

1 Department of Real Estate
2 320 West 4th Street, Ste. 350
3 Los Angeles, California 90013-1105
4 Telephone: (213) 576-6982

FILED

FEB 20 2020

DEPT. OF REAL ESTATE

By *Zoi-ga*

7
8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 CITYWIDE PROPERTY MANAGEMENT INC)
13 and)
14 OSCAR LINDSAY RUDNICK, individually)
15 and as designated officer of)
16 Citywide Property Management Inc,)
17 Respondents)

No. H-03191 FR

STIPULATION
AND
AGREEMENT

18 It is hereby stipulated by and between Respondents CITYWIDE PROPERTY
19 MANAGEMENT INC ("CITYWIDE") and OSCAR LINDSAY RUDNICK ("RUDNICK"),
20 represented by Daniel T. Clifford, Esq. and the Complainant, acting by and through Julie L. To,
21 Counsel for the Department¹ of Real Estate ("Department" or "DRE"), as follows for the purpose
22 of settling and disposing of the Accusation ("Accusation") filed on June 5, 2018, in Case No. H-
23 03191 FR, in this matter.

24
25 ¹ Between July 1, 2013 and June 30, 2017, the California Department of Real Estate was the California Bureau of
26 Real Estate.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

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

2. Respondents have received, read, and understand the Statement to Respondent, the Discovery Provisions of the APA and the Accusation filed by the Department of Real Estate ("Department") in this proceeding.

3. On June 18, 2018, Respondents timely filed Notices of Defense pursuant to Section 11506 of the Government Code for the purpose of requesting a hearing on the allegations in the Accusation. Respondents hereby freely and voluntarily withdraw said Notices of Defense. Respondents acknowledge that they understand that by withdrawing said Notices of Defense they thereby waive their 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 they will waive other rights afforded to them in connection with the hearing such as the right to present evidence in their defense and the right to cross-examine witnesses.

4. This Stipulation is based on the factual allegations contained in the Accusation. In the interest of expedience and economy, Respondents choose not to contest these allegations, but to remain silent, and understand that, as a result thereof, these factual allegations, without being admitted or denied, will serve as a prima facie basis for the disciplinary action stipulated to herein. The Real Estate Commissioner shall not be required to provide further evidence to prove said factual allegations.

///
///
///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

5. This Stipulation is made for the purpose of reaching an agreed disposition of this proceeding and is expressly limited to this proceeding and any other proceeding or case in which the Department or another licensing agency of this state, another state, or if the federal government is involved, and otherwise shall not be admissible in any other criminal or civil proceeding.

6. It is understood by the parties that the Real Estate Commissioner may adopt this Stipulation as the Commissioner's Decision in this matter, thereby imposing the penalty and sanctions on Respondents' real estate licenses and license rights as set forth in below "Order." In the event that the Commissioner in his discretion does not adopt the Stipulation and Agreement, the Stipulation shall be void and of no effect and Respondents shall retain the right to a hearing and proceeding on the Accusation under the provisions of the APA and shall not be bound by any admission or waiver made herein.

7. The Order or any subsequent Order of the Real Estate Commissioner made pursuant to this Stipulation shall not constitute an estoppel, merger or bar to any further administrative or civil proceedings by the Department of Real Estate with respect to any matters which were not specifically alleged to be causes for Accusation in this proceeding but do constitute a bar, estoppel and merger as to any allegations actually contained in the Accusations against Respondents herein.

8. Respondents understand that by agreeing to this Stipulation, Respondents agree to pay, pursuant to Business and Professions Code ("Code") Section 10148, the cost of the audit which resulted in the determination that Respondents committed the violations found in the Determination of Issues. Respondents agree to pay, pursuant to Code Section 10148, \$5,345.06 for the cost of Audit No. FR 160021.

///
///

1 the suspension or revocation of the licenses and license rights of Respondents CITYWIDE and
2 RUDNICK as a violation of the Real Estate Law pursuant to Code Sections 10177(d), 10177(g),
3 and [RUDNICK only] 10177(h).

