

FILED
JUL 21 2003
DEPARTMENT OF REAL ESTATE

Laura B. Brown

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

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of)	
)	No. H-27810 LA
M G R SERVICES, INC.; doing)	
business as Renet Financial West)	
Coast Mortgage; and MICHAEL G.)	
RADEMAKER, individually doing)	
business as M G R Services and)	
as designated officer of)	
M G R Services, Inc.)	
)	
Respondents.)	
)	

ORDER GRANTING REINSTATEMENT OF LICENSE

On January 28, 1999, a Decision was rendered herein, revoking the corporate real estate broker license of M G R SERVICES, INC.; and the real estate broker license of MICHAEL G. RADEMAKER, effective February 25, 1999. Respondents were given the right to apply for and receive restricted real estate broker licenses which were issued on February 25, 1999.

///
///

1 On or about June 4, 2002, Respondents petitioned for
2 reinstatement of their real estate licenses and the Attorney
3 General of the State of California has been given notice of both
4 filings.

5 I have considered Respondents' petitions and the
6 evidence and arguments in support thereof. Respondents have
7 demonstrated to my satisfaction that grounds do not presently
8 exist to deny the issuance of an unrestricted real estate
9 license to each Respondent.

10 NOW, THEREFORE, IT IS ORDERED that Respondent M G R
11 SERVICES, INC.'s petition for reinstatement is granted and that
12 an unrestricted corporate real estate broker license be issued
13 to this Respondent if it satisfies the following condition
14 within one (1) year from the date of this Order:

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

17 IT IS ALSO ORDERED that Respondent MICHAEL G.
18 RADEMAKER's petition for reinstatement is granted and that an
19 unrestricted real estate broker license be issued to this
20 Respondent if he satisfies the following conditions within one
21 (1) year from the date of this Order:

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

24 ///

25 ///

26 ///

27 ///

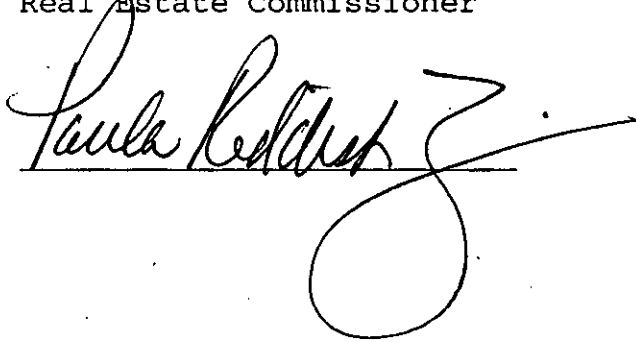
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

2. Submittal of evidence satisfactory to the Real Estate Commissioner that Respondent has, during the last four years, taken and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate license.

This Order shall become effective immediately.

DATED: July 10, 2003

PAULA REDDISH ZINNEMANN
Real Estate Commissioner



CC: M G R Services, Inc.
Michael G. Rademaker
6020 Zircon
Rancho Cucamonga, CA 91701

1425 W. Foothill Blvd., # 200
Upland, CA 91786

FILED
FEB 5 1999
DEPARTMENT OF REAL ESTATE

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

By *[Signature]*

* * * * *

In the Matter of the Accusation of)
)
M G R SERVICES, INC., doing)
business as Renet Financial West)
Coast Mortgage; and MICHAEL G.)
RADEMAKER, individually, doing)
business as M G R-Services and)
as designated officer of)
M G R Services, Inc.,)
)
)
)
Respondent(s).)
_____)

No. H-27810 LA
L-1998080405

DECISION

The Proposed Decision dated January 14, 1999,
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 25, 1999.

IT IS SO ORDERED January 28, 1999.

JOHN R. LIBERATOR
Acting Real Estate Commissioner

[Signature]

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of)	
)	
M G R SERVICES, INC.,)	No. H-27810 LA
Doing business as)	OAH L-1998080405
Renet Financial West Coast Mortgage;)	
and)	
MICHAEL G. RADEMAKER,)	
individually, doing business as)	
M G R Services and as designated)	
officer of)	
M G R Services, Inc.,)	
)	
Respondents.)	
<hr/>		

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 December 21, 1998.

