

1 NOW, THEREFORE, IT IS ORDERED that Respondent's
2 petition for reinstatement is granted and that a real estate
3 broker license be issued to Respondent if Respondent satisfies
4 the following conditions within nine months from the date of this
5 Order:

6 1. Respondent shall take and pass the real estate
7 broker license examination.

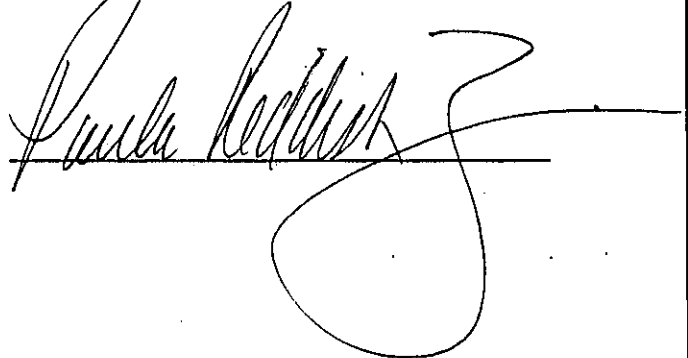
8 2. Submittal of a completed application and payment of
9 the fee for a real estate broker license.

10 3. Submittal of evidence of having, since the most
11 recent issuance of an original or renewal real estate license,
12 taken and successfully completed the continuing education
13 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
14 for renewal of a real estate license.

15 This Order shall be effective immediately.

16 DATED: December 7, 2000

17 PAULA REDDISH ZINNEMANN
18 Real Estate Commissioner

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FILED
MAY 16 1994
DEPARTMENT OF REAL ESTATE

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * * *

Laura B. Orton

In the Matter of the Accusation of)

No. H-1639 SA

WILLIAM ROBERT REINHARDT,
an Individual,)

L-61367

Respondent(s).)

DECISION

The Proposed Decision dated April 18, 1994,
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 June 7, 1994.

IT IS SO ORDERED May 6, 1994.

CLARK WALLACE
Real Estate Commissioner

John R. Liberator

BY: John R. Liberator
Chief Deputy Commissioner

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of)
)
WILLIAM ROBERT REINHARDT, an) No. H-1639 SA
individual,)
) OAH. L-61367
Respondent.)
)

PROPOSED DECISION

This matter came on regularly for hearing before Leslie H. Greenfield, Administrative Law Judge, Office of Administrative Hearings, at Los Angeles, California, on December 16, 1993 and February 25, 1994.

V. Ahda Sands, Real Estate Counsel, represented the complainant Department of Real Estate. Respondent was personally present throughout the hearing and represented himself.

At the hearing, complainant amended the Accusation as follows:

Page 2, line 22, by deleting "1982" and substituting "1992" therefor.

Page 3, line 10, by deleting "July 31, 1991, " and substituting "June 30, 1992" therefor.

The hearing was left open for Complainant to furnish a copy of an exemplar of a trust check on the Administrative Law Judge and the respondent. The exemplar and proof of service were received on March 16, 1994, marked and received into evidence as Exhibit 16, and the matter was submitted.

Oral and documentary evidence having been received and the matter submitted, the Administrative Law Judge finds as follows:

1. Thomas McCrady, Deputy Real Estate Commissioner, Department of Real Estate, State of California, made the Accusation in his official capacity.

2. Respondent William Robert Reinhardt has been licensed as a real estate broker since September 10, 1976 under License ID#00446864. Said license expired September 9, 1992. On May 27, 1992, the Department issued a Desist and Refrain order against respondent for failure to provide records.

3. At all time herein mentioned, respondent for compensation or in the expectation of compensation engaged in the business of, and acted in the capacity of, a real estate broker within the meaning of Section 10131(b) of the Business and Professions Code, wherein respondent leased or rented or offered to lease or rent various real properties as the agent of the owners of said properties.

4. During the period June 1990 through June 1992, in connection with the aforesaid activities, respondent accepted or received funds in trust from or on behalf of owners and tenants, and thereafter made disbursements of such trust funds. Such funds were maintained by respondents in an account at Fidelity Federal Bank in Newport Beach, California under account No. 031-0043383.

5. A Department of Real Estate Audit was conducted from September 29, 1992, through October 20, 1992, of respondent's activities requiring real estate license for the period July 1990, to June, 1992. As a result of said Audit it was determined and here found that:

A. Respondent deposited certain rents received on behalf of other into general accounts maintained by respondent, rather than into an actual trust designated account in respondent's name as broker and trustee.

