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APR 12 2002  
DEPARTMENT OF REAL ESTATE

By 67

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of ) NO. H-28618 LA  
VIOREL ALEXANDRU PETRUSAN, )  
Respondent. )

ORDER SUSPENDING RESTRICTED REAL ESTATE LICENSE

TO: VIOREL ALEXANDRU PETRUSAN  
14620 Lakewood Blvd.  
Bellflower, CA 90706

On May 23, 2001, a restricted real estate broker 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 April 27, 2001, in case No. H-28618 LA. This Order, which was effective May 23, 2001, granted Respondent the right to the issuance of a restricted real estate broker license subject to the provisions of Section 10156.7 of the Business and Professions Code and to enumerated additional terms, conditions and restrictions imposed under authority of Section 10156.6 of said Code. Among those terms,

1 conditions and restrictions, Respondent was required to  
2 successfully complete the Continuing Education requirements  
3 within nine (9) months from May 23, 2001. The Commissioner has  
4 determined that as of March 25, 2002, Respondent has failed to  
5 satisfy this condition, and as such, is in violation of Section  
6 10177(k) of the Business and Professions Code. Respondent has  
7 no right to renew the restricted license if this condition isn't  
8 satisfied by the date of its expiration. (Section 10156.7 of the  
9 Business and Professions Code.)

10 NOW, THEREFORE, IT IS ORDERED under authority of  
11 Section 10156.7 of the Business and Professions Code of the State  
12 of California that the restricted real estate broker license  
13 heretofore issued to Respondent and the exercise of any  
14 privileges thereunder is hereby suspended until such time as you  
15 provide proof satisfactory to the Department of compliance with  
16 the "condition(s)" referred to above, or pending final  
17 determination made after hearing (see "Hearing Rights" set forth  
18 below)."

19 IT IS FURTHER ORDERED that all license certificates and  
20 identification cards issued by Department which are in the  
21 possession of Respondent be immediately surrendered by personal  
22 delivery or by mailing in the enclosed, self-addressed envelope  
23 to:

24 Department of Real Estate  
25 Attn: Flag Section  
26 P. O. Box 187000  
27 Sacramento, CA 95818-7000

1  
2       HEARING RIGHTS: Pursuant to the provisions of Section  
3 10156.7 of the Business and Professions Code, you have the right  
4 to a hearing to contest the Commissioner's determination that you  
5 are in violation of Section 10177(k). If you desire a hearing,  
6 you must submit a written request. The request may be in any  
7 form, as long as it is in writing and indicates that you want  
8 a hearing. Unless a written request for a hearing, signed by or  
9 on behalf of you, is delivered or mailed to the Department at  
10 320 West Fourth Street, Suite 350, Los Angeles, California 90013,  
11 within 20 days after the date that this Order was mailed to or  
12 served on you, the Department will not be obligated or required  
13 to provide you with a hearing.

14       This Order shall be effective immediately.

15       DATED: April 4, 2002.

16                   PAULA REDDISH ZINNEMANN  
17                   Real Estate Commissioner

18                   *Paula Reddish Zinnemann*  
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FILED  
MAY - 3 2001  
DEPARTMENT OF REAL ESTATE

By K. Kriederholt

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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In the Matter of the Accusation of ) DRE No. H-28618 LA  
VIOREL ALEXANDER PERTRUSAN, ) OAH No. L-2000070406  
Respondents. )

DECISION AFTER REJECTION

The matter of VIOREL ALEXANDER PERTRUSAN came on for hearing before Paul M. Hogan, Administrative Law Judge, of the Office of Administrative Hearings, in Los Angeles, California, on November 21, 2000.

Elliott Mac Lennan, Counsel, represented the Complainant. Respondent appeared and was represented by Frank M. Buda.

Evidence was received, the hearing was closed, and the matter was submitted.

1           On December 5, 2000, the Administrative Law Judge  
2 submitted a Proposed Decision which I declined to adopt as my  
3 Decision.

