

1 Department of Real Estate
2 P. O. Box 187000
3 Sacramento, CA 95818-7000

4 Telephone: (916) 739-3607

FILED
APR 23 1992
DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) NO. H-2705 SAC
12)
13 TARON NYLE REEVES,) STIPULATION IN
14 MICHAEL PETER MARICH,) SETTLEMENT AND ORDER
15)
16 _____ Respondents.)

17 It is hereby stipulated by and between MICHAEL PETER
18 MARICH, (sometimes referred to as Respondent) and his attorney of
19 record, David I. Brown, and the Complainant, acting by and through
20 Susan Y. Bennett, Counsel for the Department of Real Estate, as
21 follows, for the purpose of settling and disposing of the
22 Accusation filed on August 20, 1991, in this matter:

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

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

5 3. On September 16, 1991, Respondent filed a Notice of
6 Defense pursuant to Section 11505 of the Government Code for the
7 purpose of requesting a hearing on the allegations in the
8 Accusation. Respondent hereby freely and voluntarily withdraw
9 said Notice of Defense. Respondent acknowledges that he
10 understands that by withdrawing said Notice of Defense he will
11 thereby waive his right to require the Commissioner to prove the
12 allegations in the Accusation at a contested hearing held in
13 accordance with the provisions of the APA and that he will waive
14 other rights afforded to him in connection with the hearing such
15 as the right to present evidence in defense of the allegations in
16 the Accusation and the right to cross-examine witnesses.

17 4. Respondent, pursuant to the limitations set forth
18 below, hereby admit that the factual allegations in Paragraphs II,
19 III, IV, V, VI VII and XIV, of the Accusation filed in this
20 proceeding are true and correct and the Real Estate Commissioner
21 shall not be required to provide further evidence to prove such
22 allegations.

23 5. It is understood by the parties that the Real Estate
24 Commissioner may adopt the Stipulation and Agreement as his
25 decision in this matter thereby imposing the penalty and sanctions
26 on Respondent's real estate licenses and license rights as set
27 forth in the below "Order". In the event that the Commissioner in

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

6 6. The Order or any subsequent Order of the Real Estate
7 Commissioner made pursuant to this Stipulation and Agreement in
8 Settlement shall not constitute an estoppel, merger or bar to any
9 further administrative or civil proceedings by the Department of
10 Real Estate with respect to any matters which were not
11 specifically alleged to be causes for accusation in this
12 proceeding.

13 DETERMINATION OF ISSUES

14 By reason of the foregoing stipulations, admissions and
15 waivers and solely for the purpose of settlement of the pending
16 Accusation without a hearing, it is stipulated and agreed that the
17 following determination of issues shall be made:

18 I

19 The Complainant, Charles W. Koenig, a Deputy Real Estate
20 Commissioner of the State of California, makes this Accusation
21 against Respondent in his official capacity.

22 II

23 TARON NYLE REEVES (hereinafter "REEVES") is presently
24 licensed and/or has license rights under the Real Estate Law (Part
25 1 of Division 4 of the California Business and Professions Code)
26 (hereinafter "Code"). At all times herein mentioned, REEVES was
27 licensed as a real estate broker.

III

MICHAEL PETE MARICH (hereinafter "Respondent MARICH") is presently licensed and/or has license rights under the Code. At all times herein mentioned, Respondent MARICH was licensed as a real estate salesperson in the employ of REEVES.

IV

Beginning on or before June 1, 1990, REEVES and Respondent MARICH engaged in the business of, acted in the capacity of, advertised, or assumed to act as real estate brokers within the State of California, including selling or offering to sell, buy or offering to buy, solicit prospective sellers or purchasers of, solicit or obtain listings of, or negotiate the purchase, sale or exchange of business opportunities on behalf of another or others, for compensation or in expectation of compensation.

