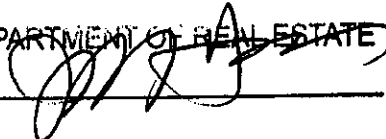


1 Department of Real Estate
2 320 West 4th Street, Suite 350
3 Los Angeles, CA 90013-1105

4 Telephone: (213) 576-6982

FILED

JAN 06 2011

DEPARTMENT OF REAL ESTATE
BY: 

9 BEFORE THE DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * *

12
13 In the Matter of the Accusation of) NO. H-36422 LA
14) L-2010020571
15 GLENDALE PROPERTIES INC., a)
16 corporate real estate broker,)
17 doing business as Trumark Real) STIPULATION AND AGREEMENT
18 Estate Management and Services;)
19 and MARK CHRISTOPHER TRUEBLOOD,)
20 individually, and as designated)
21 officer of Glendale Properties)
22 Inc.,)
23 Respondents.)
24)
25)
26)
27)

21 It is hereby stipulated by and between GLENDALE
22 PROPERTIES INC. ("GLENDALE") and MARK CHRISTOPHER TRUEBLOOD
23 ("TRUEBLOOD"), individually, and as designated broker-officer of
24 GLENDALE, (sometimes collectively referred to as "Respondents"),
25 and the Respondents' attorney Frank Buda, Esq., and the
26 Complainant, acting by and through Cheryl Keily, Counsel for the
27 Department of Real Estate, as follows for the purpose of
settling and disposing of the Accusation filed on January 14,

1 2010, in this matter.

2 1. All issues which were to be contested and all
3 evidence which was to be presented by Complainant and
4 Respondents at a formal hearing on the Accusation, which hearing
5 was to be held in accordance with the provisions of the
6 Administrative Procedure Act (APA), shall instead and in place
7 thereof be submitted solely on the basis of the provisions of
8 this Stipulation and Agreement.
9

10 2. Respondents have received, read and understood the
11 Statement to Respondent, the Discovery Provisions of the APA and
12 the Accusation filed by the Department of Real Estate
13 ("Department") in this proceeding.
14

15 3. On January 26, 2010, Respondents filed a Notice of
16 Defense, pursuant to Section 11506 of the Government Code for
17 the purpose of requesting a hearing on the allegations in the
18 Accusation. Respondents hereby freely and voluntarily withdraw
19 said Notice of Defense. Respondents acknowledge that they
20 understand that by withdrawing said Notice of Defense they will
21 thereby waive their right to require the Commissioner to prove
22 the allegations in the Accusation at a contested hearing held in
23 accordance with the provisions of the APA and that they will
24 waive other rights afforded to them in connection with the
25 hearing, such as the right to present evidence in defense of the
26
27

1 allegations in the Accusation and the right to cross-examine
2 witnesses.

3 4. This Stipulation is based on the factual
4 allegations contained in the Accusation. In the interest of
5 expedience and economy, Respondents choose not to contest these
6 allegations, but to remain silent and understand that, as a
7 result thereof, these factual allegations, without being
8 admitted or denied, will serve as a prima facie basis for the
9 disciplinary action stipulated to herein. The Real Estate
10 Commissioner shall not be required to provide further evidence
11 to prove said factual allegations.
12
13

14 5. This Stipulation and Respondents' decision not to
15 contest the Accusation are made for the purpose of reaching an
16 agreed disposition of this proceeding, and are expressly
17 limited to this proceeding and any other proceeding or case in
18 which the Department of Real Estate, or another licensing
19 agency of this state, another state or the federal government
20 is involved and otherwise shall not be admissible in any other
21 criminal or civil proceedings.
22

23 6. The Order or any subsequent Order of the Real
24 Estate Commissioner made pursuant to this Stipulation and
25 Agreement shall not constitute an estoppel, merger or bar to any
26 further administrative or civil proceedings by the Department of
27 Real Estate with respect to any matters which were not

1 specifically alleged to be causes for accusation in this
2 proceeding.