Darlene Averetta, Staff Counsel, represented the complainant.

Respondents were represented by Carl M. Bergkvist, Attorney at Law.

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

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

PARTIES AND JURISDICTION

1

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, filed the Accusation in his official capacity.

2

(A) M G R Services and Rademaker, sometimes collectively referred to herein as

"Respondents", are presently licensed and/or have license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code (herein after "Code").

(B) At all times material herein, M G R Services was and now is licensed by the Department of Real Estate of the State of California (hereinafter "Department") as a corporate real estate broker by and through Rademaker as the designated officer and broker responsible pursuant to the provisions of Code Section 10159.2 for supervising the activities requiring a real estate license conducted on behalf of MG R Services, by MGR Services' officers, agents and employees.

3

All prehearing jurisdictional requirements have been met. Jurisdiction for this proceeding does exist.

**FINDINGS OF FACT
RE: ACCUSATION**

4

At all times material herein, Rademaker was and now is licensed by the Department as a real estate broker and as the designated officer of MGR Services. As the designated broker-officer, Rademaker is and, at all times material herein, was responsible for the supervision and control of the activities requiring a real estate license conducted on behalf of MGR Services by its officers, agents and employees as necessary to secure full compliance with the provisions of the Real Estate Law as required pursuant to the provisions of Code Section 10159.2.

5

All further references to "Respondents", unless otherwise specified, include the parties identified in Finding's 1 through 4, and also include the employees, agents and real estate licensees employed by or associated with said parties, who at all times herein mentioned were engaged in the furtherance of the business or operations of said parties and who were acting within the course and scope of their authority and employment.

6

At all times material herein, Respondents engaged in the business of, acted in the capacity of, advertised or assumed to act as real estate brokers in the State of California within the meaning of Code Section 10131(b) for another or others, for or in expectation of compensation. Said activity included the operation and conduct of a property management business the public wherein respondents leased or rented or offered for lease or rent, or placed for rent, or solicited listings of places for rent, or solicited for prospective tenants, or negotiated the sale, purchase or exchange of leases, or collected rents form real property, or improvements thereon, or from business opportunities.

2

Intermittently between the period of June 8, 1998, through June 19, 1998, the Department conducted an examination of Respondents' books and records pertaining to their real estate activities described in Finding 6. The examination revealed violations of the Code and of Title 10, Chapter 6, California code of Regulations (hereinafter "Regulations") as set forth below.

At all times material herein, in connection with the activities described in Finding 6 Respondents accepted or received funds including funds in trust (hereinafter "trust funds") from or on behalf of parties to transactions requiring a real estate license handled by Respondents and thereafter made deposits and/or disbursements of such funds. From time to time herein mentioned, said trust funds were deposited and/or maintained by Respondents in bank accounts, including but not necessarily to:

- a) Account Number 234121197, "MGR Services, Inc. Property Management Trust: (hereinafter "T/A 1") at Citizens Business Bank, 818 N. Mountain Ave., Upland, California 91786 (hereinafter "Citizens Business Bank");
- b) Account Number 004200754, "MGR Services, Inc. Property Management Trust Account" (hereinafter "T/A 2") at Metro Commerce Bank, P.O. box 2129, San Rafael, California 94912;
- c) Account Number 1021087, "MGR Services, Inc. Crowell Properties Trust Account" (hereinafter "T/A 3") at Upland Bank, P.O. Box 5009, Upland, California 91785;
- d) Account Number 234142437, "MGR Services, Inc. Trust Acct. Harries Property" (hereinafter "T/A 4") at Citizens Business Bank.

**COMBINED FINDINGS OF FACT
CONCLUSIONS OF LAW**

In the course of activities described in Finding 6 and 8, and during the examination period described in Finding 7, Respondents acted in violation of the Code and the Regulations in that, as of May 29, 1998, T/A 1 had a shortage in the amount of approximately One Hundred Eleven thousand Eight Hundred twenty-eight Dollars and twenty-seven Cents (\$111,828.27). Respondents caused, permitted and/or allowed the withdrawal or disbursement of trust funds from T/A 1, without the prior written consent of every principal who then was an owner of funds in the account, thereby reducing the balance of funds in the said account to an amount less than the existing aggregate trust fund liability of the broker to all owners of said trust funds, in violation of Code Section 10145 and Regulation 2832.1.