V

In connection with the business opportunity activities described in Paragraph IV, REEVES and Respondent MARICH engaged in the business of claiming, demanding, charging, receiving, collecting or contracting for the collection of advance fees within the meaning of Sections 10026 and 10131.2 (advance fees) of the Code, including but not limited to the following:

<u>BORROWER</u>	<u>DATE</u>	<u>ADVANCE FEE</u>
Wayne Kurahara and Ben Williams	June 4, 1990	\$500.00
Doug Allen and Suzan Allen	July 16, 1990	\$400.00
Len Pacheco	Nov. 12, 1990	\$500.00
Mary Ellen Williams	Dec. 21, 1990	\$500.00
Betsy Webster and Rick Mendota	Jan. 2, 1991	\$500.00
John Kuwamoto	Feb 13, 1991	\$500.00
Sukvinder Cheeme	Mar. 2, 1991	\$500.00

1 Said advance fees were trust funds within the meaning of
2 Sections 10145 and 10146.

3 VI

4 In connection with the collection and handling of said
5 advance fees, REEVES and Respondent MARICH failed to cause the
6 advance fee contracts and materials to be submitted to the
7 Department of Real Estate prior to use.

8 VII

9 In connection with the collection and disbursement of
10 trust funds described in Paragraph V, REEVES and Respondent MARICH
11 failed to deposit said funds into a trust fund account in the name
12 of REEVES as trustee at a bank or other financial institution.
13 Said funds were deposited in accounts known as Michael Marich,
14 Account Number 116107, and FM Business Brokers, Account Number
15 119380, Mather Federal Credit Union, Mather Air Force Base,
16 California.

17 VIII

18 At all times herein mentioned, Respondent MARICH, who is
19 licensed as a salesperson, acted as a real estate broker in
20 conducting business opportunity activities more particularly
21 described in Paragraph IV, including but not limited to the
22 following:

- 23 (a) Requesting and receiving compensation from California Escrow
24 System for Escrow Number 33946-GB for the sale of Valley Tire
25 and Brake, 2349 N. Texas, Fairfield, California;

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- 1 (b) Conducting business opportunity activities under the
2 fictitious business name, FM Business Brokers, while being
3 the sole holder of said fictitious name; and,
4 (c) Making deposits and disbursements of trust funds to the
5 bank accounts more particularly described in Paragraph VII,
6 while being the sole signatory on the account and without
7 having written authority from REEVES to maintain the
8 accounts.

9 IX

10 The conduct of Respondent MARICH as described in
11 Paragraphs IV through VIII is grounds for the suspension or
12 revocation of all of the real estate licenses and license rights
13 of Respondent under the following sections of the Code and
14 Sections of Title 10, California Code of Regulations (hereinafter
15 "Regulation"):

- 16 (a) As to Paragraph VI, under Section 10177(d) of the Code in
17 conjunction with Section 10085 of the Code and Sections 2970
18 and 2972 of the Regulations;
19 (b) As to Paragraph VII, under Section 10145(c) of the Code in
20 conjunction with 10177(d) of the Code; and
21 (c) As to Paragraph XIII under Sections 10130, 10131, and 10131.2
22 of the Code in conjunction with Section 10177(d) of the Code.

23 ORDER

24 All licenses and licensing rights of respondent MICHAEL
25 PETER MARICH under the Real Estate Law are revoked; provided,
26 however, a restricted real estate salesperson license shall be
27 issued to Respondent pursuant to Section 10156.6 of the Business

1 and Professions Code, if Respondent makes application therefor and
2 pays to the Department of Real Estate the appropriate fee for the
3 restricted license within 90 days from the effective date of this
4 Decision. The restricted license issued to Respondent shall be
5 subject to all of the provisions of Section 10156.7 of the
6 Business and Professions Code and to the following limitations,
7 conditions, and restrictions imposed under authority of Section
8 10156.6 of that Code:

9 (1) The restricted license issued to Respondent may be
10 suspended prior to hearing by Order of the Real Estate
11 Commissioner in the event of Respondent's conviction or plea of
12 nolo contendere to a crime which is substantially related to
13 Respondent's fitness or capacity as a real estate licensee.

