

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

FILED

DEC 22 2009

DEPARTMENT OF REAL ESTATE

By L. Frost

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of
CIRIMELE AND ASSOCIATES, INC.,
Respondent.

No. H-3763 SAC

ORDER GRANTING REINSTATEMENT OF LICENSE

On July 22, 2003, in Case No. H-3763 SAC, a Decision was rendered revoking the corporate real estate broker license of Respondent effective September 8, 2003, but granting Respondent the right to the issuance of a restricted corporate real estate broker license. A restricted corporate real estate broker license was issued to Respondent on September 8, 2003, and Respondent has operated as a restricted licensee since that time.

On August 1, 2007, Respondent petitioned for the removal of restrictions attaching to Respondent's corporate real estate broker license, and the Attorney General of the State of California has been given notice of the filing of the petition.

I have considered Respondent's petition and the evidence and arguments in support thereof. Respondent has demonstrated to my satisfaction that Respondent meets the requirements of law for the issuance to Respondent of an unrestricted corporate real estate broker license and that it would not be against the public interest to issue said license to Respondent.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

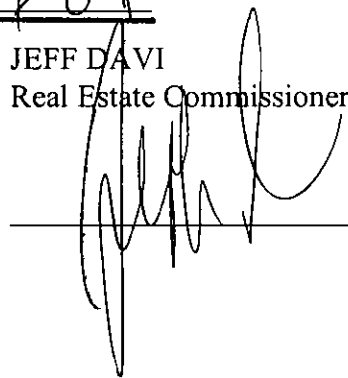
NOW, THEREFORE, IT IS ORDERED that Respondent's petition for
reinstatement is granted and that a corporate real estate broker license be issued to Respondent if
Respondent satisfies the following conditions within twelve (12) months from the date of this
order:

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

This Order shall become effective immediately.

DATED: 11-17-09

JEFF DAVI
Real Estate Commissioner



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

FILED
DEC 22 2009
DEPARTMENT OF REAL ESTATE
By *L. Frost*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of
DELVITA NATALIE HOOVER,
Respondent.

No. H-3763 SAC

ORDER GRANTING REINSTATEMENT OF LICENSE

On July 22, 2003, in Case No. H-3763 SAC, a Decision was rendered revoking the real estate broker license of Respondent effective September 8, 2003, but granting Respondent the right to the issuance of a restricted real estate broker license. A restricted real estate broker license was issued to Respondent on September 8, 2003, and Respondent has operated as a restricted licensee since that time.

On August 1, 2007, Respondent petitioned for the removal of restrictions attaching to Respondent's real estate broker license, and the Attorney General of the State of California has been given notice of the filing of the petition.

I have considered Respondent's petition and the evidence and arguments in support thereof. Respondent has demonstrated to my satisfaction that Respondent meets the requirements of law for the issuance to Respondent of an unrestricted real estate broker license and that it would not be against the public interest to issue said license to Respondent.

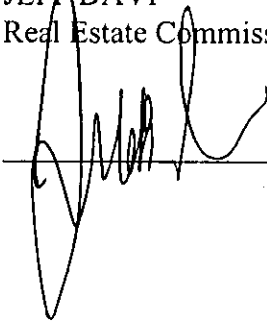
1 NOW, THEREFORE, IT IS ORDERED that Respondent's petition for
2 reinstatement is granted and that a real estate broker license be issued to Respondent if
3 Respondent satisfies the following conditions within twelve (12) months from the date of this
4 order:

- 5 1. Submittal of a completed application and payment of the fee for a real
6 estate broker license.
- 7 2. Submittal of evidence of having, since the most recent issuance of an
8 original or renewal real estate license, taken and successfully completed the continuing education
9 requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate
10 license.

