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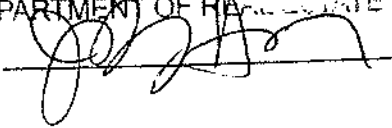
BEFORE THE DEPARTMENT OF REAL ESTATE

AUG 02 2012

STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

* * * *

BY: 

In the Matter of the Accusation of)
CHARLES MIKE DUNKELMAN,)
Respondent.)

No. H-37762 LA

DECISION

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on April 23, 2012, and the findings of fact set forth herein are based on one or more of the following: (1) Respondent's express admissions; (2) affidavits; and (3) other evidence.

This Decision suspends or revokes one or more real estate licenses on the ground of the violation of the Real Estate Law (commencing with Section 10000 of the Business and Professions Code (Code)) or Chapter 1 (commencing with Section 11000 of the Code) of Part 2 or the rules and regulations of the commissioner for the administration and enforcement of the Real Estate Law and Chapter 1 (commencing with Section 11000 of the Code) of Part 2.

The right to reinstatement of a revoked real estate license or to the reduction of a suspension is controlled by Section 11522 of the Government Code. A copy of Section 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of Respondents.

FINDINGS OF FACT

I

On December 22, 2011, Howard Alston made the Accusation in his official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified mail, to Respondents' last known mailing addresses on

file with the Department on December 22, 2011. On January 12, 2012, a second attempt at service was made by regular mail to Respondent at an additional address located for Respondent.

Respondent failed to file a Notice of Defense within the time required by Section 11506 of the Government Code. Respondent's default was entered herein on April 23, 2012.

II

Respondent is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the Code as a real estate broker.

III

The evidence established that in or around December, 2008, Saro Bedrosian ("Saro") and Helen Shahmoradian ("Helen") (jointly referred to as the "Bedrosians") owned the real property located at 1137 Bresee Avenue, Nos. A and B, Pasadena, California 91104 ("Bresee Property"), and were interested in obtaining a modification of the mortgage loan on the Bresee Property.

The Bedrosians consulted with Respondent concerning the status of the mortgage loan(s) on the Bresee Property. During the course of those consultations Respondent convinced the Bedrosians that they should sell the Bresee Property to their daughter Gasia Bedrosian ("Gasia") in a short sale to avoid losing their property to their lender through foreclosure.

On or about December 27, 2008, at the direction of Respondent, the Bedrosians and their daughter Gasia executed a written agreement prepared by Respondent. By the terms of the agreement Gasia agreed to purchase the Bresee Property from her parents for a purchase price of \$520,000 with an initial good faith deposit of \$3,000. The purchase and sale agreement also represented that Respondent was the listing real estate broker of the Bresee Property and that Evelyn Chacon, doing business as Gold Key Properties, ("Chacon") was representing Gasia as the buyer. The representation contained in the agreement that Chacon represented Gasia was false, and was known by Respondent to be false at the time he prepared the agreement.

At all relevant times herein, Respondent repeatedly represented to the Bedrosians that he was in the process of negotiating with their lender for approval of the short sale of

the Bresee Property to the Bedrosians' daughter Gasia.

On or about January 4, 2009, at the instruction of Respondent, the Bedrosians gave Respondent a check in the amount of \$3,000 as Gasia's good faith deposit under the terms of the short sale purchase agreement for the Bresee Property. Respondent represented to the Bedrosians that the \$3,000 would be deposited with either Casa Blanca Escrow Inc. ("Casa Blanca Escrow"), the escrow company handling the short sale transaction, or into his broker trust account. In reliance on Respondent's representation and in accordance with his instructions, the Bedrosians left the name of the payee on the check blank.

Respondent failed to deposit the Bedrosians' \$3,000 check into escrow at Casa Blanca Escrow or into his broker trust account. Instead, on or about January 5, 2009, without the authorization, knowledge or permission of the Bedrosians, Respondent wrote his own name on the blank payee line of the Bedrosians' check, and cashed the check.

On or about August 13, 2009, the Bresee Property was sold under the power of sale in the trust deed given by the Bedrosians to their lender at the time they obtained their mortgage loan. The result of the trustee's sale was that the Bedrosians no longer owned the Bresee Property.

At no time did Respondent disclose to the Bedrosians that the Bresee Property had been sold at a trustee's sale on or about August 13, 2009.