4           Pursuant to Section 11517(c)(2)(E), formerly 11517(c)  
5 of the Government Code of the State of California, Respondent was  
6 served with notice of my determination not to adopt the Proposed  
7 Decision of the Administrative Law Judge along with a copy of  
8 said Proposed Decision. Respondent was notified that the case  
9 would be decided by me upon the record including the transcript  
10 of the proceedings held on November 21, 2000, and upon any  
11 written argument offered by Respondent and Complainant.

12           On January 26, 2001, the transcript for the November  
13 21, 2000, hearing was received. Respondent was requested to  
14 submit argument within fifteen (15) days thereof. Respondent  
15 submitted argument February 22, 2001. Complainant submitted  
16 Argument After Non-Adoption.

17           I have given careful consideration to the record in  
18 this case including the transcript of proceedings of  
19 November 21, 2000. I have also considered Complainant's Argument  
20 After Non-Adoption.

21           The following shall constitute the Decision of the Real  
22 Estate Commissioner in this proceeding:

1 FINDINGS OF FACT

2 I

3 The Factual Findings in the Proposed Decision dated  
4 December 5, 2000, of the Administrative Law Judge are hereby  
5 adopted as the Findings of Fact of the Real Estate Commissioner.

6 LEGAL CONCLUSIONS

7 I

8 The Legal Conclusions in the Proposed Decision  
9 dated December 5, 2000, are hereby adopted as a part of this  
10 Decision except as follows:

11 LEGAL CONCLUSIONS, page 3, "2831.1" is changed to  
12 "2832.1".

13 ORDER

14 WHEREFORE, THE FOLLOWING ORDER is hereby made:

15 I

16 All licenses and licensed rights of Respondent VIOREL  
17 ALEXANDER PERTRUSAN under the Real Estate Law are revoked:

18 A. Provided, however, a restricted real estate broker  
19 license shall be issued to Respondent VIOREL ALEXANDER  
20 PERTRUSAN, pursuant to Section 10156.5 of the Business and  
21 Professions Code if Respondent makes application therefor and  
22 pays to the Department of Real Estate the appropriate fee for  
23 the restricted license within 90 days from the effective date of  
24 this Decision.

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

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

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

16       4. Respondent shall not be eligible to apply for the  
17 issuance of an unrestricted real estate license nor for the  
18 removal of any of the conditions, limitations or restrictions of  
19 a restricted license until two (2) years have elapsed from the  
20 effective date of this Decision.

21       5. Respondent VIOREL ALEXANDER PERTRUSAN shall, within  
22 nine (9) months from the effective date of this Decision,  
23 present evidence satisfactory to the Real Estate Commissioner  
24 that Respondent has, since the most recent issuance of an  
25 original or renewal real estate license, taken and successfully  
26 completed the continuing education requirements of Article 2.5  
27

1 of Chapter 3 of the Real Estate Law for renewal of a real estate  
2 license. If Respondent fails to satisfy this condition, the  
3 Commissioner may order the suspension of the restricted license  
4 until the Respondent presents such evidence. The Commissioner  
5 shall afford Respondent the opportunity for a hearing pursuant  
6 to the Administrative Procedure Act to present such evidence.

7 6. Pursuant to Section 10148 of the Business and  
8 Professions Code, Respondent shall pay the Commissioner's  
9 reasonable cost for: a) the audit which led to this disciplinary  
10 action and, b) a subsequent audit to determine if Respondent  
11 VIOREL ALEXANDER PERTRUSAN is now in compliance with the Real  
12 Estate Law. In calculating the amount of the Commissioner's  
13 reasonable cost, the Commissioner may use the estimated average  
14 hourly salary for all persons performing audits of real estate  
15 brokers, and shall include an allocation for travel time to and  
16 from the auditor's place of work. Said amount for the prior and  
17 subsequent audits shall not exceed \$2,199 for the prior audit  
18 and \$2,199 for the subsequent audit, totaling \$4,398.

19 7. Respondent shall pay such cost within 60 days of  
20 receiving an invoice from the Commissioner detailing the  
21 activities performed during the audit and the amount of time  
22 spent performing those activities.

