any of the conditions, limitations or
22 restrictions of a restricted license until two years
23 has elapsed from the effective date of this Decision.
24

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2 4. Prior to the issuance of any restricted license,
3 Respondent TEAMWORK REALTY, INC. or D. Joel Cruzado
4 shall first provide evidence satisfactory to the
5 Commissioner prior to the effective of the Decision that
6 the deficit set forth in Audit Reports 970081, in the
7 amount of \$9,940.23, as of October 31, 1997, has been
8 cured, including the identity of the source of funds
9 used to cure the deficit.

10 II

11 Pursuant to Section 10148 of the Code, Respondent
12 TEAMWORK REALTY, INC. or D. Joel Cruzado shall pay the
13 Commissioner's reasonable cost for an audit to determine if
14 TEAMWORK REALTY, INC. is in compliance with the Real Estate Law.
15 In calculating the amount of the Commissioner's reasonable cost,
16 the Commissioner may use the estimated average hourly salary for
17 all persons performing audits of real estate brokers, and shall
18 include an allocation for travel time to and from the auditor's
19 place of work. TEAMWORK REALTY, INC. shall pay such cost, if not
20 paid by D. Joel Cruzado, not to exceed \$8,600, within 60 days of
21 receiving an invoice from the Commissioner detailing the
22 activities performed during the audit and the amount of time spent
23 performing those activities. The Commissioner may suspend the
24 restricted broker license issued to TEAMWORK REALTY, INC. pending
25 a hearing held in accordance with Section 11500, et seq., of the
26 Government Code, if payment is not timely made as provided for
27



1 herein, or as provided for in a subsequent agreement between
2 CRUZADO and the Commissioner. The suspension shall remain in
3 effect until payment is made in full or until Respondent enter
4 into an agreement satisfactory to the Commissioner to provide for
5 payment, or until a decision providing otherwise is adopted
6 following a hearing held pursuant to this condition.

7 * * * *

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

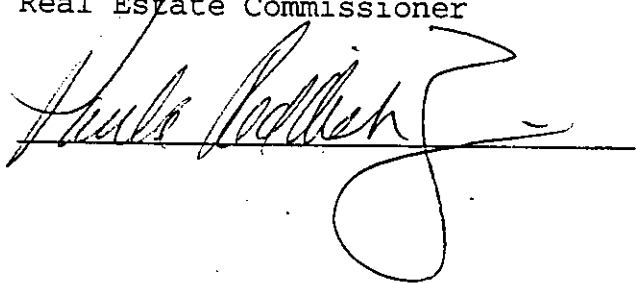
18 DATED: 01-25-2000

Martin Delamora
19 TEAMWORK REALTY, INC., Respondent
20 BY: MARTIN DELAMORA, President
21 of Teamwork Realty, Inc.
22 /
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1 The foregoing Stipulation and Agreement is hereby
2 adopted as my Decision and shall become effective at 12 o' clock
3 noon on September 5, 2000.
4

5 IT IS SO ORDERED August 9, 2000.

6 PAULA REDDISH ZINNEMANN
7 Real Estate Commissioner

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1 Department of Real Estate
2 320 West 4th Street, Suite 350
3 Los Angeles, California 90013-1105

4 (213) 576-6911
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FILED
AUG 16 2000
DEPARTMENT OF REAL ESTATE

By K. M. ...

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

11 In the Matter of the Accusation of) DRE No. H-28100 LA
12 TEAMWORK REALTY, INC. and)
13 D. JOEL CRUZADO,)
14 individually and as)
15 designated officer of)
16 Teamwork Realty, Inc.,)
17 Respondents.)
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STIPULATION AND AGREEMENT

It is hereby stipulated by and between D. JOEL CRUZADO
(sometimes referred to as Respondent), and the Complainant, acting
by and through Elliott Mac Lennan, Counsel for the Department of
Real Estate, as follows for the purpose of settling and disposing
of the Accusation filed on April 30, 1999, in this matter:

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

1 submitted solely on the basis of the provisions of this
2 Stipulation and Agreement (Stipulation).

