

FILED  
JAN 27 2010  
DEPARTMENT OF REAL ESTATE

By C.M.

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of )  
FORECAST HOMES, INC.; JAMES PETER ) DRE No. H-29105 LA  
PREVITI, individually, dba The ) OAH No. L-2001070489  
Forecast Group, L.P., and as )  
designated officer of Forecast )  
Homes, Inc., Rancho Mortgage )  
Corporation and Forecast Mortgage )  
Corporation; ADNAN SAID SALEH; and )  
DAVID PATRICK PAGET, )  
Respondents. )

In the Matter of the Accusation of )  
JAMES PETER PREVITI, FORECAST HOMES, ) DRE No. H-1490 FR  
INC., SANDRA L. FRANK, ) OAH No. N-2001120030  
Respondents. )

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On June 20, 2001, an Accusation was filed against  
Respondent JAMES PETER PREVITI ("PREVITI") and others before the  
California Department of Real Estate ("DRE") in DRE Case No.

///

1 H-29105 LA. The Accusation was amended on May 3, 2002. On July  
2 24, 2001, an Accusation was filed against PREVITI and others  
3 before the DRE in DRE Case No. H-1490 FR. Following the  
4 Commissioner's issuance of decisions in these cases, PREVITI  
5 filed separate Petitions for a Writ of Administrative Mandamus in  
6 the Superior Court of the State of California, County of San  
7 Bernardino. This Order pertains to the resolution of these two  
8 DRE cases and the corresponding petitions for writ of  
9 administrative mandamus.

10 DRE Case No. H-29105 LA (San Bern. Co. Sup. Ct. Case No. SCVSS 116314)

11 On June 20, 2001, an Accusation was filed against  
12 PREVITI and others before the DRE in Case No. H-29105 LA. On  
13 May 3, 2002, Thomas McCrady, Deputy Real Estate Commissioner,  
14 filed a First Amended Accusation in that case.

15 A multi-day hearing was held on the allegations in the  
16 First Amended Accusation in DRE Case No. H-29105 LA (also  
17 designated OAH No. L-2001070489). On July 18, 2003,  
18 Administrative Law Judge ("ALJ") Carolyn Magnuson issued a  
19 Proposed Decision. On August 15, 2003, the Real Estate  
20 Commissioner remanded the matter to ALJ Magnuson for further  
21 proceedings. On March 26, 2004, ALJ Magnuson issued a Proposed  
22 Decision on Remand. On April 14, 2004, the Real Estate  
23 Commissioner issued a Decision ("Decision #2") adopting the  
24 Proposed Decision on Remand, with limited exceptions,<sup>1</sup> effective  
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26 <sup>1</sup> The Commissioner ordered that, contrary to the Proposed Decision on Remand, no order or disposition as to  
27 Rancho Mortgage Corporation or Forecast Mortgage Corporation could be made because neither was named as a  
Respondent in the Accusation.

1 May 6, 2004. On June 2, 2004, John R. Liberator, Acting Real  
2 Estate Commissioner, issued an order staying the effective date  
3 of Decision #2 until June 14, 2004.

4 On June 10, 2004, a verified Petition for Writ of  
5 Administrative Mandamus was timely filed against the Commissioner  
6 of Real Estate in San Bernardino Superior Court Case No. SCVSS  
7 116314, titled "James Peter Previti and Forecast Homes, Inc. v.  
8 Commissioner of Real Estate" ("Previti II").

9 DRE Case No. H-1490 FR (San Bern. Co. Sup. Ct. Case No. SCVSS 105752)

10 On July 24, 2001, an Accusation was filed against  
11 PREVITI and others in Case No. H-1490 FR before the DRE. On  
12 October 28, 29, and 30, 2002, a hearing was held in Sacramento  
13 County before Administrative Law Judge ("ALJ") John Wagner, on  
14 the allegations in the Accusation.

15 On February 19, 2003, ALJ Wagner issued a Proposed  
16 Decision in DRE Case No. H-1490 FR (also designated OAH No. N-  
17 2001120030). On February 27, 2003, the Real Estate Commissioner  
18 issued a Decision adopting the Proposed Decision, effective March  
19 28, 2003. On March 21, 2003, the Commissioner issued an order  
20 staying the effective date to April 28, 2003, so that PREVITI and  
21 others could file an application for reconsideration. On May 8,  
22 2003, the Commissioner granted said application for  
23 reconsideration for the limited purpose of determining whether  
24 the discipline imposed should be reduced. On June 23, 2003, the  
25 Commissioner issued her Decision on Reconsideration ("Decision  
26 #1"), effective on July 18, 2003.

27 ///

1           On July 18, 2003, PREVITI and others filed a Petition  
2 for Writ of Administrative Mandamus in San Bernardino Superior  
3 Court Case No. SCVSS 105752, titled "James Peter Previti and  
4 Forecast Homes, Inc. v. Commissioner of Real Estate" ("Previti  
5 I"). Also on July 18, 2003, Previti and others filed an *Ex Parte*  
6 Application for a Temporary Stay of the Commissioner's Decision  
7 on Reconsideration and an *Ex Parte* Application for Alternative  
8 Writ of Administrative Mandamus against the Commissioner of Real  
9 Estate in these proceedings. On that same date, the San  
10 Bernardino Superior Court stayed the Commissioner's Decision on  
11 Reconsideration pending a hearing on the merits of the writ and  
12 issued an order asking the Commissioner to show cause why the  
13 Decision #1 should not be vacated.

14           Pursuant to a stipulation by the parties, the San  
15 Bernardino County Superior Court has issued a Judgment dismissing  
16 both the Previti I and Previti II cases, and remanding said cases  
17 to the Commissioner, for further proceedings to which the parties  
18 have previously agreed.

19 **RESOLUTION OF DRE CASE Nos. H-1490 FR AND H-29105 LA**

20           On November 17, 2009, PREVITI petitioned the  
21 Commissioner to accept a voluntary surrender of DRE Real Estate  
22 Broker License No. 345125 and of License No. 11870785 of Forecast  
23 Homes, Inc. (an entity that was merged out of existence on  
24 October 31, 2007), pursuant to Section 10100.2 of the Business  
25 and Professions Code.

26 ///

27 ///

1 IT IS HEREBY ORDERED that PREVITI's petition for  
2 voluntary surrender of real estate broker license nos. 345125 and  
3 1187085 is accepted as of the effective date of this Order, as  
4 set forth below, based upon the understanding and agreement  
5 expressed in PREVITI's Declaration dated November 17, 2009,  
6 (attached as Exhibit "A" hereto). All license certificate(s),  
7 pocket card(s), and any branch office license certificate(s)  
8 associated with these licenses, if currently in PREVITI's  
9 possession, shall be sent to the below-listed address so that  
10 they reach the Department on or before the effective date of this  
11 Order:

12 DEPARTMENT OF REAL ESTATE  
13 Attn: Licensing Flag Section  
14 P. O. Box 187000  
Sacramento, CA 95818-7000

15 If PREVITI is not able to locate one or more of these indicia of  
16 licensure prior to the effective date of this Order, then PREVITI  
17 shall send each such item to the above-stated address immediately  
18 upon finding it.

19 Promptly following the effective date of this Order,  
20 PREVITI's voluntary surrender of real estate broker license nos.  
21 **00345125** and **01187085** will be published under the heading  
22 "License Surrender" in the Department of Real Estate's Bulletin.  
23 In addition, the status of these licenses will be updated to  
24 "Surrendered" on the DRE's website.

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27 ///

1 With this Order, DRE Case Nos. H-29105 LA and H-1490 FR  
2 are closed. No further act of the Commissioner is required.

3 This Order shall become effective at 12 o'clock noon on  
4 February 16, 2010.

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6 DATED: 1-21-10.

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8 JEFF DAVI  
Real Estate Commissioner  
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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of  
FORECAST HOMES, INC.; JAMES PETER  
PREVITI, individually, dba The  
Forecast Group, L.P., and as  
designated officer of Forecast  
Homes, Inc., Rancho Mortgage  
Corporation and Forecast Mortgage  
Corporation; ADNAN SAID SALEH; and  
DAVID PATRICK PAGET,

Respondents;

DRE No. H-29105 LA

OAH No. L-2001070489

In the Matter of the Accusation of  
JAMES PETER PREVITI, FORECAST HOMES,  
INC., SANDRA L. FRANK,

Respondents.

DRE No. H-1490 FR

OAH No. N-2001120030

DECLARATION

My name is James Peter Previti, and I currently hold an  
expired real estate broker license, DRE License No. 345125  
(which expired on May 12, 2004). I was also the designated  
officer of Forecast Homes, Inc., an entity that was merged out  
of existence on October 31, 2007, which held expired DRE License

1 No. 1187085 (which expired on October 17, 2002). I am  
2 represented in the two DRE matters referenced above by Larry R.  
3 Day, attorney at law.