4 ORDER

5 WHEREFORE, THE FOLLOWING ORDER is hereby made:

6 All licenses and licensing rights of Respondents CITYWIDE PROPERTY
7 MANAGEMENT INC and OSCAR LINDSAY RUDNICK under the Real Estate Law are
8 revoked; provided, however: (1) a restricted real estate corporation license shall be issued to
9 Respondent CITYWIDE and (2) a restricted real estate broker license shall be issued to
10 Respondent RUDNICK, both to be issued pursuant to Section 10156.5 of the Code if
11 Respondents CITYWIDE and RUDNICK make respective applications therefore and pay to the
12 Department the appropriate fees for each of their restricted licenses within ninety (90) days from
13 the effective date of this Decision and Order. The restricted licenses issued to Respondents
14 CITYWIDE and RUDNICK shall be subject to all of the provisions of Section 10156.7 of the
15 Code and to the following limitations, conditions and restrictions imposed under authority of
16 Section 10156.6 of the Code:

17 1. The restricted license issued to Respondent RUDNICK may be suspended
18 prior to hearing by Order of the Commissioner in the event of Respondent's conviction or plea of
19 *nolo contendere* to a crime which is substantially related to Respondent RUDNICK's fitness or
20 capacity as a real estate licensee.

21 2. The restricted licenses issued to Respondents CITYWIDE and RUDNICK may
22 be suspended prior to hearing by Order of the Real Estate Commissioner on evidence satisfactory
23 to the Commissioner that the respective Respondent has violated provisions of the California
24 Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or
25 conditions attaching to the restricted licenses.

1 3. Respondents CITYWIDE and RUDNICK shall not be eligible to apply for the
2 issuance of unrestricted real estate licenses nor for removal of any of the conditions, limitations
3 or restrictions of a restricted license until two (2) years have elapsed from the effective date of
4 this Decision and Order.

5 4. Respondent RUDNICK shall, within six (6) months from the effective date of
6 this Decision and Order, take and pass the Professional Responsibility Examination
7 administered by the Department, including the payment of the appropriate examination fee. If
8 Respondent RUDNICK fails to satisfy this condition, Respondent RUDNICK's real estate
9 license shall automatically be suspended until Respondent RUDNICK passes the examination.

10 5. Respondent RUDNICK shall, within nine (9) months from the effective date of
11 this Decision and Order, present evidence satisfactory to the Commissioner that Respondent
12 RUDNICK has, since the most recent issuance of an original or renewal real estate license, taken
13 and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of
14 the Real Estate Law for renewal of a real estate license. If Respondent RUDNICK fails to satisfy
15 this condition, Respondent RUDNICK's real estate license shall automatically be suspended
16 until Respondent RUDNICK presents evidence satisfactory to the Commissioner of having taken
17 and successfully completed the continuing education requirements. Proof of completion of the
18 continuing education courses must be delivered to the Department of Real Estate, Flag Section at
19 P.O. Box 137013, Sacramento, CA 95813-7013.

20 6. All license and licensing rights of Respondent RUDNICK are indefinitely
21 suspended unless or until Respondent RUDNICK provides evidence satisfactory to the
22 Commissioner or having taken and successfully completed the continuing education course on
23 trust fund accounting and handling specified in paragraph (3) of subdivision (a) of Section
24 10170.5 of the Business and Professions Code. Proof of satisfaction of these requirements
25 includes evidence that Respondent has successfully completed the trust fund account and
26

1 handling continuing education courses, no earlier than one hundred and twenty (120) days prior
2 to the effective date of the Decision and Order in this matter. Proof of completion of the trust
3 fund accounting and handling course must be delivered to the Department of Real Estate, Flag
4 Section at P.O. Box 137013, Sacramento, CA 95813-7013.

5 7. All licenses and licensing rights of Respondents CITYWIDE and RUDNICK
6 are indefinitely suspended unless or until Respondents CITYWIDE and RUDNICK jointly and
7 severally pay the sum of \$4,241.45 for the Commissioner's reasonable cost of the investigation
8 and enforcement which led to this disciplinary action. Said payment shall be in the form of a
9 cashier's check or certified check made payable to the Department of Real Estate. The
10 investigation and enforcement costs must be delivered to the Department of Real Estate, Flag
11 Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this
12 Decision and Order.