3 2. 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 3. Respondent filed a Notice of Defense pursuant to
8 Section 11506 of the Government Code for the purpose of requesting
9 a hearing on the allegations in the Accusation. Respondent hereby
10 freely and voluntarily withdraws said Notice of Defense.
11 Respondent acknowledges that he understands that by withdrawing
12 said Notice of Defense he thereby waives his right to require the
13 Commissioner to prove the allegations in the Accusation at a
14 contested hearing held in accordance with the provisions of the
15 APA and that he will waive other rights afforded to him in
16 connection with the hearing such as the right to present evidence
17 in his defense of the allegations in the Accusation and the right
18 to cross-examine witnesses.

19 4. This Stipulation is based on the allegations
20 contained in the Accusation. In the interest of expedience and
21 economy, Respondent chooses not to contest these allegations, but
22 to remain silent and understands that, as a result thereof, these
23 allegations, without being admitted or denied, will serve as a
24 prima facie basis for the disciplinary action stipulated to
25 herein. The Real Estate Commissioner shall not be required to
26 provide further evidence to prove said allegations.
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5. This Stipulation is based on Respondent's decision not to contest the allegations set forth in the Accusation as a result of the agreement negotiated between the parties. This Stipulation is expressly limited to this proceeding and any further proceeding initiated by or brought before the Department of Real Estate based upon the factual allegations in the Accusation and is made for the sole purpose of reaching an agreed disposition of this proceeding. The decision of Respondent not to contest the allegations contained in the "Order" herein below, is made solely for the purpose of effectuating this Stipulation. It is the intent and understanding of the parties that this Stipulation shall not be binding or admissible against Respondent in any actions against Respondent by third parties.

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

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7. The Order or any subsequent Order of the Real Estate Commissioner made pursuant to this Stipulation shall not constitute an estoppel, merger or bar to any further administrative or civil proceedings by the Department of Real



1 Estate with respect to any matters which were not specifically
2 alleged to be causes for accusation in this proceeding.

3 DETERMINATION OF ISSUES

4 By reason of the foregoing stipulations and solely for
5 the purpose of settlement of the Accusation without a hearing, it
6 is stipulated and agreed that the following determination of
7 issues shall be made:

8 I

9 The conduct of D. JOEL CRUZADO, as described in
10 Paragraph 4, constitutes a failure to keep Teamwork Realty, Inc.
11 in compliance with the Real Estate Law during the time that he was
12 the officer designated by a corporate broker licensee. This
13 conduct is a basis for the suspension or revocation of
14 Respondent's real estate broker license pursuant to Section
15 10159.2 of the Code and is a basis for the suspension or
16 revocation of Respondent's license and license rights as a
17 violation of the Real Estate Law pursuant to Section 10177(d) of
18 the Code

19 ORDER

20 WHEREFORE THE FOLLOWING ORDER IS MADE PURSUANT
21 TO THE WRITTEN STIPULATION OF THE PARTIES:

22 I

23 The license and license rights of D. JOEL CRUZADO under
24 the Real Estate Law are revoked; provided, however, a restricted
25 real estate broker license shall be issued to Respondent pursuant
26 to Section 10156.5 of the Business and Professions Code if
27 Respondent makes application therefor and pays to the Department



1 of Real Estate the appropriate fee for the restricted license
2 within 90 days from the effective date of this Decision. The
3 restricted license issued to Respondent shall be subject to all of
4 the provisions of Section 10156.7 of the Business and Professions
5 Code and to the following limitations, conditions and restrictions
6 imposed under authority of Section 10156.6 of that Code:

7 1. The restricted license issued to Respondent may be
8 suspended prior to hearing by Order of the Real Estate
9 Commissioner in the event of Respondent's conviction or
10 plea of nolo contendere to a crime which is
11 substantially related to a Respondent's fitness or
12 capacity as a real estate licensee.

