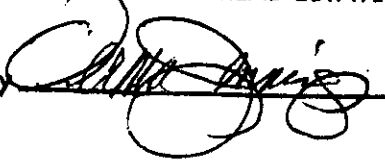


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FILED
SEP - 2 1997
DEPARTMENT OF REAL ESTATE
By 

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of) NO. H-1769 SA
FRANK TICAS)
Respondent.)

ORDER GRANTING REINSTATEMENT OF LICENSE

On March 24, 1995, a Decision was rendered herein revoking the real estate broker license of Respondent, FRANK TICAS (hereinafter "Respondent"), effective April 25, 1995.

In said Decision Respondent was given the right to apply for and receive a restricted real estate broker license which was issued to him on May 8, 1995.

On June 12, 1996, 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 demonstrated to my satisfaction that grounds do not presently

1 exist to deny the issuance of an unrestricted real estate
2 broker license to Respondent.

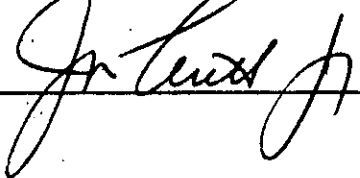
3 NOW, THEREFORE, IT IS ORDERED that Respondent's
4 petition for reinstatement is granted and that an
5 unrestricted real estate broker license be issued to
6 Respondent, FRANK TICAS, after Respondent satisfies the
7 following conditions within one (1) year from the date of
8 this Order:

- 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 has, during the last four
13 years, taken and successfully completed the continuing
14 education requirements of Article 2.5 of Chapter 3 of the
15 Real Estate Law for renewal of a real estate license
16 including three hour courses in trust fund accounting and
17 handling and fair housing.

18 This Order shall become effective immediately.

19 DATED: 8/25/97

21 JIM ANTT, JR.
22 Real Estate Commissioner

23 
24

25 FRANK TICAS
26 12640 Euclid Street #202
27 Garden Grove, California 92640



1 Department of Real Estate
2 107 South Broadway, - Room 8107
3 Los Angeles, California, 90012

4 Telephone: (213) 897-3937

FILED
APR - 4 1995
DEPARTMENT OF REAL ESTATE

By K. Schubert

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * * *

11 In the Matter of the Accusation of) H-1769 SA
12)
12 LARRY RAY BRYANT and) STIPULATION AND AGREEMENT
12 FRANK TICAS,) IN SETTLEMENT AND ORDER
13)
13 Respondents.)
14 _____)

15 It is hereby stipulated by and between LARRY RAY BRYANT
16 (sometimes referred to as "Respondent") and the Complainant,
17 acting by and through George W. Wright, Counsel for the Department
18 of Real Estate, as follows for the purpose of settling and
19 disposing of the Accusation filed on June 8, 1994 in this matter:

20 1. All issues which were to be contested and all
21 evidence which was to be presented by Complainant and Respondent
22 at a formal hearing on the Accusation, which hearing was to be
23 held in accordance with the provisions of the Administrative
24 Procedure Act ("APA"), shall instead and in place thereof be
25 submitted solely on the basis of the provisions of this
26 Stipulation.
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2. Respondent has received, read and understands, the Statement to Respondent, the Discovery Provisions of the APA and the Accusation, filed by the Department of Real Estate in this proceeding.

3. On June 27, 1994, Respondent filed a Notice of Defense pursuant to Section 11505 of the Government Code for the purpose of requesting a hearing on the allegations in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent acknowledges that he understands that by withdrawing said Notice of Defense, he will thereby waive his right to require the Commissioner to prove the allegations in the Accusation at a contested hearing held in accordance with the provisions of the APA and that he will waive other rights afforded to him in connection with the hearing such as the right to present evidence in defense of the allegations in the Accusation and the right to cross-examine witnesses.

4. Respondent, pursuant to the limitations set forth below, hereby admit that the factual allegations of the Accusation are true and correct and the Real Estate Commissioner shall not be required to provide further evidence of such allegations.

5. It is understood by the parties that the Real Estate Commissioner may adopt the Stipulation And Agreement In Settlement and Order as his Decision in this matter thereby imposing the penalty and sanctions on Respondent's real estate licenses and license rights as set forth in the below "Order". In the event that the Commissioner in his discretion does not adopt the Stipulation And Agreement In Settlement and Order, the

1 Stipulation And Agreement In Settlement and Order shall be void
2 and of no effect, and Respondent shall retain the right to a
3 hearing and proceeding on the Accusation under all the provisions
4 of the APA and shall not be bound by any admission or waiver made
5 herein.

