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**FILED**  
OCT 13 1994  
DEPARTMENT OF REAL ESTATE

By *Rozuel B. Pera*

DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \* \*

In the Matter of the Accusation of	)	
	)	No. H-895 SA
	)	
APEX PROPERTY MANAGEMENT, INC.	)	
	)	
	)	
Respondent.	)	

ORDER GRANTING REINSTATEMENT OF LICENSE

On January 15, 1991, a Decision was rendered herein, revoking the corporate real estate broker license of Respondent, APEX PROPERTY MANAGEMENT, INC., (hereinafter "Respondent"), effective February 13, 1991. Respondent was given the right to apply for and receive a restricted corporate real estate broker license which was issued to it on August 15, 1991.

On May 23, 1994, Respondent petitioned for reinstatement of said corporate real estate broker license and the Attorney General of the State of California has been given notice of the filing of said petition.

1 I have considered Respondent's petition and the  
2 evidence and arguments in support thereof. Respondent has  
3 demonstrated to my satisfaction that grounds do not presently  
4 exist to deny the issuance of an unrestricted corporate real  
5 estate broker license to Respondent.

6 NOW, THEREFORE, IT IS ORDERED that Respondent's  
7 petition for reinstatement is granted and that an  
8 unrestricted corporate real estate broker license be issued  
9 to Respondent after it satisfies the following condition  
10 within one (1) year from the date of this Order:

11 1. Submittal of a completed application and  
12 payment of the fee for a corporate real estate broker  
13 license.

14 This Order shall become effective immediately.

15 DATED: October 7, 1994.

16 JOHN R. LIBERATOR  
17 Interim Commissioner

18 

19 Apex Property Management, Inc.  
20 5200 Warner Ave. #105  
21 Huntington Beach, California 92649

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JAN 10 1994

DEPARTMENT OF REAL ESTATE  
BY *R. Mederholt*

DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \* \*

In the Matter of the Accusation of	)	NO. H-895 SA
	)	L-49821
CLARK SMITH BEARDSLEE	)	
	)	
Respondent.	)	

ORDER GRANTING REINSTATEMENT OF LICENSE

On January 15, 1991, a Decision was rendered herein, revoking the real estate broker license of Respondent, CLARK SMITH BEARDSLEE, (hereinafter "Respondent"), effective February 13, 1991. Respondent was given the right to apply for and receive a restricted real estate broker license which was issued to him on August 15, 1991.

On March 22, 1993, Respondent petitioned for reinstatement of said real estate broker license and the Attorney General of the State of California has been given notice of the filing of said petition.

I have considered Respondent's petition and the evidence and arguments in support thereof. Respondent has

1 demonstrated to my satisfaction that grounds do not presently  
2 exist to deny the issuance of an unrestricted real estate  
3 broker license to Respondent.

4 NOW, THEREFORE, IT IS ORDERED that Respondent's  
5 petition for reinstatement is granted and that an  
6 unrestricted real estate broker license be issued to  
7 Respondent after Respondent satisfies the following  
8 conditions within one (1) year from the date of this Order:

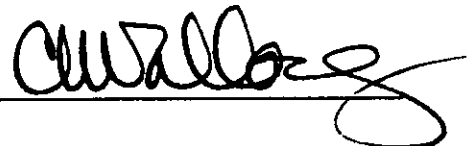
9 1. Submittal of a completed application and  
10 payment of the fee for a real estate broker license.

11 2. Submittal of evidence satisfactory to the Real  
12 Estate Commissioner that Respondent CLARK SMITH BEARDSLEE  
13 has, since August 15, 1991, taken and successfully completed  
14 the continuing education requirements of Article 2.5 of  
15 Chapter 3 of the Real Estate Law for renewal of a real estate  
16 license.

17 This Order shall become effective immediately.

18 DATED: 1/3/94

19 CLARK WALLACE  
20 Real Estate Commissioner

21 

22  
23 CLARK SMITH BEARDSLEE  
24 5431 Kenilworth Drive  
25 Huntington Beach, California 92649  
26  
27

JAN 23 1991

DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

*Alma D...*

\* \* \* \*

In the Matter of the Accusation of )  
APEX PROPERTY MANAGEMENT, INC., )  
a California corporate broker; )  
and CLARK SMITH BEARDSLEE, )  
individually, and as designated )  
officer of Apex Property Management, )  
Inc., and of Guardian Property )  
Management, Inc., )  
Respondent(s). )

No. H-895 SA  
L-49821

DECISION

The Proposed Decision dated December 19, 1990  
of the Administrative Law Judge of the Office of Administrative  
Hearings, is hereby adopted as the Decision of the Real Estate  
Commissioner in the above-entitled matter.