23 The Commissioner may suspend the license of Respondent  
24 pending a hearing held in accordance with Section 11500, et seq.,  
25 of the Government Code, if payment is not timely made as provided  
26 for herein, or as provided for in a subsequent agreement between  
27 the Respondent and the Commissioner. The suspension shall remain



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

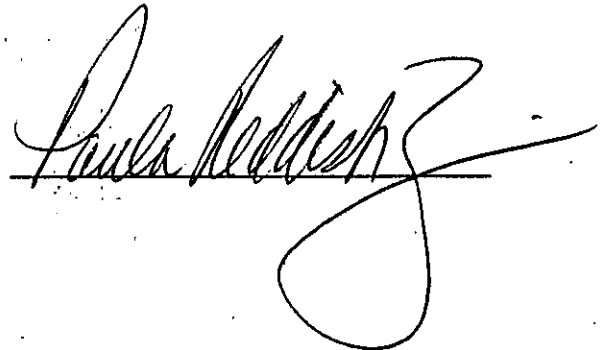
5 8. All licenses and licensing rights of Respondent VIOREL  
6 ALEXANDER PERTRUSAN under the Real Estate Law are suspended for  
7 a period of one-hundred twenty (120) days from the effective  
8 date of the issuance of any restricted license issued to  
9 Respondent.

10  
11 This Decision shall become effective at 12 o'clock noon on  
12 May 23, 2001

13  
14  
15 IT IS SO ORDERED *April 27*, 2001.

16 PAULA REDDISH ZINNEMANN.  
17 Real Estate Commissioner

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FILED  
DEC 27 2000  
DEPARTMENT OF REAL ESTATE

*K. Medendorp*

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

In the Matter of the Accusation of	)	No. H-28618 LA
VIOREL ALEXANDER PETRUSAN,	)	
	)	L-2000070406
Respondent.	)	

NOTICE

TO: Respondent VIOREL ALEXANDER PETRUSAN and FRANK M. BUDA, his Counsel.

YOU ARE HEREBY NOTIFIED that the Proposed Decision herein dated December 5, 2000, of the Administrative Law Judge is not adopted as the Decision of the Real Estate Commissioner. A copy of the Proposed Decision dated December 5, 2000, is attached for your information.

In accordance with Section 11517(c) of the Government Code of the State of California, the disposition of this case will be determined by me after consideration of the record herein including the transcript of the proceedings held on November 21,

///

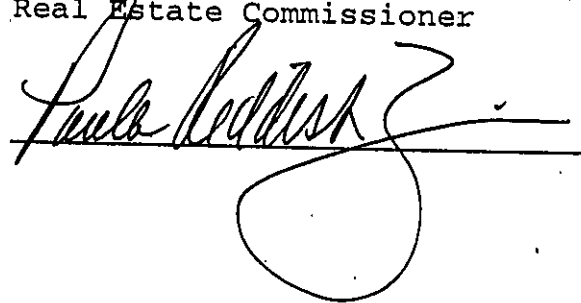
1 2000, and any written argument hereafter submitted on behalf of  
2 Respondent and Complainant.

3 Written argument of Respondent to be considered by me  
4 must be submitted within 15 days after receipt of the transcript  
5 of the proceedings of November 21, 2000, at the Los Angeles  
6 office of the Department of Real Estate unless an extension of  
7 the time is granted for good cause shown.

8 Written argument of Complainant to be considered by me  
9 must be submitted within 15 days after receipt of the argument of  
10 Respondent at the Los Angeles office of the Department of Real  
11 Estate unless an extension of the time is granted for good cause  
12 shown.

13 DATED: December 18, 2000

14  
15 PAULA REDDISH ZINNEMANN  
16 Real Estate Commissioner

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DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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In the Matter of the Accusation of	)	No. H - 28618 LA
	)	
VIOREL ALEXANDER PETRUSAN,	)	OAH No. L-2000070406
	)	
Respondent.	)	
	)	
	)	
	)	

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**PROPOSED DECISION**

This case was tried before Paul M. Hogan, Administrative Law Judge of the Office of Administrative Hearings, at Los Angeles, California on November 21, 2000.