3 7. Respondents have received, read and understand the
4 "Notice Concerning Costs of Audits." Respondents understand that
5 by agreeing to this Stipulation and Agreement, the findings set
6 forth below in the Determinations of Issues become final, and
7 that the Commissioner may charge Respondents for the costs of
8 the audit which lead to the disciplinary action. Respondents
9 understands that by agreeing to this Stipulation, Respondents
10 agree to pay, pursuant to Business and Professions Code ("Code")
11 Section 10148, the cost of the original audit. The total cost of
12 the original audit is \$4,295.35.
13
14

15 DETERMINATION OF ISSUES

16 By reason of the foregoing stipulations, admissions
17 and waivers and solely for the purpose of settlement of the
18 pending Accusation without a hearing, it is stipulated and
19 agreed that the following determination of issues shall be made:
20

21 1. The conduct, acts or omissions of Respondent
22 GLENDALÉ, as set forth in the Accusation, constitute cause to
23 suspend or revoke the real estate license and license rights of
24 Respondent GLENDALÉ under the provisions of Code Section
25 10177(d) for violation of Section 10145 of the Code in
26 conjunction with Title 10, Chapter 6 of the California Code of
27 Regulations ("Regulations"), Sections 2832(a) and 2834.

1 2. The conduct, acts or omissions of Respondent
2 TRUEBLOOD, as set forth in the Accusation, constitute cause to
3 suspend or revoke the real estate license and license rights of
4 Respondent TRUEBLOOD under the provisions of Code Sections
5 10177(d) for violation of Code Section 10159.2.
6

7 ORDER

8 WHEREFORE, THE FOLLOWING ORDER is hereby made:

9 I. All licenses and license rights of Respondent
10 GLENDALE PROPERTIES INC. and Respondent MARK CHRISTOPHER
11 TRUEBLOOD under the Real Estate Law are suspended for a period
12 of one hundred twenty (120) days from the effective date of this
13 Decision.
14

15 A. Provided, however, that if Respondents request, the
16 initial thirty (30) days of said suspension (or a portion
17 thereof) shall be stayed upon condition that:

18 1. Each Respondent pays a monetary penalty pursuant to
19 Section 10175.2 of the Code at the rate of \$50 per day for each
20 day of the suspension for a total monetary penalty of \$1,500 per
21 each respondent.

22 2. Said payment shall be in the form of a cashier's
23 check or certified check made payable to the Recovery Account of
24 the Real Estate Fund. Said check must be received by the
25 Department prior to the effective date of the Decision in this
26 matter.
27

1 3. No further cause for disciplinary action against
2 the real estate license of Respondents occurs within one (1)
3 year from the effective date of the Decision in this matter.

4 4. If Respondents fail to pay the monetary penalty in
5 accordance with the terms of the Decision, the Commissioner may,
6 without a hearing, order the immediate execution of all or any
7 part of the stayed suspension, in which event the Respondents
8 shall not be entitled to any repayment or credit, prorated or
9 otherwise, for money paid to the Department under the terms of
10 this Decision.

11 5. If Respondents pay the monetary penalty and if no
12 further cause for disciplinary action against the real estate
13 license of either Respondent occurs within one (1) year from the
14 effective date of the Decision, the stay hereby granted shall
15 become permanent.

16 B. The remaining ninety (90) days of the one hundred
17 twenty (120) day suspension shall be stayed for one (1) year
18 upon the following terms and conditions:

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

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

1 suspension. Should no such determination be made, the stay
2 imposed herein shall become permanent.

3 II. All licenses and licensing rights of Respondent

4 MARK CHRISTOPHER TRUEBLOOD are indefinitely suspended unless or
5 until Respondent provides proof satisfactory to the
6 Commissioner, of having taken and successfully completed the
7 continuing education course on trust fund accounting and
8 handling specified in paragraph (3) of subdivision (a) of
9 Section 10170.5 of the Code. Proof of satisfaction of this
10 requirement includes evidence that respondent has successfully
11 completed the trust fund account and handling continuing
12 education course within 120 days prior to the effective date of
13 the Decision in this matter.