6 6. The Order or any subsequent Order of the Real
7 Estate Commissioner made pursuant to this Stipulation shall not
8 constitute an estoppel, merger or bar to any further
9 administrative or civil proceedings by the Department of Real
10 Estate with respect to any matters which were not specifically
11 alleged to be causes for accusation in this proceeding. This
12 Stipulation and any order made pursuant to this Stipulation shall
13 have no collateral estoppel or res judicata effect in any
14 proceedings in which the Respondent and the Department (or the
15 Department's representative) are not parties. However, no ruling
16 in any action brought by a party other than the Respondent or the
17 Department shall effect the finality of the Decision entered in
18 these proceedings pursuant to this Stipulation And Agreement In
19 Settlement And Order.

20
21 DETERMINATION OF ISSUES

22 ~~By reason of the foregoing stipulations, admissions and~~
23 ~~waivers and solely for the purpose of settlement of the pending~~
24 ~~Accusation without a hearing, it is stipulated and agreed that the~~
25 ~~following determination of Issues shall be made:~~

26 The conduct or omissions of Respondent LARRY RAY BRYANT
27 as set forth in paragraphs twelve (XII) through fifteen (XV) of

1 the Accusation constitute cause to suspend or revoke his real
2 estate licenses and license rights under the provisions of
3 Business and Professions Code Section 10177(d).

4 *****

5 ORDER

6 WHEREFORE, THE FOLLOWING ORDER is hereby made:

7 A. The licenses and license rights of LARRY RAY BRYANT
8 under Part 1 of Division 4 of the Business and Professions Code
9 are revoked.

10 B. However, Respondent shall be entitled to apply for
11 and be issued a restricted real estate broker license pursuant to
12 Section 10156.5 of the Code if Respondent makes application
13 therefor and pays to the Department of Real Estate the appropriate
14 fee for said license within one hundred twenty (120) days from the
15 effective date of the Decision.

16 C. The restricted license issued to Respondent shall be
17 subject to all of the provisions of Section 10156.7 of the
18 Business and Professions Code and to the following limitations,
19 conditions and restrictions imposed under authority of Section
20 10156.6 of said Code:

21 (1) Said restricted license may be suspended prior
22 to hearing by order of the Real Estate Commissioner ~~in the event~~
23 of Respondent's conviction or plea of nolo contendere to a crime
24 which bears a significant relation to Respondent's qualifications,
25 duties or functions as a real estate licensee.

26 (2) Said restricted license may be suspended prior
27 to hearing by Order of the Real Estate Commissioner on evidence

1 satisfactory to the Commissioner that Respondent has violated
2 provisions of the California Real Estate law, the Subdivided Lands
3 Law, Regulations of the Real Estate Commissioner, or the
4 conditions attaching to this restricted license.

5 (3) Respondent shall, within nine (9) months from
6 the effective date of the restricted license, present evidence
7 satisfactory to the Real Estate Commissioner that he/she has,
8 since the most recent issuance of an original or renewal real
9 estate license, taken and successfully completed the continuing
10 education requirements of Article 2.5 of Chapter 3 of the Real
11 Estate Law for renewal of a real estate license. If Respondent
12 fails to satisfy this condition, the Real Estate Commissioner may
13 order the suspension of the restricted license until Respondent
14 presents such evidence. The Real Estate Commissioner shall afford
15 Respondent the opportunity for a hearing pursuant to the APA to
16 present such evidence.

17 (4) Respondent shall, within six (6) months from the
18 effective date of this restricted license, take and pass the
19 Professional Responsibility Examination administered by the
20 Department including the payment of the appropriate examination
21 fee. If Respondent fails to satisfy this condition, the
22 ~~Commissioner may order suspension of Respondent's license until~~
23 Respondent passes the examination.

24 (5) Respondent shall report in writing to the
25 Department of Real Estate as the Real Estate Commissioner shall
26 direct by his Decision herein or by separate written order issued
27 while Respondent holds a restricted license, such information

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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.

(6) 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 a restricted license until one (1) year has elapsed from the date of issuance of the restricted license to Respondent.

