

FILED

JAN 21 2020

DEPT. OF REAL ESTATE

By 

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\*\*\*

In the Matter of the Accusation of	)	No. H-40961 LA
	)	
J.R. APEX REALTY	)	<u>STIPULATION AND AGREEMENT</u>
CORPORATION, doing business as	)	
Ambassador Property Management;	)	
and JOHN ROBERT RATZLAFF,	)	
	)	
Respondents.	)	
	)	

It is hereby stipulated by and between Respondents J.R. APEX REALTY CORPORATION and JOHN ROBERT RATZLAFF ("Respondents"), represented by David D. Ribeiro, and the Complainant, acting by and through Steve Chu, Counsel for the Department of Real Estate ("Department"), as follows for the purpose of settling and disposing of the Accusation filed on March 5, 2018, in this matter:

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

///

1                   2.       Respondents have received, read and understand the Statement to  
2 Respondent, the Discovery Provisions of the APA, and the Accusation filed by the Department  
3 of Real Estate in this proceeding.

4                   3.       On March 14, 2018, Respondents filed a Notice of Defense pursuant to  
5 Section 11506 of the Government Code for the purpose of requesting a hearing on the  
6 allegations in the Accusation. Respondents hereby freely and voluntarily withdraw said Notice  
7 of Defense. Respondents acknowledge that Respondents understand that by withdrawing said  
8 Notice of Defense, Respondents will thereby waive Respondents' right to require the Real  
9 Estate Commissioner ("Commissioner") to prove the allegations in the Accusation at a  
10 contested hearing held in accordance with the provisions of the APA and that Respondents will  
11 waive other rights afforded to Respondents in connection with the hearing such as the right to  
12 present evidence in defense of the allegations in the Accusation and the right to cross-examine  
13 witnesses.

14                  4.       Respondents, pursuant to the limitations set forth below, hereby admit  
15 that the factual allegations in the Accusation filed in this proceeding are true and correct and the  
16 Commissioner shall not be required to provide further evidence to prove such allegations.

17                  5.       It is understood by the parties that the Real Estate Commissioner may  
18 adopt the Stipulation as his Decision in this matter, thereby imposing the penalty and sanctions  
19 on Respondents' real estate license and license rights as set forth in the below Order. In the  
20 event that the Commissioner in his discretion does not adopt the Stipulation, it shall be void  
21 and of no effect, and Respondents shall retain the right to a hearing and proceeding on the  
22 Accusation under all the provisions of the APA and shall not be bound by any admission or  
23 waiver made herein.

24                  6.       The Order or any subsequent Order of the Commissioner made pursuant  
25 to this Stipulation shall not constitute an estoppel, merger or bar to any further administrative or  
26 civil proceedings by the Department with respect to any matters which were not specifically  
27 alleged to be causes for the Accusation in this proceeding.



1           1.       The restricted license issued to Respondent may be suspended prior to  
2 hearing by Order of the Real Estate Commissioner in the event of Respondent's conviction,  
3 plea of guilty, or plea of nolo contendere to a crime which is substantially related to  
4 Respondent's fitness or capacity as a real estate licensee.

5           2.       The restricted license issued to Respondent may be suspended prior to  
6 hearing by Order of the Real Estate Commissioner on evidence satisfactory to the  
7 Commissioner that Respondent has violated provisions of the California Real Estate Law, the  
8 Subdivided Lands Law, Regulations of the Real Estate Commissioner, or the conditions  
9 attaching to this restricted license.

10          3.       Respondent shall not be eligible to apply for the issuance of an  
11 unrestricted real estate license, including designated officer or mortgage loan originator  
12 endorsement, nor for the removal of any of the conditions, limitations or restrictions of a  
13 restricted license until two (2) years have elapsed from the effective date of this Decision and  
14 Order. Respondent withdraws all pending license applications.

15          4.       All licenses and licensing rights of Respondent J.R. APEX REALTY  
16 CORPORATION are indefinitely suspended unless or until Respondent J.R. APEX REALTY  
17 CORPORATION pays, jointly and severally with Respondent JOHN ROBERT RATZLAFF,  
18 the sum of \$13,013.72 for the Commissioner's cost of the audit which led to this disciplinary  
19 action pursuant to Code section 10148. Said payment shall be in the form of a cashier's check  
20 made payable to the Department of Real Estate. The audit cost must be delivered to the  
21 Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013,  
22 prior to the effective date of this Decision and Order.