Said violation constitutes cause for the suspension or revocation of Respondent's real estate licenses and license right under the provisions of Code Section 10177(d) and/or 10177(g).

The conduct, acts and/or omissions of Rademaker in causing, allowing or permitting MGR Services to violate the Real Estate Law, as described therein above, constitute failure on the part of Rademaker, as the officer designated by a corporate broker license, to exercise the reasonable supervision and control over the licensed activities of MGR Services as required by Code Section 10159.2. Said conduct is cause to suspend or revoke the real estate licenses and license rights of Rademaker pursuant to the provisions of Code Section 10177(h).

FINDINGS IN MITIGATION

(A) Respondent Rademaker was first licensed as a real estate salesperson in 1976 at the age of 20 and thereafter was licensed as a real estate broker in or about 1982 and formed respondent corporation at or about that time. Respondents have no record of prior discipline and have no history of other than honest dealing.

(B) There was a risk of loss to third parties but no actual loss in that respondent did possess sufficient assets to cover the shortage as revealed by the audit.

(C) The wrongful conduct revealed by the audit was more the result of inadvertence than intent. Respondent Rademaker was contrite about the conduct and said respondent fully and openly cooperated with the Department's audit.

(D) Respondent, at the time of the audit was recovering from a series of stress-related events that had occurred in his life. Over a period of time before the audit:

- (a) he had suffered a heart attack and was treated for same
- (b) his then one year old son was determined to be autistic
- (c) he had problems in his real estate business related to a then "slump" in the real estate market which in turn caused marital difficulties necessitating marriage counseling. He and his wife are still in counseling.

As a result of the audit, respondent's have established certain new policies and procedures to insure that respondent avoid a similar problem. The changes are as follows:

- (a) All bank statements will be reconciled within 15 working days of receipt and if not completed an out side CPA firm will complete the job.
- (b) Monthly random audits by an outside CPA firm to confirm checking account reconciliation and random checking of bills and deposits.
- (c) Monthly meeting with staff and CPA firm to review accounts and
- (d) All properties 100% owned by Michael G. Rademaker or The Rademaker Trust have been assigned to a separate trust account.
- (e) Upgrade a software program to allow easier researching of separate account balances and ledgers.
- (f) Separate cash in Bank reports printed at month end to allow easier research.

Respondents' conduct set forth in the Findings and Conclusions is isolated conduct in an otherwise unblemished career.

DETERMINATION OF ISSUES

1

Cause exists for discipline of respondents' licenses by reason of the whole of the Findings/Conclusions.

2

The objective of an administrative proceeding relating to discipline, if any, is to protect the public; to determine whether a license holder has exercised privileges in derogation of the public interest. Such proceedings are not for the primary purpose of punishment: Fahmy v. MBC (1995) 38 Cal. App. 4th 810, 817; Ex Parte Brounsell (1778) 2 Cowp. 829, 98 Eng. Rep. 1385. In light of the foregoing and taking into account respondents' total record, including mitigation and respondents' corrective actions, the public interest can be adequately protected by placing licenses on a restricted status, subject to certain terms and conditions.

ORDER

I

The real estate broker license and license rights of respondents MGR Services, Inc. and Michael G. Rademaker, under the Real Estate Law (Part 1 of Division 4 of the Code) are hereby revoked.

However, respondents MGR Services and Michael Rademaker shall be entitled to apply for and be issued restricted real estate broker licenses if they make application therefor and pay to the Department of Real Estate the appropriate fee for said license within ninety (90) days of the effective date of the Decision herein.

The restricted real estate broker licenses issued to respondents shall be subject to all of the provisions of Section 10156.7 of the Code and the following limitations, conditions and restrictions imposed under authority of Section 10156.6 of the Code.