Elliott MacLennan, counsel, represented complainant. Respondent appeared personally, and was represented by Frank M. Buda, attorney at law.

Before presenting evidence, complainant moved to amend the operative pleading as follows:

- Amend paragraph 7(a) [line5, page 2] to substitute #2 for #1;
- Strike paragraph 7(b), together with a reference to said paragraph noted in paragraph 8.
- Strike paragraph 9 in its entirety.

The motion was not opposed, and was therefor granted. The requested changes were made by interlineation on the First Amended Accusation contained in Exhibit #1 in evidence.

The parties presented oral and documentary evidence and submitted the matter for decision. The Administrative Law Judge proposes:

**Factual Findings**

1. Thomas McCrady, complainant, is a Deputy Real Estate Commissioner of the State of California, and filed and served the accusatory pleadings herein acting solely in his official capacity.

///

2. Viorel Alexander Petrusan, respondent, is presently licensed as a broker, and has licensing rights under the Real Estate Law (Part 1 of Division 4 of the California Business and Professions Code).<sup>1</sup>

3. At all times mentioned, respondent acted as a real estate broker in the City of Bellflower, Los Angeles County, including the operation of a residential resale property brokerage, Century 21 Team, and the operation of a mortgage and loan brokerage known as A. P. International Mortgage. In addition, respondent conducted broker controlled escrows for both residential resales and mortgage loan transactions.

4. In connection with these businesses, respondent received funds in trust from or on behalf of actual or prospective buyers and sellers and borrowers and lenders. Thereafter, respondent made dispositions of these funds. To facilitate all this, respondent maintained two separate trust accounts with Wells Fargo Bank, Sacramento.

5. During the period July 1, 1998 through December 31, 1998, respondent allowed the disbursement of trust funds from Trust Account #2 to reduce the aggregate total of funds in that account to be \$7,571.89 less than the aggregate trust fund liability to every principal who was then an owner of these funds without first obtaining their written consent. This shortage was cured on February 12, 1999.

6. During the said period, respondent failed to perform monthly reconciliation of the balance of all separate beneficiary or transaction records with the record of all trust funds received and disbursed through the two trust accounts he maintained.

7. During the said period, while acting as an escrow holder, respondent failed to place all funds, including funds from residential resales and mortgage loan transactions, accepted on behalf of another, into the hands of the owner of the funds, into a neutral escrow depository or into a trust fund account in the name of the broker as trustee at a bank or other financial institution not later than the next business day following receipt of the funds by the broker or by the broker's salesperson.

8. Respondent presented the following evidence in mitigation:

- a. All trust account shortages have been cured.
- b. Respondent now maintains separate transaction records for his trust accounts, using a computer program known as "QuickBooks."
- c. Respondent now maintains a monthly reconciliation for his trust accounts.

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<sup>1</sup> All references to the "Code" are to the California Business and Professions Code, and all references to "Regulations" are to Title 10, Chapter 6, California Code of Regulations.

d. Respondent is now aware of his responsibility to deposit escrow-related funds into the trust account no later than the next business day after their receipt.

9. Respondent's license has been the subject of prior discipline in Case No. H-27638 LA in which respondent was found to have violated Sections 10145 and 10161.8 of the Code, and Sections 2752, 2831, 2831.1, 2831.2, and 2831 of the Regulations.

### Legal Conclusions

Respondent's conduct violated the Code and the Regulations as follows:

<u>Finding</u>	<u>Provisions violated</u>
5	Section 10145 of the Code, and Sections <sup>2832.1</sup> <del>2831.1</del> , <u>2950(d)</u> <u>2950 (g)</u> and <u>2951</u> of the Regulations
6	Section 10145 of the Code, and Section <u>2831.2</u> of the Regulations
7	Section 10145 of the Code, and Section <u>2832</u> of the Regulations


It is determined that each of the foregoing violations separately constitutes cause for discipline of respondent's license and licensing rights under Section 10177(d) of the Code. It is further determined that respondent's overall conduct, including his continued violation of Sections 2832 and 2831.2 of the Regulations following the imposition of prior discipline constitutes negligence and cause for further discipline pursuant to Section 10177(g) of the Code.

