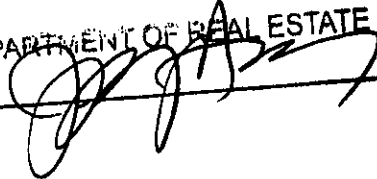


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FILED

OCT 06 2011

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- 37572 LA
13)
14 GORDON RAY INMAN,)
15) A C C U S A T I O N
16) Respondent.)

17 The Complainant, Robin Trujillo, a Deputy Real Estate
18 Commissioner of the State of California, for cause of Accusation
19 against GORDON RAY INMAN ("Respondent"), is informed and alleges
20 as follows:

21 1.

22 The Complainant, Robin Trujillo, a Deputy Real Estate
23 Commissioner of the State of California, makes this Accusation
24 in her official capacity.

25 2.

26 Respondent is presently licensed and/or has license
27 rights under the Real Estate Law (Part 1 of Division 4 of the

1 Business and Professions Code, hereafter "Code"), as a real
2 estate broker. Respondent has been licensed by the Department
3 of Real Estate (hereafter the "Department") as a real estate
4 broker since on or about September 7, 1976.

5 3.

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

12 AUDIT EXAMINATION

13 4.

14 On or about February 28, 2011, the Department
15 completed its audit examination of the books and records of
16 Respondent pertaining to the real estate activities described in
17 Paragraph 3, above, covering a period from December 1, 2007, to
18 October 29, 2010. The objective of the examination was to
19 determine Respondent's compliance with the Real Estate Law and
20 the Commissioner's Regulations. The audit examination revealed
21 violations of the Code and of Title 10, Chapter 6, California
22 Code of Regulations (hereafter the "Regulations"), as set forth
23 in the following paragraphs, and as more specifically set forth
24 in Audit Report LA 100118 and the Exhibits and Work Papers
25 attached thereto.
26

27 ///

1
2 At all times mentioned herein, and in connection with
3 the activities described in Paragraph 3, above, Respondent
4 accepted or received funds, including funds in trust (hereafter
5 "trust funds") from or on behalf of owners of the real property
6 managed by Respondent, and thereafter made deposits and/or
7 disbursements of such funds. From time-to-time herein mentioned
8 during the audit period, said trust funds were deposited into an
9 account maintained by Respondent in a bank account as follows:

10 "Trust Account"

11 Propwestmanco, Inc.
12 Properties West
13 Account No. 002-030xxx
14 Bay Cities National Bank
15 Rancho Palos Verdes, California 90275

16 In the course of activities described in Paragraphs 3
17 and 5, above, and during the examination period described in
18 Paragraph 4, above, Respondent acted in violation of the Code
19 and the Regulations in that Respondent:

20 (a) Permitted, allowed or caused the withdrawal or
21 disbursement of trust funds from the Trust Account so that as of
22 October 29, 2010, the Trust Account had a minimum shortage of
23 \$8,468.49. Respondent caused, permitted and/or allowed
24 withdrawal or disbursement of trust funds from this account so
25 that the total of aggregate funds remaining in the Trust Account
26 was less than the existing aggregate trust fund liability of
27 Respondent to every principal who was an owner of said funds

1 without first obtaining the prior written consent of the owners
2 of said funds as is required by Code Section 10145 and Section
3 2832.1 of the Regulations.

4 (b) Employed licensed real estate salesperson Lori A.
5 Millard ("Millard") during the period from December 1, 2007, to
6 July 17, 2009, without notifying the Department of said
7 employment in violation of Code Section 10161.8 and Regulation
8 2752. Permitted Millard to be a signatory on the Trust Account
9 without fidelity bond coverage during the period March 30, 2010,
10 to October 29, 2010, though Millard's real estate salesperson
11 license had expired, which is in violation of Code Section 10145
12 and Section 2834 of the Regulations.

13 (c) Failed to maintain a complete and accurate control
14 record in the form of a columnar record in chronological order
15 of all trust funds received, deposited and disbursed as is
16 required by Code Section 10145 and Section 2831 of the
17 Regulations.

