

1 Department of Real Estate
2 320 West 4th Street, Ste. 350
3 Los Angeles, California 90013-1105
4 Telephone: (213) 576-6982 (office)

FILED

OCT 21 2010

DEPARTMENT OF REAL ESTATE
BY: 

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 RODEO TOWNE CENTER REALTY INC.)
13 doing business as Click and List.com,)
14 EZ Home Loans - Woodland Hills, and)
15 Realty Alliance - Woodland Hills;)
16 LEROY MITCHELL SENNETTE, individually)
17 and as former designated officer of)
18 Rodeo Towne Center Realty Inc.; and)
19 NEELAM BHATIA,)
20 Respondents.)

No. H-36378 LA
L-2010010258

STIPULATION
AND
AGREEMENT

21 In the Matter of the Accusation of)
22 CLICKANDLIST REALTY INC. doing)
23 business as EZ to Approve Financial)
24 and First Choice Financial;)
25 LEROY MITCHELL SENNETTE, individually)
26 and as designated officer of)
27 ClickandList Realty Inc.; NEELAM)
BHATIA and JOHN JOSEPH NICHSINGER,)
Respondents,)

No. H-36389 LA
L-201001026

STIPULATION
AND
AGREEMENT

1 It is hereby stipulated by and between Respondents
2 RODEO TOWNE CENTER REALTY INC., CLICKANDLIST REALTY INC., LEROY
3 MITCHELL SENNETTE, individually and as designated officer of
4 Rodeo Towne Center Realty Inc. and ClickandList Realty Inc., and
5 NEELAM BHATIA (sometimes referred to as "Respondents"),
6 represented by Ronald Gallant, Esq. and the Complainant, acting
7 by and through Elliott Mac Lennan, Counsel for the Department of
8 Real Estate, as follows for the purpose of settling and
9 disposing of the First Amended Accusation filed on December 23,
10 2009 against RODEO TOWNE CENTER REALTY INC., LEROY MITCHELL
11 SENNETTE and NEELAM BHATIA and the First Amended Accusation
12 filed on April 5, 2010 against CLICKANDLIST REALTY INC., LEROY
13 MITCHELL SENNETTE and NEELAM BHATIA (collectively "Accusation").

15 1. All issues which were to be contested and all
16 evidence which was to be presented by Complainant and Respondents
17 at a formal hearing on the Accusation, which hearing was to be
18 held in accordance with the provisions of the Administrative
19 Procedure Act ("APA"), shall instead and in place thereof be
20 submitted solely on the basis of the provisions of this
21 Stipulation and Agreement ("Stipulation").

22 2. Respondents have received, read and understand the
23 Statement to Respondent, the Discovery Provisions of the APA and
24 the Accusation filed by the Department of Real Estate in this
25 proceeding.
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1 3. Respondents timely filed a Notice of Defense
2 pursuant to Section 11506 of the Government Code for the purpose
3 of requesting a hearing on the allegations in the Accusation.
4 Respondents hereby freely and voluntarily withdraw said Notice of
5 Defense. Respondents acknowledge that they understand that by
6 withdrawing said Notice of Defense they thereby waive their right
7 to require the Commissioner to prove the allegations in the
8 Accusation at a contested hearing held in accordance with the
9 provisions of the APA and that they will waive other rights
10 afforded to them in connection with the hearing such as the right
11 to present evidence in their defense and the right to cross-
12 examine witnesses.

13 4. This Stipulation is based on the factual
14 allegations contained in the Accusation. In the interest of
15 expedience and economy, Respondents choose not to contest these
16 allegations, but to remain silent and understand that, as a
17 result thereof, these factual allegations, without being admitted
18 or denied, will serve as a prima facie basis for the disciplinary
19 action stipulated to herein. The Real Estate Commissioner shall
20 not be required to provide further evidence to prove said factual
21 allegations.
22

23 5. This Stipulation is made for the purpose of
24 reaching an agreed disposition of this proceeding and is
25 expressly limited to this proceeding and any other proceeding or
26 case in which the Department of Real Estate ("Department"), the
27

1 state or federal government, or any agency of this state, another
2 state or federal government is involved.

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

13 7. The Order or any subsequent Order of the Real
14 Estate Commissioner made pursuant to this Stipulation shall not
15 constitute an estoppel, merger or bar to any further
16 administrative or civil proceedings by the Department of Real
17 Estate with respect to any matters which were not specifically
18 alleged to be causes for Accusation in this proceeding but do
19 constitute a bar, estoppel and merger as to any allegations
20 actually contained in the Accusations against Respondent herein.

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DETERMINATION OF ISSUES

1 By reason of the foregoing, it is stipulated and agreed
2 that the following determination of issues shall be made:
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I.

4 The conduct, acts or omissions of RODEO TOWNE CENTER
5 REALTY INC. and LEROY MITCHELL SENNETTE, as described in
6 Paragraph 4, above, are in violation of Section and 10145 of the
7 Business and Professions Code ("Code") and Sections 2831, 2831.1,
8 2831.2, 2832.1, 2950(d), 2950(g) and 2951 of Title 10, Chapter 6
9 of the California Code of Regulations ("Regulations") and is a
10 basis for discipline of Respondents' license and license rights
11 as violation of the Real Estate Law pursuant to Code Sections
12 10176(a) and 10177(g).
13

II.

14 The conduct, acts or omissions of CLICKANDLIST REALTY
15 INC. and LEROY MITCHELL SENNETTE, as described in Paragraph 4,
16 above, are in violation of Code Sections 10145 and 10145(d) and
17 Regulations 2831, 2831.1, 2831.2, 2832.1, 2950(d), 2950(g) and is
18 a basis for discipline of Respondents' license and license rights
19 as violation of the Real Estate Law pursuant to Code Sections
20 10176(a) and 10177(g).
21

III.

22 The conduct, acts or omissions of LEROY MITCHELL
23 SENNETTE, as described in Paragraph 4, above, are in violation of
24 Code Section 10159.2 and is a basis for discipline of
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26
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1 Respondent's license and license rights as violation of the Real
2 Estate Law pursuant to Code Section and 10177(g).