11 This Order shall become effective immediately.

12 DATED: 11-17-09

13 JEFF DAVI
14 Real Estate Commissioner

15 
16 _____
17
18
19
20
21
22
23
24
25
26
27

1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187000
3 Sacramento, CA 95818-7000

4 Telephone: (916) 227-0789

FILED
AUG 18 2003

DEPARTMENT OF REAL ESTATE

By Laurie G. Zin

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) DRE No. H-3763 SAC
12)
13 CIRIMELE AND ASSOCIATES, INC.,) OAH No. N-2003030279
14 a Corporation, DELVITA NATALIE)
15 HOOVER, and THOMAS E. CIRIMELE,) STIPULATION AND AGREEMENT
16 Respondent.)

17 It is hereby stipulated by and between Respondents
18 CIRIMELE AND ASSOCIATES, INC. (herein "CAI"), DELVITA NATALIE
19 HOOVER (herein "HOOVER"), and THOMAS E. CIRIMELE (herein
20 "CIRIMELE"), individually and by and through Osby Davis, Esq.,
21 attorney of record herein for Respondents CAI, HOOVER and
22 CIRIMELE (herein collectively "Respondents"), and the
23 Complainant, acting by and through James L. Beaver, Counsel for
24 the Department of Real Estate (herein "the Department"), as
25 follows for the purpose of settling and disposing of the
26 Accusation filed on January 25, 2003 in this matter (herein "the
27 Accusation"):

DRE No. H-3763 SAC

CIRIMELE AND ASSOCIATES, INC.
et al.

1 1. All issues which were to be contested and all
2 evidence which was to be presented by Complainant and Respondents
3 at a formal hearing on the Accusation, which hearing was to be
4 held in accordance with the provisions of the Administrative
5 Procedure Act (APA), shall instead and in place thereof be
6 submitted solely on the basis of the provisions of this
7 Stipulation and Agreement.

8 2. Respondents have received, read and understand the
9 Statement to Respondent, the Discovery Provisions of the APA and
10 the Accusation filed by the Department in this proceeding.

11 3. On February 10, 2003, Respondents filed Notices of
12 Defense pursuant to Section 11505 of the Government Code for the
13 purpose of requesting a hearing on the allegations in the
14 Accusation. Respondents each hereby freely and voluntarily
15 withdraw said Notice of Defense. Respondents acknowledge that
16 Respondents understand that by withdrawing said Notice of Defense
17 Respondents will thereby waive Respondents' right to require the
18 Real Estate Commissioner (herein "the Commissioner") to prove the
19 allegations in the Accusation at a contested hearing held in
20 accordance with the provisions of the APA and that Respondents
21 will waive other rights afforded to Respondents in connection
22 with the hearing such as the right to present evidence in defense
23 of the allegations in the Accusation and the right to cross-
24 examine witnesses.

25 4. Respondents, pursuant to the limitations set forth
26 below, hereby admit that the factual allegations in the

27 DRE No. H-3763 SAC

CIRIMELE AND ASSOCIATES, INC.
et al.

1 Accusation are true and correct and the Real Estate Commissioner
2 shall not be required to provide further evidence of such
3 allegations.

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

14 6. This Stipulation and Agreement shall not
15 constitute an estoppel, merger or bar to any further
16 administrative or civil proceedings by the Department with
17 respect to any matters which were not specifically alleged to be
18 causes for accusation in this proceeding. This Stipulation and
19 Agreement shall constitute an estoppel, merger and bar to any
20 further administrative or civil proceedings by the Department
21 with respect to any events which were specifically alleged to be
22 causes for accusation in this proceeding.

23 7. Respondents understand that by agreeing to this
24 Stipulation and Agreement, Respondents jointly and severally
25 agree to pay, pursuant to Section 10148 of the California
26 Business and Professions Code (herein "Code"), the cost of the
27 DRE No. H-3763 SAC CIRIMELE AND ASSOCIATES, INC.
et al.

1 audit which resulted in the determination that Respondents
2 committed the trust fund violation(s) found in paragraph I,
3 below, of the Determination of Issues. The amount of said costs
4 is \$2,147.82.