14 III. Pursuant to Section 10148 of the Code, Respondent

15 MARK CHRISTOPHER TRUEBLOOD and Respondent GLENDALE PROPERTIES
16 INC. shall pay the Commissioner's reasonable cost for (a) the
17 audit which led to the disciplinary action, and (b) a subsequent
18 audit to determine if Respondent GLENDALE PROPERTIES INC. has
19 corrected the violations found in the Determination
20 of Issues. In calculating the amount of the Commissioner's
21 reasonable cost, the Commissioner may use the estimated average
22 hourly salary for all persons performing audits of real estate
23 brokers, and shall include an allocation for travel time to and
24 from the auditor's place of work. Respondents shall pay such
25 cost within 60 days of receiving an invoice from the
26 Commissioner detailing the activities performed during the audit
27 and the amount of time spent performing those activities. The
Commissioner may suspend the licenses of Respondent MARK

1 CHRISTOPHER TRUEBLOOD and GLENDALE PROPERTIES INC. pending a
2 hearing held in accordance with Section 11500, et seq., of the
3 Government Code, if payment is not timely made as provided for
4 herein, or as provided for in a subsequent agreement between
5 Respondents and the Commissioner. The suspension shall remain
6 in effect until payment is made in full or until Respondents
7 enter into an agreement satisfactory to the Commissioner to
8 provide for payment, or until a decision providing otherwise is
9 adopted following a hearing held pursuant to this condition.

10
11 DATED:

Dec 6, 2010

Cheryl D. Kelly

CHERYL D. KELLY, Counsel
DEPARTMENT OF REAL ESTATE


12
13 * * *

14 I have read the Stipulation and Agreement, and its
15 terms are understood by me and are agreeable and acceptable to
16 me. I understand that I am waiving rights given to me by the
17 California Administrative Procedure Act (including but not
18 limited to Sections 11506, 11508, 11509 and 11513 of the
19 Government Code), and I willingly, intelligently and
20 voluntarily waive those rights, including the right of
21 requiring the Commissioner to prove the allegations in the
22 Accusation at a hearing at which I would have the right to
23 cross-examine witnesses against me and to present evidence in
24 defense and mitigation of the charges.
25
26

27 Respondents can signify acceptance and approval of
the terms and conditions of this Stipulation and Agreement by


1 faxing a copy of its signature page, as actually signed by
2 Respondents, to the Department at the following telephone/fax
3 number (213) 576-6917. Respondent agrees, acknowledges, and
4 understands that by electronically sending to the Department a
5 fax copy of his actual signature as it appears on the
6 Stipulation and Agreement, that receipt of the faxed copy by
7 the Department shall be as binding on Respondent as if the
8 Department had received the original signed Stipulation and
9 Agreement.
10

11 DATED: 11-17-2010



MARK CHRISTOPHER TRUEBLOOD,
Respondent

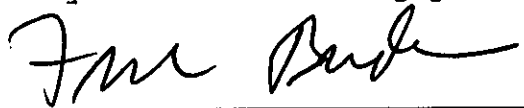
13 DATED: 11-17-2010



MARK CHRISTOPHER TRUEBLOOD, as
designated broker-officer,
on behalf of Respondent
GLENDALE PROPERTIES INC.

17 I have reviewed the Stipulation and Agreement as to
18 form and content and have advised my client accordingly.

19 DATED: 11-22-10



Frank Buda, Esq.
Attorney for Respondents
MARK CHRISTOPHER TRUEBLOOD
GLENDALE PROPERTIES INC.

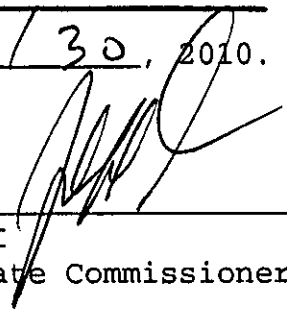
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* * *

The foregoing Stipulation and Agreement is hereby
adopted as my Decision in this matter and shall become
effective at 12 o'clock noon on FEB 04 2011

IT IS SO ORDERED 12 / 30, 2010.



