

FILED  
MAY - 5 2003

DEPARTMENT OF REAL ESTATE

By *Kathleen Contreras*

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of )  
OLEN WAYNE CRABTREE, ) NO. H-2295 SD  
Respondent. )

ORDER GRANTING REINSTATEMENT OF LICENSE

On November 24, 1997, a Decision was rendered herein  
revoking the real estate broker license of Respondent.

On September 30, 2002, 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 the petition of Respondent and the  
evidence and arguments in support thereof. Respondent has  
demonstrated to my satisfaction that Respondent meets the  
requirements of law for the issuance to Respondent of an  
unrestricted real estate broker license and that it would not be  
against the public interest to issue said license to Respondent.

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  
5 this Order:

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

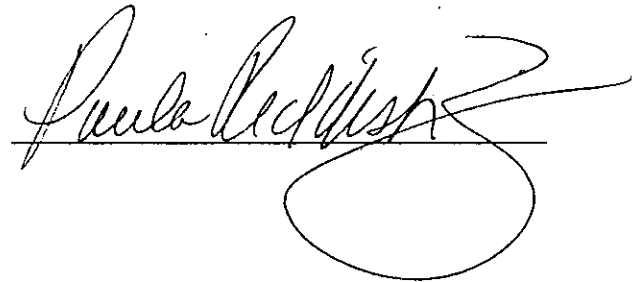
8                    2. Submittal of a completed application and payment  
9 of the fee for a real estate broker license.

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: April 25, 2003.

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18                   PAULA REDDISH ZINNEMANN  
19                   Real Estate Commissioner

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FILED  
JAN 12 2000

DEPARTMENT OF REAL ESTATE

By Sherry Ely

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of )  
OLEN WAYNE CRABTREE, )  
Respondent. )

No. H-2295 SD

ORDER DENYING REINSTATEMENT OF LICENSE

On November 24, 1997, a Decision was rendered herein  
revoking the real estate broker license of Respondent.

On June 9, 1999, Respondent petitioned for  
reinstatement of said license and the Attorney General of the  
State of California has been given notice of the filing of the  
petition.

I have considered Respondent's petition and the  
evidence and arguments in support thereof. Respondent has failed  
to demonstrate to my satisfaction that Respondent has undergone  
sufficient rehabilitation to warrant the reinstatement of  
Respondent's real estate broker license, in that Respondent has  
failed to discharge the following adjudicated debts:

- 1 1. \$10,631.59 Judgment in Century 21 Real Estate  
2 Corporation v. Crabtree, San Diego County Municipal  
3 Court Case No. 025869.  
4 2. \$137,991.46 Judgment, compromised by the parties to  
5 \$33,500, in Paseo Corners v. Crabtree, San Diego  
6 County Superior Court Case No. SB7053.

7 NOW, THEREFORE, IT IS ORDERED that Respondent's  
8 petition for reinstatement of his real estate broker license is  
9 denied.

10 This Order shall be effective at 12 o'clock noon on  
11 February 1, 2000 .

12 DATED: December 20, 1999.

13 PAULA REDDISH ZINNEMANN  
14 Real Estate Commissioner

15 Paula Reddish  
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FILED  
DEC - 3 1997  
DEPARTMENT OF REAL ESTATE

By K. Studebaker

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \* \* \*

In the Matter of the Accusation of )	No. H-2295 SD
OLEN WAYNE CRABTREE, )	
dba Century 21 - Crabtree, )	
Respondent. )	
_____ )	

DECISION

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on June 9, 1997, and the findings of fact set forth herein are based on one or more of the following: (1) respondent's express admissions; (2) affidavits; and (3) other evidence.

FINDINGS OF FACT

I

(a) On December 19, 1996, Thomas McCrady made the Accusation in his official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified mail, to respondent's last known mailing address on file with the Department on December 19, 1996.

(b) On January 16, 1997, February 13, 1997, and March 12, 1997, other attempts were made to notify respondent of the accusation filed herein by mailing the accusation, Provisions Relating To Discovery, Statement To Respondent and a blank form of Notice Of Defense to respondent at 810 Paseo Del Rey, Suite B, Chula Vista, CA 91910 and 699 Felino Way, Chula Vista, CA 91910.