4 In lieu of proceeding with these matters in accordance  
5 with the provisions of the Administrative Procedure Act  
6 (Sections 11400 et seq., of the Government Code), I wish to  
7 voluntarily surrender expired real estate license nos. 345125  
8 and 1187085 issued by the Department of Real Estate  
9 ("Department") and license rights pursuant to Business and  
10 Professions Code Section 10100.2.

11 I understand that by so voluntarily surrendering these  
12 licenses and license rights, I may be relicensed as a broker or  
13 as a salesperson only by petitioning for reinstatement pursuant  
14 to Section 11522 of the Government Code. I also understand that  
15 by so voluntarily surrendering these licenses, I agree to the  
16 following:

17 1. The filing of this Declaration shall be deemed as  
18 my petition for voluntary surrender.

19 2. Except as provided in paragraph 3 below, neither  
20 the fact of, nor any provision contained in, this Declaration nor  
21 any action taken hereunder shall constitute, or be construed, as  
22 an admission of the validity of any claim or any factual  
23 allegation that was or could have been made by the Commissioner  
24 of Real Estate ("Commissioner"), or any admission of wrongdoing,  
25 fault, violation of law, or liability of any kind.

26 3. I agree that upon acceptance by the Commissioner,  
27 as evidenced by an appropriate order, all affidavits and all



1 relevant evidence obtained by the Department in these matters  
2 prior to the Commissioner's acceptance, and all allegations  
3 contained in the Accusations filed in Department Case Nos.  
4 H-29105 LA and H-1490 FR, may be considered by the Department to  
5 be true and correct for the purpose of deciding whether to grant  
6 relicensure or reinstatement of these licenses or license rights  
7 pursuant to Government Code section 11522.

8 4. I freely and voluntarily surrender all my licenses,  
9 including license nos. 345125 and 1187085, and all corresponding  
10 license rights under the Real Estate Law.

11 I declare under penalty of perjury under the laws of  
12 the State of California that the above is true and correct and  
13 that this declaration was executed on November 17, 2009, at  
14 Ontario, California.

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JAMES PETER PREVITI

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Writ  
filed

FILED  
JUN 14 2004  
DEPARTMENT OF REAL ESTATE

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of )

FORECAST HOMES, INC., )

JAMES PETER PREVITI, )

individually, dba The Forecast )

Group, L.P., and as designated )

officer of Forecast Homes, Inc., )

Rancho Mortgage Corporation and )

Forecast Mortgage Corporation; )

ADNAN SAID SALEH; and )

DAVID PATRICK PAGET, )

Respondents. )

No. H-29105 LA

L-2001070489

ORDER DENYING RECONSIDERATION

On April 14, 2004, a Decision was rendered in the above-entitled matter. The Decision was to become effective on May 6, 2004 and was stayed by separate Orders to June 14, 2004.

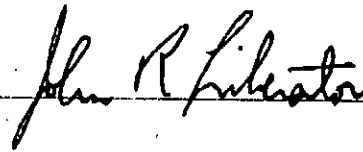
On or about June 2, 2004, Respondents petitioned for reconsideration of the Decision of April 14, 2004.

///

1 I have given due consideration to the petition of  
2 Respondents. I find no good cause to reconsider the Decision of  
3 April 14, 2004, and reconsideration is hereby DENIED.

4 IT IS SO ORDERED June 14, 2004.

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6 JOHN R. LIBERATOR  
Acting Real Estate Commissioner  
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FILED  
JUN - 2 2004  
DEPARTMENT OF REAL ESTATE

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of	)	
	)	NO. H-29105 LA
<u>FORECAST HOMES, INC.;</u>	)	
<u>JAMES PETER PREVITI</u> , individually,	)	L-2001070489
dba The Forecast Group L.P. and	)	
as designated officer of	)	
Forecast Homes, Inc., Rancho Mortgage	)	
Corporation and Forecast Mortgage	)	
Corporation; ADNAN SAID SALEH; and	)	
DAVID PATRICK PAGET,	)	
	)	
Respondents.	)	

ORDER STAYING EFFECTIVE DATE

On April 14, 2004, a Decision was rendered in  
the above-entitled matter to become effective May 6, 2004.

On April 30, 2004, an Order Staying Effective Date  
was entered ordering that the effective date of the Decision  
of April 14, 2004, be stayed for a period of thirty (30) days,  
and further ordering that the Decision of April 14, 2004,  
become effective at 12 o'clock noon on June 4, 2004.

1 Additional time is needed to evaluate the petition  
2 for reconsideration.

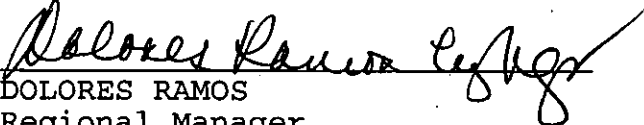
3 IT IS HEREBY ORDERED that the effective date of the  
4 Decision of April 14, 2004, is stayed for a period of ten (10)  
5 days to consider Respondents' petition for reconsideration.

6 The Decision of April 14, 2004, shall become  
7 effective at 12 o'clock noon on June 14, 2004.

8 DATED: June 2, 2004.

9 JOHN R. LIBERATOR  
10 Acting Real Estate Commissioner

11 By:

  
12 DOLORES RAMOS  
13 Regional Manager  
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FILED  
APR 30 2004  
DEPARTMENT OF REAL ESTATE

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of )  
 ) NO. H-29105 LA  
 )  
12 FORECAST HOMES, INC.; )  
13 JAMES PETER PREVITI, individually, ) L-2001070489  
14 dba The Forecast Group L.P. and )  
15 as designated officer of )  
16 Forecast Homes, Inc., Rancho Mortgage )  
17 Corporation and Forecast Mortgage )  
18 Corporation; ADNAN SAID SALEH; and )  
19 DAVID PATRICK PAGET, )  
20 Respondents. )

ORDER STAYING EFFECTIVE DATE

On April 14, 2004, a Decision was rendered in  
the above-entitled matter to become effective May 6, 2004.

IT IS HEREBY ORDERED that the effective date of  
the Decision of April 14, 2004, is stayed for a period of  
thirty (30) days to allow Respondents FORECAST HOMES, INC. and  
JAMES PETER PREVITI, to file a petition for reconsideration.

///

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1           The Decision of April 14, 2004, shall become  
2 effective at 12 o'clock noon on June 4, 2004.

3           DATED: April 30, 2004.

4                           JOHN R. LIBERATOR  
5                           Acting Real Estate Commissioner

6           By: 

7                           DOLORES RAMOS  
8                           Regional Manager  
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BEFORE THE DEPARTMENT OF REAL ESTATE                     

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of )  
FORECAST HOMES, INC.; )  
JAMES PETER PREVITI, )  
individually, dba The Forecast )  
Group L.P. and as designated )  
officer of Forecast Homes, Inc., )  
Rancho Mortgage Corporation and )  
Forecast Mortgage Corporation; )  
ADNAN SAID SALEH; and )  
DAVID PATRICK PAGET, )  
Respondents. )

NO. H-29105 LA

OAH NO. L-2001070489

DECISION

Except as noted below, the Proposed Decision on Remand dated March 26, 2004, of Carolyn D. Magnuson, 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.

Pursuant to Section 11517(c)(2)(B) the following changes are made:

In the Proposed Decision on Remand, Paragraphs 2 and 3 of the Order on Remand revokes the real estate broker licenses of RANCHO MORTGAGE CORPORATION and FORECAST MORTGAGE CORPORATION. RANCHO MORTGAGE CORPORATION and FORECAST MORTGAGE CORPORATION were not named as Respondents herein and as such, Paragraphs 2 and 3 of the Proposed Order on Remand are deleted. No order or



disposition is made herein as to RANCHO MORTGAGE CORPORATION and FORECAST MORTGAGE CORPORATION.

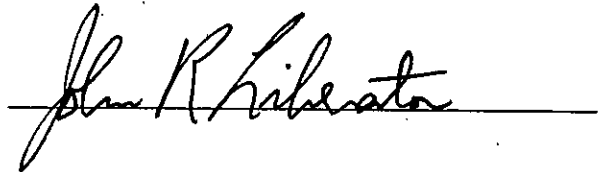
The balance of the Proposed Decision on Remand, dated March 26, 2004, is hereby adopted as the Decision of the Real Estate Commissioner.

The right to reinstatement of a revoked real estate license or to the reduction of a suspension is controlled by Section 11522 of the Government Code. A copy of Section 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of respondent.

The Decision shall become effective at 12 o'clock noon on May 6, 2004.

IT IS SO ORDERED April 14, 2004.

JOHN R. LIBERATOR  
Acting Real Estate Commissioner

A handwritten signature in cursive script, reading "John R. Liberator", is written over a horizontal line.