13 2. The restricted license issued to Respondent may be
14 suspended prior to hearing by Order of the Real Estate
15 Commissioner on evidence satisfactory to the
16 Commissioner that Respondent has violated provisions of
17 the California Real Estate Law, the Subdivided Lands
18 Law, Regulations of the Real Estate Commissioner or
19 conditions attaching to the restricted license.

20 3. Respondent shall not be eligible to petition for the
21 issuance of an unrestricted real estate license nor for
22 the removal of any of the conditions, limitations or
23 restrictions of a restricted license until two years
24 has elapsed from the effective date of this Decision.
25
26 /
27



1 4. Respondent D. JOEL CRUZADO shall, within six
2 months from the effective date of this Decision, present
3 evidence satisfactory to the Real Estate Commissioner
4 that Respondent has, since the most recent issuance of
5 an original or renewal real estate license, taken and
6 successfully completed the continuing education
7 requirements of Article 2.5 of Chapter 3 of the Real
8 Estate Law for renewal of a real estate license. If
9 Respondent fails to satisfy this condition, the
10 Commissioner may order the suspension of the restricted
11 license until the Respondent presents such evidence.
12 The Commissioner shall afford Respondent the opportunity
13 for a hearing pursuant to the Administrative Procedure
14 Act to present such evidence.

15 5. Respondent D. JOEL CRUZADO shall within six
16 months from the effective date of this Decision, take
17 and pass the Professional Responsibility Examination
18 administered by the Department including the payment of
19 the appropriate examination fee. If Respondent fails to
20 satisfy this condition, the Commissioner may order
21 suspension of Respondent's license until Respondent
22 passes the examination.

23
24 6. Prior to the issuance of any restricted license,
25 Respondent CRUZADO or Teamwork Realty, Inc. shall first
26 provide evidence satisfactory to the Commissioner prior
27 to the effective of the Decision that the deficit set



1 forth in Audit Report 970081, in the amount of \$9,940.23, as of
2 October 31, 1997, has been cured, including the identity of the
3 source of funds used to cure the deficit.
4

5 II

6 Pursuant to Section 10148 of the Code, Respondent D.
7 JOEL CRUZADO, shall be jointly liable with Teamwork Realty, Inc.
8 for paying the Commissioner's reasonable cost for an audit to
9 determine if Respondent Teamwork Realty, Inc. is in compliance
10 with the Real Estate Law. In calculating the amount of the
11 Commissioner's reasonable cost, the Commissioner may use the
12 estimated average hourly salary for all persons performing audits
13 of real estate brokers, and shall include an allocation for travel
14 time to and from the auditor's place of work. Respondents shall
15 pay such cost, not to exceed \$8,600, within 60 days of receiving
16 an invoice from the Commissioner detailing the activities
17 performed during the audit and the amount of time spent performing
18 those activities. The Commissioner may suspend the restricted
19 broker licenses issued to Respondents pending a hearing held in
20 accordance with Section 11500, et seq., of the Government Code, if
21 payment is not timely made as provided for herein, or as provided
22 for in a subsequent agreement between Respondents and the
23 Commissioner. The suspension shall remain in effect until payment
24 is made in full or until Respondents enter into an agreement
25 satisfactory to the Commissioner to provide for payment, or until
26 a decision providing otherwise is adopted following a hearing held
27 pursuant to this condition.



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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: 7-10-00


D. JOEL CRUZADO,
Respondent

DATED: 7-12-00


BARRY M. ORLYN, ESQ.
Counsel for Respondent

* * * *

The foregoing Stipulation and Agreement is hereby adopted as my Decision and shall become effective at 12 o' clock noon on September 5, 2000.

IT IS SO ORDERED August 9, 2000.

