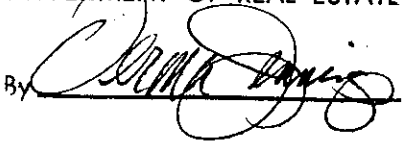


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**FILED**  
JUN - 5 2008  
DEPARTMENT OF REAL ESTATE  
By 

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \* \*

In the Matter of the Accusation of ) No. H-31862 LA  
) L-2005060377  
ALL LENDERS MORTGAGE SERVICES, )  
INC., dba Wine Country Realty; )  
and FRANK WIDLE, individually )  
and as designated officer of )  
All Lenders Mortgage Services, )  
Inc., )  
Respondents. )

DECISION AFTER RECONSIDERATION

On January 4, 2006, a Decision was rendered herein by the Real Estate Commissioner which suspended the real estate broker license and license rights of Respondents ALL LENDERS MORTGAGE SERVICES, INC., and FRANK WIDLE. Said Decision was to become effective on February 23, 2006 (and was stayed by separate order to March 24, 2006).

On March 6, 2006, Respondents petitioned for reconsideration of said Decision. On March 22, 2006, reconsideration was granted. I have considered the petition of Respondents and have concluded that good cause has been

1 presented for reconsideration of the Decision of January 4,  
2 2006, for the limited purpose of determining whether the  
3 disciplinary action therein imposed should be reconsidered.

4 I have reconsidered said Decision and it is hereby  
5 ordered that the disciplinary action therein imposed against  
6 the real estate broker licenses of ALL LENDERS MORTGAGE  
7 SERVICES, INC., and FRANK WIDLE be modified. The Order of said  
8 Decision shall read as follows:

9 ORDER

10 All licenses and licensing rights of Respondents ALL  
11 LENDERS MORTGAGE SERVICES, INC., and FRANK WIDLE under the Real  
12 Estate Law are suspended for a period of thirty (30) days from  
13 the effective date of this Decision; provided, however, that  
14 twenty (20) days of said suspension shall be stayed for one (1)  
15 year upon the following terms and conditions:

16 1. Respondents shall obey all laws, rules and  
17 regulations governing the rights, duties and responsibilities of  
18 a real estate licensee in the State of California; and

19 2. That no final subsequent determination be made,  
20 after hearing or upon stipulation, that cause for disciplinary  
21 action occurred within one (1) year of the effective date of  
22 this Decision. Should such a determination be made, the  
23 Commissioner may, in his discretion, vacate and set aside the  
24 stay order and reimpose all or a portion of the stayed  
25 suspension. Should no such determination be made, the stay  
26 imposed herein shall become permanent.

27 ///

1           3. Provided, however, that if Respondents petition,  
2 the remaining ten (10) days of said thirty (30) day suspension,  
3 or any portion thereof, shall be stayed upon condition that:

4           (a) Respondents pay a monetary penalty pursuant to  
5 Section 10175.2 of the Business and Professions Code at the rate  
6 of \$100 for each day of the suspension for a maximum monetary  
7 penalty of \$1,000 (\$2,000 for both Respondents).

8           (b) Said payment shall be in the form of a  
9 cashier's check or certified check made payable to the Recovery  
10 Account of the Real Estate Fund. Said check must be received by  
11 the Department prior to the effective date of the decision in  
12 this matter.

13           (c) No further cause for disciplinary action  
14 against the real estate licenses of Respondents occur within one  
15 (1) year from the effective date of the Decision in this matter.

16           (d) If Respondents fail 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 Respondents 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.