(c) On June 9, 1997, no Notice of Defense having been filed herein within the time prescribed by Section 11506 of the Government Code, respondent's default was entered herein.

## II

At all times mentioned herein, respondent was and still is licensed by the Department of Real Estate of the State of California ("Department") as a real estate broker doing business as Century 21 - Crabtree.

## III

At all times mentioned herein, for or in expectation of compensation, respondent was licensed to act as a real estate broker in the State of California within the meaning of Sections 10131(a) and (b) of the California Business Professions Code (Code) wherein he, as the agent of others, (1) solicited for and thereafter negotiated leases on, or rentals of, real property and collected rent from tenants residing on said real property and (2) solicited for and negotiated the purchase or sale of real property.

## IV

On or about September 27, 1995, a representative of the Department of Real Estate completed her initial examination of the books and records of respondent with respect to activities requiring a real estate license for the period from July 1, 1994, to August 31, 1995. The audit included, but was not limited to, an examination of the one trust account maintained by respondent for the deposit of trust funds received and deposited with Glendale Federal Bank in Chula Vista known as the "Olen W. Crabtree or Karen M. Crabtree or Sonya M. Pinkerton dba Century 21, Crabtree Trust". Said examination determined that respondent was operating violation of several Sections of the Code and Chapter 6, Title 10, California Code of Regulations (Regulations) as set forth in the following paragraphs.

## V

With particular reference to the trust account named above, respondent:

a. Failed to maintain trust funds received and disbursed in the broker's name as trustee as required by Section 2830 of the Regulations and Section 10145 of the Code.

b. Permitted Karen M. Crabtree and Sonya M. Pinkerton to withdraw trust funds from his trust account without written authorization in violation of Section 2834 of the Regulations.

c. Disbursed trust funds from his trust account without the prior written consent of every principal who was

an owner of the funds in the account, thereby reducing the balance of funds in the account to an amount which was, on August 17, 1995, \$20,581.27 less than the existing aggregate trust fund liability of respondents to all owners of said funds in violation of Section 2832.1 of the Regulations.

d. Failed to maintain control record of all trust funds received that included the dates on which all trust funds were received in violation of Section 2831.1 of the Regulations.

e. Failed to maintain separate records for each beneficiary or transaction which included daily balances in violation of Section 2831.1 of the Regulations.

f. Failed to reconcile the balance of all separate beneficiary records with the control record of all trust funds received in the manner required by Regulation 2831.2.

g. Failed to deposit earnest money deposits received by him in his trust account by the next day or into escrow the day after acceptance in the manner required by Regulation 2832.

## VI

On or about October 20, 1995, a follow-up examination was completed on respondent's books and records which revealed the following:

a. As of October 20, 1995, the trust account still had a shortage of \$15,695.97, in further violation of Section 2832.1 of the Regulations.

b. During the period of the audit, respondent withdrew trust funds totaling \$14,285.00 and used said funds for his own personal business expenses.

## DETERMINATION OF ISSUES

### I

Cause for disciplinary action against Respondent exists pursuant to Business and Professions Code Sections 10176(i) and 10177(d).

II

The standard of proof applied was clear and convincing proof to a reasonable certainty.

ORDER

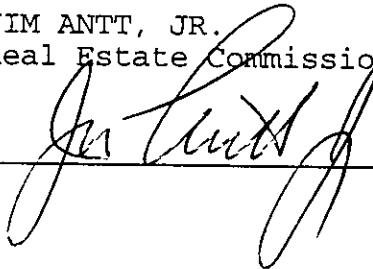
The licenses and license rights of Respondent OLEN WAYNE CRABTREE, dba Century 21-Crabtree, under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

This Decision shall become effective at 12 O'clock noon on December 23, 1997.