5 8. Respondents further understand that by agreeing to
6 this Stipulation and Agreement in Settlement, the findings set
7 forth below in the Determination Of Issues become final, and that
8 the Commissioner may charge said Respondents, jointly and
9 severally, for the costs of any audit conducted pursuant to
10 Section 10148 of the Code to determine if the trust fund
11 violation(s) found in paragraph I, below, of the Determination of
12 Issues have been corrected. The maximum costs of said audit shall
13 not exceed \$2,841.56.

14 DETERMINATION OF ISSUES

15 By reason of the foregoing stipulations, admissions and
16 waivers and solely for the purpose of settlement of the pending
17 Accusation without hearing, it is stipulated and agreed that the
18 following Determination of Issues shall be made:

19 I

20 The acts and omissions of Respondents CAI and CIRIMELE
21 as described in the Accusation are grounds for the suspension or
22 revocation of the licenses and license rights of Respondents CAI
23 and CIRIMELE under the following provisions of the California
24 Business and Professions Code (herein "the Code"):

25 (a) As to Paragraph X(a) under Section 10145(d) of the
26 Code in conjunction with Section 10177(d) of the Code;

27 DRE No. H-3763 SAC

CIRIMELE AND ASSOCIATES, INC.
et al.

1 (b) As to Paragraph X(b) under Section 10145 of the
2 Code and Section 2831.2 of the Regulations in conjunction with
3 Section 10177(d) of the Code;

4 (c) As to Paragraph X(c) under Section 10145 of the
5 Code and Section 2832.1 of the Regulations in conjunction with
6 Section 10177(d) of the Code;

7 (d) As to Paragraph X(d) under Section 10145 of the
8 Code and 2834 of the Regulations in conjunction with Section
9 10177(d) of the Code; and

10 (e) As to Paragraph XI under Section 10160 of the Code
11 in conjunction with Sections 10165 and 10177(d) of the Code.

12 II

13 The acts and omissions of Respondent HOOVER as
14 described in Paragraph XII of the Accusation are grounds for the
15 suspension or revocation of the licenses and license rights of
16 Respondent HOOVER under Sections 10177(g) and 10177(h) of the
17 Code and Section 10159.2 of the Code in conjunction with Section
18 10177(d) of the Code.

19 ORDER

20 I

21 All licenses and licensing rights of Respondent
22 CIRIMELE AND ASSOCIATES, INC. under the Real Estate Law are
23 revoked; provided, however, a restricted corporate real estate
24 broker license shall be issued to said Respondent pursuant to
25 Section 10156.5 of the Business and Professions Code if, within
26 90 days from the effective date of the Decision entered

27 DRE No. H-3763 SAC

CIRIMELE AND ASSOCIATES, INC.
et al.

1 pursuant to this Order, the Respondent, prior to and as a
2 condition of the issuance of said restricted license:

3 (a) makes application for the restricted license and
4 pays to the Department of Real Estate the appropriate fee
5 therefor; and

6 (b) submits proof satisfactory to the Commissioner
7 that the balance of funds held by Respondent CAI in trust
8 equals the aggregate liability of Respondent CAI to all owners
9 of such funds.

10 The restricted license issued to Respondent shall be
11 subject to all of the provisions of Section 10156.7 of the
12 Business and Professions Code and to the following limitations,
13 conditions and restrictions imposed under authority of Section
14 10156.6 of that Code:

15 1. The restricted license issued to Respondent may
16 be suspended prior to hearing by Order of the Real Estate
17 Commissioner in the event of Respondent's conviction or plea of
18 nolo contendere to a crime which is substantially related to
19 Respondent's fitness or capacity as a real estate licensee.

20 2. The restricted license issued to Respondent may
21 be suspended prior to hearing by Order of the Real Estate
22 Commissioner on evidence satisfactory to the Commissioner that
23 Respondent has violated provisions of the California Real
24 Estate Law, the Subdivided Lands Law, Regulations of the Real
25 Estate Commissioner or conditions attaching to the restricted
26 license.

27 DRE No. H-3763 SAC

CIRIMELE AND ASSOCIATES, INC.
et al.