3 IV.

4 The conduct, acts or omissions of NEELAM BHATIA, as
5 described in Paragraph 4, above, are in violation of Code
6 Sections 10176(a) and 10177(g) and are a basis for discipline of
7 Respondent's license and license rights as violation of the Real
8 Estate Law pursuant to Code Sections 10176(a) and 10177(g).

9 ORDER

10 WHEREFORE, THE FOLLOWING ORDER is hereby made:

11 I.

12 All licenses and licensing rights of Respondents RODEO
13 TOWNE CENTER REALTY INC., CLICKANDLIST REALTY INC., LEROY
14 MITCHELL SENNETTE and NEELAM BHATIA, under the Real Estate Law
15 are revoked.

16
17
18 DATED: 6-7-10

19 ELM
20 ELLIOTT MAC LENNAN, Counsel for
21 the Department of Real Estate

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* * *

EXECUTION OF THE STIPULATION

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

MAILING AND FACSIMILE

14
15 Respondent (1) shall mail the original signed signature
16 page of the stipulation herein to Elliott Mac Lennan: Attention:
17 Legal Section, Department of Real Estate, 320 W. Fourth St.,
18 Suite 350, Los Angeles, California 90013-1105. Additionally,
19 Respondents shall also (2) facsimile a copy of signed signature
20 page, to the Department at the following facsimile number:
21 213.576.6917, Attention: Elliott Mac Lennan.
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1 A facsimile constitutes acceptance and approval of the
 2 terms and conditions of this stipulation. Respondents agree,
 3 acknowledge and understand that by electronically sending to the
 4 Department a facsimile copy of Respondents' actual signature as
 5 they appear on the stipulation that receipt of the facsimile copy
 6 by the Department shall be as binding on Respondents as if the
 7 Department had received the original signed stipulation.

8
 9
 10 DATED: June 8, 2010 *Leroy Mitchell Sennette*
 11 RODEO TOWNE CENTER REALTY INC., a
 12 corporate real estate broker,
 13 BY: LEROY MITCHELL SENNETTE D.O.

14
 15 DATED: June 8, 2010 *Leroy Mitchell Sennette*
 16 CLICKANDLIST REALTY INC., a
 17 corporate real estate broker,
 18 BY: LEROY MITCHELL SENNETTE D.O.

19
 20 DATED: June 8, 2010 *Leroy Mitchell Sennette*
 21 LEROY MITCHELL SENNETTE,
 22 individually and as designated
 23 officer of Rodeo Towne Center
 24 Realty Inc.,

25
 26 DATED: June 8, 2010 *Neelam Bhatia*
 27 NEELAM BHATIA, real estate
 salesperson

28
 29 DATED: June 8, 2010 *Ronald Gallant*
 30 RONALD GALLANT, ESQ.
 31 Attorney for Respondents
 32 Approved as to form

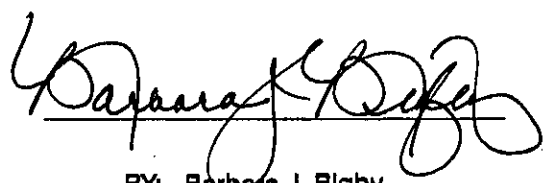
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The foregoing Stipulation and Agreement is hereby
adopted as my Decision as to Respondents RODEO TOWNE CENTER
REALTY INC., CLICKANDLIST REALTY INC., LEROY MITCHELL SENNETTE,
and NEELAM BHATIA and shall become effective at 12 o'clock noon
on November 10, 2010.

IT IS SO ORDERED 10/14, 2010.

JEFF DAVI
Real Estate Commissioner



BY: Barbara J. Bigby
Chief Deputy Commissioner

FILED

OCT 25 2010

DEPARTMENT OF REAL ESTATE
BY: 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

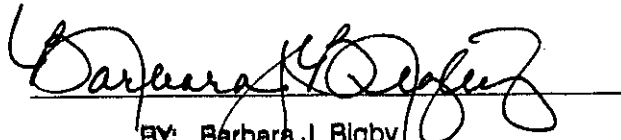
In the Matter of the Accusation of)	No. H-36389 LA
)	
CLICKANDLIST REALTY INC. doing)	
business as EZ to Approve Financial)	
and First Choice Financial;)	
LEROY MITCHELL SENNETTE, individually)	
and as designated officer of)	
ClickandList Realty Inc.; NEELAM)	
BHATIA and <u>JOHN JOSEPH NICSINGER,</u>)	
)	
Respondents.)	

DISMISSAL

The First Amended Accusation filed against JOHN JOSEPH NICSINGER on April 5, 2010, is dismissed.

IT IS SO ORDERED this 14th day of October, 2010.

JEFF DAVI
Real Estate Commissioner


BY: Barbara J. Bigby
Chief Deputy Commissioner

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Sawto

1 ELLIOTT MAC LENNAN, SBN 66674
Department of Real Estate
2 320 West 4th Street, Ste. 350
Los Angeles, California 90013-1105
3
4 Telephone: (213) 576-6911 (direct)
-or- (213) 576-6982 (office)

FILED

APR - 5 2010

DEPARTMENT OF REAL ESTATE
BY: *[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * * *

<p>11 In the Matter of the Accusation of) 12 CLICKANDLIST REALTY INC. doing) 13 business as EZ to Approve Financial) and First Choice Financial;) 14 LEROY MITCHELL SENNETTE, individually) and as designated officer of) 15 ClickandList Realty Inc.; NEELAM) BHATIA and JOHN JOSEPH NICSINGER,) 16 Respondents.) 17</p>	<p>) No. H-36389 LA)) <u>FIRST AMENDED</u>) <u>ACCUSATION</u></p>
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18 The Accusation filed December 16, 2009, is amended in
19 its entirety as follows:

20 The Complainant, Robin Trujillo, a Deputy Real Estate
21 Commissioner of the State of California, for cause of Accusation
22 against CLICKANDLIST REALTY INC. dba EZ to Approve Financial and
23 First Choice Financial, LEROY MITCHELL SENNETTE, individually and
24 as designated officer of ClickandList Realty Inc.; and NEELAM
25 BHATIA aka Nancy Bhatia, Nancy Batia, or Neelam Bhata, and JOHN
26 JOSEPH NICSINGER, alleges as follows:
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1.