All evidence in mitigation, explanation and extenuation submitted by respondent has been considered.

### Order

*not adopted* { All license and license rights of respondent VIOREL ALEXANDER PETRUSAN under the Real Estate Law are suspended for a period of one hundred twenty (120) day from the effective date hereof.

December 5, 2000

  
PAUL M. HOGAN  
Administrative Law Judge  
Office of Administrative Hearings

*Handwritten signature*

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

FILED  
SEP 27 2000  
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of

VIOREL ALEXANDER PETRUSAN,

By *K. Niederholt*

Case No. H- 28618 LA

OAH No. L- 2000070406

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. 350  
Los Angeles, CA

on November 21, 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: September 27, 2000

By *F. M. Buda*

cc: Viorel Alexander Petrusan  
Frank M. Buda, Esq.  
Sacto OAH CT

Counsel

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*prop give*

ELLIOTT MAC LENNAN, Counsel  
State Bar No. 66674  
Department of Real Estate  
320 West Fourth St., Ste. 350  
Los Angeles, California 90013-1105  
Telephone (213) 576-6911

**FILED**  
SEP 27 2000  
DEPARTMENT OF REAL ESTATE

*[Signature]*

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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In the Matter of the Accusation of )	No. H-28618 LA
VIOREL ALEXANDER PETRUSAN, )	<u>FIRST AMENDED ACCUSATION</u>
)	
)	
Respondent. )	

The Accusation filed on June 21, 2000, is amended in its entirety as follows:

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 VIOREL ALEXANDER PETRUSAN operating under the fictitious business names of A.P. International Mortgage and Century 21 A-Team, is informed and alleges as follows:

/

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/

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1  
2 VIOREL ALEXANDER PETRUSAN (PETRUSAN), sometimes  
3 collectively referred to as Respondent, is presently licensed  
4 and/or has license rights under the Real Estate Law (Part 1 of  
5 Division 4 of the California Business and Professions Code).

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

10  
11 At all mentioned times, PETRUSAN was licensed or had  
12 license rights issued by the Department of Real Estate  
13 (Department) as a real estate broker. PETRUSAN was initially  
14 licensed by the Department on March 29, 1989 as a real estate  
15 salesperson. On June 27, 1996, PETRUSAN was licensed as a real  
16 estate broker. On July 8, 1998, PETRUSAN's broker license was  
17 suspended pursuant to the stipulated order in Case No. H-27638  
18 LA, as further described in Paragraph 11.

19  
20 At all times mentioned, in the Cities of Bellflower,  
21 Los Angeles County, PETRUSAN acted as a real estate broker within  
22 the meaning of Section 10131(a) of the Code, including the  
23 operation of a residential resale property brokerage, Century 21  
24 A-Team; and, within the meaning of Section 10131(d) of the Code,  
25 including the operation of mortgage and loan brokerage A.P.  
26 International Mortgage. In addition, PETRUSAN conducted broker  
27 controlled escrows under the exemption set forth in Section



1 17006(a)(4) of the California Financial Code for both residential  
2 resales and mortgage loan transactions.

3  
4 Audits LA 980324 and LA 980428

5

6 On February 18, 1999, the Department completed a  
7 residential resale and an escrow audit examination of the books  
8 and records of PETRUSAN dba A.P. International Mortgage and  
9 Century 21 A-Team, pertaining to PETRUSAN's licensed activities.  
10 The audit examination covered a period of time beginning on July  
11 1, 1998 through December 31, 1998. The audit examination  
12 revealed violations of the Code and the Regulations as set forth  
13 in the following paragraphs.