This Decision shall become effective at 12 o'clock  
noon on February 13, 1991.

IT IS SO ORDERED January 15, 1991.

*John R. Liberator*  
\_\_\_\_\_  
JOHN R. LIBERATOR  
Chief Deputy Real Estate  
Commissioner

BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

In the Matter of the Accusation )  
Against: )  
)  
)  
APEX PROPERTY MANAGEMENT, INC., ) No. 47-H-895 SA  
a California corporate broker; )  
and CLARK SMITH BEARDSLEE, ) L-49821  
individually, and as designated )  
officer of Apex Property )  
Management, Inc., and of Guardian )  
Property Management, Inc., )  
)  
)  
Respondents. )  
\_\_\_\_\_ )

PROPOSED DECISION

This matter came on regularly for hearing before Carolyn M. Richardson, Administrative Law Judge of the Office of Administrative Hearings, at Los Angeles, California, on December 5, 1990. Sean Crahan, Staff Counsel, represented complainant. Respondent Clark Smith Beardslee was present and represented by Larry Rothman, Attorney at Law.

This matter was submitted upon a written stipulation, dated December 5, 1990, entered into by the parties through their respective counsel, with respondent joining personally in the written stipulation.

The Administrative Law Judge was not privy to the stipulation and therefore makes no independent recommendations thereon. The Administrative Law Judge received no evidence in this matter bearing upon the allegations in the Accusation or upon the issue of penalty. This Proposed Decision is based solely upon the stipulation of the parties and not the Administrative Law Judge's independent recommendation.

Solely pursuant to the parties stipulation, the Administrative Law Judge finds as follows:

## FINDINGS OF FACT

1. The Accusation was made by Thomas McCardy, Deputy Real Estate Commissioner of the State of California.

2. On some undetermined date, the Department of Real Estate (hereinafter Department) issued real estate broker license number 851166 to Apex Property Management, Inc. (hereinafter respondent APM). Said license is in full force and effect.

3. On some undetermined date, the Department issued real estate broker license number 390336 to Clark Smith Beardslee (hereinafter respondent Beardslee), individually and as designated officer of respondent APM. Since February 2, 1988, respondent Beardslee holds a broker's license, issued by the Department, as an officer of Guardian Property Management, Inc. All said licenses are in full force and effect.

4. Respondent APM engages in the business of collecting rents from tenants of real properties on behalf of the owners of said properties. In connection with the collection of said rents, respondent APM maintains three (3) trust accounts as follows:

(a) Apex Property Management, Inc. Trust Account, Citizens Bank of Costa Mesa, Account No. 01071823 (hereinafter TA #1).

(b) Apex Property Management, Inc. Trust Account, Pacific Inland Bank, Account No. 202-001-019864 (hereinafter TA #2).

(c) Apex Property Management Tenant Savings Trust Account, Pacific Inland Bank, Account No. 202-020-400003 (hereinafter TA #3).

5. Respondent Beardslee, Susan Houston (hereinafter Houston) and Nancy Beardslee (hereinafter Beardslee) were all signatories on TA #1 and #2. Houston and Beardslee are neither licensed by the Department nor bonded. Houston and Beardslee withdrew funds from TA numbers 1 and 2 between March 1, 1988 and December 31, 1988.

6. As of December 31, 1988, respondent APM had a trust fund shortage of \$11,181.97, an amount less than respondent APM's liability for trust funds received. The shortage was without the written consent of each and every principal for whom respondent APM was holding funds in trust.

7. Between January 1, 1988 and December 31, 1988, on behalf of the owners, respondent APM held security deposits, paid by tenants, in an interest bearing savings account. The deposits earned \$1,851.32 in interest during 1988. Of that amount, \$1,260.45 was commingled by respondent APM into respondent APM's general account.

8. Between October 1987 and April 27, 1989, on behalf of the owners, respondent APM held security deposits paid by tenants. Respondents APM and Beardslee invested said security deposits, and as of April 27, 1989, approximately \$13,124.12 had been earned in interest on the deposits. Respondents APM and Beardslee commingled said interest into respondent APM's general account.