1 The Complainant, Robin Trujillo, acting in her official
2 capacity as a Deputy Real Estate Commissioner of the State of
3 California, makes this Accusation against CLICKANDLIST REALTY
4 INC., LEROY MITCHELL SENNETTE, NEELAM BHATIA and JOHN JOSEPH
5 NICSINGER.
6

7 2.

8 All references to the "Code" are to the California
9 Business and Professions Code and all references to "Regulations"
10 are to Title 10, Chapter 6, California Code of Regulations.
11

12 3.

13 A. At all times mentioned, CLICKANDLIST REALTY INC.
14 ("CLRI") was licensed or had license rights issued by the
15 Department of Real Estate ("Department") as a corporate real
16 estate broker. On May 12, 2008, CLRI was originally licensed.

17 B. At all times mentioned, LEROY MITCHELL SENNETTE
18 ("SENNETTE") was licensed or had license rights issued by the
19 Department as a real estate broker. On September 29, 1985,
20 SENNETTE was originally licensed as a real estate broker.
21 SENNETTE has been licensed as the designated officer of CLRI from
22 its inception on May 12, 2008.

23 C. At all times mentioned, NEELAM BHATIA ("NEELAM
24 BHATIA") was licensed or had license rights issued by the
25 Department as a real estate salesperson. On July 30, 1991,
26 NEELAM BHATIA was originally licensed as a real estate
27 salesperson. From March 4, 2009 to present, Respondent has been

1 employed by CLRI. Previously, from June 26, 2006 to February 22,
2 2009, Respondent was employed by Rodeo Towne Center Realty Inc.
3 In Departmental Case No. H-25816 LA, NEELAM BHATIA's license was
4 revoked on April 8, 1994 and subsequently reinstated on June 24,
5 1998.

6 D. At all times mentioned, JOHN JOSEPH NICSINGER
7 ("NECSINGER") was licensed or had license rights issued by the
8 Department as a real estate broker. On June 6, 1984, NICSINGER
9 was originally licensed as a real estate broker. From February
10 26, 2008, NICSINGER has been employed as a broker-associate for
11 CLRI.

12 E. At all times material herein, CLRI was licensed by
13 the Department as a corporate real estate broker by and through
14 SENNETTE, as the designated officer and broker responsible,
15 pursuant to Code Sections 10159.2 and 10211 of the Business and
16 Professions Code for supervising the activities requiring a real
17 estate license conducted on behalf CLRI of by CLRI's officers,
18 agents and employees, including SENNETTE.

19 F. CLRI is a California corporation owned by Tulsi
20 Bhatia aka Tulsidas Bhatia, who respectively is the President and
21 Secretary/Treasurer of CLRI, father of NEELAM BHATIA and father-
22 in-law to Anoop (Steve) Bhatia, husband of NEELAM BHATIA.

23 G. CLRI is the sister corporation of corporate real
24 estate broker , and owners of CLRI.

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2 At all times mentioned, in City of Granada Hills,
3 County of Los Angeles, CLRI and SENNETTE acted as real estate
4 brokers within the meaning of:

5 A. Code Section 10131(a). Respondents CLRI and
6 SENNETTE operated a residential resale brokerage engaging in the
7 business of, acted in the capacity of, advertised or assumed to
8 act as a real estate broker, including the solicitation for
9 listings of and the negotiation of the sale of real property as
10 the agent of others.

11 B. Code Section 10131(d). Respondents CLRI and
12 SENNETTE operated a mortgage and loan brokerage engaging in
13 activities with the public wherein lenders and borrowers were
14 solicited for loans secured directly or collaterally by liens on
15 real property, wherein such loans were arranged, negotiated,
16 processed and consummated on behalf of others for compensation or
17 in expectation of compensation and for fees often collected in
18 advance as well as at the conclusion of transactions; and

19 C. In addition, Respondents CLRI and SENNETTE
20 conducted broker-controlled escrows through its escrow division,
21 ClickandList Escrow, under the exemption set forth in California
22 Financial Code Section 17006(a)(4) for real estate brokers
23 performing escrows incidental to a real estate transaction where
24 the broker is a party and where the broker is performing acts for
25 which a real estate license is required.
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FIRST CAUSE OF ACTION
(Broker Escrow Audit)

5.

On February 4, 2010, the Department completed an audit of the books and records of CLRI pertaining to the broker-escrow activities described in Paragraph 4 that require a real estate license. The audit covered a period of time beginning on May 12, 2008 to November 30, 2009. The audit examination revealed violations of the Code and the Regulations as set forth in the following paragraphs and more fully discussed in Audit Report LA 090126 and the exhibits and work papers attached to said audit report.

6.

At all times mentioned, in connection with the activities described in Paragraph 4, above, CLRI accepted or received funds including funds in trust (hereinafter "trust funds") from or on behalf of actual or prospective parties including lenders and borrowers, for sales and loan refinance transactions brokered and escrowed by CLRI and thereafter made deposits and or disbursements of such funds. From time to time herein mentioned during the audit period, said trust funds were deposited and/or maintained by CLRI in the Comerica Bank as follows:

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1 "ClickandList Realty Inc. dba First Choice Financial
Operating Account
Account No. 650035611"
2 Bank of the West (G/A #1)

3
4 "ClickandList Realty Inc. dba First Choice Financial
Operating Account
5 Account No. 885-354778-2"
6 Washington Mutual, a division of JP Morgan Chase Bank (G/A #2)

7 7.

8 In the course of activities described in Paragraphs 4
9 and 6 above and during the examination period described in
10 Paragraph 5, Respondents CLRI, SENNETTE and NEELAM BHATIA (where
11 noted in Paragraph 8 below), acted in violation of the Code and
12 the Regulations in that Respondents:

13 (a) Permitted, allowed or caused the disbursement of
14 trust funds from G/A #1 and G/A #2 where the disbursement of said
15 funds reduced the total of aggregate funds as set forth below, to
16 a combined shortage which, on August 31, 2009, was \$419,718.52,
17 less than the existing aggregate trust fund liability of CLRI to
18 every principal who was an owner of said funds, without first
19 obtaining the prior written consent of the owners of said funds,
20 in violation of Code Sections 10145 and 10176(i) and Regulations
21 2832.1, 2950(g) and 2951. The \$419,718.52 shortage was due to
22 conversion of trust funds.
23

24 (b) Failed to maintain an accurate and complete
25 control record for each beneficiary or transaction, thereby
26 failing to account for all trust funds received, deposited and
27

1 disbursed by G/A #1 and G/A #2, in violation of Code Section
2 10145 and Regulations 2831, 2950(d) and 2951.