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

21 (3) Respondent shall not be eligible to apply for the
22 issuance of an unrestricted real estate license nor for the
23 removal of any of the conditions, limitations, or restrictions of
24 a restricted license until one year has elapsed from the effective
25 date of this Decision.

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27 ///

1 (4) Respondent shall submit with any application for
2 license under an employing broker, or any application for transfer
3 to a new employing broker, a statement signed by the prospective
4 employing real estate broker on a form approved by the Department
5 of Real Estate which shall certify:

6 (a) That the employing broker has read the
7 Decision of the Commissioner which granted the right to a
8 restricted license; and

9 (b) That the employing broker will exercise close
10 supervision over the performance by the restricted licensee
11 relating to activities for which a real estate license is
12 required.

13 (4) Respondent shall, within nine (9) months from the
14 effective date of this Decision, present evidence satisfactory to
15 the Real Estate Commissioner that Respondent has, since the most
16 recent issuance of an original or renewal real estate license,
17 taken and successfully completed the continuing education
18 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
19 for renewal of a real estate license. If Respondent fails to
20 satisfy this condition, the Commissioner may order the suspension
21 of the restricted license until the Respondent presents such
22 evidence. The Commissioner shall afford Respondent the
23 opportunity for a hearing pursuant to the Administrative Procedure
24 Act to present such evidence.

25 (5) Respondent shall, within six (6) months from the
26 effective date of this Decision, take and pass the Professional
27 Responsibility Examination administered by the Department

1 including the payment of the appropriate examination fee. If
2 Respondent fails to satisfy this condition, the Commissioner may
3 order the suspension of Respondent's license until Respondent
4 passes the examination.

5 (6) All licenses and licensing rights of Respondent
6 under the Real Estate Law are suspended for a period of thirty
7 (30) days from the effective date of this Decision; provided,
8 however, that:

9 (a) Fifteen (15) days of said suspension shall be
10 stayed for one (1) year upon the following terms and conditions:

11 (1) Respondent shall obey all laws, rules and
12 regulations governing the rights, duties, and responsibilities of
13 a real estate licensee in the State of California; and,

14 (2) That no final subsequent determination be
15 made, after hearing or upon stipulation, that cause for
16 disciplinary action occurred within one (1) year of the effective
17 date of this Decision. Should such a determination be made, the
18 Commissioner may, in his discretion, vacate and set aside the stay
19 order and reimpose all or a portion of the stayed suspension.
20 Should no such determination be made, the stay imposed herein
21 shall become permanent.

22
23 March 4, 1992
24 DATED

25
26 Susan G. Bennett
27 SUSAN G. BENNETT,
Counsel for Complainant

///
27

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

11 3-24-92
12 DATED

Michael Peter Marich
MICHAEL PETER MARICH, Respondent

13 3-27-92
14 DATED

David I. Brown
DAVID I. BROWN, Counsel for Respondent

15 * * *

16
17 The foregoing Stipulation and Agreement in Settlement is
18 hereby adopted as my Decision and Order and shall become effective
19 at 12 o'clock noon on May 13, 1992.

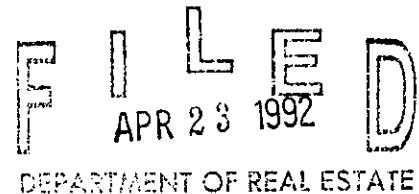
20 IT IS SO ORDERED 4/20, 1992.