**FILED**  
AUG 15 2003  
DEPARTMENT OF REAL ESTATE

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of )

No. H-29105 LA

FORECAST HOMES, INC., )

JAMES PETER PREVITI, )

L-2001070489

individually, dba The Forecast )

Group, L.P., and as designated )

officer of Forecast Homes, Inc., )

Rancho Mortgage Corporation and )

Forecast Mortgage Corporation; )

ADNAN SAID SALEH; and )

DAVID PATRICK PAGET, )

Respondents. )

NOTICE OF REJECTION OF PROPOSED DECISION AND  
ORDER REMANDING CASE TO ADMINISTRATIVE LAW JUDGE  
TO TAKE ADDITIONAL EVIDENCE AS SET FORTH HEREIN  
(Section 11517(c) of the Government Code)

TO: FORECAST HOMES, INC. and JAMES PETER PREVITI, Respondents  
and Robert O. Smylie, Attorney of Record herein:

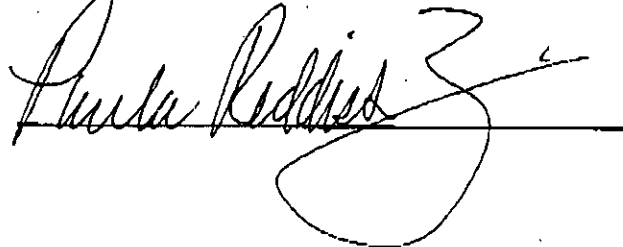
YOU ARE HEREBY NOTIFIED that the Proposed Decision  
herein dated July 18, 2003, of Administrative Law Judge Carolyn  
D. Magnuson is not adopted as the Decision of the Real Estate  
Commissioner. A copy of the Proposed Decision dated July 18,

1 2003, is attached hereto for your consideration.

2 IT IS HEREBY ORDERED, in accordance with Section  
3 11517(c) of the Government Code, that this case be referred to  
4 Carolyn D. Magnuson, Administrative Law Judge of the Office of  
5 Administrative Hearings, if reasonably available, or otherwise  
6 to another administrative law judge to review and take  
7 additional evidence on the allegations in the Accusation filed  
8 herein that Respondent FORECAST HOMES, INC. violated Business  
9 and Professions Code Sections 11010 and 11018.2 (Paragraph "9");  
10 and Sections 10176(a), 10176(c), 10176(i), 10177(d) and 10177(g)  
11 (Paragraph "13"), and to render a Proposed Decision thereon,  
12 based on the review of the evidence of record and such  
13 additional evidence as may be introduced into evidence pursuant  
14 to this order. A transcript of the proceedings held herein is  
15 to be prepared for the purpose of implementing this order unless  
16 the parties agree to proceed without the need for such a  
17 transcript.

18 DATED: August 13, 2003.

19  
20 PAULA REDDISH ZINNEBMAN  
Real Estate Commissioner

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5XU

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

In the Matter of the Accusation of )  
FORECAST HOMES, INC. )  
and JAMES PETER PREVITI, )  
\_\_\_\_\_)  
Respondent(s)

Case No. H-29105 LA

OAH No. L-2001070489

**FILED**  
NOV - 6 2002  
DEPARTMENT OF REAL ESTATE

**NOTICE OF HEARING ON ACCUSATION**

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, 320 West Fourth Street, Suite 630, Los Angeles, CA 90013-1105 on FRIDAY, JANUARY 10, 2003, 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 6, 2002

By

Chris Leong  
CHRIS LEONG, Counsel

cc: Forecast Homes, Inc.  
James Peter Previti  
Robert O. Smylie, Esq.  
/Sacto.  
OAH

SACD.  
Flag

FILED  
JUN - 5 2002

DEPARTMENT OF REAL ESTATE

By 

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \* \*

In the Matter of the Accusation of	)	No. H-29105 LA
ADNAN SAID SALEH,	)	L-2001070489
Respondent.	)	

ORDER DENYING RECONSIDERATION

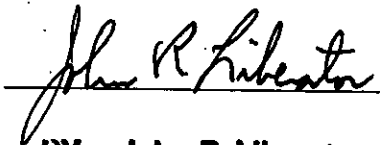
On April 9, 2002, a Decision was rendered in the above-entitled matter. The Decision is to become effective on May 2, 2002, and was stayed by separate Orders to June 13, 2002.

On April 26, 2002, Respondent petitioned for reconsideration of the Decision of April 9, 2002.

I have given due consideration to the petition of Respondent. I find no good cause to reconsider the Decision of April 9, 2002, and reconsideration is hereby denied.


IT IS SO ORDERED June 3, 2002

PAULA REDDISH ZINNEMANN  
Real Estate Commissioner



BY: John R. Liberator  
Chief Deputy Commissioner

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FILED  
MAY 31 2002  
DEPARTMENT OF REAL ESTATE  
By: 

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \* \*

In the Matter of the Accusation of	)	No. H-29105 LA
ADNAN SAID SALEH,	)	L-2001070489
Respondent.	)	

ORDER STAYING EFFECTIVE DATE

On April 9, 2002, a Decision was rendered in the above-entitled matter to become effective May 2, 2002. On May 1, 2002, the effective date of said Decision was stayed until June 3, 2002.

IT IS HEREBY ORDERED that the effective date of the Decision of April 9, 2002, is stayed for an additional period of 10 days.

The Decision of April 9, 2002, shall become effective at 12 o'clock noon on June 13, 2002.

DATED: May 31, 2002.

PAULA REDDISH ZINNEMANN  
Real Estate Commissioner

By:   
DOLORES RAMOS  
Regional Manager

SACD  
flag

FILED  
MAY - 3 2002  
DEPARTMENT OF REAL ESTATE

SEAN CRAHAN, SBN 49351  
Department of Real Estate  
320 West 4th Street, Ste. 350  
Los Angeles, California 90013-1105

Telephone: (213) 576-6907 (direct)  
-or- (213) 576-6982 (office)

By 

DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of	)	No. H-29105 LA
FORECAST HOMES, INC.;	)	L-2001070489
JAMES PETER PREVITI,	)	
individually, dba The Forecast	)	
Group, L.P., and as designated	)	
officer of Forecast Homes, Inc.,	)	<u>FIRST AMENDED</u>
Rancho Mortgage Corporation and	)	
Forecast Mortgage Corporation;	)	<u>ACCUSATION</u>
ADNAN SAID SALEH; and	)	
DAVID PATRICK PAGET,	)	
Respondents.	)	

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, acting in her official capacity, for cause of first amended accusation against FORECAST HOMES, INC., a California corporate broker; JAMES PETER PREVITI, individually, doing business as The Forecast Group, L. P., and as designated officer of Forecast Homes, Inc., Rancho Mortgage Corporation and Forecast Mortgage Corporation, California corporate brokers; ADNAN SAID SALEH and DAVID PATRICK PAGET is

1 informed and alleges as follows:

2 1.

3 The Complainant, Maria G. Suarez, a Deputy Real Estate  
4 Commissioner of the State of California, makes this Accusation in  
5 her official capacity.

6 2.

7 LICENSES

8 FORECAST HOMES, INC., sometimes referred to as  
9 Respondent FHI, is presently licensed and/or has license rights  
10 under the Real Estate Law (Part 1 of Division 4 of the California  
11 Business and Professions Code). At all times mentioned,  
12 Respondent FHI was licensed by the Department of Real Estate  
13 (Department) as a corporate real estate broker.

14 3.

15 (a) JAMES PETER PREVITI, sometimes referred to as  
16 Respondent PREVITI, is presently licensed and/or has license  
17 rights under the Real Estate Law.

18 (b) At all times mentioned, Respondent PREVITI was  
19 licensed by the Department as a real estate broker, individually,  
20 doing business as The Forecast Group, L.P., and as designated  
21 officer of Forecast Homes, Inc., Rancho Mortgage Corporation,  
22 until April 23, 2000, and Forecast Mortgage Corporation,  
23 California corporate brokers.

24 (c) Pursuant to Code Section 10159.2, Respondent  
25 PREVITI was responsible for the supervision of the officers,  
26 agents and employees of Respondent FHI in the performance of  
27



1 activities for which a real estate license was required.

2 Pursuant to Code Section 10177(h), Respondent PREVITI was  
3 responsible for the supervision of employees of The Forecast  
4 Group, L.P. in the performance of activities for which a real  
5 estate license was required.

6 4.

7 ADNAN SAID SALEH, sometimes referred to as Respondent  
8 SALEH, is presently licensed and/or has license rights under the  
9 Real Estate Law. At all times mentioned, Respondent SALEH was  
10 licensed by the Department as a real estate salesperson ~~and was~~  
11 ~~licensed to~~ and was employed by Respondent FHI The Forecast  
12 Group, L.P. At no time between April 22, 1996 and April 6, 2000,  
13 was Respondent SALEH licensed to a real estate broker.

14 5.

15 DAVID PATRICK PAGET, sometimes referred to as  
16 Respondent PAGET, is presently licensed and/or has license rights  
17 under the Real Estate Law. At all times mentioned, Respondent  
18 PAGET was licensed by the Department as a real estate salesperson  
19 ~~and was licensed to~~ and employed by Respondent ~~FHI The Forecast~~  
20 Group, L.P. At no time prior to May 15, 2000, was Respondent  
21 PAGET licensed to a real estate broker.