14 6

15 In connection with the activities described in  
16 Paragraph 5, PETRUSAN accepted or received funds in trust (trust  
17 funds) from or on behalf of actual or prospective buyers and  
18 sellers and borrowers and lenders. Thereafter PETRUSAN made  
19 disposition of such funds. PETRUSAN maintained the following  
20 trust accounts at the Wells Fargo Bank in Sacramento, California,  
21 during the audit period

22 "Century 21 A-Team Escrow Division Trust  
23 Account Number 0221-519481"

(T/A #1)

24 "Viorel Alexandru Petrusan dba A.P.  
25 International Mortgage Trust AC  
26 Account Number 0760-514786"

(T/A #2)

27 /

/

/



With respect to the trust funds referred to in Paragraph 6, PETRUSAN:

(a) Permitted, allowed or caused the disbursement of trust funds from T/A #1 where the disbursement of these funds reduced the total of aggregate funds in the trust account, to an amount which, on December 31, 1998, was \$7,571.89 less than the existing aggregate trust fund liability of PETRUSAN to every principal who was an owner of these funds, without first obtaining their prior written consent, as required by Section 10145 of the Code and Section 2832.1, 2950(d), 2950(g) and 2951 of the Regulations. This shortage was cured on February 12, 1999;

(b) Failed to maintain a complete and accurate separate record for each beneficiary or transaction, thereby failing to account for all trust funds received in T/A # 1 and T/A #2, deposited into, and disbursed from the trust account, as required by Section 2831.1 of the Regulations;

(c) Failed to perform a monthly reconciliation of the balance of all separate beneficiary or transaction records maintained pursuant to Section 2831.1 of the Regulations with the record of all trust funds received and disbursed by T/A #1 and T/A #2, as required by Section 2831.2 of the Regulations.

(d) While acting as an escrow holder, PETRUSAN failed to place all funds, including funds from residential resales and mortgage loan transactions, accepted on behalf of another into the hands of the owner of the funds, into a neutral escrow



1 depository or into a trust fund account in the name of the broker  
2 as trustee at a bank or other financial institution not later  
3 than the next business day following receipt of the funds by the  
4 broker or by the broker's salesperson, as required by Section  
5 2832(e) of the Regulations.

6 8

7 The conduct of PETRUSAN, described in Paragraph 7,  
8 above, violated the Code and the Regulations now set forth:

9	<u>PARAGRAPH</u>	<u>PROVISIONS VIOLATED</u>
10	7(a)	Section 10145 of the Code, and
11		Sections 2832.1, 2950(d), 2950(g) and 2951
12		of the Regulations
13		
14	7(b)	Section 10145 of the Code, and
15		Sections 2831.1 of the Regulations
16		
17	7(c)	Section 10145 of the Code, and
18		Sections 2831.2 of the Regulations
19		
20	7(d)	Section 10145 of the Code, and
21		Sections 2832(e) of the Regulations

22 Each of the foregoing violations separately constitutes cause for  
23 the suspension or revocation of the real estate license and  
24 license rights of PETRUSAN under Section 10177(d) of the Code.

25 /  
26 /  
27 /



1  
2 Additionally, PETRUSAN in course of the licensed  
3 activities and with full knowledge that Ramon Becarra, his  
4 Customer Service Representative, was not licensed by the  
5 Department in any capacity, employed or compensated him to  
6 perform acts for which a real estate license is required  
7 including negotiating for the purchase of real property located  
8 at 3050 West 15th Street, Los Angeles, California, and in  
9 handling aspects of the escrow for this property, on behalf of  
10 buyer John T. Carter between the period of November 1997 and  
11 April 4, 1998, in violation of Section 10137 of the Code. This  
12 conduct and violation are cause to suspend or revoke the license  
13 and license rights of PETRUSAN under Section 10137 of the Code.

14 10

15 The overall conduct of Respondent PETRUSAN, including  
16 the continued violation of Sections 2832 and 2831.2 of the  
17 Regulations, constitutes negligence. This conduct is cause for  
18 the suspension or revocation of PETRUSAN's real estate licenses  
19 and license rights under Section 10177(g) of the Code.