JEFF DAVI
Real Estate Commissioner

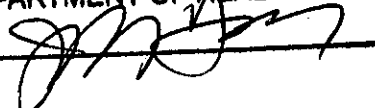
1 CHERYL D. KEILY SBN# 94008
2 Department of Real Estate
3 320 West 4th Street, Suite 350
4 Los Angeles, California 90013-1105

5 Telephone: (213) 576-6982
6 (Direct) (213) 576-6905

FILED

JAN 14 2010

DEPARTMENT OF REAL ESTATE

BY: 

8
9 BEFORE THE DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of) No. H- 36422 LA
13)
14 GLENDALE PROPERTIES INC., a)
15 corporate real estate broker,) A C C U S A T I O N
16 doing business as Trumark Real)
17 Estate Management and Services;)
18 and MARK CHRISTOPHER TRUEBLOOD,)
19 individually, and as designated)
20 officer of Glendale Properties)
21 Inc.,)
22 Respondents.)
23)
24)
25)
26)
27)

19 The Complainant, Robin Trujillo, a Deputy Real Estate
20 Commissioner of the State of California, for cause of Accusation
21 against GLENDALE PROPERTIES INC., doing business as Trumark Real
22 Estate Management, and MARK CHRISTOPHER TRUEBLOOD, individually,
23 and as designated broker-officer of GLENDALE PROPERTIES INC., is
24 informed and alleges as follows:
25

26 ///

27 ///

1.

1 The Complainant, Robin Trujillo, a Deputy Real Estate
2 Commissioner of the State of California, makes this Accusation
3 in her official capacity.
4

2.

5 Respondent GLENDALE PROPERTIES INC. (hereafter "GP")
6 is presently licensed and/or has license rights under the Real
7 Estate Law (Part 1 of Division 4 of the Business and Professions
8 Code, hereafter "Code"), as a corporate real estate broker.
9 Respondent GP has been licensed by the Department of Real Estate
10 (hereafter the "Department") as a corporate real estate broker
11 since on or about February 1, 1983. At all times relevant
12 herein, Respondent GP was and is authorized to act by and
13 through Respondent MARK CHRISTOPHER TRUEBLOOD as the designated
14 officer and broker responsible, pursuant to the provisions of
15 Code Section 10159.2, for the supervision and control of the
16 activities conducted on behalf of Respondent GP by Respondent
17 GP's officers and employees. Respondent GP also does business
18 under the fictitious business name Trumark Real Estate
19 Management and Services.
20
21

3.

22 Respondent MARK CHRISTOPHER TRUEBLOOD (hereafter
23 "TRUEBLOOD") is presently licensed and/or has license rights
24 under the Real Estate Law (Part 1 of Division 4 of the Code) as
25 a real estate broker. Respondent TRUEBLOOD has been licensed by
26 the Department as a real estate broker since on or about
27

1 December 16, 1993. At all times relevant herein, Respondent
2 TRUEBLOOD was and is the broker-officer of Respondent GP, and
3 thereby responsible pursuant to the provisions of Code Section
4 10159.2 for the supervision and control of the activities
5 conducted on behalf of Respondent GP by Respondent GP's officers
6 and employees.

7 4.

8 At all times material herein for compensation, or in
9 expectation of compensation, Respondents engaged in the business
10 of real property management, including renting or offering to
11 rent real property and collecting rental payments thereon, on
12 behalf of another or others within the meaning of Code Section
13 10131(b).

14 5.

15 All further references to Respondents includes
16 Respondents GP and TRUEBLOOD, and also includes officers,
17 directors, employees, agents and real estate licensees employed
18 by or associated with Respondents GP and TRUEBLOOD, and who at
19 all times herein mentioned were engaged in the furtherance of
20 the business or operations of Respondents GP and TRUEBLOOD, and
21 who were acting within the course and scope of their authority
22 and employment.

23
24 PRIOR DISCIPLINE

25 6.