3 (c) Failed to maintain an accurate and complete
4 separate record for each beneficiary or transaction, thereby
5 failing to account for all trust funds received, deposited and
6 disbursed by G/A #1 and G/A #2, in violation of Code Section
7 10145 and Regulations 2831.1, 2950(d) and 2951.

8 (d) Failed to perform a monthly reconciliation of the
9 balance of all separate beneficiary or transaction records
10 maintained pursuant to Regulation 2831.1 with the record of all
11 trust funds received and disbursed by G/A #1 and G/A #2, in
12 violation of Code Section 10145 and Regulations 2831.2, 2950(d)
13 and 2951.

14 (e) (1) Commingled escrow trust funds received from
15 homeowner-borrowers, including but not limited to, Amir Bidgoli
16 and Fatemeh Houshmand, were not deposited into a trust account
17 but were deposited, mixed and commingled with CLRI' funds in
18 CLRI's general operating accounts, G/A #1 and G/A #2, in
19 violation of Code Section 10145 and 10176(e) and Regulations
20 2950(d) and 2951, as set forth in the Table below:
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1 Table: Commingled Trust Funds

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3 <u>Date deposited</u>	<u>Escrow no.</u>	<u>Amount Deposited</u>	<u>Account Deposited</u>
4			
5 11/18/08	20021-JP	\$ 230,000.00	G/A 1
6 12/1/08	20021-JP	643,322.85	G/A 1
7 3/5/09	20025-JP	3,000.00	G/A 1
8 3/31/09	20025-JP	47,000.00	G/A 1
9 4/14/09	20026-JP	42,000.00	G/A 1
10 4/20/09	20028-JP	9,900.00	G/A 1
11 5/28/09	20031-JP	<u>200,497.31</u>	G/A 1
12 Total G/A 1	<u>\$ 1,175,720.16</u>		
13			
14			
15 8/19/09	20026-JP	\$198,238.21	G/A 2
16 11/20/09	20028-JP	<u>36,803.90</u>	G/A 2
17 Total G/A 2	<u>\$235,042.11</u>		

18 (e) (2) CLRI failed to disclose to the beneficiaries of
19 G/A #1 that it was an interest-bearing account and that the
20 interest earned as of August 31, 2009, \$29.92, inured not to said
21 beneficiaries but to CLRI, in violation of Code Section 10145(d).

22 (f) Converted escrow trust funds in the amount of
23 \$486,763.93, received from homeowner-borrowers, including but not
24 limited to, Amir Bidgoli and Fatemeh Houshmand, that were
25 deposited into G/A #1 and G/A #2, by sequentially withdrawing and
26
27

1 paying out said escrowed trust funds for CLRI's operating and
 2 other expenses without the prior written consent of every
 3 principal or beneficiary paying monies into G/A #1 and G/A #2, in
 4 violation of Code Sections 10145 and 10176(i) and Regulations
 5 2950(g) and 2951, as now set forth:

6 Table: Converted Trust Funds

7

8 <u>Date</u>	<u>Balance in G/A 1</u>	<u>Trust Funds Held</u>
9 07/14/09	\$ 18,141.77	\$ 142,026.26
10 07/31/09	52,266.89	140,508.33
11 08/19/09	118,165.97	251,721.82
12 08/31/09	\$ 0.00	\$ 251,721.82

12 <u>Date</u>	<u>Balance in G/A 2</u>	<u>Trust Funds Held</u>
13 8/31/09	\$ 30,241.51	\$ 198,238.21
14 9/30/09	14,141.58	198,238.21
15 10/30/09	7,934.28	198,238.21
16 11/30/09	\$ 46,399.33	\$ 235,042.11
17 Total		\$486,763.93

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1 8.

2 The conduct of Respondents CLRI and SENNETTE, as
3 described in Paragraph 7, above, violated the Code and the
4 Regulations as set forth below:

<u>PARAGRAPH</u>	<u>PROVISIONS VIOLATED</u>
7(a)	Code Sections 10145 and 10176(i) and Regulations 2832.1, 2950(g) and 2951
7(b)	Code Section 10145 and Regulations 2831, 2950(d) and 2951
7(c)	Code Section 10145 and Regulations 2831.1, 2950(d) and 2951
7(d)	Code Section 10145 and Regulations 2831.2, 2950(d) and 2951
7(e)	Code Sections 10145, 10145(d) and 10176(e) and Regulations 2831, 2950(d) and 2951

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7(f)

Code Sections 10145 and 10176(i)

and Regulations 2950(g) and 2951

The foregoing violations constitute cause for the suspension or revocation of the real estate license and license rights of CLRI and SENNETTE, under the provisions of Code Sections 10177(d), 10176(e), 10176(i) and/or 10177(g).

SECOND CAUSE OF ACTION
(Fraud Investigation)
The Via Cellini Purchase

9.

During 2009, the Department conducted an investigation into the real estate activities requiring a license from the Department for CLRI, SENNETTE, NEELAM BHATIA and NICSINGER pertaining specifically to the residential resale, and mortgage loan and broker-controlled activities described in Paragraph 4, that require a real estate license. The investigation revealed violations of the Code and the Regulations as set forth in the following paragraphs.

10.

At all times mentioned, in connection with the activities described in Paragraph 4, above, CLRI accepted or received funds including funds in trust (hereinafter "trust funds") from or on behalf of actual or prospective parties including buyers and sellers, title companies, lenders and borrowers, for sales and loan transactions brokered and escrowed by CLRI and thereafter made deposits and or disbursements of such

1 funds. From time to time herein mentioned during the audit
2 period, said trust funds were deposited and/or maintained by CLRI
3 as follows:

4 Click & List.com Escrow Trust Account
5 Account No. 1893054062"
6 Comerica Bank (escrow trust account)
7 Woodland Hills, California

8 "ClickandList Realty Inc. Operations Account
9 Account No. 650035611"
10 Bank of the West (operations account)

11 "ClickandList Realty Inc. Disbursement Account
12 Account No. Unknown (disbursement account)
13 Bank (Unknown)

14 11.