13 8. Pursuant to Section 10148 of the Code, Respondents CITYWIDE and
14 RUDNICK shall pay the sum of \$5,345.06 for the Commissioner's cost of the audit (Audit No.
15 FR 160021) which led to this disciplinary action. Respondents CITYWIDE and RUDNICK
16 shall pay such cost within sixty (60) days of receiving an invoice therefore from the
17 Commissioner. Payment of audit costs should not be made until Respondents receive the
18 invoice. If Respondents fail to satisfy this condition in a timely manner as provided for herein,
19 Respondents' real estate licenses shall automatically be suspended until payment is made in full,
20 or until a decision providing otherwise is adopted following a hearing held pursuant to this
21 condition.

22 9. Pursuant to Section 10148 of the Code, Respondents CITYWIDE and
23 RUDNICK shall pay the Commissioner's reasonable cost, not to exceed \$6,681.33 [or, 125% of
24 the actual cost of the original audit, Audit No. FR 160021], for a subsequent audit to determine if
25 Respondents CITYWIDE and RUDNICK have corrected the violations found in the
26
27

1 Determination of Issues. In calculating the amount of the Commissioner's reasonable cost, the
2 Commissioner may use the estimated average hourly salary for all persons performing audits of
3 real estate brokers, and shall include an allocation for travel time to and from the auditor's place
4 of work. Respondents shall pay such cost within sixty (60) days of receiving an invoice
5 therefore from the Commissioner. Payment of the audit costs should not be made until
6 Respondents receive the invoice. If Respondents fail to satisfy this condition in a timely manner
7 as provided for herein, Respondents' real estate licenses shall automatically be suspended until
8 payment is made in full, or until a decision providing otherwise is adopted following a hearing
9 held pursuant to this condition.

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

DATED: 1-30-2020



Julie L. To, Counsel for
Department of Real Estate

* * *

EXECUTION OF THE STIPULATION

We have read the Stipulation and Agreement. Its terms are understood by us and are agreeable and acceptable to us. We understand that we are waiving rights given to us by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509 and 11513 of the Government Code), and we 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 we would have the right to cross-examine witnesses against us and to present evidence in defense and mitigation of the charges.

///
///
///


1 MAILING AND FACSIMILE

2 Respondents can signify acceptance and approval of the terms and conditions of
3 this Stipulation and Agreement by sending a hard copy of the original signed signature page of
4 the Stipulation herein to Julie L. To, Legal Section, Department of Real Estate, 320 W. Fourth
5 St., Suite 350, Los Angeles, California 90013-1105. In the event of time constraints before an
6 administrative hearing, Respondents can signify acceptance and approval of the terms and
7 conditions of this Stipulation and Agreement by e-mailing a scanned copy of the signature page,
8 as actually signed by Respondents, to the Department counsel assigned to this case. Respondents
9 agree, acknowledge, and understand that by electronically sending to the Department a scan of
10 Respondents' actual signatures as they appear on the Stipulation and Agreement, that receipt of
11 the scan by the Department shall be binding on Respondents as if the Department had received
12 the original signed Stipulation and Agreement.

13 DATED: 1/9/18


OSCAR LINDSAY RUDNICK, Respondent

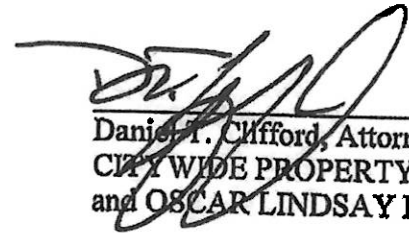
14 DATED: 1/9/18


CITYWIDE PROPERTY MANAGEMENT INC,
Respondent
By: OSCAR LINDSAY RUDNICK, Designated
Officer

15
16
17
18
19 * * *

20 *I have reviewed the Stipulation and Agreement as to form and content and have*
21 *advised my clients accordingly.*

22
23 DATED: 1-8-19


Daniel T. Clifford, Attorney for Respondents
CITYWIDE PROPERTY MANGEMENT INC
and OSCAR LINDSAY RUDNICK

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

The foregoing Stipulation and Agreement is hereby adopted as my Decision as to Respondents CITYWIDE PROPERTY MANAGEMENT INC and OSCAR LINDSAY RUDNICK, individually and as designated officer of CITYWIDE PROPERTY MANAGEMENT INC, and shall become effective at 12 o'clock noon on **MAR 11 2020**, 2020.

IT IS SO ORDERED 2/13/20, 2019.

SANDRA KNAU
ACTING REAL ESTATE COMMISSIONER