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

6 4. Pursuant to Section 10148 of the Business and
7 Professions Code, Respondent shall, jointly and severally with
8 Respondent HOOVER, pay the sum of \$2,147.82 as and for the
9 Commissioner's cost of the audit which led to this disciplinary
10 action. Respondent shall pay such cost within 45 days of
11 receiving an invoice therefor from the Commissioner. The
12 Commissioner may suspend the restricted license issued to
13 respondent pending a hearing held in accordance with Section
14 11500, et seq., of the Government Code, if payment is not
15 timely made as provided for herein, or as provided for in a
16 subsequent agreement between the Respondent and the
17 Commissioner. The suspension shall remain in effect until
18 payment is made in full or until Respondent enters into an
19 agreement satisfactory to the Commissioner to provide for
20 payment, or until a decision providing otherwise is adopted
21 following a hearing held pursuant to this condition.

22 5. Pursuant to Section 10148 of the Business and
23 Respondent HOOVER, pay the Commissioner's reasonable cost, not
24 to exceed \$2,841.56, for an audit to determine if Respondent
25 has corrected the trust fund violation(s) found in paragraph I
26 of the Determination of Issues. In calculating the amount of

27 DRE No. H-3763 SAC

CIRIMELE AND ASSOCIATES, INC.
et al.

1 the Commissioner's reasonable cost, the Commissioner may use
2 the estimated average hourly salary for all persons performing
3 audits of real estate brokers, and shall include an allocation
4 for travel time to and from the auditor's place of work.
5 Respondent shall pay such cost within 45 days of receiving an
6 invoice therefor from the Commissioner detailing the activities
7 performed during the audit and the amount of time spent
8 performing those activities. The Commissioner may suspend the
9 restricted license issued to respondent pending a hearing held
10 in accordance with Section 11500, et seq., of the Government
11 Code, if payment is not timely made as provided for herein, or
12 as provided for in a subsequent agreement between the
13 Respondent and the Commissioner. The suspension shall remain
14 in effect until payment is made in full or until Respondent
15 enters into an agreement satisfactory to the Commissioner to
16 provide for payment, or until a decision providing otherwise is
17 adopted following a hearing held pursuant to this condition.

18 II

19 All licenses and licensing rights of Respondent
20 DELVITA NATALIE HOOVER under the Real Estate Law are revoked;
21 provided, however, a restricted real estate broker license
22 shall be issued to such Respondent pursuant to Section 10156.5
23 of the Business and Professions Code if, within 90 days from
24 the effective date of the Decision entered pursuant to this
25 Order, the Respondent, prior to and as a condition of the
26 issuance of said restricted license:

27 DRE No. H-3763 SAC

CIRIMELE AND ASSOCIATES, INC.
et al.

1 (a) makes application for the restricted license and
2 pays to the Department of Real Estate the appropriate fee
3 therefor;

4 (b) submits proof satisfactory to the Commissioner
5 of having taken and completed at an accredited institution the
6 continuing education course on trust fund accounting and
7 handling specified in paragraph (3) of subdivision (a) of
8 Section 10170.5 of the Business and Professions Code. Said
9 course must have been completed within 120 days prior to the
10 issuance of the restricted license. Credit against the
11 continuing education condition set forth in Paragraph "6" below
12 will be given for completion of this trust fund accounting and
13 handling course during the 120 days prior to the issuance of
14 the restricted license; and

15 (c) submits proof satisfactory to the Commissioner
16 that the balance of funds held by Respondent CAI in trust
17 equals the aggregate liability of Respondent CAI to all owners
18 of such funds.

19 The restricted license issued to such Respondent
20 shall be subject to all of the provisions of Section 10156.7 of
21 the Business and Professions Code and to the following
22 limitations, conditions and restrictions imposed under
23 authority of Section 10156.6 of that Code:

24 1. The restricted license issued to such Respondent
25 may be suspended prior to hearing by Order of the Real Estate
26 Commissioner in the event of the Respondent's conviction or

27 DRE No. H-3763 SAC

CIRIMELE AND ASSOCIATES, INC.
et al.