21
22 CLARK WALLACE
Real Estate Commissioner

23 Clark Wallace
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25
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27

1 Department of Real Estate
2 P. O. Box 187000
3 Sacramento, CA 95818-7000

4 Telephone: (916) 739-3607



By Kathleen Contreras

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 TARON NYLE REEVES,) NO. H-2705 SAC
13 MICHAEL PETER MARICH,)
14 _____ Respondents.) STIPULATION IN
SETTLEMENT AND ORDER

15 It is hereby stipulated by and between TARON NYLE REEVES
16 (sometimes referred to as Respondent) and his attorney of record,
17 David I. Brown, and the Complainant, acting by and through
18 Susan Y. Bennett, Counsel for the Department of Real Estate, as
19 follows, for the purpose of settling and disposing of the
20 Accusation filed on August 20, 1991, 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.

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

5 3. On September 16, 1991, Respondent filed a Notice of
6 Defense pursuant to Section 11505 of the Government Code for the
7 purpose of requesting a hearing on the allegations in the
8 Accusation. Respondent hereby freely and voluntarily withdraws
9 said Notice of Defense. Respondent acknowledges that he
10 understands that by withdrawing said Notice of Defense he will
11 thereby waive his right to require the Commissioner to prove the
12 allegations in the Accusation at a contested hearing held in
13 accordance with the provisions of the APA and that he will waive
14 other rights afforded to him in connection with the hearing such
15 as the right to present evidence in defense of the allegations in
16 the Accusation and the right to cross-examine witnesses.

17 4. Respondent, pursuant to the limitations set forth
18 below, hereby admit that the factual allegations in Paragraphs II,
19 III, IV, V, VI VII, VIII, IX, X, and XIII, of the Accusation filed
20 in this proceeding are true and correct and the Real Estate
21 Commissioner shall not be required to provide further evidence to
22 prove such allegations.

23 5. It is understood by the parties that the Real Estate
24 Commissioner may adopt the Stipulation and Agreement as his
25 decision in this matter thereby imposing the penalty and sanctions
26 on Respondent's real estate licenses and license rights as set
27 forth in the below "Order". In the event that the Commissioner in

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

6 6. The Order or any subsequent Order of the Real Estate
7 Commissioner made pursuant to this Stipulation and Agreement in
8 Settlement shall not constitute an estoppel, merger or bar to any
9 further administrative or civil proceedings by the Department of
10 Real Estate with respect to any matters which were not
11 specifically alleged to be causes for accusation in this
12 proceeding.

13 DETERMINATION OF ISSUES

14 By reason of the foregoing stipulations, admissions and
15 waivers and solely for the purpose of settlement of the pending
16 Accusation without a hearing, it is stipulated and agreed that the
17 following determination of issues shall be made:

18 I

19 The Complainant, Charles W. Koenig, a Deputy Real Estate
20 Commissioner of the State of California, makes this Accusation
21 against Respondent in his official capacity.

22 II

23 TARON NYLE REEVES (hereinafter "Respondent REEVES") is
24 presently licensed and/or has license rights under the Real Estate
25 Law (Part 1 of Division 4 of the California Business and
26 Professions Code) (hereinafter "Code"). At all times herein
27 mentioned, Respondent REEVES was licensed as a real estate broker.

III

MICHAEL PETE MARICH (hereinafter "MARICH") is presently licensed and/or has license rights under the Code. At all times herein mentioned, MARICH was licensed as a real estate salesperson in the employ of REEVES.

IV

Beginning on or before June 1, 1990, Respondent REEVES and MARICH engaged in the business of, acted in the capacity of, advertised, or assumed to act as real estate brokers within the State of California, including selling or offering to sell, buy or offering to buy, solicit prospective sellers or purchasers of, solicit or obtain listings of, or negotiate the purchase, sale or exchange of business opportunities on behalf of another or others, for compensation or in expectation of compensation.

