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FILED

DEC 22 2011

DEPARTMENT OF REAL ESTATE

BY: 

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8
9 BEFORE THE DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of) No. H- 37762 LA.
13 CHARLES MIKE DUNKELMAN,) A C C U S A T I O N
14)
15 Respondent.)

16
17 The Complainant, Howard Alston, a Deputy Real Estate
18 Commissioner of the State of California, for cause of Accusation
19 against CHARLES MIKE DUNKELMAN (hereinafter "DUNKELMAN") is
20 informed and alleges as follows:

21 1.

22 The Complainant, Howard Alston, a Deputy Real Estate
23 Commissioner of the State of California, makes this Accusation
24 in his official capacity.

25 2.

26 DUNKELMAN 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, hereinafter "Code"), as a real
2 estate broker.

3 PRIOR DISCIPLINE

4 3.

5 On or about June 4, 1987, in Case No. H-22813 LA, the
6 Commissioner of the Department of Real Estate denied DUNKELMAN's
7 application for a real estate salesperson license pursuant to
8 the provisions of Code Section 10177(b) [criminal conviction].
9 The denial of DUNKELMAN's license application was subject to his
10 right to apply for and be issued a restricted real estate
11 salesperson license on the terms and conditions specified in the
12 Decision.

13 4.

14 On or about April 1, 2010, in Case No. H-35827 LA,
15 the real estate broker license of DUNKELMAN was disciplined
16 pursuant to a Stipulation and Agreement based on his violation
17 of Code Sections 10145, 10146, 10159.5, 10163 and 10236.4 and
18 Sections 2832(a), 2950(d) and 2951 of Title 10, Chapter 6,
19 California Code of Regulations. Discipline was imposed on
20 DUNKELMAN as follows:
21

22 (a) license suspension for a period of sixty (60)
23 days stayed on terms and conditions;

24 (b) payment of the cost of an audit and subsequent
25 audit to determine compliance with the Real Estate Law;

26 (c) provide evidence that the shortage determined in
27 Audit No. LA 080215 in the amount of \$9,347.25 had been cured;

1 (d) take and successfully complete continuing
2 education course on trust fund accounting and handling specified
3 in paragraph 3 of subdivision (a) of Section 10170.5 of the
4 Code.

5 (e) present evidence satisfactory to the Commissioner
6 that DUNKELMAN has, since the most recent issuance of an
7 original or renewal real estate broker license, taken and
8 successfully completed the continuing education requirements of
9 Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a
10 real estate broker license.

11 5.

12 On or about May 17, 2011, in Case No. 35827 LA, the
13 real estate broker license of DUNKELMAN was suspended for
14 failure to comply with the terms of the Stipulation and
15 Agreement alleged in Paragraph 4, above, by failing to present
16 evidence satisfactory to the Commissioner that he had
17 successfully completed the required continuing education.

18 6.

19 At all times relevant herein MDHT Corporation was
20 licensed and/or had license rights under the Real Estate Law as
21 a corporate real estate broker acting by and through DUNKELMAN
22 as its designated broker-officer. On or about May 17, 2010, the
23 MDHT Corporation surrendered its license.
24

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27 ///

FIRST CAUSE OF ACCUSATION

(Violation of Code Sections 10176(a), 10176(b), 10176(i),
10177(g) and 10177(j))

7.

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.

8.

The Bedrosians consulted with DUNKELMAN concerning the status of the mortgage loan(s) on the Bresee Property. During the course of those consultations DUNKELMAN 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.

9.

On or about December 27, 2008, at the direction of DUNKELMAN, the Bedrosians and their daughter Gasia executed a written agreement prepared by DUNKELMAN. 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 DUNKELMAN 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

1 buyer. The representation contained in the agreement that Chacon
2 represented Gasia was false, and was known by DUNKELMAN to be
3 false at the time he prepared the agreement.

4 10.

5 At all relevant times herein, DUNKELMAN repeatedly
6 represented to the Bedrosians that he was in the process of
7 negotiating with their lender for approval of the short sale of
8 the Bresee Property to the Bedrosians' daughter Gasia.

9 11.