18 (d) Failed to maintain a separate record for each
19 beneficiary or transaction in violation of Code Section 10145
20 and Regulation 2831.1.

21 (e) Failed to maintain the Trust Account in the name
22 of the broker as trustee at a bank or other financial
23 institution and to designate the account as a trust account in
24 violation of Code Section 10145 and Section 2832 of the
25 Regulations.
26
27

1 (f) Failed to perform a monthly reconciliation of the
2 total balance of separate beneficiary or transaction records in
3 violation of Code Section 10145 and Section 2831.2 of the
4 Regulations.

5 (g) Permitted three unlicensed persons, Millard, Jaime
6 Lyn Rubio and Andrea Schreiner, to be authorized signatories on
7 Trust Account without fidelity bond coverage in violation of
8 Code Section 10145 and Section 2834 of the Regulations.

9 (h) Used the fictitious names "Property West
10 Management Company," "Properties West," "Properties West Mgt.
11 Co.," and "Propwestmanco, Inc." to conduct property management
12 activities requiring a real estate license without holding a
13 license bearing said fictitious business names in violation of
14 Code Section 10159.5 and Section 2731 of the Regulations.

15 (i) Failed to notify the Department within five days
16 of the employment of salesperson Millard as is required by Code
17 Section 10161.8 and Section 2752 of the Regulations.

18 (j) Maintained a real estate brokerage business at
19 1423 West 8th Street, San Pedro, California, without applying
20 for and procuring from the Department an additional license for
21 the branch office being maintained in violation of Section 10163
22 of the Code.

23 (k) Failed to exercise reasonable supervision and
24 control over real estate activities conducted under names of
25 unlicensed fictitious business names "Properties West,"
26 "Properties West Management Company," "Properties West Mtg. Co.,"
27

1 and "Propwestmanco, Inc" to secure full compliance with the Real
2 Estate Laws and Regulations in violation of Code Sections
3 10159.2 and 10177(h) and Section 2725 of the Regulations.

4 DISCIPLINARY STATUTES AND REGULATIONS

5 7.

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

8 <u>PARAGRAPH</u>	<u>PROVISIONS VIOLATED</u>
9 6(a)	Code Section 10145; Section 2832.1 of 10 the Regulations
11 6(b)	Code Sections 10145 and 10161.8; 12 Sections 2834 and 2752 of the 13 Regulations
14 6(c)	Code Section 10145; Section 2831 15 of the Regulations
16 6(d)	Code Section 10145; Section 2831.1 of 17 the Regulations
18 6(e)	Code Section 10145; Section 2832 19 of the Regulations
20 6(f)	Code Section 10145; Section 2831.2 of 21 the Regulations
22 6(g)	Code Section 10145; Section 2834 of the 23 Regulations
24 6(h)	Code Section 10159.5; Section 2731 of 25 the Regulations 26 27

1 6(i) Code Section 10161.8 and Section 2752
2 of the Regulations

3 6(j) Section 10163 of the Code

4 6(k) Sections 10159.2 and 10177(h); Section
5 2725 of the Regulations

6 8.

7 The foregoing violations are cause for the suspension
8 or revocation of the licenses and license rights of Respondent
9 GORDON RAY INMAN pursuant to Code Sections 10177(d), 10177(g)
10 and/or 10177(h).

11 WHEREFORE, Complainant prays that a hearing be
12 conducted on the allegations of this Accusation and that upon
13 proof thereof, a decision be rendered imposing disciplinary
14 action against all the licenses and license rights of Respondent
15 GORDON RAY INMAN under the Real Estate Law, and for such other
16 and further relief as may be proper under other applicable
17 provisions of law.

18
19 Dated at Los Angeles, California

20 this 19 day of September, 2011.

21
22 
23 Robin Trujillo
24 Deputy Real Estate Commissioner

25
26 cc: GORDON RAY INMAN
27 Robin Trujillo
Sacto.
Audits - Chona T. Soriano