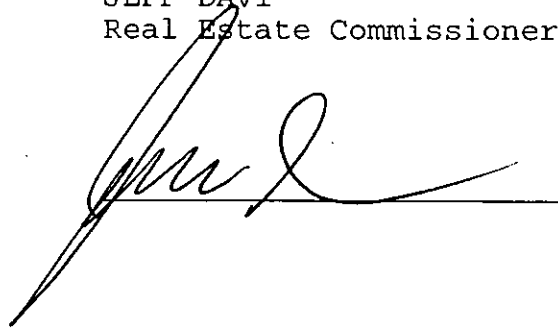
23           (e) If Respondents pay the monetary penalty and if  
24 no further cause for disciplinary action against the real estate  
25 licenses of Respondents occur within one (1) year from the  
26 effective date of the Decision, the stay hereby granted shall  
27 become permanent.

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As hereby modified and amended, the Decision of  
January 4, 2006, shall become effective at 12 o'clock noon  
on June 26, 2006.

IT IS SO ORDERED S/30, 2006.

JEFF DAVI  
Real Estate Commissioner



SACFD  
May

FILED  
MAR 24 2006

DEPARTMENT OF REAL ESTATE

*[Handwritten Signature]*

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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \* \*

In the Matter of the Accusation of )	No. H-31862 LA
ALL LENDERS MORTGAGE SERVICES, )	L-2005060377
INC., and FRANK WIDLE, )	
Respondents. )	

ORDER GRANTING RECONSIDERATION

On January 4, 2006, a Decision was rendered in the above-entitled matter. The Decision was to become effective on February 23, 2006, but was stayed by separate order to March 24, 2006.

On March 6, 2006, Respondents petitioned for reconsideration of the Decision of January 4, 2006.

I have given due consideration to the petition of Respondents. I find good cause to reconsider the Decision of January 4, 2006, and reconsideration is hereby granted for the limited purpose of determining whether the action imposed against Respondents by said order should be reduced or modified.

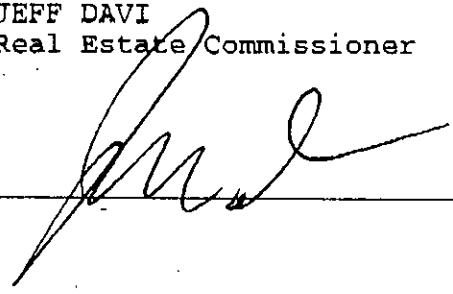
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Respondents shall have until April 21, 2006, in which to file written argument in further support of their petition for reconsideration. Counsel for the Department of Real Estate shall submit any written reply to said argument within thirty (30) days thereafter.

IT IS SO ORDERED 3-24-, 2006.

JEFF DAVI  
Real Estate Commissioner



A handwritten signature in cursive script, appearing to read 'Jeff Davi', is written over a horizontal line.

SA 70.  
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FILED  
FEB 22 2006  
DEPARTMENT OF REAL ESTATE

By: *[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \* \*

In the Matter of the Accusation of	)	No. H-31862 LA
	)	L-2005060377
ALL LENDERS MORTGAGE SERVICES,	)	
INC., dba Wine Country Realty;	)	<u>ORDER STAYING</u>
and FRANK WIDLE, individually	)	
and as designated officer of	)	<u>EFFECTIVE DATE</u>
All Lenders Mortgage Services,	)	
Inc.,	)	
	)	
Respondents.	)	

On January 4, 2006, a Decision was rendered in the above-entitled matter to become effective February 23, 2006.

IT IS HEREBY ORDERED that the effective date of the Decision of January 4, 2006, is stayed for a period of 30 days.

The Decision of January 4, 2006, shall become effective at 12 o'clock noon on March 24, 2006.

DATED: February 21, 2006.

JEFF DAVI  
Real Estate Commissioner

By: *[Signature]*  
DOLORES WEEKS  
Regional Manager

**FILED**  
FEB - 3 2006  
DEPARTMENT OF REAL ESTATE

DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

*[Handwritten signature]*

\* \* \* \* \*

In the Matter of the Accusation of )  
 )  
ALL LENDERS MORTGAGE SERVICES, )  
INC., dba Wine Country Realty; )  
and FRANK WIDLE, individually )  
and as designated officer of )  
All Lenders Mortgage Services, )  
Inc., )  
 )  
Respondents. )  
\_\_\_\_\_ )

No. H-31862 LA  
L-2005060377

DECISION

The Proposed Decision dated October 26, 2005,  
of the Administrative Law Judge of the Office of  
Administrative Hearings, is hereby adopted as the Decision  
of the Real Estate Commissioner in the above-entitled  
matter.