PAULA REDDISH ZINNEMANN
Real Estate Commissioner





1 Department of Real Estate
2 320 West 4th Street, Suite 350
3 Los Angeles, California 90013-1105

4 (213) 576-6911

FILED
JUN 27 2000
DEPARTMENT OF REAL ESTATE

By K. Niederholt

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * *

11 In the Matter of the Accusation of) DRE No. H-28100 LA
12 TEAMWORK REALTY, INC. and)
13 D. JOEL CRUZADO,)
14 individually and as)
15 designated officer of)
16 Teamwork Realty, Inc.,)
and JUAN ALBERTO CORELLA,)
Respondents.)

STIPULATION AND AGREEMENT

17 It is hereby stipulated by and between JUAN ALBERTO
18 CORELLA (sometimes referred to as respondent), and the
19 Complainant, acting by and through Elliott Mac Lennan, Counsel for
20 the Department of Real Estate, as follows for the purpose of
21 settling and disposing of the Accusation filed on April 30, 1999,
22 in this matter:

23 1. Respondent has received, read and understands the
24 Statement to Respondent, the Discovery Provisions of the
25 Administrative Procedure Act (APA) and the Accusation filed by the
26 Department of Real Estate in this proceeding.

27

1 2. Respondent filed a Notice of Defense pursuant to
2 Section 11506 of the Government Code for the purpose of requesting
3 a hearing on the allegations in the Accusation. Respondent hereby
4 freely and voluntarily withdraws said Notice of Defense.

5 Respondent acknowledges that he understands that by withdrawing
6 said Notice of Defense he thereby waives his right to require the
7 Commissioner to prove the allegations in the Accusation at a
8 contested hearing held in accordance with the provisions of the
9 APA and that he will waive other rights afforded to him in
10 connection with the hearing such as the right to present evidence
11 in his defense and the right to cross-examine witnesses.

12 3. This Stipulation and Agreement in Settlement and
13 Order (Stipulation) is based on the allegations contained in the
14 Accusation. In the interest of expedience and economy, respondent
15 chooses not to contest these allegations, but to remain silent and
16 understands that, as a result thereof, these allegations, without
17 being admitted or denied, will serve as a prima facie basis for
18 the disciplinary action stipulated to herein. The Real Estate
19 Commissioner shall not be required to provide further evidence to
20 prove said allegations.

21 4. This Stipulation is based on respondent's decision
22 not to contest the allegations set forth in the Accusation as a
23 result of the agreement negotiated between the parties. This
24 Stipulation, based on respondent's decision not to contest the
25 Accusation, is expressly limited to this proceeding and any
26 further proceeding initiated by or brought before the Department
27 of Real Estate based upon the facts and circumstances alleged in



1 the Accusation, and made for the sole purpose of reaching an
2 agreed disposition of this proceeding. The decision of respondent
3 not to contest the allegations, as contained in the stipulated
4 Order, is made solely for the purpose of effectuating this
5 Stipulation. It is the intent and understanding of the parties
6 that this Stipulation shall not be binding or admissible against
7 respondent in any actions against respondent by third parties.

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

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

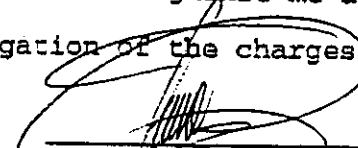
24 8. The parties agree that Paragraphs 12 and 13 of the
25 Accusation may be amended to charge respondent with a violations
26 of Section 10177(g) of the Business and Professions Code (Code).
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Sections 11506, 11508, 11509 and 11513 of the Government 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: 1/25/2000



JUAN ALBERTO CORELLA,
Respondent

DATED: 1/25/2000

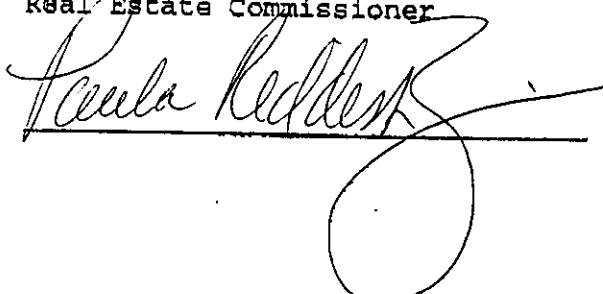


DAVID R. BENCE, ESQ.
Counsel for Respondent

* * * *

The foregoing Stipulation and Agreement is hereby
adopted as my Decision and shall become effective at 12 o' clock
noon on JUL 18, 2000.