9. Respondents APM and Beardslee did not reconcile the balances of all separate beneficiary records with the record of all trust funds received and disbursed on a monthly basis.

\* \* \* \* \*

Pursuant to the foregoing stipulated findings of fact and the parties stipulation to the determination of issues, it is hereby determined:

#### CONCLUSIONS OF LAW

1. Grounds exist to suspend or revoke respondent APM's license to act as a real estate broker pursuant to Business and Professions Code (hereinafter BPC) Section 10177(d), in that respondent APM violated Section 2832.1 of Title 10, California Code of Regulations (hereinafter CCR), by allowing a trust fund shortage without the principals' written consent, as set forth in Finding 6 above.

2. Further grounds exist to suspend or revoke respondent APM's license pursuant to BPC Sections 10177(d) and 10176(e), in that respondent APM violated BPC Sections 10145(d)(3) and 10145(d)(5) by comingling owners' funds with respondent APM's general account, as set forth in Finding 7 above.

3. Grounds exist to suspend or revoke respondent Beardslee's license to act as a broker and designated officer of APM, and as an officer of Guardian Property Management pursuant to BPC Section 10177(d), in that respondent Beardslee violated Section 2834 of Title 10, CCR, by allowing unlicensed and unbonded persons to withdraw funds from trust accounts, as set forth in Finding 5 above.



4. Grounds exist to suspend or revoke respondent APM's and respondent Beardslee's licenses, jointly, pursuant to BPC Sections 10177(d) and 10176(e), in that respondents violated BPC Sections 10145(d)(3) and 10145(d)(5) by comingling owners' funds with respondent APM's general account, as set forth in Finding 8 above.

5. Further grounds exist to suspend or revoke respondent APM's and respondent Beardslee's licenses, jointly, pursuant to BPC Section 10177(d), in that respondents violated Section 2831.2 of Title 10, CCR, by failing to reconcile separate beneficiary records with the record of all trust funds, as set forth in Finding 9 above.

\* \* \* \* \*

WHEREFORE, PURSUANT TO THE PARTIES STIPULATION, THE FOLLOWING IS HEREBY ORDERED:

ORDER

A. The real estate broker and designated officer licenses and all of the license rights of respondent Clark Smith Beardslee under the real estate law are hereby revoked; provided, however, that respondent Beardslee shall be entitled to apply for, and shall be issued, a restricted real estate broker and/or restricted designated officer license pursuant to BPC Section 10156.5, if he makes application therefore and pays the Department the appropriate fee for said license(s) within six (6) months from the effective date of this Decision. The restricted license(s) issued to respondent Beardslee shall be subject to the provisions of BPC Section 10156.7, and the following limitations, conditions and restrictions imposed under BPC Section 10156.6:

1. A condition precedent to the issuance of a restricted license would be an opinion by a CPA that there is no shortage in any of Apex's trust accounts.

2. An accounting of and restitution shall be made to the apartment owners of interest earned by respondents APM and Beardslee on tenant security deposits (Conclusion of Law 2 and 4 above), within six (6) months from the effective date of this Decision. A copy of the CPA's accounting and respondents' certification that restitution has been made must be submitted to the Department within six (6) months from the effective date of this Decision.

3. The restricted license(s) shall not confer any property right in the privileges to be exercised thereunder and the Real Estate Commissioner may by appropriate order suspend, prior to hearing, the right of respondent Beardslee to exercise any privileges granted under the(se) restricted license(s) in the event of:

- a. Respondent Beardslee's conviction of, or plea of nolo contendere to, a crime which bears a substantial relationship to respondent Beardslee's fitness or capacity to act as a real estate licensee.
- b. The receipt of evidence satisfactory to the Real Estate Commissioner that respondent Beardslee has violated provisions of the California Real Estate Law, the Subdivided Lands Law, regulations of the Real Estate Commissioner, or conditions attaching to said restricted license(s).

4. Respondent Beardslee shall, within twelve (12) months from the effective date of this Decision present evidence satisfactory to the Real Estate Commissioner that he has, since the most recent issuance of an original or a renewal real estate license, taken and successfully completed the forty (40) hours of continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate license. If respondent fails to satisfy this condition, the Commissioner may order suspension of the restricted license until the respondent presents such evidence. The Commissioner shall afford respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.