This Decision shall become effective at 12 o'clock  
noon on February 23, 2006.

IT IS SO ORDERED \_\_\_\_\_

*1-4-06*

JEFF DAVI  
Real Estate Commissioner

*[Handwritten signature]*  
\_\_\_\_\_

BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

In the Matter of the Accusation of:

ALL LENDERS MORTGAGE SERVICES,  
INC., dba Wine Country Realty; and  
FRANK WIDLE, individually and as  
designated officer of All Lenders Mortgage  
Services, Inc.,

Respondents.

Case No. H-31862 LA

OAH No. L2005060377

PROPOSED DECISION

This matter came on for hearing before Richard J. Lopez, Administrative Law Judge of the Office of Administrative Hearings, at Los Angeles, California, on October 3, 2005.

James Peel, Staff Counsel, represented the Complainant.

Respondent appeared in person and was represented by David R. Highman and Harry Haubert, Attorneys at Law.

Oral and documentary evidence and evidence by way of official notice was received and the matter then argued and thereafter submitted.

The Administrative Law Judge now finds, concludes and orders as follows:

FACTUAL FINDINGS

1. The Complainant, Janice A. Waddell, acting in her official capacity as a Deputy Real Estate Commissioner of the State of California, brought the Accusation against All Lenders Mortgage Services, Inc., dba Wine Country Realty; and Frank Wide, individually and as designated officer of All Lenders Mortgage Services, Inc.

2. All Lenders Mortgage Services, Inc., and Frank Wide (hereinafter referred to as "Respondents") are presently licensed and/or have license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code).

3. At all times herein mentioned, Respondents were licensed by the Department of Real Estate of the State of California as a real estate broker.

4. On or about March 21, 2002, while performing acts requiring a real estate license, for or in expectation of compensation, Respondents negotiated the sale of 23593 Black Duck Drive, Canyon Lake, California, a single family residence, from Charles and Marisa Bentley to Catherine Miller (Buyer). On April 26, 2002, escrow closed on the sale of the property. At the time of the real estate transaction the property was in an unincorporated area of Riverside County. That area has since been incorporated and is now within the jurisdiction of the City of Canyon Lake.

5. The residence, at the time of the sale, was approximately 3,200 square feet in area as determined by the following sources.

- The City of Canyon Lake, acting by its Chief Building Official, and using information supplied by the County of Riverside's Assessors, estimated the area as "approximately 3,267 square feet of residential area (2,665 and 602 square feet of area within the footprint of structure and approximately 626 square feet of garage area.") There is no record, from either the City or the County, of any unpermitted area of the residence.
- An appraisal of the property, as of April 3, 2002, was made by a State licensed real estate appraiser. As to the area of the residence the appraiser indicated "Physical measurement is reflected at 3,189 (square feet), slightly above the profile 2,665, this is not uncommon, permits were not verified."

6. In purchasing the property the buyer relied, in part, on an advertising flyer issued by Wine Country Realty. The flyer fairly represented the area as 3,100 square feet. There was no reference in the flyer to any of the area as unpermitted.

7. Subsequent to the purchase of the property, in November or December, 2002, the buyer picked up a real estate advertising circular, Homes Magazine, Inland Empire Edition, Volume 17. Page 21 of the magazine, under Wine Country Realty, had an ad for the property which stated, in part: "CANYON LAKE VIEW HOME 2664 + 800 sq. ft not permitted." The property had been listed for sale on December 25, 2001. It was not established, in fact, that 800 square feet was not permitted but it was established that the Buyer would not have purchased the property if the Buyer was aware of the ad prior to the purchase.