B. Respondent did not maintain an adequate formal trust find receipts journal and a formal trust fund disbursements journal for any of the account identified in Finding 4, above, or other reports of the receipt and disposition of all trust funds received by respondent.

C. Respondent failed to maintain adequate separate records for each beneficiary or transaction, accounting therein for all trust funds received, deposited, and disbursed.

D. Respondents disbursed, caused or allowed the disbursement of trust funds without the prior written consent of every principal who was then was an owner of trust funds in said accounts which disbursements reduced the balance of funds in the said account to an amount which, on July 31, 1991, was approximately \$73,863.81, less that the existing aggregate trust fund liability of respondents to all owners of said funds.

E. Respondent placed funds belonging to others in interest bearing accounts and at a time in which the interest earned on said account inured directly or indirectly to the benefit of respondent.


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* * * * *

WHEREFORE, THE FOLLOWING ORDER is hereby made:

1. Real Estate Broker license ID#00446864 issued to respondent William Robert Reinhardt is revoked.

Dated: April 18, 1994



Leslie H. Greenfield
Administrative Law Judge
Office of Administrative Hearings

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of)
)
 WILLIAM ROBERT REINHARDT,)
)
)
)
)
)
 Respondent.)

Case No. H-1639 SA
OAH No. L- 61367

JAN 10 1994

DEPARTMENT OF REAL ESTATE
Laura B. Osone

NOTICE OF HEARING ON ACCUSATION

To the above-named Respondent(s):

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, California, on FEBRUARY 24 & 25, 1994 at the hour of 9:00 a.m. or as soon thereafter as the matter can be heard, upon the Accusation served upon you.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission 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 Administrative Law Judge 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 Administrative Law Judge directs otherwise.

Dated: January 10, 1994

DEPARTMENT OF REAL ESTATE

By: *V. Ahda Sands*
V. AHDA SANDS, Counsel

cc: William Robert Reinhardt
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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of) Case No. H-1639 SA
) OAH No. L-61367
WILIAM ROBERT REINHARDT,)
)
)
)
Respondent.)

SEP 21 1993

DEPARTMENT OF REAL ESTATE
Laura B. Dixon

NOTICE OF HEARING ON ACCUSATION

To the above-named Respondent(s):

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, California, on DECEMBER 16, 1993 at the hour of 9:00 a.m. or as soon thereafter as the matter can be heard, upon the Accusation served upon you.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission 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 Administrative Law Judge 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 Administrative Law Judge directs otherwise.

Dated: September 21, 1993

DEPARTMENT OF REAL ESTATE

By: *V. Ahda Sands*
V. AHDA SANDS, Counsel

cc : William Robert Reinhardt
James Toledano, Esq.
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V. AHDA SANDS, Counsel
Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, California 90012
(213) 897-3937

FILED

AUG 11 1993

DEPARTMENT OF REAL ESTATE
BY Laura B. Davis

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)	NO: H-1639 SA
WILLIAM ROBERT REINHARDT, an)	
individual)	<u>ACCUSATION</u>
)	
)	
)	
Respondent.)	

Complainant, Thomas Mc Crady, a Deputy Real Estate Commissioner of the State of California, as and for cause of Accusation against WILLIAM ROBERT REINHARDT, individually (herein "Respondent"), alleges as follows:

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The term "the Regulations" as used herein refers to provisions of Chapter 6, Title 10, California Code of Regulations.

2

The Complainant, Thomas Mc Crady, a Deputy Real Estate Commissioner of the State of California, makes this Accusation against Respondent in his official capacity.

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1 3

2 Respondent is presently licensed and/or has license rights
3 under the Real Estate Law, Part 1 of Division 4 of the Business
4 and Professions Code (herein "the Code").

5 4

6 At all times mentioned herein, Respondent for compensation or
7 in expectation of compensation engaged in the business of, acted
8 in the capacity of, advertised or assumed to act as a real estate
9 broker in the State of California within the meaning of Section
10 10131(b) of the Code wherein Respondent leased or rented or
11 offered to lease or rent various real properties as the agent of
12 the owners of said properties.