1 plea of nolo contendere to a crime which is substantially
2 related to Respondent's fitness or capacity as a real estate
3 licensee.

4 2. The restricted license issued to such Respondent
5 may be suspended prior to hearing by Order of the Real Estate
6 Commissioner on evidence satisfactory to the Commissioner that
7 the Respondent has violated provisions of the California Real
8 Estate Law, the Subdivided Lands Law, Regulations of the Real
9 Estate Commissioner or conditions attaching to the restricted
10 license.

11 3. Respondent shall not be eligible to apply for the
12 issuance of an unrestricted real estate license or for the
13 removal of any of the conditions, limitations or restrictions
14 of a restricted license until two (2) years have elapsed from
15 the effective date of this Decision.

16 4. Pursuant to Section 10148 of the Business and
17 Professions Code, Respondent shall, jointly and severally with
18 Respondent CAI, pay the sum of \$2,147.82 as and for the
19 Commissioner's cost of the audit which led to this disciplinary
20 action. Respondent shall pay such cost within 45 days of
21 receiving an invoice therefor from the Commissioner. The
22 Commissioner may suspend the restricted license issued to
23 respondent pending a hearing held in accordance with Section
24 11500, et seq., of the Government Code, if payment is not
25 timely made as provided for herein, or as provided for in a
26 subsequent agreement between the Respondent and the

27 DRE No. H-3763 SAC

CIRIMELE AND ASSOCIATES, INC.
et al.

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

6 5. Pursuant to Section 10148 of the Business and
7 Professions Code, Respondent shall, jointly and severally with
8 Respondent CAI, pay the Commissioner's reasonable cost, not to
9 exceed \$2,841.56, for an audit to determine if Respondent has
10 corrected the trust fund violation(s) found in paragraph I of
11 the Determination of Issues. In calculating the amount of the
12 Commissioner's reasonable cost, the Commissioner may use the
13 estimated average hourly salary for all persons performing
14 audits of real estate brokers, and shall include an allocation
15 for travel time to and from the auditor's place of work.

16 Respondent shall pay such cost within 45 days of receiving an
17 invoice therefor from the Commissioner detailing the activities
18 performed during the audit and the amount of time spent
19 performing those activities. The Commissioner may suspend the
20 restricted license issued to respondent pending a hearing held
21 in accordance with Section 11500, et seq., of the Government
22 Code, if payment is not timely made as provided for herein, or
23 as provided for in a subsequent agreement between the
24 Respondent and the Commissioner. The suspension shall remain
25 in effect until payment is made in full or until Respondent
26 enters into an agreement satisfactory to the Commissioner to

27 DRE No. H-3763 SAC

CIRIMELE AND ASSOCIATES, INC.
et al.

1 provide for payment, or until a decision providing otherwise is
2 adopted following a hearing held pursuant to this condition.

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

15 7. Respondent shall, within six (6) months from the
16 issuance of the restricted license, take and pass the
17 Professional Responsibility Examination administered by the
18 Department, including the payment of the appropriate
19 examination fee. If Respondent fails to satisfy this
20 condition, the Commissioner may order the suspension of the
21 restricted license until Respondent passes the examination.

22 III

23 All licenses and licensing rights of Respondent
24 THOMAS E. CIRIMELE under the Real Estate Law are revoked;
25 provided, however, a restricted real estate salesperson license
26 shall be issued to such Respondent pursuant to Section 10156.5

27 DRE No. H-3763 SAC

CIRIMELE AND ASSOCIATES, INC.
et al.

1 of the Business and Professions Code if, within 90 days from
2 the effective date of the Decision entered pursuant to this
3 Order, the Respondent, prior to and as a condition of the
4 issuance of said restricted license:

5 (a) makes application for the restricted license and
6 pays to the Department of Real Estate the appropriate fee
7 therefor; and

8 (b) submits proof satisfactory to the Commissioner
9 that the balance of funds held by Respondent CAI in trust
10 equals the aggregate liability of Respondent CAI to all owners
11 of such funds..