15 In the course of activities described in Paragraphs 4
16 and 6 above and during the investigation described in Paragraph
17 5, Respondents CLRI, SENNETTE, NEELAM BHATIA and NICSINGER, acted
18 in violation of the Code and the Regulations as follows:

19 11(a) On March 23, 2009, buyers Amir Bidgoli and
20 Fatemeh Houshmand, husband and wife (buyers), entered into a Real
21 Estate Agreement and Joint Escrow Instructions (contract) to
22 purchase the real property situated at 20106 Via Cellini Porter
23 Ranch. California (Via Cellini).

24 11(b) The terms of the purchase required buyers to
25 deposit \$240,000 toward the purchase price of \$780,000. NEELAM
26 BHATIA was CLRI's listing agent. NICSINGER was CLRI'S district
27

1 manager and broker-associate assisting buyers with the purchase
2 and escrow. NEELAM BHATIA and NICSINGER advised buyers and
3 assisted them in the purchase of Via Cellini. CLRI conducted the
4 broker-controlled escrow for Via Cellini.

5 11(c) On April 14, 2009, the buyers hand delivered to
6 NEELAM BHATIA check number 2769, in the amount of \$42,000, in
7 satisfaction of part of the down payment for Via Cellini. At
8 NEELAM BHATIA's instruction, the check was made payable to "Click
9 and List Escrow," to wit CLRI's escrow trust account set forth in
10 above in Paragraph 6.

11 11(d) Buyer's \$42,000 deposit check was endorsed by
12 SENNETTE and deposited into CLRI's general business and
13 Operations Account, G/A #1 (Account No. #65035611) instead of
14 being deposited into Click and List's escrow trust account. The
15 Operations Account, G/A #1, was used for CLRI's general business
16 operations of. It was not designated as a trust account.
17

18 11(e) On August 18, 2009, buyers effected a wire
19 transfer in the amount of \$198,238.21, in satisfaction of the
20 down payment requirement of \$240,238.21. NEELAM BHATIA and
21 NICSINGER directed the buyers to make the wire payable to G/A #2
22 (JP Morgan Chase Bank, Account No. 885-354778-2). Said JP Morgan
23 Chase Bank, Account 885-354778-2, G/A #2, is unrelated to the Via
24 Cellini escrow and is not designated as a trust account.

25 11(f) Ticor Title Company received a total of three
26 checks from CLRI presumably in partial payment and satisfaction
27

1 of the \$240,000 down payment requirement for Via Cellini. All
2 three checks contained the same check number, 1595. Yet each
3 check was made for a different date, different amount, to wit,
4 \$10,000, \$40,000 and \$50,000, and an altered routing number on
5 each check. In essence check number 1595 was altered three
6 times. All three checks were returned Non-Sufficient Funds.

7 11(g) The first lender declined funding, a second
8 lender, represented by Netco Title Company, also declined to fund
9 Via Cellini, having had the same experience as Ticor Title
10 Company with respect to being tendered altered checks returned
11 Non-Sufficient Funds.

12 11(h) Neither of buyer's down payments of \$42,000 or
13 \$198,238.21, were deposited into CLRI's escrow trust account nor
14 ever accounted for by Respondents. In response to several
15 inquiries from the buyers as to status of the supposed escrowed
16 deposit, NICSINGER informed the buyers that their deposit monies
17 were safe in CLRI's escrow. This statement was false.

18 11(i) To date, buyers Amir Bidgoli and Fatemeh
19 Houshmand have not received a return of their \$240,238.21 deposit
20 for the Via Cellini purchase.
21

22 11(j) Respondents CLRI, SENNETTE, NEELAM BHATIA and
23 NICSINGER, misrepresented the status of the buyer's \$240,238.21
24 deposit for Via Cellini which they converted, in violation of
25 Code Sections 10145, 10176(a), 10176(b), 10176(c) 10176(i),
26
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1 10177(d) and/or 10177(g) and Regulations 2832(a), 2950(d),
2 2950(g) and 2951.

3 THIRD CAUSE OF ACTION
4 (Fraud Investigation)
5 The Eaton Avenue Purchase

6 12.

7 In the course of activities described in Paragraphs 4
8 and 6 above and during the investigation described in Paragraph
9 5, Respondents CLRI, SENNETTE and NEELAM BHATIA, acted in
10 violation of the Code and the Regulations as follows:

11 12(a) During 2009, buyer Stuart Bogartz (buyer)
12 purchased a real property situated at 11043 Eaton Avenue,
13 Chatsworth, California (Eaton Avenue).

14 12(b) CLRI Escrow Division was the escrow holder.

15 12(c) NELLAM BHATIA was the listing agent.

16 12(d) After close of escrow, buyer Bogartz encountered
17 several problems the first of which was the lack of delivery to
18 him of a closing statement from the escrow holder, CLRI Escrow
19 Division. Second, CLRI's check to buyer Bogartz in the amount of
20 \$1,517.93, was returned Non-Sufficient Funds. Third, the termite
21 inspection was not completed nor the gas shut-off valve restorral
22 effected, as per escrow instructions. Buyer Bogartz' attempts to
23 rectify remaining post escrow closing problems were ignored by
24 CLRI; and

25 12(e) The conduct of Respondents CLRI, SENNETTE and
26 NEELAM BHATIA is in violation of Code Sections 10145, 10176(a),
27

1 10176(b), 10176(c) 10176(i), 10177(d) and/or 10177(g) and
2 Regulations 2950(d) and 2951.

3 FOURTH CAUSE OF ACTION

4 ONGOING EMBEZZLEMENT AND CONVERSION OF ESCROW TRUST FUNDS

5 13.