V

In connection with the business opportunity activities described in Paragraph IV, Respondent REEVES and MARICH engaged in the business of claiming, demanding, charging, receiving, collecting or contracting for the collection of advance fees within the meaning of Sections 10026 and 10131.2 (advance fees) of the Code, including but not limited to the following:

<u>BORROWER</u>	<u>DATE</u>	<u>ADVANCE FEE</u>
Wayne Kurahara and Ben Williams	June 4, 1990	\$500.00
Doug Allen and Suzan Allen	July 16, 1990	\$400.00
Len Pacheco	Nov. 12, 1990	\$500.00
Mary Ellen Williams	Dec. 21, 1990	\$500.00
Betsy Webster and Rick Mendota	Jan. 2, 1991	\$500.00
John Kuwamoto	Feb 13, 1991	\$500.00
Sukvinder Cheeme	Mar. 2, 1991	\$500.00

Beginning on or about June 1, 1990, and continuing through the present, in connection with the trust funds described in Paragraph V and other trust funds collected in the course of the business opportunity activities described in Paragraph IV, Respondent REEVES failed to:

- (a) Maintain a separate record for each beneficiary or transaction, accounting therein for all said trust funds received, deposited and disbursed;
- (b) Maintain a record of all trust funds received, including uncashed checks held pursuant to instructions of his principal in conformance with Section 2831 of the Regulations;
- (c) Furnish verified accounting of the receipt, deposit and disbursement of said trust funds to each principal pursuant to Section 10146 of the Code;
- (d) Maintain and perform a reconciliation with the records of all trust funds received and disbursed as required by Section 2831.1 of the Regulations, at least once a month, in conformance with Section 2831.2 of the Regulations; and,
- (e) Maintain for three years copies of cancelled checks and deposit slips in conformance with Section 10148 of the Code.

XI

At all times herein mentioned, Respondent REEVES failed to exercise reasonable supervision and control over the activities for which a real estate license is required by MARICH, including, but not limited to, the following, Respondent REEVES:

- 1 (a) Failed to keep or cause MARICH to keep trust fund records and
2 failed to cause trust funds received in the course of
3 business to be deposited and maintained in a bank trust
4 account;
- 5 (b) Failed to review, initial and date all instruments which may
6 have a material effect upon the rights or obligations of a
7 party to the transaction that were prepared or signed by
8 MARICH;
- 9 (c) Caused or permitted MARICH to collect advance fees as defined
10 in Section 10026 of the Code without submission of the
11 advance fee contracts and materials to the Department of Real
12 Estate prior to use, and failed to cause said advance fees to
13 be handled in accordance with law; and,
- 14 (d) Caused or permitted MARICH to make withdrawals from the bank
15 accounts more particularly described in Paragraph VII without
16 providing authorization in writing.

17 XII

18 The conduct of Respondent REEVES, as described in
19 Paragraphs IV through XI is grounds for the suspension or
20 revocation of all of the real estate licenses and license rights
21 of Respondent under the following sections of the Code and
22 Sections of Title 10, California Code of Regulations (hereinafter
23 "Regulations"):

- 24 (a) As to Paragraph VI, under Section 10177(d) of the Code in
25 conjunction with Section 10085 of the Code and Sections 2970
26 and 2972 of the Regulations;

27 ///

- 1 (b) As to Paragraphs VII and VIII, under Section 2830 of the
2 Regulations and Section 10145 of the Code in conjunction with
3 Section 10177(d) of the Code;
- 4 (c) As to Paragraph IX, under Section 2832 and Section 10145 of
5 the Code in conjunction with Section 10177(d) of the Code;
- 6 (d) As to Paragraph X, under Sections 2831, 2831.1, 2831.2, and
7 2972 of the Regulations and Sections 10145, 10146, and 10148
8 of the Code in conjunction with Section 10177(d) of the Code;
9 and,
- 10 (e) As to Paragraph XI, under Sections 2725 and 2834 of the
11 Regulations in conjunction with Section 10177(d) of the Code,
12 and Section 10146 of the Code in conjunction with Section
13 10177(d) of the Code, and Section 10177(h) of the Code.