10 On or about January 4, 2009, at the instruction of
11 DUNKELMAN, the Bedrosians gave DUNKELMAN a check in the amount
12 of \$3,000 as Gasia's good faith deposit under the terms of the
13 short sale purchase agreement for the Bresee Property. DUNKELMAN
14 represented to the Bedrosians that the \$3,000 would be deposited
15 with either Casa Blanca Escrow Inc. ("Casa Blanca Escrow"), the
16 escrow company handling the short sale transaction, or into his
17 broker trust account. In reliance on DUNKELMAN's representation
18 and in accordance with his instructions, the Bedrosians left the
19 name of the payee on the check blank.
20

21 12.

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

13.

1 On or about August 13, 2009, the Bresee Property was
2 sold under the power of sale in the trust deed given by the
3 Bedrosians to their lender at the time they obtained their
4 mortgage loan. The result of the trustee's sale was that the
5 Bedrosians no longer owned the Bresee Property.
6

7 14.

8 At no time did DUNKELMAN disclose to the Bedrosians
9 that the Bresee Property had been sold at a trustee's sale on or
10 about August 13, 2009.
11

12 15.

13 Despite DUNKELMAN's knowledge that the short sale of
14 the Bresee Property was rendered impossible by virtue of the
15 trustee's sale, on or about August 24, 2009, DUNKELMAN
16 represented to Saro that as a condition of the approval of the
17 short sale by the lender, the "trustee" required the Bedrosians
18 to execute a lease agreement and to make two payments of \$2,275.
19

20 16.

21 On or about August 24, 2009, in reliance on
22 DUNKELMAN's representations, Saro gave DUNKELMAN two cashier's
23 checks. Each check was in the amount of \$2,275 and made payable
24 to MDHT Corporation, which was at that time the corporate broker
25 for which DUNKELMAN was the designated officer.
26

27 17.

On or about October 8, 2009, DUNKELMAN demanded and
received from Saro a cashier's check in the amount of \$1,750

1 made payable to "Chase Services" at DUNKELMAN's direction.

2 DUNKELMAN represented to Saro that this payment was due from the
3 Bedrosians as rent for their continued occupancy of the Bresee
4 Property.

5 18.

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

12 19.

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

19 20.

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

24 21.

25 The conduct, acts and/or omissions of DUNKELMAN, as
26 described herein above, constitute making a substantial
27

1 misrepresentation, the making of false promise(s)
2 of a character likely to influence, persuade or induce, and/or
3 fraud or dishonest dealing, and is cause for the suspension or
4 revocation of all real estate licenses and license rights of
5 of Respondent under the provisions of Code Sections 10176(a),
6 10176(b), 10176(i) and/or 10177(g).

7 SECOND CAUSE OF ACCUSATION

8 (Violation of Code Section 10148 [Record Retention])

9 22.

10 Complainant hereby incorporates by reference the
11 allegations set forth in Paragraphs 1 through 21, above.

12 23.

13 In the course of activities described in Paragraphs 7
14 through 21, above, DUNKELMAN acted in violation of the Code in
15 that he failed to retain all records of his activities requiring
16 a real estate broker license during the previous three years
17 including sales and loan transaction files for his real estate
18 clients and further including listings, real estate contracts,
19 canceled checks, escrow and trust records, and specifically
20 including documentation pertaining to the Bresee Property
21 transaction, as required by Code Section 10148.

22 24.

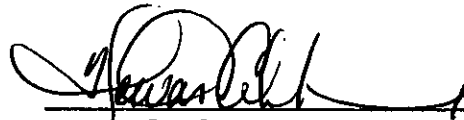
23 The conduct, acts and/or omissions of DUNKELMAN, as
24 set forth above, is in violation of Code Section 10148, and is
25 cause for the suspension or revocation of the licenses and
26
27

1 license rights of DUNKELMAN pursuant to Code Sections 10176(d)
2 and 10177(g) for violation of Code Section 10148.

3 WHEREFORE, Complainant prays that a hearing be
4 conducted on the allegations of this Accusation and that upon
5 proof thereof, a decision be rendered imposing disciplinary
6 action against all the licenses and license rights of Respondent
7 CHARLES MIKE DUNKELMAN under the Real Estate Law (Part 1 of
8 Division 4 of the Business and Professions Code), and for such
9 other and further relief as may be proper under other applicable
10 provisions of law.

11 Dated at Los Angeles, California

12 this 22nd day of December, 2011.

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16 Howard Alston
17 Deputy Real Estate Commissioner

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26 cc: CHARLES MIKE DUNKELMAN
Howard Alston
27 Sacto.