6 The conduct of Respondents CLRI, SENNETTE, NEELAM
7 BHATIA and JOHN NICSINGER, and Anoop (Steve) Bhatia, an
8 unlicensed person, in knowingly and systematically culling trust
9 funds from CLRI's escrow which belong to CLRI's clients and trust
10 account beneficiaries, including but not limited to, buyers Amir
11 Bidgoli and Fatemeh Houshmand's earnest money deposit of \$240,000
12 (Via Cellini), and buyer Stuart Bogartz (Eaton Avenue), and
13 sequestering said purloined trust funds to unidentified accounts
14 unrelated to any pending escrow or legitimate purpose,
15 constitutes fraud and dishonest dealing via conversion, and is in
16 violation of Code Sections:

17 A. 10176(a) for misrepresenting to Respondents'
18 clients trust fund beneficiaries, including but not limited to
19 the Via Cellini and the Eaton Avenue buyers, the true status of
20 their escrow trust funds.

21 B. 10176(b) for making false promises of a character
22 likely to influence, persuade or induce CLRI's clients and trust
23 fund owner-beneficiaries into believing that Respondents were
24 acting in a fiduciary capacity when in fact Respondents were
25 continuing their systematic embezzlement of escrow trust funds.
26
27

1 C. 10176(c) for a continued and flagrant course of
2 misrepresentation or making of promises through real estate
3 agents or salespersons, by systematically transferring escrow
4 trust funds to unknown accounts unrelated to any identified
5 pending escrows.

6 D. 10176(e) for commingling client trust funds with
7 the general operating funds of CLRI.

8 E. 10176(i) for fraud and dishonest dealing in
9 connection with the ongoing scheme to systematically cull client
10 trust funds from CLRI to unknown bank accounts in order to use
11 said trust funds as an slush fund for Respondents' personal use.

12 F. 10176(i) for concealment of the embezzlement from
13 CLRI 's property owner clients. Respondents including NECSINGER
14 repeatedly misinformed client trust account owners as to the true
15 status of their escrowed funds.

16 G. 10176(i) for fraud and dishonest dealing; and

17 H. 10176(i) for breach of fiduciary duty by
18 Respondents CLRI, SENNETTE, NEELAM BHATIA and NICISINGER, in
19 converting buyers Amir Bidgoli and Fatemeh Houshmand's earnest
20 money deposit of \$240,000 for the purchase of Via Cellini, and
21 for failure to tender good funds to Stuart Bogartz at the close
22 of escrow for Eaton Avenue, in violation of Code Section
23 10176(i).

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14.

1 The overall conduct of Respondents CLRI, SENNETTE,
2
3 NEELAM BHATIA and NICSINGER constitutes negligence. This conduct
4 and violation are cause for suspension or revocation of the real
5 estate license and license rights of said Respondents pursuant to
6 Code Section 10177(g).

15.

7 The conduct, acts and omissions of Respondents CLRI,
8
9 SENNETTE, NEELAM BHATIA and NICSINGER constitute a breach of
10 fiduciary duty with respect to Amir Bidgoli and Fatemeh Houshmand
11 and Stuart Bogartz, in violation of Code Section 10176(i) and/or
12 10177(g).

16.

13 The overall conduct of Respondent SENNETTE constitutes
14
15 a failure on Respondent's part, as officer designated by a
16 corporate broker licensee, to exercise the reasonable supervision
17 and control over the licensed activities including CLRI's escrow
18 division and trust fund handling as required by Code Section
19 10159.2, and to keep CLRI in compliance with the Real Estate Law,
20 and is cause for suspension or revocation of the real estate
21 license and license rights of SENNETTE pursuant to the provisions
22 of Code Sections 10177(d), 10177(h) and/or 10177(g).

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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 the license and license rights of Respondents
5 CLICKANDLIST REALTY INC., LEROY MITCHELL SENNETTE, NEELAM BHATIA
6 and JOHN JOSEPH NICSINGER, under the Real Estate Law (Part 1 of
7 Division 4 of the Business and Professions Code) and for such
8 other and further relief as may be proper under other applicable
9 provisions of law.

10 Dated at Los Angeles, California

11 this 5 day of April 2010.

12 
13 Deputy Real Estate Commissioner

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22
23 cc: ClickandList Realty Inc.
24 c/o Leroy Mitchell Sennette D.O.
25 Neelam Bhatia
26 John Joseph Nicsinger
27 Robin Trujillo
 Carlo Hovesepian-Banki
 Sacto
 Audits - Justin Park

1 ELLIOTT MAC LENNAN, SBN 66674
2 Department of Real Estate
3 320 West 4th Street, Ste. 350
4 Los Angeles, California 90013-1105

5 Telephone: (213) 576-6911 (direct)
6 -or- (213) 576-6982 (office)

FILED

DEC 16 2009

DEPARTMENT OF REAL ESTATE
BY: [Signature]

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * * *

11 In the Matter of the Accusation of)

No. H-36389 LA

12 CLICKANDLIST REALTY INC. doing)
13 business as EZ to Approve Financial)
14 and First Choice Financial;)
15 LEROY MITCHELL SENNETTE, individually)
16 and as designated officer of)
17 ClickandList Realty Inc.; NEELAM)
18 BHATIA and JOHN JOSEPH NICSINGER)

A C C U S A T I O N

Respondents.)

18 The Complainant, Robin Trujillo, a Deputy Real Estate
19 Commissioner of the State of California, for cause of Accusation
20 against CLICKANDLIST REALTY INC. dba EZ to Approve Financial and
21 First Choice Financial, LEROY MITCHELL SENNETTE, individually and
22 as designated officer of ClickandList Realty Inc.; and NEELAM
23 BHATIA aka Nancy Bhatia, Nancy Batia, or Neelam Bhata, and JOHN
24 JOSEPH NICSINGER alleges as follows:
25

26 ///

1.

1 The Complainant, Robin Trujillo, acting in her official
2 capacity as a Deputy Real Estate Commissioner of the State of
3 California, makes this Accusation against CLICKANDLIST REALTY
4 INC., LEROY MITCHELL SENNETTE, NEELAM BHATIA and JOHN JOSEPH
5 NICSINGER.
6

2.

7
8 All references to the "Code" are to the California
9 Business and Professions Code and all references to "Regulations"
10 are to Title 10, Chapter 6, California Code of Regulations.
11

3.

12 A. At all times mentioned, CLICKANDLIST REALTY INC.
13 ("CLRI") was licensed or had license rights issued by the
14 Department of Real Estate ("Department") as a real estate broker.
15 On May 12, 2008, CLRI was originally licensed as a corporate real
16 estate broker.

