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File

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

OCT 21 1986

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In the Matter of the Accusation of)
WENDY LEE AUSTIN,)
Respondent.)

No. H- 1406 SD *K. M. [Signature]*

DECISION

The Proposed Decision dated October 6, 1986
of Robert Arnold, Regional Manager, Department of Real Estate, 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 November 12, 1986.

IT IS SO ORDERED October 17, 1986

JAMES A. EDMONDS, JR.
Real Estate Commissioner

By: *[Signature]*
JOHN R. LIBERATOR
Chief Deputy Commissioner

* * * *

PROPOSED DECISION

I

II

III

-1-

IV

On or about August 23, 1985, Respondent, doing business under the fictitious name of Crown Management, entered into an agreement with Helen and Frank Mobley (hereinafter the Mobleys) to "rent, lease, operate and manage" multi-unit real property commonly known as 4338 Illinois Street, San Diego, California (hereinafter the Illinois property). Commencing on or about August 23, 1985, and continuing thereafter respondent managed said property. As compensation for her services as the Mobley's agent, Respondent was paid by Mobleys 8% of the gross monthly rentals collected by Respondent from the tenants residing at the Illinois property.

DETERMINATION OF ISSUES

Based on the foregoing findings of fact, the following determination of issues is hereby made:

I

The acts of Respondent, as alleged above, in Finding IV, are acts requiring a real estate broker license under the provisions of Section 10131(b) of the Code. Respondent violated Section 10130 of the Code by engaging in these activities without first obtaining a real estate broker license from the Department. The conduct of Respondent set forth in the preceding Finding is cause under Section 10177(d) of the Code for suspension or revocation of all licenses and license rights of Respondent under the Real Estate Law.

ORDER

WHEREFORE, the following Order is made:

1. The license and license rights of respondent WENDY LEE AUSTIN under the provisions of Part 1 of Division 4 of the Business and Professions Code are hereby revoked.

However, respondent AUSTIN shall be entitled to apply for and be issued a restricted real estate broker license pursuant to Section 10156.5 of the Business and Professions Code if respondent makes application therefor and pays to the Department of Real Estate the appropriate fee for said license within one year from the effective date of the Decision herein.

The restricted license issued to respondent AUSTIN shall be subject to all of the provisions of Section 10156.7 of the Business and Professions Code and to the following limitations, conditions and restrictions imposed under authority of Section 10156.6 of said Code:

A. The restricted license may be suspended prior to hearing by Order of the Real Estate Commissioner in the event of respondent's conviction (including conviction on a plea of nolo contendere) of a crime which bears a significant relation to respondent's fitness or capacity as a real estate licensee.

B. The restricted license may be suspended prior to hearing by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that, subsequent to the effective date of this Decision, respondent 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.

C. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor the removal of any of the conditions, limitations or restrictions of the restricted license until at least one year has elapsed from the effective date of the decision.

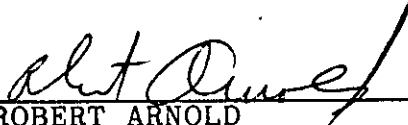
D. Respondent shall obey all laws of the United States, the State of California and its political subdivisions, and shall further obey and comply with all rules and regulations of the Real Estate Commissioner.

E. The restricted license shall not confer any property right in the privileges to be exercised thereunder.

F. Respondent shall report in writing to the Department of Real Estate as the Commissioner shall direct by his decision herein or by separate written order issued while the restricted license is in effect, such information concerning respondent's activities for which a real estate license is required as the Commissioner shall deem to be appropriate to protect the public interest.

G. Respondent shall, within 12 months from the effective date of the Decision, present evidence satisfactory to the Real Estate Commissioner that she has, since the most recent issuance of an original or renewal real estate license, taken and successfully completed the 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 the 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.

DATED: October 9, 1989


ROBERT ARNOLD
Regional Manager
Department of Real Estate

*Sacto
2/26/86*

FILED

BEFORE THE DEPARTMENT OF REAL ESTATE

FEB 26 1986

STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE
BY *K. McLeish*

In the Matter of the Accusation of)

WENDY LEE AUSTIN,)

Case No. H-1406 SD

L-36821

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 1350 Front Street, Room B-107, San Diego, CA 92101

on the 25th day of July, 1986, 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.