14 ORDER

15 All licenses and licensing rights of respondent TARON
16 NYLE REEVES under the Real Estate Law are revoked; provided,
17 however, a restricted real estate broker license shall be issued
18 to Respondent pursuant to Section 10156.6 of the Business and
19 Professions Code, if Respondent makes application therefor and
20 pays to the Department of Real Estate the appropriate fee for the
21 restricted license within 90 days from the effective date of this
22 Decision. The restricted license issued to Respondent shall be
23 subject to all of the provisions of Section 10156.7 of the
24 Business and Professions Code and to the following limitations,
25 conditions, and restrictions imposed under authority of Section
26 10156.6 of that Code:

27 ///

- 1 (1) The restricted license issued to Respondent may be
2 suspended prior to hearing by Order of the Real Estate
3 Commissioner in the event of Respondent's conviction or plea
4 of nolo contendere to a crime which is substantially related
5 to Respondent's fitness or capacity as a real estate
6 licensee.
- 7 (2) The restricted license issued to Respondent may be suspended
8 prior to hearing by Order of the Real Estate Commissioner on
9 evidence satisfactory to the Commissioner that Respondent has
10 violated provisions of the California Real Estate Law, the
11 Subdivided Lands Law, Regulations of the Real Estate
12 Commissioner or conditions attaching to the restricted
13 license.
- 14 (3) Respondent shall not be eligible to apply for the issuance of
15 an unrestricted real estate license nor for the removal of
16 any of the conditions, limitations, or restrictions of a
17 restricted license until one year has elapsed from the
18 effective date of this Decision.
- 19 (4) Respondent shall, within nine (9) months from the effective
20 date of this Decision, present evidence satisfactory to the
21 Real Estate Commissioner that Respondent has, since the most
22 recent issuance of an original or renewal real estate
23 license, taken and successfully completed the continuing
24 education requirements of Article 2.5 of Chapter 3 of the
25 Real Estate Law for renewal of a real estate license. If
26 Respondent fails to satisfy this condition, the Commissioner
27 may order the suspension of the restricted license until the

1 Respondent presents such evidence. The Commissioner
2 shall afford Respondent the opportunity for a hearing
3 pursuant to the Administrative Procedure Act to present
4 such evidence.

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

12 (6) All licenses and licensing rights of Respondent under the
13 Real Estate Law are suspended for a period of thirty (30)
14 days from the effective date of this Decision; provided,
15 however, that:

16 (a) Fifteen (15) days of said suspension shall be stayed for
17 one (1) year upon the following terms and conditions:

- 18 (1) Respondent shall obey all laws, rules and
19 regulations governing the rights, duties, and
20 responsibilities of a real estate licensee in the
21 State of California; and,
22 (2) That no final subsequent determination be made,
23 after hearing or upon stipulation, that cause for
24 disciplinary action occurred within one (1) year of
25 the effective date of this Decision. Should such a
26 determination be made, the Commissioner may, in his
27 discretion, vacate and set aside the stay order and

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reimpose all or a portion of the stayed suspension.
Should no such determination be made, the stay
imposed herein shall become permanent.

March 4, 1992
DATED

Susan Y. Bennett
SUSAN Y. BENNETT,
Counsel for Complainant

* * *

I have read the Stipulation and Agreement, 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.

March 18, 1992
DATED

Taron Nyle Reeves
TARON NYLE REEVES, Respondent

3/27/92
DATED

David I. Brown
DAVID I. BROWN, Counsel for Respondent

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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 May 13, 1992.

IT IS SO ORDERED 4/20, 1992.