12 The restricted license issued to such Respondent
13 shall be subject to all of the provisions of Section 10156.7 of
14 the Business and Professions Code and to the following
15 limitations, conditions and restrictions imposed under
16 authority of Section 10156.6 of that Code:

17 1. The restricted license issued to such Respondent
18 may be suspended prior to hearing by Order of the Real Estate
19 Commissioner in the event of the Respondent's conviction or
20 plea of nolo contendere to a crime which is substantially
21 related to Respondent's fitness or capacity as a real estate
22 licensee.

23 2. The restricted license issued to such Respondent
24 may be suspended prior to hearing by Order of the Real Estate
25 Commissioner on evidence satisfactory to the Commissioner that
26 the Respondent has violated provisions of the California Real

27 DRE No. H-3763 SAC

CIRIMELE AND ASSOCIATES, INC.
et al.

1 Estate Law, the Subdivided Lands Law, Regulations of the Real
2 Estate Commissioner or conditions attaching to the restricted
3 license.

4 3. Respondent shall not be eligible to apply for the
5 issuance of an unrestricted real estate license or for the
6 removal of any of the conditions, limitations or restrictions
7 of a restricted license until two (2) years have elapsed from
8 the effective date of this Decision.

9 4. Respondent shall submit with any application for
10 license under an employing broker, or any application for
11 transfer to a new employing broker, a statement signed by the
12 prospective employing real estate broker on a form approved by
13 the Department of Real Estate which shall certify:

14 a. That the employing broker has read the Decision of
15 the Commissioner which granted the right to a restricted license;
16 and

17 b. That the employing broker will exercise close
18 supervision over the performance by the restricted licensee
19 relating to activities for which a real estate license is
20 required.

21 5. Respondent shall, within six (6) months from the
22 issuance of the restricted license, take and pass the
23 Professional Responsibility Examination administered by the
24 Department, including the payment of the appropriate
25 examination fee. If Respondent fails to satisfy this
26 condition, the Commissioner may order the suspension of the

27 DRE No. H-3763 SAC

CIRIMELE AND ASSOCIATES, INC.
et al.

restricted license until Respondent passes the examination.

June 30, 2003
DATED

[Signature]
JAMES D. BEAVER, Counsel
Department of Real Estate

* * *

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

6/30/03
DATED

CIRIMELE AND ASSOCIATES, INC.
Respondent

By *[Signature]*
DELVITA NATALIE HOOVER
Designated Officer - Broker

6/30/03
DATED

[Signature]
DELVITA NATALIE HOOVER
Respondent

6/30/03
DATED

[Signature]
THOMAS E. CIRIMELE
Respondent

///

///

///

DRE No. H-3763 SAC

CIRIMELE AND ASSOCIATES, INC.
et al.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

* * *

I have reviewed the Stipulation and Agreement as to form and content and have advised my clients accordingly.

6/30/03
DATED
Osby Davis
OSBY DAVIS
Attorney for Respondents

* * *

The foregoing Stipulation and Agreement is hereby adopted by me as my Decision in this matter and shall become effective at 12 o'clock noon on SEPTEMBER 8, 2003.

IT IS SO ORDERED *July 22*, 2003.

PAULA REDDISH ZINNEMANN
Real Estate Commissioner
Paula Reddish

DRE No. H-3763 SAC

CIRIMELE AND ASSOCIATES, INC.
et al.

FILED

BEFORE THE DEPARTMENT OF REAL ESTATE MAR 18 2003
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

By Lucie A. Z...

In the Matter of the Accusation of

CIRIMELE AND ASSOCIATES, INC.,
a Corporation,
DELVITA NATALIE HOOVER, and
THOMAS E. CIRIMELE,

}

Case No. H-3763 SAC
OAH No. N-2003030279

Respondents

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 THE OFFICE OF ADMINISTRATIVE HEARINGS, 560 J STREET, SUITE 340/360, SACRAMENTO, CA 95814 on MONDAY, JUNE 30, 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.

