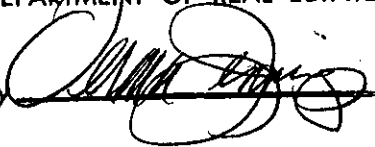


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DEPARTMENT OF REAL ESTATE

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
LOEFFLER & BATHKE PROPERTIES)	NO. H-31257 LA
REALTORS, INC., dba Re/Max)	L-2004110509
Premier Properties San Marino;)	
PETER ALAN LOEFFLER,)	
individually and as designated)	
officer of Loeffler & Bathke)	
Properties Realtors, Inc.;)	
and <u>IRVING N. TONS,</u>)	
Respondent.)	

DECISION AFTER RECONSIDERATION

On November 26, 2005, a Decision was rendered herein by the Real Estate Commissioner. The Decision suspended the real estate salesperson license and license rights of Respondent, IRVING N. TONS for 90 days, subject to terms and conditions. Said Decision was to become effective on December 29, 2005, but was stayed by separate Order to January 27, 2006.

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1 On December 23, 2005, Respondent petitioned for
2 reconsideration of said Decision. I have considered the
3 petition of Respondent and have concluded that good cause
4 has been presented for reconsideration of the Decision of
5 November 26, 2005, for the limited purpose of determining
6 whether the disciplinary action therein imposed should be
7 reduced.

8 I have reconsidered said Decision and it is hereby
9 ordered that the disciplinary action therein imposed against
10 the real estate salesperson license of IRVING N. TONS
11 be reduced by modifying the Order of said Decision to read as
12 follows:

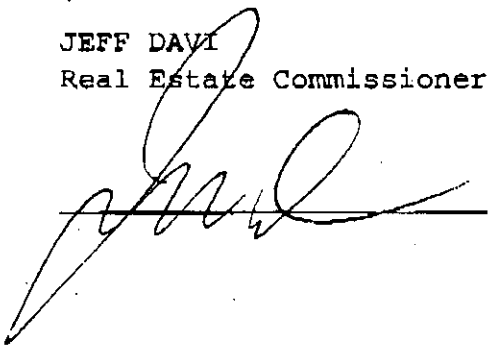
13 ORDER

14 The real estate license of Respondent IRVING N. TONS
15 is hereby Publicly Reproved.

16 As hereby modified and amended, the Decision of
17 November 26, 2005, shall become effective at 12 o'clock noon
18 on January 27, 2006.

19 IT IS SO ORDERED

20 JEFF DAVI
21 Real Estate Commissioner

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DEPARTMENT OF REAL ESTATE

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of)	No. H-31257 LA
)	
LOEFFLER & BATHKE PROPERTIES)	L-2004110509
REALTORS, INC., dba Re/Max)	
Premier Properties San Marino;)	
PETER ALAN LOEFFLER,)	
individually and as designated)	
officer of Loeffler & Bathke)	
Properties Realtors, Inc.;)	
and IRVING N. TONS,)	
)	
Respondents.)	

ORDER STAYING EFFECTIVE DATE

On November 26, 2005, a Decision After Rejection was rendered in the above-entitled matter to become effective December 29, 2005.

IT IS HEREBY ORDERED that the effective date of the Decision After Rejection of November 26, 2005, is stayed for a period of 30 days as to Respondent IRVING N. TONS only.

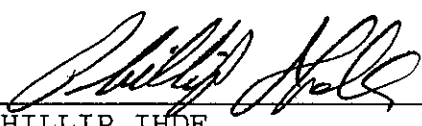
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The Decision After Rejection of November 26, 2005 shall
become effective at 12 o'clock noon on January 27, 2006.

DATED: December 28, 2005.

JEFF DAVI
Real Estate Commissioner

By: 
PHILLIP IHDE
Regional Manager

FILED
DEC - 9 2005
DEPARTMENT OF REAL ESTATE

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-31257 LA
LOEFFLER & BATHKE PROPERTIES)	
REALTORS, INC., dba Re/Max)	
Premier Properties San Marino;)	
PETER ALAN LOEFFLER,)	
individually and as designated)	
officer of Loeffler & Bathke)	
Properties Realtors, Inc.;)	
and IRVING N. TONS,)	
Respondents.)	