22 6.

23 All further references to "Respondent" include the parties  
24 identified in Paragraphs 2 through 5, above, and also include the  
25 officers, directors, managers, employees, agents and/or real  
26 estate licensees employed by or associated with said party, who  
27 at all times material herein were engaged in the furtherance of

1 the business or operations of said party and who were acting  
2 within the course and scope of their authority, agency, or  
3 employment.

4 7.

5 THE SUBDIVISION

6 Rancho San Ramon, located on tract 21854 in Riverside  
7 County, California, is land which consists of five or more lots  
8 (hereafter the Subdivision). The Forecast Group, L.P., a  
9 partnership, (FGLP), was an owner and/or subdivider.

10 8.

11 SALES OF SUBDIVIDED LANDS

12 Respondent FHI was, at all times herein, a general  
13 partner of FGLP. Respondent FHI acted as agent and/or general  
14 partner, for or in expectation of compensation, on behalf of  
15 FGLP, in connection with the sale of lots in the Subdivision.  
16 Respondents SALEH and PAGET were, at all times herein mentioned,  
17 employees of Respondent FHI or of FGLP. Respondents SALEH and  
18 PAGET, acting within the scope of their employment by and at the  
19 direction of Respondent FHI and FGLP, in California, sold five or  
20 more lots in the Subdivision to the public as set forth below:

21	Lot	Date	Buyers:	Date	Respondent:
22	No.:	Of Sale:		Closed:	
23	1	10/24/98	Albert and Evelyn Godinez	1/22/99	SALEH
24	2	9/18/98	Mark Del Campo	1/21/99	PAGET
25	3	9/18/98	Scott and Alyson Kossak	1/22/99	PAGET
26	4	10/8/98	Martin and Donna Rodriguez	1/21/99	SALEH
27	5	10/10/98	Todd and Tamra Williams	1/22/99	SALEH

1	6	12/14/98	Marvin and Diane Walker	1/20/99	PAGET
2	7	10/11/98	Tom and Stephanie Rorabacher	1/22/99	PAGET
3	8	11/22/98	Allen and Cheryl Ghosoph	5/3/99	SALEH
4	9	1/16/99	Jeb and Kathryn J.Hann	4/30/99	PAGET
5	10	10/31/98	Ken and Pat Benson	12/24/98	SALEH
6	11	11/19/98	James and Anne Sullivan	1/29/99	SALEH
7	12	9/12/98	Melinda Acuna-Gaughan	1/14/99	SALEH
8	13	9/11/98	Lutheran and Jessie Carter	1/15/99	PAGET
9	14	12/14/98	Joseph and Nancy Stuck	1/22/99	SALEH
10	15	9/12/98	Michael and Rosemary Wecker	1/14/99	SALEH
11	16	9/26/98	Jason and Holly Bailes	1/15/99	PAGET
12	17	9/13/98	Vickie Martin	1/14/99	SALEH
13	18	9/12/98	George and Darla Ortiz	1/15/9	PAGET
14	19	11/20/98	Kevin and Kelly Reese	1/15/99	SALEH
15	141	7/26/98	Alonzo and Jolene Plater	10/8/98	SALEH
16	157	7/19/98	Lowell and Margot Cornwell	10/19/98	SALEH

9.

#### SALES WITHOUT PUBLIC REPORTS

Respondents, and each of them, offered for sale and/or sold lots, parcels or other interests in the Subdivision, as set forth in Paragraph 8, above, without first filing an application for, and/or obtaining a public report from the Department covering the above lots in the Subdivision, in violation of Code Sections 11010 and 11018.2.

## FRAUD OR DISHONEST DEALING

(a) In each of the sales set forth in paragraph 8, above, Respondents, FGLP, and each of them, caused to be placed into ~~Respondent FHI~~ FGLP's transaction files Receipt(s) for Public Report (hereafter Receipt), signed by the buyers, showing that the buyers had received a public report pertaining to the lot they were purchasing. In fact, the public reports identified in the Receipts for Public Reports, signed by the buyers, were for other lots not purchased by the buyers.

(b) Respondents and FGLP issued to the purchasers, identified in Paragraph 8, copies of Final Subdivision Public Reports not applicable to the lots they purchased; nor were the public reports given to the purchasers consistent with those identified on the Receipts signed by the purchasers.

(c) The issuance of inapplicable public reports was a dishonest misrepresentation by Respondents, and each of them, to the purchasers that the lots they purchased were part of the Subdivision which had been reviewed by the Department and for which the Department had issued public reports from time to time.

(d) The issuance of inapplicable public reports was a misrepresentation by Respondents, and each of them, to the purchasers that they would, upon close of escrow, become members of the homeowners' associations.

(e) Delivery of inapplicable public reports to the 21 purchasers constituted a flagrant course of misrepresentations by

1 Respondents FHI, FGLP and PREVITI, through FHI's salespeople,  
2 Respondents SALEH and PAGET.

3 (f) In fact, the lots identified in Paragraph 8 had  
4 not, prior to close of escrow, been annexed to the covenants,  
5 conditions and restrictions of the Subdivision and, as a result,  
6 the buyers were not legal members of the homeowners associations.

7 (g) In aggravation of these misrepresentations,  
8 Respondents FHI, FGLP, and PREVITI caused, allowed or permitted  
9 the insertion on to the Receipts, in handwriting, the lot number  
10 of the lot purchased by the lot purchaser. This insertion took  
11 place after the purchasers signed the Receipts and before the  
12 transaction files had been submitted to the Department during its  
13 investigation of Respondents' actions with regard to the  
14 Subdivision.

15 (h) Insertion of the Receipts into the transaction  
16 files, inserting onto the Receipts with the Lot numbers of lots  
17 purchased by the purchasers, and issuance of the inapplicable  
18 public reports, was done by Respondents, and each of them, to  
19 give the appearance of compliance with the Subdivided Lands Act  
20 (Code Section 11000 et seq.).

21 11.

22 Respondent PREVITI failed to notify the Department of  
23 the employment of Respondents SALEH and PAGET in violation of  
24 Regulation 2752 from Title 10, Chapter 6, California Code of  
25 Regulations.

12.

Respondent PREVITI knew or should have known that the above violations occurred or were occurring. Respondent PREVITI failed to exercise reasonable supervision over the activities of officers and employees of FGLP or of Respondent FHI for which a real estate license was required so as to prevent the violations from occurring.

13.

The conduct, acts and/or omissions of Respondents FORECAST HOMES, INC. and JAMES PETER PREVITI, as described herein above, constitute cause for the suspension or revocation of all real estate licenses and license rights of Respondents pursuant to the provisions of the following Code Sections:

(a) Code Section 10176(a) for substantial misrepresentations in delivering a public report to the purchasers of lots when the lot they purchased was not covered by a public report, as set forth in Paragraph 10(a), (b), (c), (d), above.

(b) Code Section 10176(c) for a continued and flagrant course of misrepresentation through its real estate salespeople, as set forth in Paragraph 10(e), above.

(c) Code Sections 10176(i) or 10177(j) for dishonest dealing in:

(i) Delivering public reports to the purchasers of lots when the lots they purchased were not covered by a public report, as set forth in Paragraphs 10(a), (b), (c), (d), above.

1 (ii) The misrepresentations, as set forth in  
2 Paragraphs 10(a), (b), (c), (d), above.

3 (iii) Creating the appearance of compliance with  
4 the Subdivided Lands Act, as set forth in Paragraph 10(h), above.

5 (d) Code Section 10177(d) for violation of Code  
6 Sections 11010 and 11018.2 for selling lots in the Subdivision  
7 without, prior thereto, notifying the Commissioner and obtaining  
8 a public report, as set forth in Paragraphs 7 and 8 above.

9 (e) Code Section 10177(g) for negligence in  
10 transactions for which a real estate license is required, as set  
11 forth above.

12 (f) Code Sections 10177(h) or 10177(d) for violations  
13 of Code Section 10159.2, and Regulation 2725, as to Respondent  
14 PREVITI only, for his failure to exercise reasonable supervision  
15 over the activities by officers or employees of FGLP and of  
16 Respondent FHI for which a real estate license is required, as  
17 set forth in Paragraph 12, above.

18 13.

19 The conduct, acts and/or omissions of Respondents ADNAN  
20 SAID SALEH and DAVID PATRICK PAGET, as described herein above,  
21 constitute cause for the suspension or revocation of all real  
22 estate licenses and license rights of Respondents SALEH and PAGET  
23 pursuant to the provisions of the following Code Sections:

24 (a) Code Section 10176(a) for substantial  
25 misrepresentations in delivering a public report to the  
26 purchasers of lots when the lot they purchased was not covered by  
27

1 a public report, as set forth in Paragraph 10(a), (b), (c), (d),  
2 above.