I have read the Stipulation And Agreement In Settlement, and its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509 and 11513 of the Government Code), and I willingly, intelligently and voluntarily waive those rights, including the right of requiring the Commissioner to prove the allegations in the Accusation at a hearing at which I would have the right to cross-examine witnesses against me and to present evidence in defense and mitigation of the charges.

DATED: Feb. 7, 1995

Larry Ray Bryant
LARRY RAY BRYANT, Respondent

DATED: Feb. 23, 1995

George W. Wright
George W. Wright, Counsel for the Complainant

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The foregoing Stipulation and Agreement In Settlement
is hereby adopted as my Decision and Order and shall become
effective at 12 o'clock noon on April 25, 1995.

IT IS SO ORDERED March 24, 1995.

JOHN R. LIBERATOR
Interim Commissioner

John R. Liberator

1 Department of Real Estate
2 107 South Broadway, Room 8107
3 Los Angeles, California, 90012
4 Telephone: (213) 897-3937

FILED
APR - 4 1995
DEPARTMENT OF REAL ESTATE

By K. Kriederholt

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * * *

11 In the Matter of the Accusation of) H-1769 SA
12)
12 LARRY RAY BRYANT and) STIPULATION AND AGREEMENT
13 FRANK TICAS,) IN SETTLEMENT AND ORDER
14)
14 Respondents.)

15 It is hereby stipulated by and between FRANK TICAS,
16 (sometimes referred to as "Respondent"), his attorney, Alec
17 Harshey, and the Complainant, acting by and through George W.
18 Wright, Counsel for the Department of Real Estate, as follows for
19 the purpose of settling and disposing of the Accusation filed on
20 June 8, 1994 in this matter:

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

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2. Respondent has received, read and understands, the Statement to Respondent, the Discovery Provisions of the APA and the Accusation, filed by the Department of Real Estate in this proceeding.

3. On June 27, 1994, Respondent filed a Notice of Defense pursuant to Section 11505 of the Government Code for the purpose of requesting a hearing on the allegations in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent acknowledges that he understands that by withdrawing said Notice of Defense, he will thereby waive his right to require the Commissioner to prove the allegations in the Accusation at a contested hearing held in accordance with the provisions of the APA and that he will waive other rights afforded to him in connection with the hearing such as the right to present evidence in defense of the allegations in the Accusation and the right to cross-examine witnesses.

4. Respondent, pursuant to the limitations set forth below, hereby admit that the factual allegations of the Accusation are true and correct and the Real Estate Commissioner shall not be required to provide further evidence of such allegations.

5. It is understood by the parties that the Real Estate Commissioner may adopt the Stipulation And Agreement In Settlement and Order as his Decision in this matter thereby imposing the penalty and sanctions on Respondent's real estate licenses and license rights as set forth in the below "Order". In the event that the Commissioner in his discretion does not adopt the Stipulation And Agreement In Settlement and Order, the

1 Stipulation And Agreement In Settlement and Order shall be void
2 and of no effect, and Respondent shall retain the right to a
3 hearing and proceeding on the Accusation under all the provisions
4 of the APA and shall not be bound by any admission or waiver made
5 herein.

6
7 6. The Order or any subsequent Order of the Real
8 Estate Commissioner made pursuant to this Stipulation shall not
9 constitute an estoppel, merger or bar to any further
10 administrative or civil proceedings by the Department of Real
11 Estate with respect to any matters which were not specifically
12 alleged to be causes for accusation in this proceeding. This
13 Stipulation and any order made pursuant to this Stipulation shall
14 have no collateral estoppel or res judicata effect in any
15 proceedings in which the Respondent and the Department (or the
16 Department's representative) are not parties. However, no ruling
17 in any action brought by a party other than the Respondent or the
18 Department shall effect the finality of the Decision entered in
19 these proceedings pursuant to this Stipulation And Agreement In
20 Settlement And Order.

21 7. The below Determination of Issues contains a
22 determination that Respondent FRANK TICAS has violated Business
23 and Professions Code (hereafter Code) Section 10145 or a
24 regulation of the Real Estate Commissioner interpreting Code
25 Section 10145, or both. Respondent FRANK TICAS is aware that by
26 agreeing to this Stipulation And Agreement In Settlement, if the
27 findings set forth below in the Determination of Issues become
final, the Commissioner may charge Respondent FRANK TICAS for the

1 costs of an audit conducted pursuant to Section 10148 of the Code
2 to determine if Respondent FRANK TICAS is in compliance with the
3 Real Estate Law. The maximum costs of said audit will not exceed
4 \$4,300.00.