Dated: MARCH 18, 2003

DEPARTMENT OF REAL ESTATE
By James L. Beaver
JAMES L. BEAVER, Counsel

1 JAMES L. BEAVER, Counsel (SBN 60543)
2 Department of Real Estate
3 P. O. Box 187000
4 Sacramento, CA 95818-7000

5 Telephone: (916) 227-0789
6 -or- (916) 227-0788 (Direct)

FILED

JAN 25 2003

DEPARTMENT OF REAL ESTATE

By *Laurie A. Z...*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 CIRIMELE AND ASSOCIATES, INC.,) No. H- 3763 SAC
13 a Corporation,) ACCUSATION
14 DELVITA NATALIE HOOVER, and)
15 THOMAS E. CIRIMELE,)
Respondents.)

16 The Complainant, Charles W. Koenig, a Deputy Real
17 Estate Commissioner of the State of California, for cause of
18 Accusation against CIRIMELE AND ASSOCIATES, INC. (hereinafter
19 "CAI") a corporation, THOMAS E. CIRIMELE (hereinafter
20 "CIRIMELE"), and DELVITA NATALIE HOOVER (hereinafter "HOOVER"),
21 is informed and alleges as follows:

22 I

23 The Complainant, Charles W. Koenig, a Deputy Real
24 Estate Commissioner of the State of California, makes this
25 Accusation in his official capacity.

26 ///

27 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

II

At all times herein mentioned, Respondents CAI, CIRIMELE and HOOVER were and now are licensed and/or have license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) (hereinafter "the Code").

III

At all times herein mentioned, Respondent CAI was and now is licensed by the Department of Real Estate of the State of California (hereinafter "the Department") as a corporate real estate broker by and through Respondent HOOVER as designated officer-broker of Respondent CAI to qualify said corporation and to act for said corporation as a real estate broker.

IV

At all times herein mentioned, Respondent HOOVER was and now is licensed by the Department as a real estate broker, individually and as designated officer-broker of Respondent CAI. As said designated officer-broker, Respondent HOOVER was at all times mentioned herein responsible pursuant to Section 10159.2 of the Code for the supervision of the activities of the officers, agents, real estate licensees and employees of Respondent CAI for which a license is required.

V

At all times herein mentioned, Respondent CIRIMELE was and now is licensed by the Department as a real estate salesperson in the employ of Respondent CAI. At all times herein mentioned Respondent CIRIMELE owned, operated and controlled Respondent CAI.

1 VI

2 Whenever reference is made in an allegation in this
3 Accusation to an act or omission of Respondent CAI, such
4 allegation shall be deemed to mean that the officers, directors,
5 employees, agents and real estate licensees employed by or
6 associated with Respondent CAI committed such act or omission
7 while engaged in the furtherance of the business or operations
8 of Respondent CAI and while acting within the course and scope
9 of their corporate authority and employment.

10 VII

11 At all times herein mentioned, Respondents engaged in
12 the business of, acted in the capacity of, advertised, or
13 assumed to act as real estate brokers within the State of
14 California within the meaning of Sections 10131(b) of the Code,
15 including the operation and conduct of a property management
16 business with the public wherein, on behalf of others, for
17 compensation or in expectation of compensation, Respondents
18 leased or rented and offered to lease or rent, and placed for
19 rent, and solicited listings of places for rent, and solicited
20 for prospective tenants of real property or improvements
21 thereon, and collected rents from real property or improvements
22 thereon.

23 VIII

24 In so acting as real estate brokers, as described in
25 Paragraph VII, above, Respondents accepted or received funds in
26 trust (hereinafter "trust funds") from or on behalf of owners
27 and tenants in connection with the leasing, renting, and

1 collection of rents on real property or improvements thereon, as
2 alleged herein, and thereafter from time to time made
3 disbursements of said funds.