A. The restricted licenses may be suspended prior to hearing by Order of the real Estate Commissioner in the event of a respondent's conviction (including conviction of a plea of nolo contendere) to a crime which bears a significant relationship to respondent's fitness or capacity as a real estate licensee.

B. The restricted licenses may be suspended prior to hearing by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that respondents have, after effective date of the Order herein, violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to said restricted license.

C. Respondents shall obey all laws of the United States, the State of California and its political subdivisions, and shall further obey and comply with all rules and regulations of the Real Estate Commissioner.

D. Respondents shall not be eligible for the issuance of unrestricted real estate licenses nor the removal of any of the conditions, limitations or restrictions of the restricted licenses until at least two (2) years has elapsed from the effective date of the Decision.

E. Respondent Michael Rademaker shall within six (6) months from the effective date of the restricted license, take and pass the Professional Responsibility Examination administered by the Department including the payment of the appropriate examination fee. If respondent fails to satisfy this condition, the Commissioner may order suspension of the restricted license until respondent passes the examination.

F. Respondent Michael Rademaker shall, within twelve (12) months from the effective date of the issuance of the restricted license, present evidence satisfactory to the Real Estate Commissioner that respondent has, since the most recent issuance of an original or renewal real

estate license, taken and successfully completed the continuing education requirements of Section 10170.5 operative January 1, 1996, for renewal of a real estate license.

If Respondent fails to satisfy this condition, the Commissioner may order the suspension of the restricted license until the respondent presents such evidence. The Commissioner shall afford respondent the opportunity for a hearing pursuant to the Administrative procedure Act to present such evidence.

II

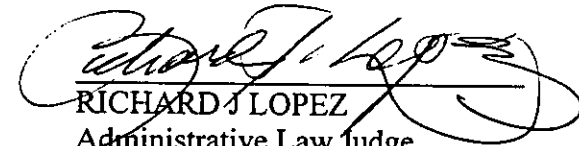
Respondent MGR Services, Inc., shall pay, pursuant to Section 10148 of the Code, the Commissioner's reasonable costs for an audit to determine if respondent has corrected the trust fund violations determined in this Decision. In calculating the amount of the Commissioner's reasonable costs, the Commissioner may use the estimated average hourly salary for all Department audit section personnel performing audits of real estate brokers, and shall include an allocation for travel costs, including mileage, time to and from the auditor's place of work.

(A) Respondent shall pay such cost within forty-five (45) days of receipt of an invoice from the Commissioner detailing the activities performed during the audit and the amount of time spent performing those activities.

(B) The Commissioner may suspend the restricted licenses issued to respondents pending a hearing held in accordance with Section 11500, et seq., of the Government Code, if payment is not timely made as provided for herein, or as provided for in a subsequent agreement between the respondent and the Commissioner. The suspension shall remain in effect until payment is made in full or until respondents enters into an agreement satisfactory to the Commissioner to provide for payment, or until a decision providing otherwise is adopted following a hearing held pursuant to this condition.

Dated:

14 January 1999


RICHARD J LOPEZ
Administrative Law Judge
Office of Administrative Hearings

lp

2000
File

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

FILED
OCT 19 1998
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of)
)
M G R SERVICES, INC., et al.,)
)
Respondents.)

Case No. H-27810 LA
OAH No. L-1998080405

[Signature]

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, 107 South Broadway, 2nd Floor, Los Angeles, California, on December 21 and 22, 1998, 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: October 19, 1998.

DEPARTMENT OF REAL ESTATE

cc: M G R Services, Inc.
Michael G. Rademaker
Carl M. Bergkvist, Esq.
Sacto.
OAH

By: *[Signature]*
DARLENE AVERETTA, Counsel

Sacto
Flag

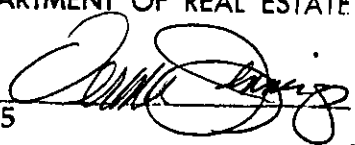
BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
AUG 31 1998
DEPARTMENT OF REAL ESTATE

* * * * *

In the Matter of the Accusation of)
)
M G R SERVICES, INC., et al.,)
)
Respondents.)