3 (b) Code Sections 10176(i) or 10177(j) for dishonest  
4 dealing in:

5 (i) delivering public reports to the purchasers of  
6 lots when the lot they purchased was not covered by a public  
7 report, as set forth in Paragraphs 10(a), (b), (c), (d), above.

8 (ii) creating the appearance of compliance with  
9 the Subdivided Lands Act, as set forth in Paragraph 10(h), above.

10 (c) Code Section 10177(d) for violation of Code  
11 Sections 11010 and 11018.2 for selling lots in the Subdivision  
12 without prior thereto notifying the Commissioner of their  
13 intention or obtaining a public report.

14 (d) Code Section 10177(g) for negligence in  
15 transactions for which a real estate license is required, as set  
16 forth above.

#### 17 AGGRAVATION

18 In aggravation of Respondent FHI's and PREVITI'S  
19 failure to notify the Commissioner and obtain public reports  
20 prior to sale of the lots, Respondent FHI and FGLP failed to  
21 annex those lots set forth in Paragraph 9 [except Lots 8 and 9]  
22 to the Covenants, Conditions and Restrictions of Rancho San Ramon  
23 Homeowners Association prior to sale to the purchasers. As a  
24 result, the Rancho San Ramon Homeowners Association was not  
25 legally able to collect periodic fees from the owners of those  
26 lots. The purchasers were not legally entitled to use the  
27 facilities common to the Subdivision or to vote in the election



1 of directors to the boards. If FGLP, through its general  
2 partner, Respondent FHI, applied for and obtained a public report  
3 for the above lots, FGLP would have had to assure that the  
4 covenants, conditions and restrictions, by-laws and other  
5 management documents of Rancho San Ramon would be binding on all  
6 purchasers and on all lots in the Subdivision.

7 WHEREFORE, Complainant prays that a hearing be  
8 conducted on the allegations of this Accusation and that upon  
9 proof thereof, a decision be rendered imposing disciplinary  
10 action against all licenses and license rights of Respondents  
11 FORECAST HOMES, INC., a California corporate broker; JAMES PETER  
12 PREVITI, individually, doing business as The Forecast Group, L.P.  
13 and as designated officer of Forecast Homes, Inc., Rancho  
14 Mortgage Corporation and Forecast Mortgage Corporation; ADNAN  
15 SAID SALEH; and DAVID PATRICK PAGET, under the Real Estate Law  
16 (Part 1 of Division 4 of the Business and Professions Code), and  
17 for such other and further relief as may be proper under other  
18 applicable provisions of law.

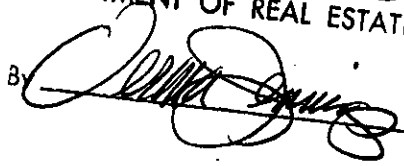
19 Dated at Los Angeles, California, this 3rd day of May, 2002

20   
21 Thomas McCrady  
22 Deputy Real Estate Commissioner

23  
24 cc: Forecast Homes, Inc.  
25 James Peter Previti  
26 L.A. Subdivisions  
27 Robert Smylie, Esq.  
JW

SC/sc

SACD  
Play

FILED  
MAY - 1 2002  
DEPARTMENT OF REAL ESTATE  
By: 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \* \*

In the Matter of the Accusation of	)	No. H-29105 LA
ADNAN SAID SALEH,	)	L-2001070489
Respondent.	)	

ORDER STAYING EFFECTIVE DATE

On April 9, 2002, a Decision was rendered in the above-entitled matter to become effective May 2, 2002.

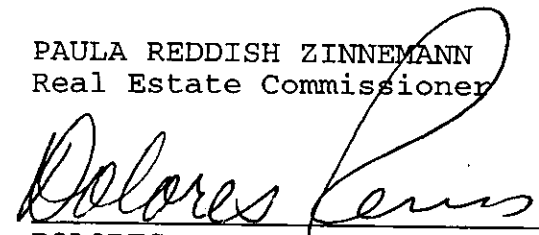
IT IS HEREBY ORDERED that the effective date of the Decision of April 9, 2002, is stayed for a period of 30 days.

The Decision of April 9, 2002, shall become effective at 12 o'clock noon on June 3, 2002.

DATED: May 1, 2002.

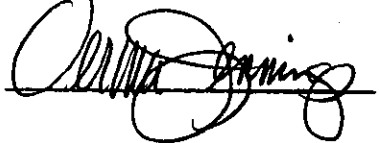
PAULA REDDISH ZINNEMANN  
Real Estate Commissioner

By:

  
DOLORES RAMOS  
Regional Manager

FILED  
APR 12 2002

DEPARTMENT OF REAL ESTATE

By 

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of	)	No. H-29105 LA
FORECAST HOMES, INC.;	)	L-2001070489
JAMES PETER PREVITI,	)	
individually, dba The Forecast	)	<u>STIPULATION AND AGREEMENT</u>
Group, L.P., and as designated	)	
officer of Forecast Homes, Inc.,	)	
Rancho Mortgage Corporation and	)	
Forecast Mortgage Corporation;	)	
ADNAN SAID SALEH; and	)	
DAVID PATRICK PAGET,	)	
Respondents.	)	

It is hereby stipulated by and between ADNAN SAID SALEH (referred to as Respondent herein) and the Complainant, acting by and through Sean Crahan, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on June 20, 2001, 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

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 (hereafter 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. On July 3, 2001, Respondent filed a Notice of  
9 Defense pursuant to Section 11506 of the Government Code for the  
10 purpose of requesting a hearing on the allegations in the  
11 Accusation. Respondent hereby freely and voluntarily withdraws  
12 said Notice of Defense. Respondent acknowledges that he  
13 understands that by withdrawing said Notice of Defense, he will  
14 thereby waive his right to require the Commissioner to prove the  
15 allegations in the Accusation at a contested hearing held in  
16 accordance with the provisions of the APA and that he will waive  
17 other rights afforded to him in connection with the hearing such  
18 as the right to present evidence in defense of the allegations in  
19 the Accusation and the right to cross-examine witnesses.

20 4. This Stipulation and Agreement relates to the  
21 factual allegations contained in paragraphs one (1) through nine  
22 (9) in the Accusation filed in this proceeding. Respondent  
23 chooses not to contest these factual allegations and to remain  
24 silent and understands that, as a result thereof, these factual  
25 allegations, without being admitted or denied, will serve as a  
26 basis for the discipline stipulated to herein. This Stipulation  
27 and Agreement and the findings based on Respondent's decision not

1 to contest the Accusation is hereby expressly limited to this  
2 proceeding and made for the sole purpose of reaching an agreed  
3 disposition of this proceeding, only. Respondent's decision not  
4 to contest the factual allegations is made solely for the purpose  
5 of effectuating this Stipulation and is intended by Complainant  
6 and Respondent to be non-binding upon him in any actions against  
7 Respondent by third parties and shall not be deemed, used, or  
8 accepted as an acknowledgement or admission. The Real Estate  
9 Commissioner shall not be required to provide further evidence to  
10 prove such allegations.

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

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

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1 10156.6 of said Code:

2 A. Any restricted license issued to Respondent ADNAN  
3 SAID SALEH shall be suspended for sixty (60) days from the date  
4 of issuance of said restricted license. If Respondent petitions,  
5 the suspension (or a portion thereof) shall be stayed upon  
6 condition that:

7 (1) Respondent pays a monetary penalty pursuant  
8 to Section 10175.2 of the Business and Professions Code at the  
9 rate of \$100.00 for each day of the suspension for a total  
10 monetary penalty of \$3,000.

11 (2) Said payment shall be in the form of a  
12 cashier's check or certified check made payable to the Recovery  
13 Account of the Real Estate Fund. Said check must be received by  
14 the Department prior to the effective date of the Decision in  
15 this matter.

16 (3) If Respondent fails to pay the monetary  
17 penalty in accordance with the terms and conditions of the  
18 Decision, the Commissioner may, without a hearing, order the  
19 immediate execution of all or any part of the stayed suspension  
20 in which event the Respondent shall not be entitled to any  
21 repayment nor credit, prorated or otherwise, for money paid to  
22 the Department under the terms of this Decision.

23 B. The restricted license issued to Respondent ADNAN  
24 SAID SALEH shall be subject to all of the provisions of Section  
25 10156.7 of the Business and Professions Code and to the following  
26 limitations, conditions and restrictions imposed under authority  
27 of Section 10156.6 of said Code:

1                   (1) The restricted license may be suspended prior  
2 to hearing by Order of the Real Estate Commissioner in the event  
3 of Respondent ADNAN SAID SALEH's conviction or plea of nolo  
4 contendere to a crime which is substantially related to  
5 Respondent's fitness or capacity as a real estate licensee.

6                   (2) The restricted license may be suspended prior  
7 to hearing by Order of the Real Estate Commissioner on evidence  
8 satisfactory to the Commissioner that Respondent ADNAN SAID SALEH  
9 has violated provisions of the California Real Estate Law, the  
10 Subdivided Lands Law, Regulations of the Real Estate  
11 Commissioner, or the conditions attaching to the restricted  
12 license.