5. Respondent Beardslee shall submit to the Department of Real Estate a quarterly Trust Funds Position Statement as of the last day of each month - March, June, September, and December - for so long as said restricted license(s) shall remain in effect. The TRUST FUNDS POSITION STATEMENT shall be submitted by respondent Beardslee to the Los Angeles Office of the Department of Real Estate not later than sixty (60) days after each accounting date. If respondent Beardslee has no trust fund liability as of accounting date, his report to the Department shall so state. Respondent Beardslee shall certify under penalty of perjury the completeness and accuracy of each Position Statement.

The Position Statement shall consist of the following:

- a. A schedule of trust fund accountability with the following information concerning funds held by you as agent or trustee to the owner(s) of said funds:
  - (1) Account numbers and depositories.
  - (2) Names of principals or beneficiaries.
  - (3) Trust fund liability to the principals or beneficiaries.

- b. A report of trust funds in the custody and control of respondent Beardslee as of the accounting date consisting of:
- (1) A copy of respondent Beardslee's trust accounts' bank statements (listed above as (a)(1)) showing the balance of funds in the accounts as of the accounting date.
  - (2) A schedule of uncleared checks drawn on the accounts adjusting the accounts to their true balance as of the accounting date.
- c. A copy of respondent Beardslee's (i) trust fund records maintained pursuant to Section 2831 of Title 10, CCR, and (ii) separate records maintained pursuant to Section 2831.1 of Title 10, CCR.
- d. A statement explaining any discrepancy between the total liability shown under (a) above and the adjusted trust accounts' balances shown under (b) above.

6. Respondent Beardslee shall not be eligible to apply for the issuance of any unrestricted real estate license nor the removal of any of the conditions, limitations, or restrictions attached to the restricted license(s) until two (2) years have elapsed from the date of issuance of the restricted license(s) to respondent Beardslee.

B. The corporate real estate broker license and all other license rights of respondent Apex Property Management, Inc. (hereinafter APM) are hereby revoked; provided, however, that respondent APM shall be entitled to apply for and shall be issued a restricted corporate real estate broker license pursuant to BPC Section 10156.5, if respondent APM makes application therefor and pays the Department the appropriate fee for said license within sixty (60) days of the effective date of this Decision. The restricted corporate broker license issued to respondent APM shall be subject to the provisions of BPC Section 10156.7 and to the following limitations, conditions and restrictions imposed under the authority of BPC Section 10156.6:

1. A condition precedent to the issuance of a restricted license would be an opinion by a CPA that there is no shortage in any of Apex's trust accounts.

2. An accounting of and restitution shall be made to the apartment owners of interest earned by respondents APM and Beardslee on the tenant security deposits (Conclusions of Law 2 and 4 above), within six (6) months from the effective date of this Decision to complete this accounting and make restitution. A copy of the CPA's accounting and respondents' certification that restitution has been made must be submitted to the Department within six (6) months from the effective date of this Decision.

3. The restricted license shall not confer any property right in the privileges to be exercised thereunder and the Real Estate Commissioner may by appropriate order suspend, prior to hearing, the right of respondent APM to exercise any privileges granted under the restricted license in the event of:

- a. Respondent APM's conviction of, or plea of nolo contendere to, a crime which bears a substantial relationship to respondent APM's fitness or capacity to act as a real estate licensee.
- b. The receipt of evidence satisfactory to the Real Estate Commissioner that respondent APM has violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner, or conditions attaching to said restricted license.

4. Respondent APM shall submit to the Department of Real Estate a quarterly Trust Funds Position Statement as of the last day of each month of - March, June, September, and December - for so long as said restricted license shall remain in effect. The TRUST FUND POSITION STATEMENT shall be submitted by respondent APM to the Los Angeles Office of the Department of Real Estate not later than sixty (60) days after each accounting date. If respondent APM has no trust fund liability as of accounting date, the report to the Department shall so state. The designated officer of respondent APM shall certify under penalty of perjury the completeness and accuracy of each Position Statement.