Case No. H-27810 JA
OAH No. L-1998080405



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, 107 South Broadway, 2nd Floor, Los Angeles, California, on **October 20 and 21, 1998**, 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 31, 1998.

DEPARTMENT OF REAL ESTATE

cc: M G R Services, Inc.
Michael G. Rademaker
Carl M. Bergkvist, Esq.
Sacto.
OAH

By: 
DARLENE AVERETTA, Counsel

SACD.
Play

1 DARLENE AVERETTA, Counsel
State Bar No. 159969
2 Department of Real Estate
107 South Broadway, Room 8107
3 Los Angeles, California 90012
4 (213) 897-3937

FILED
AUG 12 1998
DEPARTMENT OF REAL ESTATE
By *[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

11	In the Matter of the Accusation of)	No. H-27810 LA
12	M G R SERVICES, INC.,)	<u>A C C U S A T I O N</u>
13	doing business as)	
14	Renet Financial West)	
15	Coast Mortgage; and)	
16	MICHAEL G. RADEMAKER,)	
17	individually, doing)	
18	business as)	
19	M G R Services and as)	
20	designated officer of)	
21	M G R Services, Inc.,)	
22	Respondents.)	

19 The Complainant, Thomas McCrady, a Deputy Real Estate
20 Commissioner of the State of California, for cause of accusation
21 against M G R SERVICES, INC., doing business as Renet Financial
22 West Coast Mortgage (hereinafter "M G R SERVICES"); and MICHAEL
23 G. RADEMAKER, individually, doing business as M G R Services and
24 as designated officer of M G R Services, Inc. (hereinafter
25 "RADEMAKER"), is informed and alleges as follows:

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

1.

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, makes this Accusation in his official capacity.

2.

M G R SERVICES and RADEMAKER, sometimes collectively referred to herein as "Respondents", are presently licensed and/or have license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code (hereinafter "Code").

3.

At all times material herein, M G R SERVICES was and now is licensed by the Department of Real Estate of the State of California (hereinafter "Department") as a corporate real estate broker by and through RADEMAKER as the designated officer and broker responsible pursuant to the provisions of Code Section 10159.2 for supervising the activities requiring a real estate license conducted on behalf of M G R SERVICES, by M G R SERVICES' officers, agents and employees.

4.

At all times material herein, RADEMAKER was and now is licensed by the Department as a real estate broker and as the designated officer of M G R SERVICES. As the designated broker-officer, RADEMAKER is and, at all times material herein, was responsible for the supervision and control of the activities requiring a real estate license conducted on behalf of M G R SERVICES by its officers, agents and employees as necessary to



1 secure full compliance with the provisions of the Real Estate Law
2 as required pursuant to the provisions of Code Section 10159.2.

3 5.

4 All further references to "Respondents", unless
5 otherwise specified, include the parties identified in Paragraphs
6 1 through 4, above, and also include the employees, agents and
7 real estate licensees employed by or associated with said
8 parties, who at all times herein mentioned were engaged in the
9 furtherance of the business or operations of said parties and who
10 were acting within the course and scope of their authority and
11 employment.

12 FIRST CAUSE OF ACCUSATION

13 (Audit Findings)

14 6.

15 At all times material herein, Respondents engaged in
16 the business of, acted in the capacity of, advertised or assumed
17 to act as real estate brokers in the State of California within
18 the meaning of Code Section 10131(b) for another or others, for
19 or in expectation of compensation. Said activity included the
20 operation and conduct of a property management business with the
21 public wherein Respondents leased or rented or offered for lease
22 or rent, or placed for rent, or solicited listings of places for
23 rent, or solicited for prospective tenants, or negotiated the
24 sale, purchase or exchange of leases, or collected rents from
25 real property, or improvements thereon, or from business
26 opportunities.

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

7.

Intermittently between the period of June 8, 1998, through June 19, 1998, the Department conducted an examination of Respondents' books and records pertaining to their real estate activities described in Paragraph 6, above. The examination revealed violations of the Code and of Title 10, Chapter 6, California Code of Regulations (hereinafter "Regulations") as set forth below.

8.