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8. The Respondents' represented the Buyer in the transaction and were required, therefore, to provide the Buyer with accurate information about the property. In light of the contradictory information supplied by the Respondents' ad (unpermitted), and flyer (no reference to unpermitted), the Buyer was entitled to know whether or not the area of the residence included any unpermitted area. Respondents' failure to ascertain the true state of facts and to inform the Buyer of those facts, prior to the purchase of the property, constitutes negligence.

9. During the course of the transaction, Respondents furnished the Buyer with the Real Estate Transfer Disclosure Statement required by section 1102 of the Civil Code. The Disclosure Statement prepared by Respondents and furnished the Buyer was incomplete. Section III of the Statement requires an Agent's (Respondents) inspection disclosure. Respondents failed to complete and sign this section as is required by law. In lieu thereof Respondents stamped section III with a disavowal of any responsibility for compliance with section III in that the property was undergoing renovations during the course of escrow. One of Respondents' duties to the Buyer was to provide to the Buyer a completed Real Estate Disclosure Statement. Respondent, willfully, failed to do so.

10. Frank Wilde has been a long time licensee of the Department – first as a salesperson, then as a broker and designated officer – without any record of prior discipline.

### LEGAL CONCLUSIONS

1. Cause exists for discipline of the licenses and license rights of Respondents pursuant to Business and Professions Code section 10177, subdivision (g) by reason of Finding 8.

2. Cause exists for discipline of the licenses and license rights of Respondents pursuant to Business and Professions Code section 10177, subdivision (d), by reason of Finding 9.

3. Discipline in the form of suspension, with part of that suspension stayed, is consistent with the public interest by reason of Finding 10.

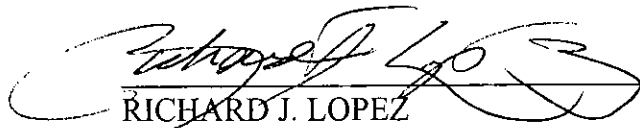
### ORDER

All licenses and licensing rights of Respondents under the Real Estate Law are suspended for a period of thirty (30) days from the effective date of this Decision; provided, however, that twenty (20) days of said suspension shall be stayed for one year upon the following terms and conditions:

1. Respondent shall obey all laws, rules and regulations governing the rights, duties and responsibilities of a real estate licensee in the State of California; and

2. That no final subsequent determination be made, after hearing or upon stipulation, that cause for disciplinary action occurred within one (1) year of the effective date of this Decision. Should such a determination be made, the Commissioner may, in his discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed suspension. Should no such determination be made, the stay imposed herein shall become permanent.

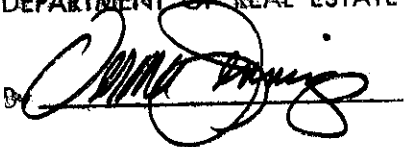
Dated: April 26, 2005

  
RICHARD J. LOPEZ  
Administrative Law Judge  
Office of Administrative Hearings

RJL:rfm

SAC/DO  
Alay

1 JAMES R. PEEL, Counsel (SBN 47055)  
Department of Real Estate  
2 320 West Fourth Street, Suite 350  
Los Angeles, CA 90013-1105  
3  
4 Telephone: (213) 576-6982  
-or- (213) 576-6913 (Direct)

FILED  
APR 22 2005  
DEPARTMENT OF REAL ESTATE  


8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of ) No. H-31862 LA  
12 ALL LENDERS MORTGAGE SERVICES, )  
INC., dba Wine Country Realty; ) A C C U S A T I O N  
13 and FRANK WIDLE, individually )  
and as designated officer of )  
14 All Lenders Mortgage Services, )  
Inc., )  
15 Respondents. )  
16