23 ///

24 ///

25 ///

26 ///

27 ///

1                   5.       All licenses and licensing rights of Respondent J.R. APEX REALTY  
2 CORPORATION are indefinitely suspended unless or until Respondent J.R. APEX REALTY  
3 CORPORATION pays, jointly and severally with Respondent JOHN ROBERT RATZLAFF,  
4 the sum of \$3,298.60 for the Commissioner's reasonable cost of the investigation and  
5 enforcement which led to this disciplinary action. Said payment shall be in the form of a  
6 cashier's check made payable to the Department of Real Estate. The investigative and  
7 enforcement costs must be delivered to the Department of Real Estate, Flag Section at  
8 P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this Decision and  
9 Order.

10                   6.       Respondent J.R. APEX REALTY CORPORATION shall pay, jointly  
11 and severally with Respondent JOHN ROBERT RATZLAFF, the Commissioner's reasonable  
12 cost, not to exceed \$16,267.15, for any subsequent audit to determine if Respondent J.R. APEX  
13 REALTY CORPORATION has corrected the violations found in the Determination of Issues.  
14 In calculating the amount of the Commissioner's reasonable cost, the Commissioner may use  
15 the estimated average hourly salary for all persons performing audits of real estate brokers, and  
16 shall include an allocation for travel time to and from the auditor's place of work. Respondent  
17 J.R. APEX REALTY CORPORATION shall pay such cost within sixty (60) days of receiving  
18 an invoice therefore from the Commissioner. If Respondent J.R. APEX REALTY  
19 CORPORATION fails to satisfy this condition in a timely manner as provided for herein,  
20 Respondent J.R. APEX REALTY CORPORATION'S real estate licenses shall automatically  
21 be suspended until payment is made in full, or until a decision providing otherwise is adopted  
22 following a hearing held pursuant to this condition.

23 ///

24 ///

25 ///

26 ///

27 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

II.

All licenses and licensing rights of Respondent JOHN ROBERT RATZLAFF under the Real Estate Law are revoked; provided, however, a restricted real estate salesperson license shall be issued to Respondent pursuant to Section 10156.5 of the Code if Respondent makes application therefor and pays to the Department the appropriate fee for the restricted license within ninety (90) days from the effective date of this Decision. The restricted license issued to Respondent shall be subject to all of the provisions of Section 10156.7 of the Code and to the following limitations, conditions, and restrictions imposed under Section 10156.6 of the Code:

1. The restricted license issued to Respondent may be suspended prior to hearing by Order of the Real Estate Commissioner in the event of Respondent's conviction, plea of guilty, or plea of nolo contendere to a crime which is substantially related to Respondent's fitness or capacity as a real estate licensee.

2. The restricted license issued to Respondent may be suspended prior to hearing by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner, or the conditions attaching to this restricted license.

3. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license, including designated officer or mortgage loan originator endorsement, nor for the removal of any of the conditions, limitations or restrictions of a restricted license until two (2) years have elapsed from the effective date of this Decision and Order. Respondent withdraws all pending license applications.

4. Respondent shall submit with any application for license under an employing broker, or any application for transfer to a new employing broker, a statement signed by the prospective employing real estate broker, on a form approved by the Department of Real Estate, which shall certify:







1                   9.       Respondent JOHN ROBERT RATZLAFF shall pay, jointly and severally  
2 with Respondent J.R. APEX REALTY CORPORATION, the Commissioner's reasonable cost,  
3 not to exceed \$16,267.15, for any subsequent audit to determine if Respondent J.R. APEX  
4 REALTY CORPORATION has corrected the violations found in the Determination of Issues.  
5 In calculating the amount of the Commissioner's reasonable cost, the Commissioner may use  
6 the estimated average hourly salary for all persons performing audits of real estate brokers, and  
7 shall include an allocation for travel time to and from the auditor's place of work. Respondent  
8 J.R. APEX REALTY CORPORATION shall pay such cost within sixty (60) days of receiving  
9 an invoice therefore from the Commissioner. If Respondent J.R. APEX REALTY  
10 CORPORATION fails to satisfy this condition in a timely manner as provided for herein,  
11 Respondent J.R. APEX REALTY CORPORATION'S real estate licenses shall automatically  
12 be suspended until payment is made in full, or until a decision providing otherwise is adopted  
13 following a hearing held pursuant to this condition.