26 On or about August 21, 2007, the Department filed an
27 Accusation in Case No. H-34215 LA (the "Accusation") against

1 Respondents GP and TRUEBLOOD seeking suspension or revocation of
2 respondents' real estate licenses pursuant to the provisions of
3 Code Sections 10177(d), 10177(g) and 10177(h). The Department's
4 conduct of an audit examination of the books and records of
5 Respondent GP pertaining to the real estate activities described
6 in Paragraph 4, above, covering a period from July 1, 2005, to
7 March 30, 2007, revealed numerous violations of the Real Estate
8 Law.

9 7.

10 On or about February 4, 2008, following the execution
11 of a Stipulation and Agreement by and between Respondents GP and
12 TRUEBLOOD and the Department acknowledging the existence of
13 grounds for discipline as set forth in the Accusation, an Order
14 was made by the Commissioner of Real Estate suspending the
15 licenses and licenses rights of Respondents GP and TRUEBLOOD for
16 a period of ninety (90) days on certain terms and conditions.
17 The foregoing suspension of the licenses of Respondents GP and
18 TRUEBLOOD was stayed for a period of two years upon certain
19 conditions and limitations.
20

21 AUDIT EXAMINATION

22 8.

23 On or about December 29, 2008, the Department
24 completed its audit examination of the books and records of
25 Respondent GP pertaining to the real estate activities described
26 in Paragraph 4, above, covering a period from March 21, 2008 to
27 July 31, 2008. The purpose of the examination was to perform a

1 chargeable follow-up audit examination to determine Respondent
2 GP's compliance with Code Section 10145 and Sections 2832.1 and
3 2832(a) of the Regulations as cited in the Stipulation and
4 Agreement in Case No. H-34215 LA, above. The audit examination
5 revealed violations of the Code and of the Regulations as set
6 forth in the following paragraphs, and as more specifically set
7 forth in Audit Report LA 080004 and the Exhibits and Work Papers
8 attached thereto.

9 9.

10 At all times mentioned herein, and in connection with
11 the activities described in Paragraph 4, above, Respondent GP
12 accepted or received funds, including funds in trust (hereafter
13 "trust funds") from or on behalf of owners of the real property
14 managed by Respondent GP, and thereafter made deposits and/or
15 disbursements of such funds. From time-to-time herein mentioned
16 during the audit period, said trust funds were deposited into
17 accounts maintained by Respondents in bank accounts as follows:
18

19 "Trust Account #1"
20 Glendale Properties, Inc.
21 DBA Trumark Real Estate Management & Services
22 Commercial Trust Account
23 Account No. 0001-742671
24 Mellon 1st Business Bank
25 Los Angeles, California 90071

26 ///

27 ///

///

///

///

1 "Trust Account #2"
2 Glendale Properties, Inc.
3 DBA Trumark Real Estate Management
4 & Services
5 Residential Trust Account
6 Account No. 0001-742663
7 Mellon 1st Business Bank
8 Los Angeles, California 90071

10 10.

11 In the course of activities described in Paragraphs 4
12 and 9, above, and during the examination period described in
13 Paragraph 8, above, Respondents GP and TRUEBLOOD acted in
14 violation of the Code and the Regulations in that Respondents:

15 (a) Permitted, allowed or caused the withdrawal or
16 disbursement of trust funds from Trust Account #1 so that as of
17 July 31, 2008, the commercial trust account had a shortage of
18 \$22,680.58. Respondents caused, permitted and/or allowed said
19 withdrawal or disbursement of trust funds from this account so
20 that the total of aggregate funds remaining in the commercial
21 trust account was less than the existing aggregate trust fund
22 liability of GP to every principal who was an owner of said
23 funds without first obtaining the prior written consent of the
24 owners of said funds as is required by Code Section 10145 and
25 Section 2832.1 of the Regulations.

26 (b) Permitted, allowed or caused the withdrawal or
27 disbursement of trust funds from Trust Account #2 so that as of
28 July 31, 2008, the residential trust account had a shortage of
29 \$4,400.99. Respondents caused, permitted and/or allowed said

1 withdrawal or disbursement of trust funds from this account so
2 that the total of aggregate funds remaining in the residential
3 trust account was less than the existing aggregate trust fund
4 liability of GP to every principal who was an owner of said
5 funds without first obtaining the prior written consent of the
6 owners of said funds as is required by Code Section 10145 and
7 Section 2832.1 of the Regulations.