13                   (3) Respondent ADNAN SAID SALEH shall not be  
14 eligible to apply for the issuance of an unrestricted real estate  
15 license nor the removal of any of the conditions, limitations or  
16 restrictions of a restricted license until two (2) years have  
17 elapsed from the date of issuance of the restricted license to  
18 Respondent.

19                   (4) Respondent ADNAN SAID SALEH shall submit with  
20 any application for license under an employing broker, or any  
21 application for transfer to a new employing broker, a statement  
22 signed by the prospective employing real estate broker on a form  
23 approved by the Department of Real Estate which shall certify:

24                   (a) That the employing broker has read the  
25 Decision of the Commissioner which granted the  
26 right to a restricted license; and

27                   (b) That the employing broker will exercise



1 close supervision over the performance by the  
2 restricted licensee relating to activities for  
3 which a real estate license is required.

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

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

23  
24 DATED: 4-3-02

  
SEAN CRAHAN, Counsel for  
Complainant.

25  
26 //

1 \* \* \* \* \*

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

13  
14 DATED: 04/01-02

Adnan Said Saleh  
ADNAN SAID SALEH, Respondent.

15  
16  
17 \* \* \* \* \*

18  
19 The foregoing Stipulation And Agreement is hereby  
20 adopted as my Decision as to Respondent ADNAN SAID SALEH and  
21 shall become effective at 12 o'clock noon on  
22 May 2, 2002

23 IT IS SO ORDERED

April 9, 2002  
24  
25 PAULA REDDISH ZINNEMANN  
26 Real Estate Commissioner  
27  
Paula Reddish

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \* \*

**FILED**  
JUN 14 2002  
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of )

FORECAST HOMES, INC., et al., )

Respondents. )

Case No. H-29105 LA

OAH No. L-2001070489

By 

**NOTICE OF FURTHER HEARING ON ACCUSATION**

**To the above-named Respondents:**

You are hereby notified that a hearing will be held before the Department of Real Estate at Office of Administrative Hearings, 320 West Fourth Street, Suite 630, Los Angeles, California, on **September 12, 2002**, 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.

**Dated:** June 14, 2002.

cc: Forecast Homes, Inc.  
James Peter Previti  
Robert O. Smylie, Esq.  
Sacto.  
OAH

DEPARTMENT OF REAL ESTATE

By: 

**DARLENE AVERETTA, Counsel**

SAC 10  
May

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \* \*

In the Matter of the Accusation of )

FORECAST HOMES, INC., et al., )

Respondents. )

Case No. H-29105 LA

OAH No. L-2001070489

FILED  
MAY - 7 2002  
DEPARTMENT OF REAL ESTATE

By

NOTICE OF FURTHER HEARING ON ACCUSATION

To the above-named Respondents:

You are hereby notified that a hearing will be held before the Department of Real Estate at Office of Administrative Hearings, 320 West Fourth Street, Suite 630, Los Angeles, California, on May 22 and 23, 2002, 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.

Dated: May 7, 2002.

cc: Forecast Homes, Inc.  
James Peter Previti  
Robert O. Smylie, Esq.  
Sacto.  
OAH

DEPARTMENT OF REAL ESTATE

By:

SEAN CRAHAN, Counsel

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA


\* \* \* \*

**FILED**  
APR 18 2002  
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of )

FORECAST HOMES, INC., et al., )

Respondents. )

By:   
Case No. H-29105 LA  
OAH No. L-2001070489

**NOTICE OF CONTINUED HEARING ON ACCUSATION**

**To the above-named Respondents:**

You are hereby notified that a hearing will be held before the Department of Real Estate at Office of Administrative Hearings, 320 West Fourth Street, Suite 630, Los Angeles, California, on **April 29, 30, May 1, 2 and 3, 2002**, 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.

**Dated: April 18, 2002.**

cc: Forecast Homes, Inc.  
James Peter Previti  
Robert O. Smylie, Esq.  
Sacto.  
OAH

DEPARTMENT OF REAL ESTATE

By: 

SEAN CRAHAN, Counsel

FILED

APR 12 2002

DEPARTMENT OF REAL ESTATE

By 

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of  
FORECAST HOMES, INC.;  
JAMES PETER PREVITI,  
individually, dba The Forecast  
Group, L.P., and as designated  
officer of Forecast Homes, Inc.,  
Rancho Mortgage Corporation and  
Forecast Mortgage Corporation;  
ADNAN SAID SALEH; and  
DAVID PATRICK PAGET,  
Respondents.

No. H-29105 LA

L-2001070489

STIPULATION AND AGREEMENT

It is hereby stipulated by and between DAVID PATRICK PAGET (referred to as Respondent herein), acting by and through his Counsel Frank M. Buda, Esq., and the Complainant, acting by and through Sean Crahan, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on June 20, 2001, 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

1 held in accordance with the provisions of the Administrative  
2 Procedure Act (APA), shall instead and in place thereof be  
3 submitted solely on the basis of the provisions of this  
4 Stipulation And Agreement (hereafter Stipulation).

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

9           3. On July 3, 2001, Respondent filed a Notice of  
10 Defense pursuant to Section 11506 of the Government Code for the  
11 purpose of requesting a hearing on the allegations in the  
12 Accusation. Respondent hereby freely and voluntarily withdraws  
13 said Notice of Defense. Respondent acknowledges that he  
14 understands that by withdrawing said Notice of Defense, he will  
15 thereby waive his right to require the Commissioner to prove the  
16 allegations in the Accusation at a contested hearing held in  
17 accordance with the provisions of the APA and that he will waive  
18 other rights afforded to him in connection with the hearing such  
19 as the right to present evidence in defense of the allegations in  
20 the Accusation and the right to cross-examine witnesses.

21           4. This Stipulation and Agreement relates to the  
22 factual allegations contained in paragraphs one (1) through nine  
23 (9) in the Accusation filed in this proceeding. Respondent  
24 chooses not to contest these factual allegations and to remain  
25 silent and understands that, as a result thereof, these factual  
26 allegations, without being admitted or denied, will serve as a  
27 basis for the discipline stipulated to herein. This Stipulation

1 and Agreement and the findings based on Respondent's decision not  
2 to contest the Accusation is hereby expressly limited to this  
3 proceeding and made for the sole purpose of reaching an agreed  
4 disposition of this proceeding, only. Respondent's decision not  
5 to contest the factual allegations is made solely for the purpose  
6 of effectuating this Stipulation and is intended by Complainant  
7 and Respondent to be non-binding upon him in any actions against  
8 Respondent by third parties and shall not be deemed, used, or  
9 accepted as an acknowledgement or admission. The Real Estate  
10 Commissioner shall not be required to provide further evidence to  
11 prove such allegations.

12           5. It is understood by the parties that the Real  
13 Estate Commissioner may adopt the Stipulation And Agreement as  
14 her Decision in this matter, thereby imposing the penalty and  
15 sanctions on Respondent's real estate licenses and/or license  
16 rights as set forth in the below Order. In the event that the  
17 Commissioner in her discretion does not adopt the Stipulation And  
18 Agreement, it shall be void and of no effect, and Respondent  
19 shall retain the right to a hearing and proceeding on the  
20 Accusation under all the provisions of the APA and shall not be  
21 bound by any admission or waiver made herein.

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



1 proceeding.

2 DETERMINATION OF ISSUES

3 By reason of the foregoing stipulations and waivers,  
4 made solely for the purpose of settlement of the pending  
5 Accusation without a hearing, it is stipulated and agreed that  
6 the following Determination of Issues shall be made:

7 The conduct or omissions of Respondent DAVID PATRICK  
8 PAGET under Part 1 of Division 4 of the Business and Professions  
9 Code are, as set forth in paragraphs one (1) through nine (9) in  
10 the Accusation constitute cause to suspend or revoke his real  
11 estate broker license and/or license rights under the provisions  
12 of Code Sections 10177(g) for negligence and 10177(d) in that he  
13 violated Code Sections 11010 and 11018.2.

14 ORDER

15 WHEREFORE, THE FOLLOWING ORDER is hereby made:

16 All licenses and licensing rights of Respondent DAVID  
17 PATRICK PAGET under the Real Estate Law are suspended for a  
18 period of ninety (90) days from the effective date of this  
19 Decision; provided, however:

20 1. If Respondent petitions, the first 30 (30) days of  
21 said suspension (or a portion thereof) shall be stayed upon  
22 condition that:

23 (a) Respondent pays a monetary penalty pursuant  
24 to Section 10175.2 of the Business and Professions Code at the  
25 rate of \$66.60 for each day of the suspension for a total  
26 monetary penalty of \$2,000.

1                    (b) Said payment shall be in the form of a  
2 cashier's check or certified check made payable to the Recovery  
3 Account of the Real Estate Fund. Said check must be received by  
4 the Department prior to the effective date of the Decision in  
5 this matter.