DATED: \_\_\_\_\_

11/24/97

JIM ANTT, JR.  
Real Estate Commissioner





*Info  
file*

MARJORIE P. MERSEL, Counsel  
Department of Real Estate  
107 South Broadway, Room 8107  
Los Angeles, CA 90012

(213) 897-3937

**FILED**  
DEC 19 1996  
DEPARTMENT OF REAL ESTATE

By K. Knecht

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \* \*

In the Matter of the Accusation of )	NO. H-2295 SD
OLEN WAYNE CRABTREE )	
dba Century 21 - Crabtree, )	<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 OLEN WAYNE CRABTREE (Respondent), 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

At all times mentioned herein, Respondent was and still is licensed by the Department of Real Estate of the State of California ("Department") as a real estate broker doing business

1 as Century 21 - Crabtree.

2 III

3 At all times mentioned herein, for or in expectation of  
4 compensation, Respondent was licensed to act as real estate broker  
5 in the State of California within the meaning of Sections 10131  
6 (a) and (b) of the California Business Professions Code (Code)  
7 wherein he, as the agent of others, (1) solicited for and  
8 thereafter negotiated leases on, or rentals of, real property and  
9 collected rent from tenants residing on said real property and (2)  
10 solicited for and negotiated the purchase or sale of real  
11 property.

12 IV

13 On or about September 27, 1995, a representative of the  
14 Department of Real Estate completed her initial examination of the  
15 books and records of Respondent with respect to activities  
16 requiring a real estate license for the period from July 1, 1994,  
17 to August 31, 1995. The audit included, but was not limited to,  
18 an examination of the one trust account maintained by Respondent  
19 for the deposit of trust funds received and deposited with  
20 Glendale Federal Bank in Chula Vista known as the "Olen W.  
21 Crabtree or Karen M. Crabtree or Sonya M. Pinkerton DBA Century 21  
22 Crabtree Trust".

23 Said examination determined that Respondent was  
24 operating in violation of several Sections of the Code and  
25 Chapter 6, Title 10, California Code of Regulations (Regulations)  
26 as set forth in the following paragraphs.  
27



1  
2 With particular reference to the trust account named  
3 above, Respondent:

4 A. Failed to maintain trust funds received and  
5 disbursed in the broker's name as trustee as required by Section  
6 2830 of the Regulations and Section 10145 of the Code.

7 B. Permitted Karen M. Crabtree and Sonya M. Pinkerton  
8 to withdraw trust funds from his trust account without written  
9 authorization in violation of Section 2834 of the Regulations.

10 C. Disbursed trust funds from his trust account without  
11 the prior written consent of every principal who was an owner of  
12 the funds in the account, thereby reducing the balance of funds in  
13 the account to an amount which was, on August 17, 1995, \$20,581.27  
14 less than the existing aggregate trust fund liability of  
15 Respondents to all owners of said funds in violation of Section  
16 2832.1 of the Regulations.

17 D. Failed to maintain a control record of all trust  
18 funds received that included the dates on which trust funds were  
19 received and some dates of check disbursements recorded on the  
20 control record did not match the dates on the checks in violation  
21 of Section 2831.1 of the Regulations.

22 E. Failed to maintain separate records for each  
23 beneficiary or transaction which included daily balances in  
24 violation of Section 2831.1 of the Regulations.

25 F. Failed to reconcile the balance of all separate  
26 beneficiary records with the control record of all trust funds  
27 received in the manner required by Regulation 2831.2.



1 G. Failed to deposit earnest money deposits received by  
2 him in his trust account by the next day or into escrow the day  
3 after acceptance in the manner required by Regulation 2832.

4 VI

5 On or about October 20, 1995, a follow-up examination  
6 was finished of Respondent's books and records which revealed the  
7 following:

8 a. As of October 20, 1995, the trust fund still had a  
9 shortage of \$15,697.97, in further violation of Section 2832.1 of  
10 the Regulations.

11 b. Respondent commingled the non-trust funds of Venus  
12 Elson in his trust account

13 c. During the period of the audit Respondent drew at  
14 least eleven checks totaling \$14,285.00 payable to Cash from the  
15 trust account which Respondent endorsed and either deposited into  
16 his general account or used for personal and business purposes.

17 VII

18 The acts and omissions of Respondent, as set forth  
19 above, is cause for the suspension or revocation of his license  
20 and license rights pursuant to Sections 10176(e), 10176(i),  
21 10177(d) and 10177(g) of the Code.