IT IS SO ORDERED April 27, 2000.

PAULA REDDISH ZINNEMANN
Real Estate Commissioner


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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: _____
JUAN ALBERTO CORELLA,
Respondent

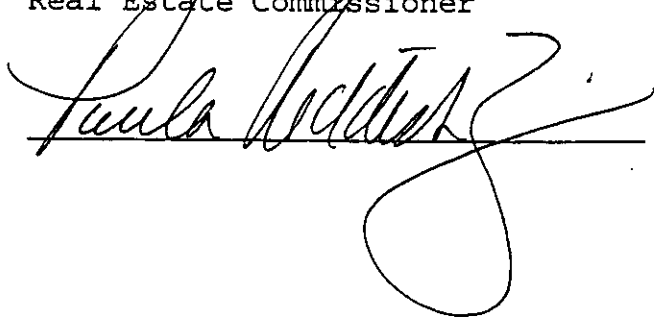
DATED: _____
DAVID R. BENCE, ESQ.
Counsel for Respondent

* * * *

The foregoing Stipulation and Agreement is hereby adopted as my Decision and shall become effective at 12 o' clock noon on JUL 18, 2000.

IT IS SO ORDERED April 24, 2000.

PAULA REDDISH ZINNEMANN
Real Estate Commissioner



*Sacto
7/19*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
NOV 24 1999
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of

TEAMWORK REALTY INC., et al.,

}
}

By K. W. ...
Case No. H-28100 LA
OAH No. L-1999110335

Respondent

NOTICE OF HEARING ON ACCUSATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at Office of Administrative Hearings, 320 W. Fourth St., Ste. 630, Los Angeles, CA on January 4, 2000, at the hour of 9:00 a.m., or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

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 and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: November 24, 1999

By [Signature]
Counsel

cc: D. Joel Cruzado
RE 501 (Rev. 8/97) Barry M. Orlyn, Esq.
Sacto OAH
kw

Stacy King

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ELLIOTT MAC LENNAN, Counsel
State Bar # 66674
Department of Real Estate
320 West Fourth Street, Ste. 350
Los Angeles, California 90013-1105

Telephone (213) 576-6911

FILED
APR 30 1999
DEPARTMENT OF REAL ESTATE
By *K. Mederholz*

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)	
TEAMWORK REALTY INC.;)	
D. JOEL CRUZADO,)	
individually and as former)	No. H-28100 LA
designated officer of)	
Teamwork Realty Inc., and)	<u>A C C U S A T I O N</u>
JUAN ALBERTO CORELLA,)	
)	
Respondents.)	

The Complainant, Thomas McCrady, acting in his official capacity as a Deputy Real Estate Commissioner of the State of California, for cause of accusation against TEAMWORK REALTY INC. dba ReMax Teamwork Realty, and D. JOEL CRUZADO, individually and as former designated officer of Teamwork Realty Inc. and JUAN ALBERTO CORELLA, is informed and alleges as follows:

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1 TEAMWORK REALTY INC. (TEAMWORK) and D. JOEL CRUZADO
2 (CRUZADO) individually and as former designated officer of
3 Teamwork Realty Inc. and JUAN ALBERTO CORELLA (CORELLA) sometimes
4 collectively referred to as Respondents, are presently licensed
5 and/or have license rights under the Real Estate Law (Part 1 of
6 Division 4 of the California Business and Professions Code).

2

8 All references to the "Code" are to the California
9 Business and Professions Code and all references to "Regulations"
10 are to Title 10, Chapter 6, California Code of Regulations.