6                    (c) No further cause for disciplinary action  
7 against the real estate license of Respondent occurs within two  
8 years from the effective date of the Decision in this matter.

9                    (d) If Respondent fails to pay the monetary  
10 penalty in accordance with the terms and conditions of the  
11 Decision, the Commissioner may, without a hearing, order the  
12 immediate execution of all or any part of the stayed suspension  
13 in which event the Respondent shall not be entitled to any  
14 repayment nor credit, prorated or otherwise, for money paid to  
15 the Department under the terms of this Decision.

16                    2. The last sixty (60) days of said suspension shall  
17 be stayed on the following conditions:

18                    (a) Respondent shall obey all laws, rules and  
19 regulations governing the rights, duties and responsibilities of  
20 a real estate licensee in the State of California.

21                    (b) That no final subsequent determination be  
22 made, after hearing or upon stipulation, that cause for  
23 disciplinary action occurred within two (2) years of the  
24 effective date of this Decision. Should such a determination be  
25 made, the Commissioner may, in her discretion, vacate and set  
26 aside the stay order and reimpose all or a portion of the stayed  
27 suspension.

1           3. If Respondent; pays the monetary penalty and if no  
2 further cause for disciplinary action against the real estate  
3 license of Respondent occurs within two years from the effective  
4 date of the Decision, the stay hereby granted shall become  
5 permanent.

6  
7 DATED: 4-3-02 Sean Crahan  
8 SEAN CRAHAN, Counsel for  
Complainant.

9                               \* \* \* \* \*

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

12  
13 DATED: 03-25-02

David P. Paget  
DAVID PATRICK PAGET, Respondent.

14  
15  
16 DATED: 3-19-02

Frank M. Buda  
FRANK M. BUDA, ESQ. Counsel for  
Respondent David Patrick Paget,  
approved as to form.

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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \* \*

**FILED**  
AUG 16 2001  
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of )

FORECAST HOMES, INC., et al., )

Respondents. )

Case No. H-29105 LA

OAH No. L-2001070489

By 

**NOTICE OF HEARING ON ACCUSATION**

**To the above-named Respondents:**

You are hereby notified that a hearing will be held before the Department of Real Estate at Office of Administrative Hearings, 320 West Fourth Street, Suite 630, Los Angeles, California, on **November 26, 27 and 28, 2001**, 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.

**Dated: August 16, 2001.**

cc: Forecast Homes, Inc.  
James Peter Previti  
Adnan Said Saleh  
David Patrick Paget  
Robert Smylie, Esq.  
Sacto./OAH

DEPARTMENT OF REAL ESTATE

By: 

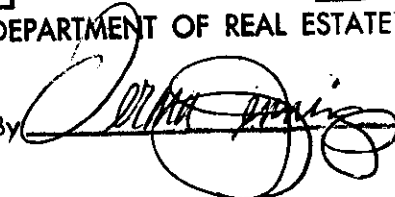
SEAN CRAHAN, Counsel

RE 501 (Rev. 8/97vj)

1 SEAN CRAHAN, SBN 49351  
2 Department of Real Estate  
3 320 West 4th Street, Ste. 350  
4 Los Angeles, California 90013-1105

5 Telephone: (213) 576-6907 (direct)  
6 -or- (213) 576-6982 (office)

FILED  
JUN 20 2001  
DEPARTMENT OF REAL ESTATE

By 

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )

No. H-29105 LA

12 FORECAST HOMES, INC.;

ACCUSATION

13 JAMES PETER PREVITI,

14 individually, dba The Forecast

Group, L.P., and as designated

15 officer of Forecast Homes, Inc.,

Rancho Mortgage Corporation and

Forecast Mortgage Corporation;

16 ADNAN SAID SALEH; and

DAVID PATRICK PAGET,

17 Respondents. )

18  
19 The Complainant, Janice Waddell, a Deputy Real Estate  
20 Commissioner of the State of California, acting in her official  
21 capacity, for cause of accusation against FORECAST HOMES, INC., a  
22 California corporate broker; JAMES PETER PREVITI, individually,  
23 doing business as The Forecast Group, L. P., and as designated  
24 officer of Forecast Homes, Inc., Rancho Mortgage Corporation and  
25 Forecast Mortgage Corporation, California corporate brokers;  
26 ADNAN SAID SALEH and DAVID PATRICK PAGET is informed and alleges  
27

1 as follows:

2 1.

3 The Complainant, Janice Waddell, a Deputy Real Estate  
4 Commissioner of the State of California, makes this Accusation in  
5 her official capacity.

6 2.

7 LICENSES

8 FORECAST HOMES, INC., sometimes referred to as  
9 Respondent FHI, is presently licensed and/or has license rights  
10 under the Real Estate Law (Part 1 of Division 4 of the California  
11 Business and Professions Code). At all times mentioned,  
12 Respondent FHI was licensed by the Department of Real Estate  
13 (Department) as a corporate real estate broker.

14 3.

15 (a) JAMES PETER PREVITI, sometimes referred to as  
16 Respondent PREVITI, is presently licensed and/or has license  
17 rights under the Real Estate Law.

18 (b) At all times mentioned, Respondent PREVITI was  
19 licensed by the Department as a real estate broker, individually,  
20 doing business as The Forecast Group, L.P., and as designated  
21 officer of Forecast Homes, Inc., Rancho Mortgage Corporation,  
22 until April 23, 2000, and Forecast Mortgage Corporation,  
23 California corporate brokers.

24 (c) Pursuant to Code Section 10159.2, Respondent  
25 PREVITI was responsible for the supervision of the officers,  
26 agents and employees of Respondent FHI in the performance of  
27



1 activities for which a real estate license was required.

2 4.

3 ADNAN SAID SALEH, sometimes referred to as Respondent  
4 SALEH, is presently licensed and/or has license rights under the  
5 Real Estate Law. At all times mentioned, Respondent SALEH was  
6 licensed by the Department as a real estate salesperson and was  
7 licensed to and employed by Respondent FHI..

8 5.

9 DAVID PATRICK PAGET, sometimes referred to as  
10 Respondent PAGET, is presently licensed and/or has license  
11 rights under the Real Estate Law. At all times mentioned,  
12 Respondent PAGET was licensed by the Department as a real estate  
13 salesperson and was licensed to and employed by Respondent FHI.

14 6..

15 All further references to "Respondent" include the  
16 parties identified in Paragraphs 2 through 5, above, and also  
17 include the officers, directors, managers, employees, agents  
18 and/or real estate licensees employed by or associated with said  
19 party, who at all times material herein were engaged in the  
20 furtherance of the business or operations of said party and who  
21 were acting within the course and scope of their authority,  
22 agency, or employment.

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7.

THE SUBDIVISION

Rancho San Ramon, located on tract 21854 in Riverside County, California, is land which consists of five or more lots (hereafter the Subdivision). The Forecast Group, L.P., a partnership, (FGLP), was an owner and/or subdivider.

8.

SALES OF SUBDIVIDED LANDS

Respondent FHI was, at all times herein, a general partner of FGLP. Respondent FHI acted as agent, for or in expectation of compensation, on behalf of FGLP, in connection with the sale of lots in the Subdivision. Respondents SALEH and PAGET were, at all times herein mentioned, employees of Respondent FHI. Respondents SALEH and PAGET, acting within the scope of their employment by and at the direction of Respondent FHI, in California, sold five or more lots in the Subdivision to the public as set forth below:

<u>Lot</u> <u>No.</u>	<u>Date</u> <u>Of Sale</u>	<u>Buyers</u>	<u>Date</u> <u>Closed</u>	<u>Respondent</u>
1	10/24/98	Albert and Evelyn Godinez	1/22/99	SALEH
2	9/18/98	Mark Del Campo	1/21/99	PAGET
3	9/18/98	Scott and Alyson Kossak	1/22/99	PAGET
4	10/8/98	Martin and Donna Rodriguez	1/21/99	SALEH
5	10/10/98	Todd and Tamra Williams	1/22/99	SALEH
6	12/14/98	Marvin and Diane Walker	1/20/99	PAGET
7	10/11/98	Tom and Stephanie Rorabacher	1/22/99	PAGET
8	11/22/98	Allen and Cheryl Ghosoph	5/3/99	SALEH

1	9	1/16/99	Jeb and Kathryn J. Hann	4/30/99	PAGET
2	10	10/31/98	Ken and Pat. Benson	12/24/98	SALEH
3	11	11/19/98	James and Anne Sullivan	1/29/99	SALEH
4	12	9/12/98	Melinda Acuna-Gaughan	1/14/99	SALEH
5	13	9/11/98	Lutheran and Jessie Carter	1/15/99	PAGET
6	14	12/14/98	Joseph and Nancy Stuck	1/22/99	SALEH
7	15	9/12/98	Michael and Rosemary Wecker	1/14/99	SALEH
8	16	9/26/98	Jason and Holly Bailes	1/15/99	PAGET
9	17	9/13/98	Vickie Martin	1/14/99	SALEH
10	18	9/12/98	George and Darla Ortiz	1/15/9	PAGET
11	19	11/20/98	Kevin and Kelly Reese	1/15/99	SALEH
12	141	7/26/98	Alonzo and Jolene Plater	10/8/98	SALEH
13	157	7/19/98	Lowell and Margot Cornwell	10/19/98	SALEH

9.