DECISION AFTER REJECTION

The above-entitled matter came on for hearing before Deborah Myers-Young, Administrative Law Judge of the Office of Administrative Hearings at Los Angeles, California, on May 16, 2005.

Complainant was represented by James R. Peel, Counsel. Respondents PETER ALAN LOEFFLER (Respondent LOEFFLER) and IRVING N. TONS (Respondent TONS) were present. Respondent LOEFFLER & BATHKE PROPERTIES REALTORS, INC. (Respondent CORPORATION), and

///

1 Respondents LOEFFLER and TONS were represented by Frank M. Buda,
2 Attorney at Law.

3 Evidence was received and the matter stood submitted on
4 May 16, 2005.

5 On June 15, 2005, the Administrative Law Judge
6 ("Judge") submitted a Proposed Decision which was not adopted as
7 the Decision of the Real Estate Commissioner.

8 On July 29, 2005, pursuant to Section 11517(c) of the
9 Government Code of the State of California, Respondents were
10 served with a copy of the Proposed Decision dated June 15, 2005,
11 and with notice that the case would be decided by me upon the
12 record including the transcript of proceedings held on May 16,
13 2005, and upon any written argument offered by the parties.

14 Argument has been submitted on behalf of the
15 Respondents and Complainant.

16 I have given careful consideration to the record in
17 this case, including the transcript of proceedings of May 16,
18 2005, and the arguments of Respondents and Complainant.

19 The following shall constitute the Decision of the Real
20 Estate Commissioner in this matter.

21 FINDINGS OF FACT

22 1. On August 31, 2004, Janice A. Waddell, Deputy Real
23 Estate Commissioner of the State of California made and filed the
24 Accusation in her official capacity.

25 2. Respondent CORPORATION was licensed as a corporate
26 real estate broker by the Department of Real Estate (Department).
27 Respondent LOEFFLER, a broker for 18 years, was licensed as the

1 designated broker-officer of Respondent CORPORATION. He was
2 responsible for the supervision and control of the activities of
3 its employees, including Respondent TONS. Respondent TONS was
4 employed by Respondent CORPORATION from October 5, 2001, to at
5 least November 14, 2002, as an independent contractor and broker.

6 3. Respondent TONS was licensed as real estate
7 salesperson for approximately 16 years. He was then licensed as a
8 real estate broker for an additional eight years, including from
9 May 8, 1998, through May 7, 2002, when his license expired. He
10 still retained renewal rights and he was still a licensee with an
11 inactive license. His license was renewed effective November 14,
12 2002. During the time that his license was not active, Respondent
13 TONS obtained listings on three properties.

14 4. Respondent TONS' license became inactive because he
15 failed to timely pay his renewal fees. Respondent TONS explained
16 that his failure to pay his renewal fees was an oversight. He had
17 completed the 45 hour continuing education requirements of the
18 renewal on a timely basis. He thought he mailed the Department
19 his renewal application and check. During this period of his
20 life, Respondent TONS was experiencing personal difficulties. His
21 engagement with his fiancée was ending. His mother was ill, lived
22 alone and was undergoing medical testing. Respondent TONS faced
23 the decision of whether to move her closer to his residence to be
24 able to assist her. Additionally, Respondent TONS' business
25 assistant was threatening to compete with him for a share of his
26 business. Respondent TONS testified that he was overwhelmed and
27 preoccupied during this time. Respondent TONS did not realize

1 that he had overlooked completing his renewal application until
2 the Arcadia Association of Realtors, of which he was an active
3 member and leader, contacted him for a copy of his license on
4 October 30, 2002.

5 5. Respondent TONS was very upset when he discovered
6 his mistake. He and Respondent LOEFFLER immediately contacted
7 Peter Kim at the Department for advice. They also called an
8 attorney from the California Association of Realtors. They
9 stopped all of Respondent TONS' licensed activity. They
10 reassigned his files, and notified his clients in writing of the
11 problem. Respondent TONS testified that he now has a computer
12 program which reminds him of his continuing education and license
13 renewal deadlines and that he was never late with his renewal at
14 any other time in his 24 years of licensure. No clients were
15 harmed by or have ever complained about Respondent TONS. He is a
16 very active leader in the real estate community, his local
17 association of Realtors, and the chamber of commerce. He is
18 active in organizing fundraisers for the local Duarte school
19 district as well as the American Cancer Society. He has received
20 many awards recognizing his contributions to these organizations.