CLARK WALLACE
Real Estate Commissioner



BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
OCT 24 1991
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of

TARON NYLE REEVES,
MICHAEL PETER MARICH,

}

By Kathleen Contreras

Case No. H-2705 SAC

OAH No. N-39389

Respondent

CONTINUED

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 the Office
of Administrative Hearings, 501 J Street, Suite 220 (2nd Floor), Sacramento, CA 95814
on the 10, 11 & 12th day of March, 19 92, at the hour of 9:00 AM, or as soon thereafter
as the matter can be heard, upon 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 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: October 24, 1991

By Susan Yamamoto Bennett
SUSAN YAMAMOTO BENNETT Counsel

**BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA**

FILED
OCT 16 1991
DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

In the Matter of the Accusation of

TARON NYLE REEVES,
MICHEAL PETER MARICH,

Case No. H-2705 SAC

OAH No. N-39389

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 the Office
of Administrative Hearings, 501 J Street, Suite 220 (2nd Floor), Sacramento, CA 95814

on the 24, 25 & 26th day of February, 19 92, at the hour of 9:00 AM, or as soon thereafter
as the matter can be heard, upon 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 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: October 16, 1991

By Susan Yamamoto Bennett
SUSAN YAMAMOTO BENNETT Counsel

1 SUSAN YAMAMOTO BENNETT, Counsel
2 Department of Real Estate
3 P. O. Box 187000
4 Sacramento, CA 95818-7000

5 Telephone: (916) 739-3607

FILED
AUG 20 1991
DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12)
13 TARON NYLE REEVES,)
14 MICHAEL PETER MARICH,)
15 Respondents.)

NO. H-2705 SAC

ACCUSATION

16 The Complainant, Charles W. Koenig, a Deputy Real Estate
17 Commissioner of the State of California for cause of Accusation
18 against TARON NYLE REEVES and MICHAEL PETER MARICH (hereinafter
19 "Respondents") is informed and alleges as follows:

20 FIRST CAUSE OF ACCUSATION

21 I

22 The Complainant, Charles W. Koenig, a Deputy Real Estate
23 Commissioner of the State of California, makes this Accusation
24 against Respondents in his official capacity.

25 II

26 TARON NYLE REEVES (hereinafter "Respondent REEVES") is
27 presently licensed and/or has license rights under the Real Estate

1 Law (Part 1 of Division 4 of the California Business and
2 Professions Code) (hereinafter "Code"). At all times herein
3 mentioned, Respondent REEVES was licensed as a real estate broker.

4 III

5 MICHAEL PETER MARICH (hereinafter "Respondent MARICH")
6 is presently licensed and/or has license rights under the Code.
7 At all times herein mentioned, Respondent MARICH was licensed as a
8 real estate salesperson in the employ of Respondent REEVES.

9 IV

10 Beginning on or before June 1, 1990, Respondents REEVES
11 and MARICH engaged in the business of, acted in the capacity of,
12 advertised, or assumed to act as real estate brokers within the
13 State of California, including selling or offering to sell, buy or
14 offering to buy, solicit prospective sellers or purchasers of,
15 solicit or obtain listings of, or negotiate the purchase, sale or
16 exchange of business opportunities on behalf of another or others,
17 for compensation or in expectation of compensation.

18 V

19 In connection with the business opportunity activities
20 described in Paragraph IV, Respondents REEVES and MARICH engaged
21 in the business of claiming, demanding, charging, receiving,
22 collecting or contracting for the collection of advance fees
23 within the meaning of Sections 10026 and 10131.2 (advance fees) of
24 the Code, including but not limited to the following:

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IX

In connection with the deposit and disbursement of trust funds described in Paragraph V, Respondent REEVES failed to deposit and maintain said trust funds in such a manner that as of April 30, 1991, there was an overage of \$1,539.13 of said trust funds.

X

Beginning on or about June 1, 1990, and continuing through the present, in connection with the trust funds described in Paragraph V and other trust funds collected in the course of the business opportunity activities described in Paragraph IV, Respondent REEVES failed to:

- (a) Maintain a separate record for each beneficiary or transaction, accounting therein for all said trust funds received, deposited and disbursed;
- (b) Maintain a record of all trust funds received, including uncashed checks held pursuant to instructions of his principal in conformance with Section 2831 of the Regulations;
- (c) Furnish verified accountings of the receipt, deposit and disbursement of said trust funds to each principal pursuant to Section 10146 of the Code;
- (d) Maintain and perform a reconciliation with the records of all trust funds received and disbursed as required by Section 2831.1 of the Regulations, at least once a month, in conformance with Section 2831.2 of the Regulations; and,

1 (e) Maintain for three years copies of cancelled checks and
2 deposit slips in conformance with Section 10148 of the
3 Code.