8 (c) Permitted unlicensed and unbonded persons, Maria
9 Estavillo and Glorya Rane, as authorized signatories on Trust
10 Account #1 and Trust Account #2 in violation of Code Section
11 10145 and Section 2834 of the Regulations.

12 (d) Failed to place trust funds, including tenant
13 rent payments, accepted on behalf of another into the hands of
14 the owner of the funds, a neutral escrow depository or into a
15 trust account in the name of the broker at a bank or other
16 financial institution not later than the next business day
17 following receipt of the funds by the broker as is required by
18 Code Section 10145 and Section 2832(a) of the Regulations.

19 (e) Received more in real property management fees
20 than the amount earned, and thereafter failed to disclose to the
21 owners the existence of such excess payments as is required by
22 Code Section 10176(g).

23 (f) TRUEBLOOD failed to have a system in place for
24 regularly monitoring compliance with the Real Estate Law,
25 particularly with respect to establishing systems, policies and
26 procedures to review trust fund handling in violation of Code
27

1 Sections 10159.2 and 10177(h) and Section 2725 of the
2 Regulations.

3 DISCIPLINARY STATUTES AND REGULATIONS

4 11.

5 The conduct of Respondent GP and TRUEBLOOD described
6 in Paragraph 10, above, violated the Code and the Regulations as
7 set forth below:

8 <u>PARAGRAPH</u>	<u>PROVISIONS VIOLATED</u>
9 10(a)	Code Section 10145; Section 2832.1 10 of the Regulations
11	
12 10(b)	Code Section 10145; Section 2832.1 13 of the Regulations
14	
15 10(c)	Code Section 10145; Sections 2834 16 of the Regulations
17	
18 10(d)	Code Section 10145; Section 2832(a) of 19 the Regulations
20	
21	
22 10(e)	Code Section 10176(g)
23	
24 10(f)	Code Section 10159.5 and 10177(h) and 25 Section 2725 of the Regulations
26	
27	

12.

1 The foregoing violations are cause for the suspension
2 or revocation of the licenses and license rights of Respondent
3 GP and of Respondent TRUEBLOOD pursuant to Code Sections
4 10176(g), 10177(d) and/or 10177(g).
5

13.

6 The foregoing violations constitute negligence or
7 incompetence by Respondents in their performance of activities
8 requiring a real estate license, and are cause for the
9 suspension or revocation of all real estate licenses and license
10 rights of Respondent GP and Respondent TRUEBLOOD under the
11 provisions of Code Section 10177(g).
12

14.

13 The foregoing violations constitute a failure by
14 Respondent TRUEBLOOD, as the broker-officer of Respondent GP, to
15 exercise reasonable supervision and control over the licensed
16 activities of Respondent GP as is required by Code Section
17 10159.2, and is cause for the suspension or revocation of the
18 real estate license and license rights of Respondent TRUEBLOOD
19 pursuant to the provisions of Code Section 10177(h).
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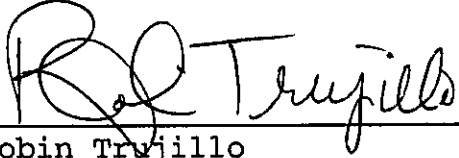
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1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations of this Accusation and that upon
3 proof thereof, a decision be rendered imposing disciplinary
4 action against all the licenses and license rights of Respondent
5 GLENDALE PROPERTIES INC. and Respondent MARK CHRISTOPHER
6 TRUEBLOOD, individually, and as designated broker-officer of
7 Respondent Glendale Properties Inc., under the Real Estate Law,
8 and for such other and further relief as may be proper under
9 other applicable provisions of law.

10 Dated at Los Angeles, California

11 this 13 day of January, 2010.
12
13
14

15 
16 _____
17 Robin Trujillo
18 Deputy Real Estate Commissioner
19
20
21
22
23
24

25 cc: Glendale Properties Inc.
26 Mark Christopher Trueblood
27 Robin Trujillo
Sacto.
Audits - Robert S. Brody