3

12 Since June 16, 1995, TEAMWORK was licensed by the
13 Department of Real Estate of the State of California (Department)
14 as a corporate real estate broker by and through CRUZADO as
15 designated officer. On October 8, 1997, CRUZADO was replaced by
16 Martin DeLamora.

4

18 At all times mentioned, CRUZADO was licensed by the
19 Department as designated officer of TEAMWORK to qualify TEAMWORK
20 and to act for TEAMWORK as a real estate broker and, as provided
21 by Section 10159.2 of the Code, was responsible for the
22 supervision and control of the activities conducted on behalf of
23 TEAMWORK by its officers, managers and employees as necessary to
24 secure full compliance with the provisions of the Real Estate Law
25 including the supervision of the salespersons licensed to the
26 corporation in the performance of acts for which a real estate
27



1 license is required. CRUZADO was originally licensed as a real
2 estate broker on October 1, 1990.

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7 At all times mentioned, CORELLA was licensed by the
8 Department. CORELLA was originally licensed as a real estate
9 salesperson on May 15, 1996.

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14 Whenever reference is made in an allegation in the
15 accusation to an act or omission of TEAMWORK such allegation shall
16 be deemed to mean that the officers, directors, managers,
17 employees, agents and real estate licensees employed by or
18 associated with TEAMWORK committed such act or omission while
19 engaged in the furtherance of the business or operation of
20 TEAMWORK and while acting within the course and scope of its
21 corporate authority, agency and employment.

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28 At all times mentioned, in the City of Huntington Park,
29 Los Angeles County, TEAMWORK acted as a real estate broker, within
30 the meaning of Section 10131(a) of the Code, including the
31 operation of a residential property resale brokerage. In
32 addition, TEAMWORK conducted broker controlled escrows under the
33 exemption set forth in Section 17006(a)(4) of the California
34 Financial Code.

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1 On February 25, 1998, the Department completed a field
2 audit examination of the books and records of TEAMWORK dba ReMax
3 Teamwork Realty pertaining to its licensed activities described in
4 Paragraph 7. The audit examination covered a period of time
5 beginning on June 1, 1996 to October 31, 1997. The audit
6 examination revealed violations of the Code and the Regulations as
7 set forth in the following paragraphs.

9

8
9 At all times mentioned, in connection with the
10 activities described in Paragraph 7, TEAMWORK accepted or received
11 funds in trust (trust funds) from or on behalf of actual or
12 prospective buyers and sellers. Thereafter it made disposition of
13 such funds. TEAMWORK maintained the following trust account
14 during the audit period except as set forth below:

15 "Teamwork Realty Inc. Escrow Division Trust Account
16 Account Number 9120023117"
Union Bank of California

10

17
18 With respect to the trust funds referred to in Paragraph
19 9, TEAMWORK:

20 (a) Permitted, allowed or caused the disbursement of
21 trust funds from the escrow trust account where the disbursement
22 of funds reduced the total of aggregate funds in the trust
23 account, to an amount which, on September 30, 1997, was \$9,939.51
24 less than the existing aggregate trust fund liability of TEAMWORK
25 to every principal who was an owner of said funds, without first
26 obtaining the prior written consent of the owners of said funds,
27



1 as required by Section 10145 of the Code and Sections 2832.1 and
2 2950(g) of the Regulations;

3 (b) Failed to maintain an adequate control record in
4 the form of a columnar record in chronological order of all trust
5 funds received, as required by Sections 2831, 2950(d) and 2951 of
6 the Regulations;

7 (c) Failed to maintain an adequate and correct separate
8 record for each beneficiary or transaction, thereby failing to
9 account for all trust funds received, deposited into, and
10 disbursed from the escrow trust account, as required by Section
11 2831.1 of the Regulations;

12 (d) Failed to perform a monthly reconciliation of the
13 balance of all separate beneficiary or transaction records
14 maintained pursuant to Section 2831.1 of the Regulations with the
15 record of all trust funds received and disbursed by the escrow
16 trust account, as required by Section 2831.2 of the Regulations.