At all times material herein, in connection with the activities described in Paragraph 6, above, Respondents accepted or received funds including funds in trust (hereinafter "trust funds") from or on behalf of parties to transactions requiring a real estate license handled by Respondents and thereafter made deposits and/or disbursements of such funds. From time to time herein mentioned, said trust funds were deposited and/or maintained by Respondents in bank accounts, including but not necessarily to:

a) Account Number 234121197, "MGR Services, Inc. Property Management Trust" (hereinafter "T/A 1") at Citizens Business Bank, 818 N. Mountain Ave., Upland, California 91786 (hereinafter "Citizens Business Bank");

///
///
///
///



1 b) Account Number 004200754, "MGR Services, Inc.
2 Property Management Trust Account" (hereinafter "T/A 2") at
3 Metro Commerce Bank, P.O. Box 2129, San Rafael, California 94912;
4 c) Account Number 1021087, "MGR Services, Inc. Crowell
5 Properties Trust Account" (hereinafter "T/A 3") at Upland Bank,
6 P.O. Box 5009, Upland, California 91785;
7 d) Account Number 234142437, "MGR Services, Inc. Trust
8 Acct. Harries Property" (hereinafter "T/A 4") at Citizens
9 Business Bank.

10 9.

11 In the course of activities described in Paragraphs 6
12 and 8, above, and during the examination period described in
13 Paragraph 7, Respondents acted in violation of the Code and the
14 Regulations in that, as of May 29, 1998, T/A 1 had a shortage in
15 the amount of approximately One Hundred Eleven Thousand Eight
16 Hundred Twenty-Eight Dollars and Twenty-Seven Cents
17 (\$111,828.27). Respondents caused, permitted and/or allowed the
18 withdrawal or disbursement of trust funds from T/A 1, without the
19 prior written consent of every principal who then was an owner of
20 funds in the account, thereby reducing the balance of funds in
21 the said account to an amount less than the existing aggregate
22 trust fund liability of the broker to all owners of said trust
23 funds, in violation of Code Section 10145 and Regulation 2832.1.

24 ///

25 ///

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

10.

Said violation constitutes cause for the suspension or revocation of Respondent's real estate licenses and license rights under the provisions of Code Section 10177(d) and/or 10177(g).

SECOND CAUSE OF ACCUSATION

11.

Complainant incorporates herein the allegations of Paragraphs 1 through 10, inclusive, herein above.

12.

The conduct, acts and/or omissions of RADEMAKER in causing, allowing or permitting M G R SERVICES to violate the Real Estate Law, as described herein above, constitute failure on the part of RADEMAKER, as the officer designated by a corporate broker license, to exercise the reasonable supervision and control over the licensed activities of M G R SERVICES as required by Code Section 10159.2. Said conduct is cause to suspend or revoke the real estate licenses and license rights of RADEMAKER pursuant to the provisions of Code Section 10177(h).

///

//

///

///

///

///

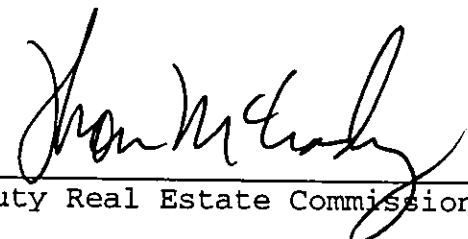
///

///



1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations made by the Accusation and that upon
3 proof thereof, a decision be rendered imposing disciplinary
4 action against all licenses and license rights of Respondents
5 M G R SERVICES, INC., doing business as Renet Financial West
6 Coast Mortgage; and MICHAEL G. RADEMAKER, individually, doing
7 business as M G R Services and as designated officer of M G R
8 Services, Inc., under the Real Estate Law (Part 1 of Division 4
9 of the Business and Professions Code) and for such other and
10 further relief as may be proper under other applicable provisions
11 of law.

12 Dated at Los Angeles, California
13 this 12th day of August, 1998.

14
15 
16 Deputy Real Estate Commissioner

17
18
19
20
21
22
23
24 cc: M G R Services, Inc.
25 Michael G. Rademaker
26 LA Audit Section
27 Sacto.
PM