17 The Complainant, Janice A. Waddell, a Deputy Real  
18 Estate Commissioner of the State of California, for cause of  
19 Accusation against ALL LENDERS MORTGAGE SERVICES, INC., dba Wine  
20 Country Realty; and FRANK WIDLE, individually and as designated  
21 officer of All Lenders Mortgage Services, Inc., alleges as  
22 follows:

23 I

24 The Complainant, Janice A. Waddell, acting in her  
25 official capacity as a Deputy Real Estate Commissioner of the  
26 State of California, makes this Accusation against ALL LENDERS  
27 MORTGAGE SERVICES, INC., dba Wine Country Realty; and FRANK

1 WIDLE, individually and as designated officer of All Lenders  
2 Mortgage Services, Inc.

3 II

4 ALL LENDERS MORTGAGE SERVICES, INC., and FRANK WIDLE  
5 (hereinafter referred to as "Respondents") are presently licensed  
6 and/or have license rights under the Real Estate Law (Part 1 of  
7 Division 4 of the Business and Professions Code) (hereinafter  
8 Code).

9 III

10 At all times herein mentioned, Respondents were  
11 licensed by the Department of Real Estate of the State of  
12 California as a real estate broker.

13 IV

14 On or about March 21, 2002, while performing acts  
15 requiring a real estate license, for or in expectation of  
16 compensation, Respondents negotiated the sale of 23593 Black Duck  
17 Drive, Canyon Lake, California, from Charles and Marisa Bentley  
18 to Catherine Miller (Buyer). On or about April 26, 2002 escrow  
19 closed on the sale of the property.

20 V

21 At all times herein mentioned, the property was  
22 approximately 3,200 square feet with 800 square feet unpermitted.

23 VI

24 During the course of the transaction, Respondents  
25 falsely represented to the Buyer that the entire 3,200 square  
26 feet of the property had been constructed with the required  
27

1 permits, and failed to disclose to the Buyer that 800 square feet  
2 of the structure was unpermitted.

3 VII

4 Had the Buyer known that a portion of the residence was  
5 unpermitted at the time she purchased the property she would not  
6 have purchased the property or would have purchased the property  
7 under different terms and conditions.

8 VIII

9 During the course of the transaction, Respondents  
10 furnished the Buyer with the Real Estate Transfer Disclosure  
11 Statement required by Section 1102 of the Civil Code. The  
12 Disclosure Statement prepared by Respondents and furnished the  
13 Buyer was incomplete and not properly prepared in many respects.

14 IX

15 The conduct of Respondents, as alleged above, subjects  
16 their real estate licenses and license rights to suspension or  
17 revocation pursuant to Sections 10176(a), 10176(i), 10177(d) and  
18 10177(g) of the Code.

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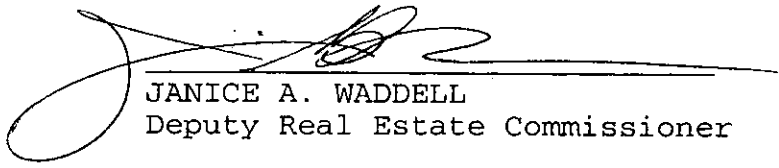
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1                   WHEREFORE, Complainant prays that a hearing be  
2 conducted on the allegations of this Accusation and that upon  
3 proof thereof, a decision be rendered imposing disciplinary  
4 action against all licenses and license rights of Respondents  
5 ALL LENDERS MORTGAGE SERVICES, INC., dba Wine Country Realty;  
6 and FRANK WIDLE, individually and as designated officer of  
7 All Lenders Mortgage Services, Inc., under the Real Estate Law  
8 (Part 1 of Division 4 of the Business and Professions Code) and  
9 for such other and further relief as may be proper under other  
10 applicable provisions of law.

11 Dated at Los Angeles, California

12 this 22 day of April, 2005.

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16 JANICE A. WADDELL  
17 Deputy Real Estate Commissioner  
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22 cc: All Lenders Mortgage Services, Inc.  
23 Frank Widle  
24 Janice A. Waddell  
25 Sacto.  
26 JL  
27