## 20 Prior Discipline

21 11

22 On April 9, 1998, in Case No. H-27638 LA, an Accusation  
23 was filed against respondent VIOREL ALEXANDRU PETRUSAN that  
24 resulted in discipline for said respondent for violations of  
25 Sections 10145 and 10161.8 of the California Business and  
26 Professions Code and Sections 2752, 2831, 2831.1, 2831.2, 2832 of  
27 Title 10, Chapter 6, California Code of Regulations.



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 the licenses and license rights of Respondent  
5 VIOREL ALEXANDER PETRUSAN under the Real Estate Law (Part 1 of  
6 Division 4 of the Business and Professions Code) and for such  
7 other and further relief as may be proper under other applicable  
8 provisions of law.

9  
10 Dated at Los Angeles, California  
11 this 27th day of September, 2000.

12                                   THOMAS MC CRADY  
13                                   \_\_\_\_\_  
14                                   Deputy Real Estate Commissioner  
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25 cc   Viorel Alexander Petrusan  
26       Sacto  
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      OAH  
      Frank M. Buda, Esq.



Sacto  
Jury

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

FILED  
AUG 24 2000  
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of

VIOREL ALEXANDER PETRUSAN,

By K. M. M. M. M.

Case No. H-28618 LA

OAH No. L-2000070406

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 September 25, 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: August 24, 2000

By E. J. M.

Counsel

RE 501 (Rev. 8/97)  
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cc: Viorel Alexander Petrusan  
Frank M. Buda, Esq.  
Sacto OAH CT

ELLIOTT MAC LENNAN, Counsel  
State Bar No. 66674  
Department of Real Estate  
320 West Fourth St., Ste. 350  
Los Angeles, California 90013-1105  
Telephone (213) 576-6911

**FILED**  
JUN 21 2000  
DEPARTMENT OF REAL ESTATE

By K. K. K. K. K.

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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In the Matter of the Accusation of ) No. H-28618 LA  
VIOREL ALEXANDER PETRUSAN, ) **A C C U S A T I O N**  
Respondent. )

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 VIOREL ALEXANDER PETRUSAN operating under the fictitious business names of A.P. International Mortgage and Century 21 A-Team, is informed and alleges as follows:

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VIOREL ALEXANDER PETRUSAN (PETRUSAN), sometimes collectively referred to as Respondent, is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the California Business and Professions Code).

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

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6 At all mentioned times, PETRUSAN was licensed or had  
7 license rights issued by the Department of Real Estate  
8 (Department) as a real estate broker. PETRUSAN was initially  
9 licensed by the Department on March 29, 1989 as a real estate  
10 salesperson. On June 27, 1996, PETRUSAN was licensed as a real  
11 estate broker. On July 8, 1998, PETRUSAN's broker license was  
12 suspended pursuant to the stipulated order in Case No. H-27638 LA,  
13 as further described in Paragraph 11.

14  
15 At all times mentioned, in the Cities of Bellflower,  
16 Los Angeles County, PETRUSAN acted as a real estate broker within  
17 the meaning of Section 10131(a) of the Code, including the  
18 operation of a residential resale property brokerage, Century 21  
19 A-Team; and, within the meaning of Section 10131(d) of the Code,  
20 including the operation of mortgage and loan brokerage A.P.  
21 International Mortgage. In addition, PETRUSAN conducted broker  
22 controlled escrows under the exemption set forth in Section  
23 17006(a)(4) of the California Financial Code for both residential  
24 resales and mortgage loan transactions.

On February 18, 1999, the Department completed a residential resale and an escrow audit examination of the books and records of PETRUSAN dba A.P. International Mortgage and Century 21 A-Team, pertaining to PETRUSAN's licensed activities. The audit examination covered a period of time beginning on July 1, 1998 through December 31, 1998. The audit examination revealed violations of the Code and the Regulations as set forth in the following paragraphs.