21 6. Respondent LOEFFLER notified Respondent TONS on
22 March 1, 2002, that his license required renewal. However,
23 Respondent LOEFFLER did not receive notification from the
24 Department that Respondent TONS' broker license had not been
25 renewed, as TONS was a broker himself. When it was called to his
26 attention on October 30, 2002, Respondent LOEFFLER took
27 immediate, active steps to correct the problem of Respondent

1 TONS' expired broker license. He contacted the Department, a
2 California Realtors' Association lawyer, reassigned Respondent
3 TONS' files, and notified his clients in writing of the
4 situation. Respondent LOEFFLER testified that he re-evaluated the
5 system for monitoring the license renewals of his 74 brokers and
6 673 salespeople. He decided to use two software programs which
7 will help track the renewals. One program, Lone Wolf, is an
8 accounting program which automatically prints 90 day, 60 day, and
9 30 day reminders to renew licenses on the commission checks. This
10 program will not allow a check to be issued to an employee with
11 an expired license. The second program, Excel, allows license
12 renewal data to be accessed and sorted by the expiration date.
13 Respondent LOEFFLER established written protocols for the
14 employees. This includes written notification and instructions
15 for the Department's new on-line license renewal website. Now
16 Respondent LOEFFLER is immediately notified by email from the
17 Department when one of his employee's licenses is renewed.
18 Respondent LOEFFLER is active as a member and past president of
19 his local and state association of Realtors, and is a member of
20 the board of trustees of the United Methodist Church.

21 LEGAL CONCLUSIONS

22 Pursuant to the foregoing Findings of Fact, the
23 following Legal Conclusions are made:

24 1. Respondent CORPORATION violated Business and
25 Professions Code Section 10137 by having employed a broker with
26 an expired license, as set forth in Findings 2, 3 and 6.

27 ///

1 2. Respondent LOEFFLER violated Business and
2 Professions Code Section 10137 by having employed a broker with
3 an expired license, as set forth in Findings 2, 3 and 6.

4 3. Respondent TONS violated Business and Professions
5 Code Sections 10130 and 10177(d) by having acted in the capacity
6 of a broker with an expired license, as set forth in Findings 2,
7 3, 4 and 5.

8 Respondent TONS' failure to timely renew his real
9 estate broker license was inadvertent and negligent. His mistake
10 was clerical in nature. That is, the Department, upon receipt of
11 appropriate fees and proof of continuing education, has a
12 ministerial duty to automatically renew the license. He completed
13 the most difficult part of the renewal requirement, the 45 hour
14 continuing education component, in a timely manner. The 2002
15 incident was the only time in his 24 years of licensure that
16 Respondent TONS failed to renew his license in a timely manner.
17 There was no harm to the public at large, or to his three clients
18 with whom he had listings during that period. No complaints were
19 made by his clients.

20 Respondents TONS and LOEFFLER took immediate and
21 effective remedial action to correct the problem at hand, and to
22 prevent it from happening in the future. Respondent TONS was
23 greatly affected by this experience. The Accusation and its
24 administrative proceedings had an in terrorem effect on
25 Respondent TONS and he is not likely to forget renewing his
26 application again. However, maintaining a current and valid
27 license is a fundamental requirement for a real estate licensee.

1 Protection of the public interest requires that licensees not be
2 allowed to conduct activities requiring a real estate license
3 without a current license.

4 ORDER

5 All licenses and licensing rights of Respondents
6 LOEFFLER & BATHKE PROPERTIES REALTORS, INC., PETER ALAN LOEFFLER
7 and IRVING N. TONS under the Real Estate Law are suspended for a
8 period of ninety (90) days from the effective date of this
9 Decision; provided, however, that sixty (60) days of said
10 suspension shall be stayed for two (2) years upon the following
11 terms and conditions:

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

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

23 3. Provided, however, that if Respondents petition,
24 the remaining thirty (30) days of said ninety (90) day suspension
25 shall be stayed upon condition that:

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27 ///

1 (a) Respondents pay a monetary penalty pursuant to
2 Section 10175.2 of the Business and Professions Code at the rate
3 of \$100 for each day of the suspension for a total monetary
4 penalty of \$3,000 (\$9,000 for all Respondents).