4 IX

5 The aforesaid trust funds accepted or received by
6 Respondents were deposited or caused to be deposited by
7 Respondents into one or more bank accounts (hereinafter "trust
8 fund accounts") maintained by Respondents for the handling of
9 trust funds, including but not necessarily limited to the
10 following accounts maintained by Respondents at the Vallejo,
11 California, branch of Bay View Bank:

12 (a) The "Cirimele And Associates Inc Property
13 Management Trust Account", account number 60053015152
14 (hereinafter "Trust Account #1"); and

15 (b) The "Cirimele And Associates Inc Property
16 Management Trust Account", account number 40021147053
17 (hereinafter "Trust Account #2").

18 X

19 Between January 1, 2002 and August 31, 2002, in
20 connection with the collection and disbursement of said trust
21 funds, Respondents:

22 (a) Deposited and maintained funds belonging to
23 several different property owners in Trust Account #2, an
24 interest bearing account, thereby failing to keep funds in the
25 interest-bearing account belonging to each principal separate
26 and apart from funds belonging to other persons for whom

27 ///

1 Respondent held funds in trust, in violation of the provisions
2 of Section 10145(d) of the Code;

3 (b) Failed to reconcile, at least once a month, the
4 balance of all separate beneficiary or transaction records with
5 the record of all trust funds received into and disbursed from
6 Trust Account #1 and Trust Account #2 as required by Section
7 2831.2 of Chapter 6, Title 10, California Code of Regulations
8 (hereinafter "the Regulations");

9 (c) Caused, suffered or permitted the balance of
10 funds in Trust Account #1 to be reduced to an amount which, as
11 of May 31, 2002, was approximately \$6,058.45 less than the
12 aggregate liability of Respondents to all owners of such funds,
13 without the prior written consent of the owners of such funds;
14 and

15 (d) Authorized Steven J. Cirimele and Lynell Welton,
16 unlicensed person without fidelity bond coverage, to make
17 disbursements from Trust Account #1 and Trust Account #2, and
18 authorized Respondent CIRIMELE to make disbursements from Trust
19 Account #1 and Trust Account #2, without making Respondent
20 HOOVER an authorized signatory of said accounts.

21 XI

22 At all times mentioned herein to and until
23 September 11, 2002, Respondents failed to make available for
24 inspection by the designated representative of the Commissioner
25 the real estate licenses of Diana Goldstein, Catherine Vezo and
26 Mary Elizabeth Vezo, real estate salespersons employed by
27 Respondent CAI, in violation of Section 10160 of the Code.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

XII

Respondent HOOVER failed to exercise reasonable supervision over the acts of Respondent CAI in such a manner as to allow the acts and events described in Paragraphs X and XI to occur.

XIII

The facts alleged above are grounds for the suspension or revocation of the licenses and license rights of Respondents CAI, CIRIMELE and HOOVER under the following provisions of the Code and/or the Regulations:

(a) As to Paragraph X(a), under Section 10145(d) of the Code in conjunction with Section 10177(d) of the Code;

(b) As to Paragraph X(b), under Section 10145 of the Code and Section 2831.2 of the Regulations in conjunction with Section 10177(d) of the Code;

(c) As to Paragraph X(c), under Section 10145 of the Code and Section 2832.1 of the Regulations in conjunction with Section 10177(d) of the Code;

(d) As to Paragraph X(d), under Section 10145 of the Code and 2834 of the Regulations in conjunction with Section 10177(d) of the Code; and

(e) As to Paragraph XI, under Section 10160 of the Code in conjunction with Sections 10165 and 10177(d) of the Code.

///
///
///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

XIV

The facts alleged in Paragraph XII, above, are grounds for the suspension or revocation of the licenses and license rights of Respondent HOOVER under Section 10177(g) and/or Section 10177(h) of the Code and Section 10159.2 of the Code in conjunction with Section 10177(d) of the Code.

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against all licenses and license rights of Respondents under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code), and for such other and further relief as may be proper under other provisions of law.


CHARLES W. KOENIG
Deputy Real Estate Commissioner

Dated at Sacramento, California,
this 22nd day of January, 2003.