17 B. At all times mentioned, LEROY MITCHELL SENNETTE
18 ("SENNETTE") was licensed or had license rights issued by the
19 Department as a real estate broker. On September 29, 1985,
20 SENNETTE was originally licensed as a real estate broker.
21 SENNETTE has been licensed as the designated officer of CLRI from
22 its inception on May 12, 2008.

23 C. At all times mentioned, NEELAM BHATIA ("NEELAM
24 BHATIA") was licensed or had license rights issued by the
25 Department as a real estate broker. On July 30, 1991, NEELAM
26 BHATIA was originally licensed as a real estate salesperson.
27 From March 4, 2009 to present, Respondent has been employed by

1 CLRI. Previously, from June 26, 2006 to February 22, 2009,
2 Respondent was employed by Rodeo Towne Center Realty Inc.

3 In Departmental Case No. H-25816 LA, NEELAM BHATIA's
4 license was revoked on April 8, 1994 and subsequently reinstated
5 on June 24, 1998,

6 D. At all times mentioned, JOHN JOSEPH NICSINGER
7 ("NECSINGER") was licensed or had license rights issued by the
8 Department as a real estate broker. On June 6, 1984, NICSINGER
9 was originally licensed as a real estate broker. From February
10 26, 2008, NICSINGER has been employed as a broker-associate for
11 CLRI.

12
13 E. At all times material herein, CLRI was licensed by
14 the Department as a corporate real estate broker by and through
15 SENNETTE, as the designated officer and broker responsible,
16 pursuant to Code Sections 10159.2 and 10211 of the Business and
17 Professions Code for supervising the activities requiring a real
18 estate license conducted on behalf CLRI of by CLRI's officers,
19 agents and employees, including SENNETTE.

20 F. On information and belief, CLRI is a California
21 corporation owned by NICSINGER and NEELAM BHATIA, who
22 respectively are the President and Secretary/Treasurer of CLRI,
23 and owners of CLRI.

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4.

1
2 At all times mentioned, in City of Granada Hills,
3 County of Los Angeles, CLRI and SENNETTE acted as real estate
4 brokers within the meaning of:

5 A. Code Section 10131(a). Respondents CLRI and
6 SENNETTE operated a residential resale brokerage engaging in the
7 business of, acted in the capacity of, advertised or assumed to
8 act as a real estate broker, including the solicitation for
9 listings of and the negotiation of the sale of real property as
10 the agent of others.

11 B. Code Section 10131(d). Respondents CLRI and
12 SENNETTE operated a mortgage and loan brokerage engaging in
13 activities with the public wherein lenders and borrowers were
14 solicited for loans secured directly or collaterally by liens on
15 real property, wherein such loans were arranged, negotiated,
16 processed and consummated on behalf of others for compensation or
17 in expectation of compensation and for fees often collected in
18 advance as well as at the conclusion of transactions; and

19 C. In addition, Respondents CLRI and SENNETTE
20 conducted broker-controlled escrows through its escrow division,
21 ClickandList Escrow, under the exemption set forth in California
22 Financial Code Section 17006(a)(4) for real estate brokers
23 performing escrows incidental to a real estate transaction where
24 the broker is a party and where the broker is performing acts for
25 which a real estate license is required.
26
27

5.

1 During 2009, the Department conducted an investigation
2 into the real estate activities requiring a license from the
3 Department for CLRI, SENNETTE, NEELAM BHATIA and NICSINGER
4 pertaining specifically to the residential resale, and mortgage
5 loan and broker-controlled activities described in Paragraph 4,
6 that require a real estate license. The investigation revealed
7 violations of the Code and the Regulations as set forth in the
8 following paragraphs.
9

10 6.

11 At all times mentioned, in connection with the
12 activities described in Paragraph 4, above, CLRI accepted or
13 received funds including funds in trust (hereinafter "trust
14 funds") from or on behalf of actual or prospective parties
15 including buyers and sellers, title companies, lenders and
16 borrowers, for sales and loan transactions brokered and escrowed
17 by CLRI and thereafter made deposits and or disbursements of such
18 funds. From time to time herein mentioned during the audit
19 period, said trust funds were deposited and/or maintained by CLRI
20 as follows:
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1 Click & List.com Escrow Trust Account
Account No. 1893054062"
2 Comerica Bank
3 Woodland Hills, California (escrow trust account)

4
5 "ClickandList Realty Inc. Operations Account
Account No. 650035611"
6 Bank of the West (operations account)

7
8 "ClickandList Realty Inc. Disbursement Account
Account No. Unknown
9 Bank (Unknown) (disbursement account)

10
11
12 FIRST CAUSE OF ACTION
(Fraud Investigation)
13 The Via Cellini Purchase

14 7.

15 In the course of activities described in Paragraphs 4
16 and 6 above and during the investigation described in Paragraph
17 5, Respondents CLRI, SENNETTE, NEELAM BHATIA and NICSINGER, acted
18 in violation of the Code and the Regulations as follows:

19 7(a) On March 23, 2009, buyers Amir Bidgoli and Fatemeh
20 Houshmand, husband and wife (buyers), entered into a Real Estate
21 Agreement and Joint Escrow Instructions (contract) to purchase
22 the real property situated at 20106 Via Cellini Porter Ranch.
23 California (Via Cellini).

24 7(b) The terms of the purchase required buyers to
25 deposit \$240,000 toward the purchase price of \$780,000. NEELAM
26 BHATIA was CLRI's listing agent. NICSINGER was CLRI'S district
27

1 manager and broker-associate assisting buyers with the purchase
2 and escrow. NEELAM BHATIA and NICSINGER advised buyers and
3 assisted them in the purchase of Via Cellini. CLRI conducted the
4 broker-controlled escrow for Via Cellini.

5 7(c) On April 14, 2009, the buyers hand delivered to
6 NEELAM BHATIA check number 2769, in the amount of \$42,000, in
7 satisfaction of part of the down payment for Via Cellini. At
8 NEELAM BHATIA's instruction, the check was made payable to "Click
9 and List Escrow," to wit CLRI's escrow trust account set forth in
10 above in Paragraph 6.