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

10 (c) No further cause for disciplinary action
11 against the real estate licenses of Respondents occurs within two
12 (2) years from the effective date of the Decision in this matter.

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

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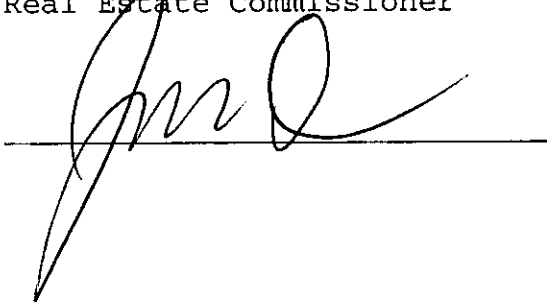
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(e) If Respondents pay the monetary penalty and if
no further cause for disciplinary action against the real estate
licenses of Respondents occur within two (2) years from the
effective date of the Decision, the stay hereby granted shall
become permanent.

This Decision shall become effective at 12 o'clock noon
on December 29, 2005.

IT IS SO ORDERED 11.26.05.

JEFF DAVI
Real Estate Commissioner



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

Handwritten initials: "H. H. H. H. H."

FILED
JUL 29 2005

DEPARTMENT OF REAL ESTATE

Signature of the Department of Real Estate official

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

In the Matter of the Accusation of)	
LOEFFLER & BATHKE PROPERTIES)	No. H-31257 LA
REALTORS, INC., dba Re/Max Premier)	L-2004110509
Properties San Marino; PETER ALAN)	
LOEFFLER, individually and as)	
designated officer of Loeffler &)	
Bathke Properties Realtors, Inc.;)	
and IRVING N. TONS,)	
Respondents.)	

NOTICE

TO: LOEFFLER & BATHKE PROPERTIES REALTORS, INC., PETER ALAN LOEFFLER, and IRVING N. TONS, Respondents, and FRANK M. BUDA, their Counsel.

YOU ARE HEREBY NOTIFIED that the Proposed Decision herein dated June 15, 2005, of the Administrative Law Judge is not adopted as the Decision of the Real Estate Commissioner. A copy of the Proposed Decision dated June 15, 2005, is attached for your information.

In accordance with Section 11517(c) of the Government Code of the State of California, the disposition of this case

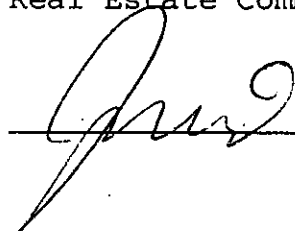
1 will be determined by me after consideration of the record herein
2 including the transcript of the proceedings held on May 16,
3 2005, and any written argument hereafter submitted on behalf of
4 Respondent and Complainant.

5 Written argument of Respondent to be considered by me
6 must be submitted within 15 days after receipt of the transcript
7 of the proceedings of May 16, 2005, at the Los Angeles office of
8 the Department of Real Estate unless an extension of the time is
9 granted for good cause shown.

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

15 DATED: 7-21-05, 2005

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17 JEFF DAVI
18 Real Estate Commissioner

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BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

LOEFFLER & BATHKE PROPERTIES
REALTORS, INC., dba Re/Max Premier
Properties San Marino; PETER ALAN
LOEFFLER, individually and as designated
officer of Loeffler & Bathke Properties
Realtors, Inc.; and IRVING N. TONS,

Respondents.

Case No. H-31257 LA

OAH No.: L 2004110509

PROPOSED DECISION

On May 16, 2005, in Los Angeles, California, Deborah Myers-Young, Administrative Law Judge, Office of Administrative Hearings, heard this matter.

Complainant, Janice Waddell, a Deputy Real Estate Commissioner of the State of California, was represented by James R. Peel, Staff Counsel.

Respondents Peter Alan Loeffler (Respondent Loeffler) and Irving N. Tons (Respondent Tons) were present. Respondent Loeffler & Bathke Properties Realtors, Inc. (Respondent Corporation), and Respondents Loeffler and Tons were represented by Frank M. Buda, Attorney at Law.

Oral and documentary evidence was received. The record was closed and the matter was submitted for decision on May 16, 2005.