14  
15 DATED: 12-3-2019

  
\_\_\_\_\_  
Steve Chu, Counsel  
Department of Real Estate

17 ///  
18 ///  
19 ///  
20 ///  
21 ///  
22 ///  
23 ///  
24 ///  
25 ///  
26 ///  
27 ///


\*\*\*

I have read the Stipulation and Agreement. I understand that I am waiving rights given to me by the California Administrative Procedure Act, (including but not limited to Sections 11521 and 11523 of the Government Code), and I willingly, intelligently, and voluntarily waive those rights, including the right to seek reconsideration and the right to seek judicial review of the Commissioner's Decision and Order by way of a writ of mandate.

I agree, acknowledge, and understand that I cannot rescind or amend this Stipulation and Agreement.

I can signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by mailing the original signed Stipulation and Agreement to: Steve Chu, Department of Real Estate, 320 West 4th Street, Suite 350, Los Angeles, California 90013-1105. Steve Chu must receive the original signed Stipulation and Agreement or a copy faxed to (213) 576-6917 by November 22, 2019; if not, this Stipulation and Agreement is invalid and void because the sum for the Commissioner's reasonable cost of the investigation and enforcement which led to this disciplinary action will increase.

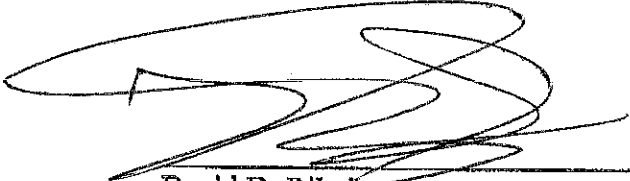
DATED: 11/21/19

  
\_\_\_\_\_  
J.R. APEX REALTY CORPORATION  
Respondent  
By JOHN ROBERT RATZLAFF, as  
President of J.R. Apex Realty Corporation

DATED: 11/21/19

  
\_\_\_\_\_  
JOHN ROBERT RATZLAFF  
Respondent

DATED: 11/21/19

  
\_\_\_\_\_  
David D. Ribello  
Counsel for Respondents  
Approved as to Form

1 \* \* \*

2 I have read the Stipulation and Agreement. I understand that I am waiving rights  
3 given to me by the California Administrative Procedure Act, (including but not limited to  
4 Sections 11521 and 11523 of the Government Code), and I willingly, intelligently, and  
5 voluntarily waive those rights, including the right to seek reconsideration and the right to seek  
6 judicial review of the Commissioner's Decision and Order by way of a writ of mandate.

7 I agree, acknowledge, and understand that I cannot rescind or amend this  
8 Stipulation and Agreement.

9 I can signify acceptance and approval of the terms and conditions of this  
10 Stipulation and Agreement by mailing the original signed Stipulation and Agreement to:  
11 Steve Chu, Department of Real Estate, 320 West 4th Street, Suite 350, Los Angeles,  
12 California 90013-1105. Steve Chu must receive the original signed Stipulation and Agreement  
13 or a copy faxed to (213) 576-6917 by November 22, 2019; if not, this Stipulation and  
14 Agreement is invalid and void because the sum for the Commissioner's reasonable cost of the  
15 investigation and enforcement which led to this disciplinary action will increase.

16  
17 DATED: \_\_\_\_\_

18 \_\_\_\_\_  
19 J.R. APEX REALTY CORPORATION  
20 Respondent  
21 By JOHN ROBERT RATZLAFF, as  
22 President of J.R. Apex Realty Corporation

23  
24  
25 DATED: \_\_\_\_\_

26 \_\_\_\_\_  
27 JOHN ROBERT RATZLAFF  
Respondent

28  
29 DATED: \_\_\_\_\_

30 \_\_\_\_\_  
31 David D. Ribeiro  
32 Counsel for Respondents  
33 Approved as to Form

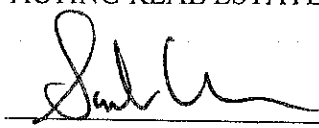
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

\*\*\*

The foregoing Stipulation and Agreement is hereby adopted by me as my  
Decision in this matter as to Respondents J.R. APEX REALTY CORPORATION and JOHN  
ROBERT RATZLAFF, and shall become effective at 12 o'clock noon on  
February 10, 2020.

IT IS SO ORDERED 12/22/19

SANDRA KNAU  
ACTING REAL ESTATE COMMISSIONER

  
\_\_\_\_\_