11 7(d) Buyer's \$42,000 deposit check was endorsed by
12 SENNETTE and deposited into CLRI's general business and
13 Operations Account (Account No. #65035611) instead of being
14 deposited into Click and List escrow trust account. The
15 Operations Account was used for CLRI's general business
16 operations of. It was not designated as a trust account.
17

18 7(e) On August 18, 2009, buyers effected a wire
19 transfer in the amount of \$198,000, in satisfaction of the down
20 payment requirement of \$240,000. NEELAM BHATIA and NICSINGER
21 directed the buyers to make the wire payable to JP Morgan Chase
22 Bank, Account No. 8853547782. Said JP Morgan Chase Bank, Account
23 8853547782 is an unknown account, unrelated to the Via Cellini
24 escrow, nor designated as a trust account.

25 7(f) Ticor Title Company received a total of three
26 checks from CLRI presumably in partial payment and satisfaction
27

1 of the \$240,000 down payment requirement for Via Cellini. All
2 three checks contained the same check number, 1595. Yet each
3 check was made for a different date, different amount, to wit,
4 \$10,000, \$40,000 and \$50,000, and an altered routing number on
5 each check. In essence check number 1595 was altered three
6 times. All three checks were returned Non-Sufficient Funds.

7 7(g) The first lender declined funding, a second
8 lender, represented by Netco Title Company, also declined to fund
9 Via Cellini, having had the same experience as Ticor Title
10 Company with respect to being tendered altered checks returned
11 Non-Sufficient Funds.

12 7(h) Neither of buyer's down payments of \$42,000 or
13 \$198,000, were deposited into CLRI's escrow trust account nor
14 ever accounted for by Respondents. In response to several
15 inquiries from the buyers as to status of the supposed escrowed
16 deposit, NICSINGER informed the buyers that their deposit monies
17 were safe in CLRI's escrow. This statement was false.

18 7(i) To date, buyers have not received a return of
19 their \$240,000 deposit for the Via Cellini purchase.
20

21 7(j) Respondents CLRI, SENNETTE, NEELAM BHATIA and
22 NICSINGER, misrepresented the status of the buyer's \$240,000
23 deposit for Via Cellini which they converted, in violation of
24 Code Sections 10145, 10176(a), 10176(b), 10176(c) 10176(i),
25 10177(d) and/or 10177(g) and Regulations 2832(a), 2950(d) and
26 2951.
27

THIRD CAUSE OF ACTION

ONGOING EMBEZZLEMENT AND CONVERSION OF ESCROW TRUST FUNDS

9.

The conduct of Respondents CLRI, SENNETTE, NEELAM BHATIA and JOHN NICSINGER, and Anoop (Steve) Bhatia, an unlicensed person, in knowingly and systematically culling trust funds from CLRI's escrow which belong to CLRI's clients and trust account beneficiaries, including but not limited to, buyers Amir Bidgoli and Fatemeh Houshmand's earnest money deposit of \$240,000 (Via Cellini), and buyer Stuart Bogartz (Eaton Avenue), and sequestering said purloined trust funds to unidentified accounts unrelated to any pending escrow or legitimate purpose, constitutes fraud and dishonest dealing via conversion, and is in violation of Code Sections:

A. 10176(a) for misrepresenting to Respondents' clients trust fund beneficiaries, including but not limited to the Via Cellini and the Eaton Avenue buyers, the true status of their escrow trust funds.

B. 10176(b) for making false promises of a character likely to influence, persuade or induce CLRI's clients and trust fund owner-beneficiaries into believing that Respondents were acting in a fiduciary capacity when in fact Respondents were continuing their systematic embezzlement of escrow trust funds.

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1 C. 10176(c) for a continued and flagrant course of
2 misrepresentation or making of promises through real estate
3 agents or salespersons, by systematically transferring escrow
4 trust funds to unknown accounts unrelated to any identified
5 pending escrows.

6 D. 10176(e) for commingling client trust funds with
7 the general operating funds of CLRI.

8 E. 10176(i) for fraud and dishonest dealing in
9 connection with the ongoing scheme to systematically cull client
10 trust funds from CLRI to unknown bank accounts in order to use
11 said trust funds as an slush fund for Respondents' personal use.

12 F. 10176(i) for concealment of the embezzlement from
13 CLRI 's property owner clients. Respondents including NECSINGER
14 repeatedly misinformed client trust account owners as to the true
15 status of their escrowed funds.

16 G. 10176(i) for fraud and dishonest dealing; and

17 H. 10176(i) for breach of fiduciary duty by
18 Respondents CLRI, SENNETTE, NEELAM BHATIA and NICISINGER, in
19 converting buyers Amir Bidgoli and Fatemeh Houshmand's earnest
20 money deposit of \$240,000 for the purchase of Via Cellini, and
21 for failure to tender good funds to Stuart Bogartz at the close
22 of escrow for Eaton Avenue, in violation of Code Section
23
24 10176(i).

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26 ///

27

10.

1 The overall conduct of Respondents CLRI, SENNETTE,
2
3 NEELAM BHATIA and NICSINGER constitutes negligence. This conduct
4 and violation are cause for suspension or revocation of the real
5 estate license and license rights of said Respondents pursuant to
6 Code Section 10177(g).

11.

7
8 The overall conduct of Respondent SENNETTE constitutes
9 a failure on Respondent's part, as officer designated by a
10 corporate broker licensee, to exercise the reasonable supervision
11 and control over the licensed activities including CLRI's escrow
12 division and trust fund handling as required by Code Section
13 10159.2, and to keep CLRI in compliance with the Real Estate Law,
14 and is cause for suspension or revocation of the real estate
15 license and license rights of SENNETTE pursuant to the provisions
16 of Code Sections 10177(d), 10177(h) and/or 10177(g).

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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 the license and license rights of Respondents CLICKANDLIST REALTY INC., LEROY MITCHELL SENNETTE, NEELAM BHATIA and JOHN JOSEPH NICSINGER, 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 applicable provisions of law.

Dated at Los Angeles, California

this 16 day of December 2009


Deputy Real Estate Commissioner

cc: ClickandList Realty Inc.
c/o Leroy Mitchell Sennette D.O.
Neelam Bhatia
John Joseph Nicsinger
Robin Trujillo
Carlo Hovesebian-Banki
Sacto
Audits - Justin Park