The Position Statement shall consist of the following:


- a. A schedule of trust fund accountability with the following information concerning funds held by you as agent or trustee to the owner(s) of said funds:

- (1) Account numbers and depositories.
  - (2) Names of principals or beneficiaries.
  - (3) Trust fund liability to the principals or beneficiaries.
- b. A report of trust funds in the custody and control of respondent APM as of the accounting date consisting of:
- (1) A copy of respondent APM's trust accounts' bank statements (listed above as (a)(1)) showing the balance of funds in the accounts as of the accounting date.
  - (2) A schedule of uncleared checks drawn on the accounts adjusting the accounts to their true balance as of the accounting date.
- c. A copy of respondent APM's (i) trust fund records maintained pursuant to Section 2831 of Title 10, CCR and (ii) separate records maintained pursuant to Section 2831.1 of Title 10, CCR.
- d. A statement explaining any discrepancy between the total liability shown under (a) above and the adjusted trust accounts' balances shown under (b) above.

5. Respondent APM shall not be eligible to apply for the issuance of any unrestricted real estate license nor the removal of any of the conditions, limitations or restrictions attaching to the restricted license until two (2) years have elapsed from the date of issuance of the restricted license to respondent APM.

C. If the Real Estate Commissioner does not adopt this Proposed Decision, the case is to be remanded to the Office of Administrative Hearings for a full hearing on the merits.

Dated: December 19, 1990

  
CAROLYN M. RICHARDSON  
Administrative Law Judge  
Office of Administrative Hearings

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1 SEAN CRAHAN, Counsel  
Department of Real Estate  
2 107 South Broadway, Room 8107  
Los Angeles, California 90012  
3 (213) 620-4790  
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FEB-6 1990

DEPARTMENT OF REAL ESTATE  
BY *[Signature]*

8 DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

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11 In the Matter of the Accusation of ) No. H-895 SA  
12 APEX PROPERTY MANAGEMENT, ) A C C U S A T I O N  
INC., a California corporate )  
13 broker; and CLARK SMITH )  
BEARDSLEE, individually, and )  
14 as designated officer of )  
Apex Property Management, )  
15 Inc., and of Guardian )  
Property Management, Inc., )  
16 Respondents. )  
17

18 The complainant, Thomas McCrady, a Deputy Real Estate  
19 Commissioner of the State of California, for cause of accusation  
20 against APEX PROPERTY MANAGEMENT, INC., a California corporate  
21 broker; and CLARK SMITH BEARDSLEE, individually, and as designated  
22 officer of Apex Property Management, Inc., and of Guardian Property  
23 Management, Inc., alleges as follows:

24 1.

25 The complainant, Thomas McCrady, a Deputy Real Estate  
26 Commissioner of the State of California, makes this Accusation in  
27 his official capacity.

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2.

APEX PROPERTY MANAGEMENT, INC. (hereafter Respondent APM), is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the California Business and Professions Code, hereafter cited as the "Code"). At all times herein mentioned, Respondent APM was licensed by the Department of Real Estate of the State of California (hereafter the Department) as a corporate real estate broker.

3.

CLARK SMITH BEARDSLEE (hereafter Respondent BEARDSLEE) is presently licensed and/or has license rights under the Real Estate Law. At all times herein mentioned, Respondent BEARDSLEE was licensed by the Department as a real estate broker, individually, and as designated officer of Respondent APM and, since February 2, 1988, as officer of Guardian Property Management, Inc.

4.

At all times herein mentioned, Respondent APM was engaged in the business of acting as agent, for or in expectation of compensation, to collect rents from tenants residing on real properties on behalf of the owners of those real properties. In connection with the collection of rents from tenants on behalf of owners, Respondent APM maintained three trust accounts as follows:

(a) Apex Property Management, Inc. Trust Account, Citizens Bank of Costa Mesa, Account No. 01071823, hereafter cited as TA #1.

(b) Apex Property Management, Inc. Trust Account, Pacific Inland Bank, Account No. 202-001-019864, hereafter TA #2.

1 (c) Apex Property Management Tenant Savings Trust  
2 Account at Pacific Inland Bank, Account 202-020-400003, hereafter  
3 TA #3.

4 5.  
5 Respondent BEARDSLEE, Susan Houston and Nancy Beardslee  
6 were all signatories on TA #'s 1 and 2. Susan Houston and Nancy  
7 Beardslee were neither licensed by the Department nor were they  
8 bonded. Susan Houston and Nancy Beardslee withdrew funds from TA  
9 #1 and TA #2 from time to time between March 1, 1988, through  
10 December 31, 1988, in willful violation of Section 2834 of Title  
11 10, Chapter 6, California Code of Regulations (hereafter cited as  
12 the Regulations).