4 XI

5 The facts alleged above are grounds for the suspension
6 or revocation of the licenses of Respondents REEVES and MARICH
7 under the following sections of the Code and Sections of Title 10,
8 California Code of Regulations (hereinafter "Regulations"):

9 (a) As to Paragraph VI and Respondents REEVES and MARICH,
10 under Section 10177(d) of the Code in conjunction with
11 Section 10085 of the Code and Sections 2970 and 2972 of
12 the Regulations;

13 (b) As to Paragraphs VII and VIII and Respondent REEVES,
14 under Section 2830 of the Regulations and Section 10145
15 of the Code in conjunction with Section 10177(d) of the
16 Code;

17 (c) As to Paragraph VII and Respondent MARICH, under Section
18 10145(c) of the Code in conjunction with 10177(d) of the
19 Code;

20 (d) As to Paragraph IX and Respondent REEVES, under Section
21 2832 and Section 10145 of the Code in conjunction with
22 Section 10177(d) of the Code; and,

23 (e) As to Paragraph X and Respondent REEVES, under Sections
24 2831, 2831.1, 2831.2, and 2972 of the Regulations and
25 Sections 10145, 10146, and 10148 of the Code in
26 conjunction with Section 10177(d) of the Code.

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- 1 (d) Caused or permitted Respondent MARICH to make
2 withdrawals from the bank accounts more particularly
3 described in Paragraph VII without providing
4 authorization in writing.

5 XIV

6 At all times herein mentioned, Respondent MARICH, who is
7 licensed as a salesperson, acted as a real estate broker in
8 conducting business opportunity activities more particularly
9 described in Paragraph IV, including but not limited to the
10 following:

- 11 (a) Requesting and receiving compensation from California
12 Escrow System for Escrow Number 33946-GB for the sale of
13 Valley Tire and Brake, 2349 N. Texas, Fairfield,
14 California;
15 (b) Conducting business opportunity activities under the
16 fictitious business name, FM Business Brokers, while
17 being the sole holder of said fictitious name; and,
18 (c) Make deposits and disbursements of trust funds to the
19 bank accounts more particularly described in Paragraph
20 VII, while being the sole signatory on the account and
21 without having written authority from Respondent REEVES
22 to maintain the accounts.

23 XV

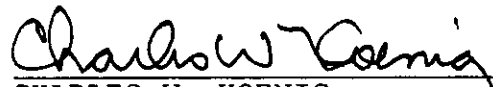
24 The facts alleged above are grounds for the suspension
25 or revocation of the licenses of Respondents REEVES and MARICH
26 under the following sections of the Code and Regulations:

27 ///

1 (a) As to Respondent REEVES and Paragraph XI under Sections
2 2725 and 2834 of the Regulations in conjunction with
3 Section 10177(d) of the Code, and Section 10146 of the
4 Code in conjunction with Section 10177(d) of the Code,
5 and Section 10177(h) of the Code; and,

6 (b) As to Respondent MARICH and Paragraph XII under Sections
7 10130, 10131, and 10131.2 of the Code in conjunction
8 with Section 10177(d) of the Code.

9 WHEREFORE, Complainant prays that a hearing be conducted
10 on the allegations of this Accusation and that upon proof thereof,
11 a decision be rendered imposing disciplinary action against all
12 licenses and license rights of Respondents under the Real Estate
13 Law (Part 1 of Division 4 of the Business and Professions Code),
14 and for such other and further relief as may be proper under other
15 provisions of law.

16
17 
18 CHARLES W. KOENIG
19 Deputy Real Estate Commissioner

20 Dated at Sacramento, California,
21 this 15th day of August, 1991.
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