DATED: February 26, 1986

cc: Wendy Lee Austin
Lesley Ann Ash, Esq.
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FJF

JAMES A. EDMONDS, JR.
DEPARTMENT OF REAL ESTATE

By Robert E Baker Counsel

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ROBERT E. BAKER, Counsel
Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, California 90012

(213) 620-4790

JAN -9 1986

DEPARTMENT OF REAL ESTATE
K. M. Kestel

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of)	No. H-1406 SD
WENDY LEE AUSTIN,)	<u>A C C U S A T I O N</u>
Respondent.)	

The complainant, J. Chris Graves, a Deputy Real Estate Commissioner of the State of California, for cause of accusation against WENDY LEE AUSTIN alleges as follows:

I

The complainant, J. Chris Graves, a Deputy Real Estate Commissioner of the State of California, makes this Accusation in his official capacity.

II

WENDY LEE AUSTIN (hereinafter referred to as AUSTIN or Respondent) is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code, hereinafter Code).

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1 III

2 Respondent was first licensed as a real estate
3 salesperson on or about April 20, 1984. Respondent was employed
4 by a licensed real estate broker as a real estate salesperson
5 until May 21, 1984, when said employment was terminated. At no
6 time after May 21, 1984, to date, was Respondent employed by a
7 licensed real estate broker as a real estate salesperson. On or
8 about December 13, 1985, Respondent was licensed by the Department
9 of Real Estate of the State of California (hereinafter Department)
10 as a real estate broker.

11 IV

12 On or about April 1, 1985, Respondent, doing business
13 under the fictitious name of Crown Management, entered into an
14 oral agreement with Louis and Renee Feinwog (hereinafter the
15 Feinwogs) to act as the non-resident manager of multi-unit real
16 property commonly known as 801 Liverpool in San Diego, California
17 (hereinafter the Liverpool property), owned by the Feinwogs.
18 Respondent's duties as manager included solicitation of
19 prospective tenants, negotiation of leases and collection of rents
20 when due. As compensation for such activities, Respondent was
21 paid by the Feinwogs 10% of all rental fees collected by
22 Respondent from the Feinwog's tenants residing at the Liverpool
23 property.

24 V

25 On or about August 23, 1985, Respondent, again doing
26 business under the fictitious name of Crown Management, entered
27 into an agreement with Helen and Frank Mobley (hereinafter the

1 Mobleys) to "rent, lease, operate and manage" multi-unit real
2 property commonly known as 4338 Illinois Street, San Diego,
3 California (hereinafter the Illinois property). As compensation
4 for her services as the Mobley's agent, Respondent was paid by the
5 Mobleys 8% of the gross monthly rentals collected by Respondent
6 from the tenants residing at the Illinois property.

7 VI

8 The acts of Respondent, as alleged above, in Paragraphs
9 IV and V, are acts requiring a real estate broker license under
10 the provisions of Section 10131(b) of the Code. Respondent
11 violated Section 10130 of the Code by engaging in these activities
12 without first obtaining a real estate broker license from the
13 Department. The conduct of Respondent set forth in the preceding
14 Paragraphs is cause under Sections 10177(d) and (f) of the Code
15 for suspension or revocation of all licenses and license rights of
16 Respondent under the Real Estate Law.

17
18 WHEREFORE, complainant prays that a hearing be conducted
19 on the allegations of this Accusation and that upon proof thereof,
20 a decision be rendered imposing disciplinary action against all
21 licenses and license rights of Respondent WENDY LEE AUSTIN under
22 the Real Estate Law (Part 1 of Division 4 of the Business and

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1 Professions Code) and for such other and further relief as may be
2 proper under other applicable provisions of law.

3 Dated at San Diego, California
4 this 9th day of January, 1986.

6 J. CHRIS GRAVES
7 Deputy Real Estate Commissioner

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cc: Wendy Lee Austin
Sacto.
FJF