FACTUAL FINDINGS

The Administrative Law Judge makes the following factual findings:

1. The Accusation was filed by Janice Waddell, a Deputy Real Estate Commissioner of the State of California, acting in her official capacity.

2. Respondent Corporation was licensed as a corporate real estate broker by the Department of Real Estate (Department). Respondent Loeffler, a broker for 18 years, was licensed as the designated broker-officer of Respondent Corporation. He was responsible for the supervision and control of the activities of its employees, including Respondent Tons. Respondent Tons was employed by Respondent Corporation, from October 5, 2001 to at least November 14, 2002 as an independent contractor and broker.

3. Respondent Tons was licensed as real estate salesperson for approximately 16 years. He was then licensed as a real estate broker for an additional eight years, including from May 8, 1998 through May 7, 2002 when his license expired. He still retained renewal rights and he was still a licensee with an inactive license. His license was renewed effective November 14, 2002. During the time that his license was not active, Respondent Tons obtained listings on three properties.

4. Respondent Tons' license became inactive because he failed to timely pay his renewal fees. Respondent Tons explained that his failure to pay his renewal fees was an oversight. He had completed the 45 hour continuing education requirements of the renewal on a timely basis. He thought he mailed the Department his renewal application and check. During this period of his life, Respondent Tons was experiencing personal difficulties. His engagement with his fiancée was ending. His mother was ill, lived alone, and was undergoing medical testing. Respondent Tons faced the decision of whether to move her closer to his residence to be able to assist her. Additionally, Respondent Tons' business assistant was threatening to compete with him for a share of his business. Respondent Tons was overwhelmed and preoccupied during this time. Respondent Tons did not realize that he had overlooked completing his renewal application until the Arcadia Association of Realtors, of which he was an active member and leader, contacted him for a copy of his license on October 30, 2002.

5. Respondent Tons was very upset when he discovered his mistake. He and Respondent Loeffler immediately contacted Peter Lin at the Department for advice. They also called an attorney from the California Association of Realtors. They stopped all of Respondent Tons' licensed activity. They reassigned his files, and notified his clients in writing of the problem. He now has a computer program which reminds him of his continuing education and license renewal deadlines. Respondent Tons was never late with his renewal at any other time in his 24 years of licensure. No clients were harmed by or have ever complained about Respondent Tons. He is a very active leader in the real estate community, his local association of realtors, and the chamber of commerce. He is active in organizing fundraisers for the local Duarte school district as well as the American Cancer Society. He has received many awards recognizing his contributions to these organizations.

6. Respondent Loeffler notified Respondent Tons on March 1, 2002 that his license required renewal. However, Respondent Loeffler did not receive notification from the Board that Respondent Tons' broker's license had not been renewed, as Tons was a broker himself. When it was called to his attention on October 30, 2002, Respondent Loeffler took immediate, active steps to correct the problem of Respondent Ton's expired broker's license. He contacted the Department, the California Realtor's Association's lawyer, reassigned Respondent Ton's files, and notified his clients in writing of the situation. Respondent Loeffler also reevaluated the system for monitoring the license renewals of his 74 brokers and 63 salespeople. He decided to use two software programs which will help track the renewals. One program, Lone Wolf, is an accounting program which automatically prints 90 day, 60 day, and 30 day reminders to renew licenses on the commission checks. This program will not allow a check to be issued to an employee with an expired license. The second program, Excel, allows license renewal data to be accessed and sorted by the expiration date. Respondent Loeffler established written protocols for the employees. This includes written notification and instructions for the Department's new on-line license renewal website. Now, Respondent Loeffler is immediately notified by e-mail from the Department when one of his employee's licenses is renewed. Respondent Loeffler is active as a member and past president of his local and state association of realtors, and is a member of the board of trustees of the United Methodist Church.

LEGAL CONCLUSIONS

Pursuant to the foregoing Factual Findings, the Administrative Law Judge makes the following legal conclusions:

1. Respondent Corporation violated Business and Professions Code section 10137 by having employed a broker with an expired license, as set forth in Findings 2, 3 and 6.
2. Respondent Loeffler violated Business and Professions Code section 10137 by having employed a broker with an expired license, as set forth in Findings 2, 3, and 6.
3. Respondent Tons violated Business and Professions Code section 10130 and 10177, subsection (d), for having acted in the capacity of a broker with an expired license, as set forth in Findings 2, 3, 4, and 5.