13 6.  
14 As of December 31, 1988, Respondent APM had a trust fund  
15 shortage of \$11,181.97 less than Respondent APM's liability for  
16 trust funds received, without the written consent of each and  
17 every principal for whom Respondent APM was holding funds in  
18 trust in willful violation of Regulation 2832.1.

19 7.  
20 Between January 1, 1988, through December 31, 1988,  
21 Respondent APM held security deposits paid by tenants on behalf of  
22 owners in an interest-bearing savings account. Said security  
23 deposits earned interest of \$1,851.32 during 1988 and of which  
24 \$1,260.45 were commingled by Respondent APM into Respondent APM's  
25 general account. This conduct constitutes willful violations of  
26 Code Sections 10145(d)(3) and 10145(d)(5).

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8.

Between October, 1987, through April 27, 1989, Respondent APM held security deposits paid by tenants for the benefit of the owners. Respondents APM and BEARDSLEE invested said security deposits and, as of April 27, 1989, earned approximately \$13,124.12 in interest during this time. Respondents APM and BEARDSLEE commingled said interest into Respondent APM's general account.

9.

Respondents APM and BEARDSLEE did not reconcile the balances of all separate records of beneficiaries with the record of all trust funds received and disbursed on a monthly basis in willful disregard of Regulation 2831.2.

10.

The conduct or omissions of Respondents APM and BEARDSLEE, jointly and severally as set forth above, subject their real estate licenses and license rights to suspension or revocation under the following Code Sections:

(a) Code Section 10176(e) for commingling as set forth in Paragraphs 7 and 8 above.

(b) Code Section 10177(d) for willful violations of the following sections of the Real Estate Law:

(1) Regulation 2832.1 for the trust fund shortage as set forth in Paragraph 6 above.

(2) Regulation 2834 for allowing unlicensed and unbonded persons to withdraw funds from the trust account as set forth in Paragraph 5 above.

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(3) Code Sections 10145(d)(3) and 10145(d)(5) as set forth in Paragraph 7 above.

(4) Regulation 2831.2 for willful omission to reconcile monthly the separate beneficiary records with records of all trust funds received and disbursed as set forth in Paragraph 9 above.

WHEREFORE, complainant prays that a hearing be conducted on the allegations of this Accusation and, that upon proof thereof, a decision be rendered imposing disciplinary action against all licenses and license rights of Respondents APEX PROPERTY MANAGEMENT, INC., a California corporate broker; and CLARK SMITH BEARDSLEE, individually, and as designated officer of Apex Property Management, Inc., and of Guardian Property Management, Inc., under the Real Estate Law (part 1 of Division 4 of the Business and Professions Code) and for such other and further relief as may be proper under other applicable provisions of law.

Dated at Santa Ana, California  
this 6th day of February, 1990.

THOMAS McCRADY  
Deputy Real Estate Commissioner

cc: Apex Property Management, Inc.  
Clark Smith Beardslee  
Sacto.  
RM

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BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

FILED  
AUG 30 1990

DEPARTMENT OF REAL ESTATE  
BY *Alma Garcia*

In the Matter of the Accusation of

APEX PROPERTY MANAGEMENT,  
INC., et al.

}

Case No. H-895 SA  
OAH No. L-49821

Respondent(s)

NOTICE OF HEARING ON ACCUSATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at Office of Administrative Hearings, 314 West First Street, Los Angeles, CA 90012, on the 5th & 6th day of December, 19 90, at the hour of 9:00 a.m., or as soon thereafter as the matter can be heard, upon the charges made in the Accusation served upon you.

You may be present at the hearing, and you may be represented by counsel, but you are neither required to be present at the hearing nor to be represented by counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you upon any express admissions, or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter. The interpreter must be approved by the hearing officer conducting the hearing as someone who is proficient in both English and the language in which the witness will testify. You are required to pay the costs of the interpreter unless the hearing officer directs otherwise.

JAMES A. EDMONDS, JR.  
DEPARTMENT OF REAL ESTATE

Dated: August 30, 1990

cc: Apex Property Management, Inc.  
Clark Smith Beardslee  
Larry Rothman, Esq.  
Sacto.

By Sean Crahan  
SEAN CRAHAN, Counsel  
*by Robert E Baker*

OAH  
RM  
RE 501 (Rev. 7/87) vj