In connection with the activities described in Paragraph 5, PETRUSAN accepted or received funds in trust (trust funds) from or on behalf of actual or prospective buyers and sellers and borrowers and lenders. Thereafter PETRUSAN made disposition of such funds. PETRUSAN maintained the following trust accounts at the Wells Fargo Bank in Sacramento, California, during the audit period

"Century 21 A-Team Escrow Division Trust (T/A #1)  
Account Number 0221-519481"

"Viorel Alexandru Petrusan dba A.P.  
International Mortgage Trust AC (T/A #2)  
Account Number 0760-514786"

With respect to the trust funds referred to in Paragraph 6, PETRUSAN:

(a) Permitted, allowed or caused the disbursement of trust funds from T/A #1 where the disbursement of these funds

1 reduced the total of aggregate funds in the trust account, to an  
2 amount which, on December 31, 1998, was \$7,571.89 less than the  
3 existing aggregate trust fund liability of PETRUSAN to every  
4 principal who was an owner of these funds, without first obtaining  
5 their prior written consent, as required by Section 10145 of the  
6 Code and Section 2832.1, 2950(d), 2950(g) and 2951 of the  
7 Regulations. This shortage was cured on February 12, 1999;

8 (b) Failed to maintain a complete and accurate separate  
9 record for each beneficiary or transaction, thereby failing to  
10 account for all trust funds received in T/A # 1 and T/A #2,  
11 deposited into, and disbursed from the trust account, as required  
12 by Section 2831.1 of the Regulations;

13 (c) While acting as an escrow holder, PETRUSAN failed  
14 to place all funds, including funds from residential resales and  
15 mortgage loan transactions, accepted on behalf of another into the  
16 hands of the owner of the funds, into a neutral escrow depository  
17 or into a trust fund account in the name of the broker as trustee  
18 at a bank or other financial institution not later than the next  
19 business day following receipt of the funds by the broker or by  
20 the broker's salesperson, as required by Section 2832(e) of the  
21 Regulations.

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23 The conduct of PETRUSAN, described in Paragraph 7,  
24 above, violated the Code and the Regulations now set forth:

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PARAGRAPH

PROVISIONS VIOLATED

7(a) Section 10145 of the Code, and  
Sections 2832.1, 2950(d), 2950(g) and 2951 of  
the Regulations

7(b) Section 10145 of the Code, and  
Sections 2831.1 of the Regulations

7(c) Section 10145 of the Code, and  
Sections 2832(e) of the Regulations

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

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Additionally, PETRUSAN in course of the licensed  
activities and with full knowledge that Ramon Becarra, his  
Customer Service Representative, was not licensed by the  
Department in any capacity, employed or compensated him to perform  
acts for which a real estate license is required including  
negotiating for the purchase of real property located at 3050 West  
15th Street, Los Angeles, California, and in handling aspects of  
the escrow for this property, on behalf of buyer John T. Carter  
between the period of November 1997 and April 4, 1998, in  
violation of Section 10137 of the Code. This conduct and  
violation are cause to suspend or revoke the license and license  
rights of PETRUSAN under Section 10137 of the Code.

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The overall conduct of Respondent PETRUSAN, including the continued violation of Sections 2832 and 2831.2 of the Regulations, constitutes negligence. This conduct is cause for the suspension or revocation of PETRUSAN's real estate licenses and license rights under Section 10177(g) of the Code.

Prior Discipline

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On April 9, 1998, in Case No. H-27638 LA, an Accusation was filed against respondent VIOREL ALEXANDRU PETRUSAN that resulted in discipline for said respondent for violations of Sections 10145 and 10161.8 of the California Business and Professions Code and Sections 2752, 2831, 2831.1, 2831.2, 2832 of Title 10, Chapter 6, California Code of Regulations.

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 the licenses and license rights of Respondent VIOREL ALEXANDER PETRUSAN 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  
this 21st day of June, 2000.

THOMAS MC CRADY

Deputy Real Estate Commissioner

cc Viorel Alexander Petrusan  
Sacto  
CT