5 DETERMINATION OF ISSUES

6 By reason of the foregoing stipulations, admissions and
7 waivers and solely for the purpose of settlement of the pending
8 Accusation without a hearing, it is stipulated and agreed that the
9 following determination of Issues shall be made:

10 The conduct or omissions of Respondent FRANK TICAS, as
11 set forth in paragraphs twelve (XII) through fifteen (XV) of the
12 Accusation constitute cause to suspend or revoke his real estate
13 broker license and/or license rights under the provisions of Code
14 Section 10177(d) for violations of Code Section 10145 and
15 Regulations 2830, 2831.2 and 2832.1 of Title 10, Chapter 6 of the
16 California Code of Regulations (hereafter Regulations)..

17 *****

18 ORDER

19 WHEREFORE, THE FOLLOWING ORDER is hereby made:

20 A. The licenses and license rights of FRANK TICAS under
21 Part 1 of Division 4 of the Business and Professions Code are
22 revoked.

23 B. However, Respondent shall be entitled to apply for
24 and will be issued a restricted real estate broker license
25 pursuant to Section 10156.5 of the Code if Respondent makes
26 application therefor and pays to the Department of Real Estate the
27

1 appropriate fee for said license within one hundred twenty (120)
2 days from the effective date of the Decision.

3 C. The restricted license issued to Respondent shall be
4 subject to all of the provisions of Section 10156.7 of the
5 Business and Professions Code and to the following limitations,
6 conditions and restrictions imposed under authority of Section
7 10156.6 of said Code:

8 (1) Said restricted license may be suspended prior
9 to hearing by order of the Real Estate Commissioner in the event
10 of Respondent's conviction or plea of nolo contendere to a crime
11 which bears a significant relation to Respondent's qualifications,
12 duties or functions as a real estate licensee.

13 (2) Said restricted license may be suspended prior
14 to hearing by Order of the Real Estate Commissioner on evidence
15 satisfactory to the Commissioner that Respondent has violated
16 provisions of the California Real Estate law, the Subdivided Lands
17 Law, Regulations of the Real Estate Commissioner, or the
18 conditions attaching to this restricted license.

19 (3) Respondent shall, within nine (9) months from
20 the effective date of the restricted license, present evidence
21 satisfactory to the Real Estate Commissioner that he/she has,
22 since the most recent issuance of an original or renewal real
23 estate license, taken and successfully completed the continuing
24 education requirements of Article 2.5 of Chapter 3 of the Real
25 Estate Law for renewal of a real estate license. If Respondent
26 fails to satisfy this condition, the Real Estate Commissioner may
27 order the suspension of the restricted license until Respondent

1 presents such evidence. The Real Estate Commissioner shall afford
2 Respondent the opportunity for a hearing pursuant to the APA to
3 present such evidence.

4 (4) Respondent shall, within six (6) months from the
5 effective date of this restricted license, take and pass the
6 Professional Responsibility Examination administered by the
7 Department including the payment of the appropriate examination
8 fee. If Respondent fails to satisfy this condition, the
9 Commissioner may order suspension of Respondent's license until
10 Respondent passes the examination.

11 (5) Respondent shall report in writing to the
12 Department of Real Estate as the Real Estate Commissioner shall
13 direct by his Decision herein or by separate written order issued
14 while Respondent holds a restricted license, such information
15 concerning Respondent's activities for which a real estate license
16 is required as the Commissioner shall deem to be appropriate to
17 protect the public interest.