#### SALES WITHOUT PUBLIC REPORTS

Respondents, and each of them, offered for sale and/or sold lots, parcels or other interests in the Subdivision, as set forth in Paragraph 8, above, without first filing an application for, and/or obtaining a public report from the Department covering the above lots in the Subdivision, in violation of Code Sections 11010 and 11018.2.

10.

#### FRAUD OR DISHONEST DEALING

(a) In each of the sales set forth in paragraph 8, above, Respondents, and each of them, caused to be placed into Respondent FHI's transaction files Receipt(s) for Public Report

1 (hereafter Receipt), signed by the buyers, showing that the  
2 buyers had received a public report pertaining to the lot they  
3 were purchasing. In fact, the public reports identified in the  
4 Receipts for Public Reports, signed by the buyers, were for other  
5 lots not purchased by the buyers.

6 (b) Respondents issued to the purchasers, identified  
7 in Paragraph 8, copies of Final Subdivision Public Reports not  
8 applicable to the lots they purchased; nor were the public  
9 reports given to the purchasers consistent with those identified  
10 on the Receipts signed by the purchasers.

11 (c) The issuance of inapplicable public reports was a  
12 dishonest misrepresentation by Respondents, and each of them, to  
13 the purchasers that the lots they purchased were part of the  
14 Subdivision which had been reviewed by the Department and for  
15 which the Department had issued public reports from time to time.

16 (d) The issuance of inapplicable public reports was a  
17 misrepresentation by Respondents, and each of them, to the  
18 purchasers that they would, upon close of escrow, become members  
19 of the homeowners' associations.

20 (e) Delivery of inapplicable public reports to the 21  
21 purchasers constituted a flagrant course of misrepresentations by  
22 Respondents FHI and PREVITI, through FHI's salespeople,  
23 Respondents SALEH and PAGET.

24 (f) In fact, the lots identified in Paragraph 8 had  
25 not, prior to close of escrow, been annexed to the covenants,  
26 conditions and restrictions of the Subdivision and, as a result,  
27

1 the buyers were not legal members of the homeowners associations.

2 (g) In aggravation of these misrepresentations,  
3 Respondents FHI and PREVITI caused, allowed or permitted the  
4 insertion on to the Receipts, in handwriting, the lot number of  
5 the lot purchased by the lot purchaser. This insertion took  
6 place after the purchasers signed the Receipts and before the  
7 transaction files had been submitted to the Department during its  
8 investigation of Respondents' actions with regard to the  
9 Subdivision.

10 (h) Insertion of the Receipts into the transaction  
11 files, inserting onto the Receipts with the Lot numbers of lots  
12 purchased by the purchasers, and issuance of the inapplicable  
13 public reports, was done by Respondents, and each of them, to  
14 give the appearance of compliance with the Subdivided Lands Act  
15 (Code Section 11000 et seq.).

16 11.

17 Respondent PREVITI knew or should have known that the  
18 above violations occurred or were occurring. Respondent PREVITI  
19 failed to exercise reasonable supervision over the activities of  
20 officers and employees of Respondent FHI for which a real estate  
21 license was required so as to prevent the violations from  
22 occurring.

23 12.

24 The conduct, acts and/or omissions of Respondents  
25 FORECAST HOMES, INC. and JAMES PETER PREVITI, as described  
26 herein above, constitute cause for the suspension or revocation  
27

1 of all real estate licenses and license rights of Respondents  
2 pursuant to the provisions of the following Code Sections:

3 (a) Code Section 10176(a) for substantial  
4 misrepresentations in delivering a public report to the  
5 purchasers of lots when the lot they purchased was not covered by  
6 a public report, as set forth in Paragraph 10(a), (b), (c), (d),  
7 above.

8 (b) Code Section 10176(c) for a continued and flagrant  
9 course of misrepresentation through its real estate salespeople,  
10 as set forth in Paragraph 10(e), above.

11 (c) Code Sections 10176(i) or 10177(j) for dishonest  
12 dealing in:

13 (i) Delivering public reports to the purchasers of  
14 lots when the lots they purchased were not covered by a public  
15 report, as set forth in Paragraphs 10(a), (b), (c), (d), above.

16 (ii) The misrepresentations, as set forth in  
17 Paragraphs 10(a), (b), (c), (d), above.

18 (iii) Creating the appearance of compliance with  
19 the Subdivided Lands Act, as set forth in Paragraph 10(h), above.

20 (d) Code Section 10177(d) for violation of Code  
21 Sections 11010 and 11018.2 for selling lots in the Subdivision  
22 without, prior thereto, notifying the Commissioner and obtaining  
23 a public report, as set forth in Paragraphs 7 and 8 above.

24 (e) Code Section 10177(g) for negligence in  
25 transactions for which a real estate license is required, as set  
26 forth above.

1 (f) Code Sections 10177(h) or 10177(d) for violations  
2 of Code Section 10159.2, as to Respondent PREVITI only, for his  
3 failure to exercise reasonable supervision over the activities by  
4 officers or employees of Respondent FHI for which a real estate  
5 license is required, as set forth in Paragraph 11, above.

6 13.

7 The conduct, acts and/or omissions of Respondents ADNAN  
8 SAID SALEH and DAVID PATRICK PAGET, as described herein above,  
9 constitute cause for the suspension or revocation of all real  
10 estate licenses and license rights of Respondents SALEH and PAGET  
11 pursuant to the provisions of the following Code Sections:

12 (a) Code Section 10176(a) for substantial  
13 misrepresentations in delivering a public report to the  
14 purchasers of lots when the lot they purchased was not covered by  
15 a public report, as set forth in Paragraph 10(a), (b), (c), (d),  
16 above.

17 (b) Code Sections 10176(i) or 10177(j) for dishonest  
18 dealing in:

19 (i) delivering public reports to the purchasers of  
20 lots when the lot they purchased was not covered by a public  
21 report, as set forth in Paragraphs 10(a), (b), (c), (d), above.

22 (ii) creating the appearance of compliance with  
23 the Subdivided Lands Act, as set forth in Paragraph 10(h), above.

24 (c) Code Section 10177(d) for violation of Code  
25 Sections 11010 and 11018.2 for selling lots in the Subdivision  
26 without prior thereto notifying the Commissioner of their  
27

intention or obtaining a public report.

(d) Code Section 10177(g) for negligence in transactions for which a real estate license is required, as set forth above.

AGGRAVATION

In aggravation of Respondent FHI's and PREVITI'S failure to notify the Commissioner and obtain public reports prior to sale of the lots, Respondent FHI and FGLP failed to annex those lots set forth in Paragraph 9 [except Lots 8 and 9] to the Covenants, Conditions and Restrictions of Rancho San Ramon Homeowners Association prior to sale to the purchasers. As a result, the Rancho San Ramon Homeowners Association was not legally able to collect periodic fees from the owners of those lots. The purchasers were not legally entitled to use the facilities common to the Subdivision or to vote in the election of directors to the boards. If FGLP, through its general partner, Respondent FHI, applied for and obtained a public report for the above lots, FGLP would have had to assure that the covenants, conditions and restrictions, by-laws and other management documents of Rancho San Ramon would be binding on all purchasers and on all lots in the Subdivision.

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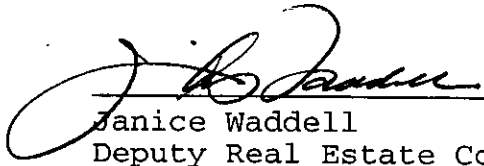
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1 WHEREFORE, Complainant prays that a hearing be  
2 conducted on the allegations of this Accusation and that upon  
3 proof thereof, a decision be rendered imposing disciplinary  
4 action against all licenses and license rights of Respondents  
5 FORECAST HOMES, INC., a California corporate broker; JAMES PETER  
6 PREVITI, individually, doing business as The Forecast Group, L.P.  
7 and as designated officer of Forecast Homes, Inc., Rancho  
8 Mortgage Corporation and Forecast Mortgage Corporation; ADNAN  
9 SAID SALEH; and DAVID PATRICK PAGET, under the Real Estate Law  
10 (Part 1 of Division 4 of the Business and Professions Code), and  
11 for such other and further relief as may be proper under other  
12 applicable provisions of law.

13 Dated at Los Angeles, California  
14 this 20th day of June, 2001.

15  
16  
17   
18 Janice Waddell  
Deputy Real Estate Commissioner

19  
20  
21  
22  
23 cc: Forecast Homes, Inc.  
24 James Peter Previti  
25 Adnan Said Saleh  
26 David Patrick Paget  
27 L.A. Subdivisions  
JW

SC:vj