Respondent Tons' failure to timely renew his real estate broker's license was inadvertent and negligent. His mistake was clerical in nature. That is, the Department, upon receipt of appropriate fees and proof of continuing education, has a

ministerial duty to automatically renew the license. He completed the most difficult part of the renewal requirement, the 45 hour continuing education component, in a timely manner. The 2002 incident was the only time in his 24 years of licensure that Respondent Tons failed to renew his license in a timely manner. There was no harm to the public at large, or to his three clients with whom he had listings during that period. No complaints were made by his clients.

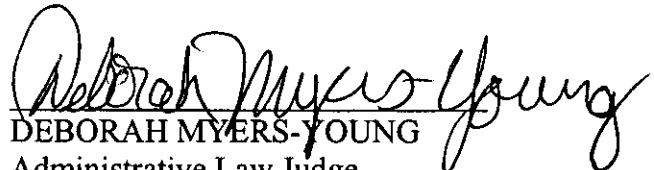
Respondents Tons and Loeffler took immediate and effective remedial action to correct the problem at hand, and to prevent it from happening in the future. Respondent Tons was greatly affected by this experience. The Accusation and its administrative proceedings had an in terrorum effect on Respondent Tons and he is not likely to forget renewing his application again. No useful purpose will be served by imposing license discipline on Respondents.

ORDER

WHEREBY THE FOLLOWING ORDER is hereby made:

not adopted { The Accusation is sustained without the imposition of discipline as to Respondents Loeffler and Bathke Properties Realtors, Inc., Peter Alan Loeffler, and Irving N. Tons.

Dated: June 15, 2005


DEBORAH MYERS-YOUNG
Administrative Law Judge
Office of Administrative Hearings

SACD.
Flag

1 JAMES R. PEEL, Counsel (SBN 47055)
2 Department of Real Estate
3 320 West Fourth Street, Ste. 350
4 Los Angeles, California 90013-1105

5 Telephone: (213) 576-6982
6 -or- (213) 576-6913 (Direct)

FILED
AUG 31 2004

DEPARTMENT OF REAL ESTATE



8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11	In the Matter of the Accusation of)	No. H-31257 LA
12	LOEFFLER & BATHKE PROPERTIES)	<u>ACCUSATION</u>
13	REALTORS, INC., dba Re/Max)	
14	Premier Properties San Marino;)	
15	PETER ALAN LOEFFLER,)	
16	individually and as designated)	
17	officer of Loeffler & Bathke)	
	Properties Realtors, Inc.;)	
	and IRVING N. TONS,)	
	Respondents.)	

18 The Complainant, Janice A. Waddell, a Deputy Real
19 Estate Commissioner of the State of California, for cause of
20 accusation against LOEFFLER & BATHKE PROPERTIES REALTORS, INC.,
21 dba Re/Max Premier Properties San Marino; PETER ALAN LOEFFLER,
22 individually and as designated officer of Loeffler & Bathke
23 Properties Realtors, Inc.; and IRVING N. TONS alleges as follows:

24 I

25 The Complainant, Janice A. Waddell, acting in her
26 official capacity as a Deputy Real Estate Commissioner of the
27 State of California, makes this Accusation against LOEFFLER &

1 BATHKE PROPERTIES REALTORS, INC., dba Re/Max Premier Properties
2 San Marino; PETER ALAN LOEFFLER, individually and as designated
3 officer of Loeffler & Bathke Properties Realtors, Inc.; and
4 IRVING N. TONS.

5 II

6 LOEFFLER & BATHKE PROPERTIES REALTORS, INC., PETER ALAN
7 LOEFFLER, and IRVING N. TONS (hereinafter referred to as
8 "Respondents") are presently licensed and/or have license rights
9 under the Real Estate Law (Part 1 of Division 4 of the Business
10 and Professions Code, hereinafter "Code").