Despite Respondent's knowledge that the short sale of the Bresee Property was rendered impossible by virtue of the trustee's sale, on or about August 24, 2009, Respondent represented to Saro that as a condition of the approval of the short sale by the lender, the "trustee" required the Bedrosians to execute a lease agreement and to make two payments of \$2,275.

On or about August 24, 2009, in reliance on Respondent's representations, Saro gave Respondent two cashier's checks. Each check was in the amount of \$2,275 and made payable to MDHT Corporation, which was at that time the corporate broker for which Respondent was the designated officer.

On or about October 8, 2009, Respondent demanded and

received from Saro a cashier's check in the amount of \$1,750 made payable to "Chase Services" at Respondent's direction. Respondent represented to Saro that this payment was due from the Bedrosians as rent for their continued occupancy of the Bresee Property.

At no time did Respondent deposit any of the funds given to him by the Bedrosians in connection with the Bresee Property with Casa Blanca Escrow, the escrow company purportedly handling the short sale escrow or to any trust account. Nor did Respondent otherwise account to the Bedrosians for the monies they gave him.

Despite Respondent's representations to the Bedrosians to the contrary, at no time subsequent to the trustee's sale of the Bresee Property did the Bedrosians have an agreement for the rental of the property with its then owner. Nor were any of the payments made by the Bedrosians to Respondent transmitted by Respondent to the then owner of the Bresee Property.

Despite the Bedrosians' demand to Respondent for the return of the monies paid to him in reliance on the foregoing representations, Respondent has failed and refused to return any portion of the Bedrosians' funds to them.

The evidence further established that in the course of the activities described, above, Respondent acted in violation of the Code in that he failed to retain all records of his activities requiring a real estate broker license during the previous three years including sales and loan transaction files for his real estate clients and further including listings, real estate contracts, canceled checks, escrow and trust records, and specifically including documentation pertaining to the Bresee Property transaction, as required by Code Section 10148.

IV

The evidence established that the conduct, acts and/or omissions of Respondent, as described herein above, constitute making a substantial misrepresentation, the making of false promise(s) of a character likely to influence, persuade or induce, and/or fraud or dishonest dealing, and is cause for the suspension or revocation of all real estate licenses and license rights of Respondent under the provisions of Code Sections 10176(a), 10176(b), 10176(i) and 10177(g).

V

The evidence established that the conduct, acts and/or omissions of Respondent, as set forth above, is in violation of Code Section 10148, and is cause for the suspension or revocation of the licenses and license rights of Respondent pursuant to Code Section 10177(g) for violation of Code Section 10148.

DETERMINATION OF ISSUES

I

Respondent is in violation of Code Sections 10148, 10176(a), 10176(b), 10176(i) and 10177(g), which justifies the suspension or revocation of Respondent's licenses and/or license rights under the provisions of Code Sections 10176(a), 10176(b), 10176(i) and 10177(g).

II

The standard of proof applied was clear and convincing proof to a reasonable certainty.

ORDER

The licenses and license rights of Respondent CHARLES MIKE DUNKELMAN, under the provisions of Part I of Division 4 of the Business and Professions Code, are revoked.

This Decision shall become effective at 12 o'clock noon AUG 22 2012.

DATED:

July 13, 2012

REAL ESTATE COMMISSIONER




By WAYNE S. BELL
Chief Counsel

1 Department of Real Estate
2 320 West Fourth Street, Suite 350
3 Los Angeles, California 90013-1105
4 (213) 576-6982

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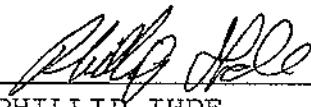
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11 In the Matter of the Accusation of)
12 CHARLES MIKE DUNKELMAN,) NO. H-37762 LA
13 Respondent.) DEFAULT ORDER
14)

15 Respondent, CHARLES MIKE DUNKELMAN, having failed to
16 file a Notice of Defense within the time required by Section
17 11506 of the Government Code, is now in default. It is,
18 therefore, ordered that a default be entered on the record in
19 this matter.

20
21 IT IS SO ORDERED April 23, 2012.

22 Real Estate Commissioner

23
24 
25 By: PHILLIP IHDE
26 Regional Manager
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