17 11

18 The conduct of TEAMWORK, described in Paragraph 10,
19 above, violated the Code and the Regulations now set forth:

<u>PARAGRAPH</u>	<u>PROVISIONS VIOLATED</u>
20 10(a)	Section 10145 of the Code, and 21 Section 2832.1 of the Regulations
22 10(b)	Section 10145 of the Code, and 23 Section 2831, 2950(d) and 2951 of the 24 Regulations 25 26 27



1 Each of the foregoing violations separately constitutes cause for
2 the suspension or revocation of the real estate license and
3 license rights of TEAMWORK under Section 10177(d) of the Code.

4 12

5 Elias Quinones entered into an agreement with CORELLA of
6 ReMax Teamwork Realty to sell his property located at 1201 and
7 1203 E. 71st Street, Los Angeles, California. To enable the buyer
8 to finance the purchase of the property, CORELLA obtained a
9 written authorization from Quinones granting him a \$9,000 bonus.
10 This "bonus" was actually to be used as part of the buyer's down
11 payment. It was in addition to the sales commission of \$6,600.
12 CORELLA assured Quinones that the \$9,000 would not be subtracted
13 from his share of the proceeds. Quinones discovered after the
14 close of escrow that in fact it was subtracted.

15 13

16 CRUZADO, as designated officer of ReMax Teamwork Realty,
17 and CORELLA, failed to disclose to the FHA lender that the buyer
18 in the Quinones sale and purchase was in part financed by
19 CORELLA's \$9,000 bonus that was credited to the buyer, in
20 violation of the prohibition against such financing by the broker.
21 This conduct is cause to suspend or revoke the real estate license
22 and license rights of CRUZADO pursuant to Section 10176(i) of the
23 Code.

24 14

25 The overall conduct of CRUZADO in mishandling trust
26 funds in the escrow trust account and by his failure to disclose
27 the source of buyer's down payment as per Paragraph 13 constitutes



1 negligence and/or incompetence. This conduct and violations
2 described above are cause to suspend or revoke the real estate
3 license and license rights of CRUZADO pursuant to Section 10177(g)
4 of the Code.

5 14

6 The overall conduct of TEAMWORK constitutes negligence
7 and/or incompetence. This conduct and violations described above
8 are cause to suspend or revoke the real estate license and license
9 rights of TEAMWORK pursuant to Section 10177(g) of the Code.

10 15

11 The overall conduct of CRUZADO, constitutes a failure on
12 his part, as officer designated by a corporate broker licensee,
13 responsible for the supervision and control over the activities
14 conducted on behalf of TEAMWORK by its officers, managers and
15 employees as necessary to secure full compliance with the
16 provisions of the Real Estate Law. This conduct is cause for the
17 suspension or revocation of the real estate license and license
18 rights of CRUZADO under to Sections 10159.2 and 10177(d) of the
19 Code.

20 WHEREFORE, Complainant prays that a hearing be conducted
21 on the allegations of this Accusation and that upon proof thereof,
22 a decision be rendered imposing disciplinary action against all
23 licenses and license rights of TEAMWORK REALTY INC. dba ReMax
24 Teamwork Realty, and D. JOEL CRUZADO, individually and as former
25 designated officer of Teamwork Realty Inc. and JUAN ALBERTO
26 CORELLA, under the Real Estate Law (Part 1 of Division 4 of the
27 Business and Professions Code) and for such other and further



relief as may be proper under other applicable provisions of law.

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Dated at Los Angeles, California
this 30th day of April, 1999.

THOMAS MC CRADY
Deputy Real Estate Commissioner

cc D. Joel Cruzado, D.O.
c/o Teamwork Realty Inc.
dba ReMax Teamwork Realty
Juan Alberto Corella
Sacto
DR