13 5

14 All further references herein to "Respondent" includes
15 employees, agents and real estate licensees employed by or
16 associated with Respondent who at all times herein mentioned were
17 engaged in the furtherance of the business or operations of
18 Respondent and who were acting within the course and scope of
19 their authority and employment.

20 6

21 Respondent was first licensed as a real estate broker
22 September 19, 1976. On May 27, 1982, the Commissioner issued a
23 Desist and Refrain Order against Respondent for his failure to
24 provide records to the Department of Real Estate.

25 7

26 In connection with the aforesaid property management
27 activities, Respondent accepted or received funds in trust
28 (hereinafter "trust funds") from or on behalf of owners and

1 tenants and thereafter made disbursements of such funds.
2 Respondent deposited certain of said funds into Account No. 031-
3 0043383 (hereinafter "Escrow T/A #1"), the "William R. Reinhardt",
4 at the Newport Beach Branch office of Fidelity Federal Bank in
5 Newport Beach, California;

6 8

7 On or about November 30, 1992, the Department concluded its
8 examination of Respondent's books and records pertaining to the
9 real estate brokerage activities described in Paragraph 4, above,
10 for the twenty three-month period ending July 31, 1991, which
11 examination revealed violations of the Code and of the Regulations
12 as set forth in the following paragraphs.

13 9

14 FIRST CAUSE OF ACCUSATION

15 In connection with the trust funds referred to in Paragraph
16 7, above, Respondent acted in violation of the Code and the
17 Regulations in that:

18 (a) Respondent violated Section 10145 of the Code and
19 Sections 2830 and 2832 of the Regulations by depositing certain
20 rents received on behalf of others into general accounts
21 maintained by Respondent, rather than into an actual trust
22 designated account in Respondent's name as broker and as trustee;

23 (b) Respondent did not maintain an adequate formal trust
24 fund receipts journal and a formal trust fund disbursements
25 journal for any of the accounts identified in Paragraph 7, above,
26 or other records of the receipt and disposition of all trust funds
27 received by Respondent, conforming to the requirements of Section
28 10145 of the Code and Sections 2831 and 2951 of the Regulations;

1 (c) Respondent failed to maintain adequate separate records
2 for each beneficiary or transaction, accounting therein for all
3 trust funds received, deposited, and disbursed, conforming to the
4 requirements of Sections 2831.1 and 2951 of the Regulations;

5 (d) Respondent violated Section 2832.1 of the Regulations
6 by disbursing or causing or allowing the disbursement of trust
7 funds from the Servicing T/A #2, wherein the disbursement of said
8 funds reduced the funds in the said account to an amount which, on
9 July 31, 1991, was approximately \$73,863.81 less than the existing
10 aggregate trust fund liability to all owners of said funds,
11 without first obtaining the prior written consent of every
12 principal who was an owner of said funds.

13 (e) Respondent violated Section 2830.1 of the Regulations by
14 placing funds belonging to others in interest bearing accounts and
15 at a time in which the interest earned on said account inured
16 directly or indirectly to the benefit of Respondent.

17 Each of the foregoing violations separately constitutes cause
18 for the suspension or revocation of all licenses and license
19 rights of Respondent pursuant to the provisions of Section
20 10177(d) of the Code.

21 SECOND CAUSE OF ACCUSATION

22 10

23 Complainant incorporates herein the allegations of
24 paragraphs 1 to 7, inclusive, herein.

25 In connection with the trust funds referred to in Paragraph
26 7, above, Respondent acted in violation of the Code and the
27 Regulations in that:
28

1 (a) Respondent violated Section 10176(e) of the Code by co-
2 mingling his own money or property with the money or other
3 property of others which is received and held by him.

4 (b) Respondent violated Section 10176(g) by claiming or
5 taking a secret or undisclosed amount of compensation, commission
6 or profit or failing to reveal to the employer of said licensee
7 the full amount of the licensee's compensation, commission or
8 profit under any agreement.

9 (c) Respondent violated Section 10176(i) by his conduct, as
10 alleged in Paragraphs 10(a) and 10(b), above, which constitutes
11 fraud or dishonest dealing.

12 Each of the foregoing violations separately constitutes cause
13 for the suspension or revocation of all licenses and license
14 rights of Respondent pursuant to the named Sections of the Code.

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

8 Dated at Santa Ana, California
9 this 11th day of August, 1993

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THOMAS Mc CRADY

Deputy Real Estate Commissioner

cc: William R. Reinhardt
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