18 (6) Pursuant to Code Section 10148, Respondent FRANK
19 TICAS shall pay the Commissioner's reasonable cost for an audit as
20 a result of the trust fund violations found in the Determination
21 of Issues. In calculating the amount of the Commissioner's
22 ~~reasonable cost, the Commissioner may use the estimated average~~
23 hourly salary for all persons performing audits of real estate
24 brokers, and shall include an allocation for travel costs,
25 including mileage, to and from the auditor's place of work, and
26 per diem. The cost of said chargeable audit shall not exceed
27 \$4,300.00. Respondent FRANK TICAS shall pay such cost within 45

1 days of receiving an invoice from the Commissioner detailing the
2 activities performed during the audit and the amount of time spend
3 performing those activities. Notwithstanding the provisions of
4 Paragraphs "A", "B" and "C" of this Order herein, if Respondent
5 FRANK TICAS fails to pay the reasonable costs for an audit to
6 determine if Respondent has corrected the violations found in the
7 Determination of Issues, the Commissioner may order the indefinite
8 suspension of Respondent's real estate license and licensing
9 rights. The suspension shall remain in effect until payment is
10 made in full, or until Respondent enters into an agreement
11 satisfactory to the Commissioner to provide for payment. The
12 Commissioner may impose further reasonable disciplinary terms and
13 conditions upon Respondent's real estate and licensing rights as
14 part of any such agreement.

15 (7) Respondent shall not be eligible to apply for the
16 issuance of an unrestricted real estate license nor the removal of
17 any of the conditions, limitations or restrictions of a restricted
18 license until one (1) year has elapsed from the date of issuance
19 of the restricted license to Respondent.

20 I have read the Stipulation And Agreement In Settlement,
21 have discussed it with my attorney, and its terms are understood
22 by me and are agreeable and acceptable to me. ~~I understand~~ that I
23 am waiving rights given to me by the California Administrative
24 Procedure Act (including but not limited to Sections 11506, 11508,
25 11509 and 11513 of the Government Code), and I willingly,
26 intelligently and voluntarily waive those rights, including the
27 right of requiring the Commissioner to prove the allegations in

1 the Accusation at a hearing at which I would have the right to
2 cross-examine witnesses against me and to present evidence in
3 defense and mitigation of the charges.

4
5 DATED: 11/8/94

Frank Ticas
FRANK TICAS, Respondent

6
7 DATED: 11/8/94

Alec Harshey
Alec Harshey, Attorney for
Respondent

8
9 DATED: 3/2/95

George W. Wright
George W. Wright, Counsel for the
Complainant

10
11
12 The foregoing Stipulation and Agreement In Settlement
13 is hereby adopted as my Decision and Order and shall become
14 effective at 12 o'clock noon on April 25, 1995
15

16 IT IS SO ORDERED March 24, 1995.

17
18
19 JOHN R. LIBERATOR
Interim Commissioner

20
21 John R. Liberator
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Sacto files

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
AUG - 4 1994
DEPARTMENT OF REAL ESTATE

By *[Signature]*

In the Matter of the Accusation of

LARRY RAY BRYANT and
FRANK TICAS,

}

Case No. H-1769 SA

OAH No. L-07130

Respondent

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

on November 16, 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.

DEPARTMENT OF REAL ESTATE

Dated: August 4, 1994

By *[Signature]*
Counsel

cc: Larry Ray Bryant
Frank Ticas
Sacto
OAH ML

RE 501 (1/92)

kw

George W. Wright

George W. Wright, Counsel
Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, CA 90012

(213) 897-3937

FILED
JUN - 8 1994
DEPARTMENT OF REAL ESTATE

By *K. Medenholz*

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DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of)	No. H-1769 SA
LARRY RAY BRYANT and)	
FRANK TICAS,)	
Respondents.)	A C C U S A T I O N

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, for cause of accusation against LARRY RAY BRYANT and FRANK TICAS, alleges as follows:

I

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

II

LARRY RAY BRYANT ("BRYANT"), doing business as Executive Property Management, is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code).

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III

At all times herein mentioned, BRYANT, was and is now licensed by the Department of Real Estate of the State of California ("Department") as a real estate broker.

IV

FRANK TICAS ("TICAS"), is presently licensed and/or has license rights under the Real Estate Law.

V

On or about September 11, 1989, TICAS, was licensed by the Department as a real estate salesperson. On or about March 3, 1992, TICAS was licensed by the Department as a real estate broker and is currently licensed as such.

VI

All further references to the "Code" are to the California Business and Professions Code, and all further references to the "Regulations" are to Chapter 6, Title 10, California Code of Regulations.

VII

All further references to BRYANT shall include BRYANT and shall be deemed to refer to the employees, agents and real estate licensees employed by or associated with BRYANT, who at all times herein mentioned were engaged in the furtherance of the business or operations of BRYANT, and who were acting within the course and scope of their authority and employment.