11 III

12 At all times herein mentioned, respondent LOEFFLER &
13 BATHKE PROPERTIES REALTORS, INC., was licensed by the Department
14 of Real Estate of the State of California as a corporate real
15 estate broker, and respondent PETER ALAN LOEFFLER was licensed as
16 the designated broker-officer of said corporation and was
17 responsible for the supervision and control of the activities
18 conducted on behalf of respondent LOEFFLER & BATHKE PROPERTIES
19 REALTORS, INC., by its officers and employees as necessary to
20 secure full compliance with Real Estate Law as set forth in
21 Section 10159.2 of the Code.

22 IV

23 Respondent IRVING N. TONS was licensed as a real estate
24 broker from May 8, 1998, through May 7, 2002, when his license
25 expired. His broker license was renewed effective November 14,
26 2002. From October 5, 2001, to present, Respondent TONS was
27

1 employed by Respondent LOEFFLER & BATHKE PROPERTIES REALTORS,
2 INC. pursuant to an independent contractor agreement.

3 V

4 At all times herein mentioned, respondent LOEFFLER &
5 BATHKE PROPERTIES REALTORS, INC., on behalf of others in
6 expectation of compensation, engaged in the business, acted in
7 the capacity of, advertised or assumed to act as a real estate
8 broker in the State of California within the meaning of Section
9 10131(a) of the Code, including soliciting buyers and sellers and
10 negotiating the sale of real property.

11 VI

12 In connection with respondents' activities as real
13 estate brokers, as described above, respondents LOEFFLER & BATHKE
14 PROPERTIES REALTORS, INC., and PETER ALAN LOEFFLER acted in
15 violation of the Real Estate Law, the Code and California Code of
16 Regulations (hereinafter Regulations), Title 10, Chapter 6, as
17 follows:

18 Violated Section 10137 of the Code by employing
19 respondent IRVING N. TONS, while an expired real estate broker,
20 to solicit and obtain listings of real property, as set forth
21 below:

22 (a) On or about June 30, 2002, a listing with Edward
23 Boustayan and Marlene Tanik Bosnoian for the sale of 3215 Elda,
24 Duarte, California.

25 (b) On or about July 10, 2002, a listing with Ethel
26 May Virdin for the sale of 2968 Royal Oaks, Duarte, California.

27

1 (c) On or about July 21, 2002, a listing with Arnold
2 and Winnie Cronshagen, and Linda Cronshagen for the sale of 1214
3 Huntington Drive #G, Duarte, California.

4 VII

5 The conduct of respondents LOEFFLER & BATHKE PROPERTIES
6 REALTORS, INC., PETER ALAN LOEFFLER and IRVING N. TONS, as
7 alleged above, subjects their real estate licenses and license
8 rights to suspension or revocation as follows:

9 1. Respondents LOEFFLER & BATHKE PROPERTIES REALTORS,
10 INC., and PETER ALAN LOEFFLER pursuant to Section 10137 of the
11 Code for the conduct alleged in Paragraph VI.

12 2. Respondent IRVING N. TONS pursuant to Sections
13 10130 and 10177(d) of the Code for the conduct alleged in
14 Paragraph VI.

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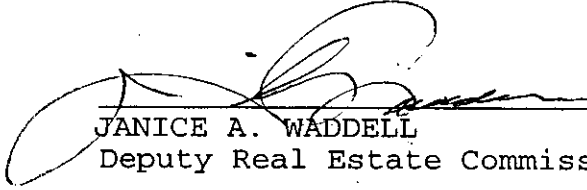
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1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations of this Accusation and that upon
3 proof thereof, a decision be rendered imposing disciplinary
4 action against all licenses and license rights of respondents
5 LOEFFLER & BATHKE PROPERTIES REALTORS, INC., dba Re/Max Premier
6 Properties San Marino; PETER ALAN LOEFFLER, individually and as
7 designated officer of Loeffler & Bathke Properties Realtors,
8 Inc.; and IRVING N. TONS under the Real Estate Law (Part 1 of
9 Division 4 of the Business and Professions Code) and for such
10 other and further relief as may be proper under other applicable
11 provisions of law.

12 Dated at Los Angeles, California,
13 this 21 day of July, 2004.

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16
17 
18 JANICE A. WADDELL
19 Deputy Real Estate Commissioner
20
21
22

23 cc: Loeffler & Bathke Properties
24 Realtors, Inc.
25 Peter Alan Loeffler
26 Irving N. Tons
27 Janice A. Waddell
 Sacto.
 JP