VIII

At all times mentioned herein, for or in expectation of compensation, BRYANT engaged in the business of,

1 acted in the capacity of, advertised or assumed to act as a real
2 estate broker in the State of California, within the meaning of
3 Section 10131(b) of the Code, including the operation of a
4 property management business. In the operation of a real property
5 management business, services were rendered in connection with
6 certain real properties owned by third parties. The services
7 included but were not necessarily limited to, leasing or renting
8 and collecting rents from tenants residing on said real properties
9 and making payments from the rental funds collected in connection
10 with the expenses of said properties, for compensation or in
11 expectation of compensation.

12 IX

13 On or about October 10, 1991, BRYANT entered into a Broker-
14 Associate Licensee Contract with TICAS who was at that time a
15 salesperson and used the fictitious business name, "Executive
16 Property Management" ("Executive"). At all times herein
17 mentioned, TICAS was the owner of Executive as well as the manager
18 of Executive's full service property management business.

19 X

20 On or about September 30, 1992, William O. Cummings'
21 ("Cummings") real estate broker's license was revoked and he was
22 issued a restricted broker's license as a result of an audit of
23 Executive in Case No. H-1255 SA. At the time of the audit,
24 Cummings was the broker of record for Executive and TICAS was a
25 salesperson and owner of Executive. The audit noted numerous
26 violations of the Real Estate Law, but most especially that as of
27 July 31, 1991, there was a shortage of \$21,293.91 in the trust

1 account for the properties managed by Cummings. On November 3,
2 1992, TICAS transferred \$21,193.91 from his personal account to
3 the trust account to cure the shortage.

4 XI

5 On or about July 16, 1993, Department personnel
6 completed an examination audit of the books and records of BRYANT
7 doing business as Executive, pertaining to his activities as a
8 property management broker requiring a real estate broker license,
9 for a period commencing on October 1, 1991, and terminating on
10 January 31, 1993, and unless otherwise specified, the relevant
11 period of time referenced herein shall be the same. The audit
12 revealed violations of the Real Estate Law described hereinbelow.

13 XII

14 In connection with the aforesaid property management
15 activities, BRYANT and TICAS accepted or received funds in trust
16 ("trust funds") in the form of rental income and deposits from
17 tenants residing on said properties. BRYANT and TICAS deposited
18 these funds into the following account:

19 Executive Property Management Trust Account
20 The Bank Of Hemet
21 West Side Office
22 1555 W. Florida Avenue
23 Hemet, CA 92343
24 (Account Number 103327101)

25 BRYANT and TICAS were co-signatories on the trust account.

26 XIII

27 BRYANT and TICAS violated Section 2830 of the
Regulations and Section 10145 of the Code by placing the account
in the name of the fictitious business and failing to designate

1 the above-described account in their name as trustee.

2 XIV

3 As of January 31, 1993, BRYANT and TICAS violated
4 Section 10145 of the Code and Section 2832.1 of the Regulations by
5 disbursing or allowing the disbursement of funds from the trust
6 account, without the prior written consent of every principal who
7 was then an owner of said funds in the account, in an amount which
8 was \$10,544.90 less than the existing aggregate trust fund
9 liability to all owners of said trust funds.

10 XV

11 BRYANT and TICAS failed to perform a monthly
12 reconciliation of the columnar record with the individual
13 owner's credit balance for the receipt and disposition of all
14 trust funds received by Respondents, as required by
15 Regulation 2831.2.

16 XVI

17 The conduct of Respondent BRYANT, as alleged hereinabove in
18 Paragraphs XI through XV, is cause to suspend or revoke the real
19 estate license and license rights of BRYANT under the provisions
20 of Section 10177(d) of the Code.

21 XVII

22 The conduct of Respondent TICAS, as alleged hereinabove
23 in Paragraphs X through XV, is cause to suspend or revoke the
24 real estate license and license rights of TICAS under the
25 provisions of Section 10177(d) of the Code.

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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 LARRY RAY BRYANT and FRANK TICAS under the Real Estate Law and for such other and further relief as may be proper under other applicable provisions of law.

Dated at Santa Ana , California
this 8th day of June , 1994

THOMAS MC CRADY

Deputy Real Estate Commissioner

cc: Larry Ray Bryant
Frank Ticas
Sacto
MCL