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FILED

SEP 19 2018

DEPARTMENT OF REAL ESTATE

By L. Kropp

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of)

LAURA LYNN RABB-JANCOLA)

and JULIE H. GOODWIN,)

Respondents.)

NO. H-3195 FR

ACCUSATION

The Complainant, BRENDA SMITH, a Supervising Special Investigator of the State of California, for cause of Accusation against LAURA LYNN RABB-JANCOLA (RABB-JANCOLA) and JULIE H. GOODWIN (GOODWIN), sometimes collectively referred to as "Respondents", is informed and alleges as follows:

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Respondents are presently licensed and/or have license rights under the Real Estate Law, Part 1 of Division 4 of the Business and Professions Code (Code).

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At all times herein mentioned, RABB-JANCOLA was and is presently licensed by the State of California Department of Real Estate (Department) as a real estate broker.

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At all times herein mentioned, GOODWIN was and is presently licensed by the Department as a real estate salesperson. Effective February 11, 2008, until January 8, 2017, GOODWIN'S license status had been in a non-working status identified as NBA (also referred to as "No Broker Affiliation"). The Department did not receive information that GOODWIN was employed by a broker until January 9, 2017.

At all times herein mentioned, Respondents conducted real estate activity under RABB-JANCOLA'S individual broker license and under the fictitious business name, "California Real Estate", registered with the Department.

At all times herein mentioned, Respondents engaged in the business of, acted in the capacity of, advertised, or assumed to act as real estate brokers within the State of California within the meaning of Sections:

- (a) 10131 (a) of the Code, including the operation and conduct of a real estate brokerage with the public, wherein, on behalf of others, for compensation or in expectation of compensation, Respondents sold or offered to sell, bought or offered to buy, solicited prospective sellers or purchasers of, solicited or obtained listings of, or negotiated the purchase, sale or exchange of real property or a business opportunity; and
- (b) 10131.6 (a) of the Code, Respondents, on behalf of others, sold or offered to sell, bought or offered to buy, solicited prospective purchasers of, solicited or obtained listings of, or negotiated the purchase, sale or exchange of any manufactured home or mobile home registered under Part 2 of Division 13 of the Health and Safety Code, all for or in expectation of compensation.

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1 FIRST CAUSE OF ACTION

2 (As to GOODWIN only)

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4 Each and every allegation in Paragraphs 1 through 5, inclusive, is incorporated by
5 this reference as if fully set forth herein.

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7 On or about September 20, 2016, Brad E. and Kevin K. (Buyers), by and through
8 California Real Estate and their real estate salesperson, GOODWIN, entered into a purchase
9 agreement for the manufactured home and real property known as 2120 N. Pacific Avenue, #29,
10 Santa Cruz, California (Subject Property).

11 8

12 GOODWIN presented to the Buyers the Manufactured Home and Mobile Home:
13 Transfer Disclosure Statement (incomplete TDS). Section IV of the incomplete TDS, under the
14 heading of AGENT'S INSPECTION DISCLOSURE, was left blank and had not been signed.

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16 On or about September 24, 2016, Buyers signed the incomplete TDS.
17 Subsequently, GOODWIN submitted the incomplete TDS to the Seller's Agent, Judy Ziegler
18 (Ziegler).

19 10

20 Thereafter, GOODWIN added the following information to a copy of the
21 incomplete TDS, under the heading of AGENT'S INSPECTION DISCLOSURE, "Siding is
22 buckled and shows water damage on one section buyer [sic] to have professional inspection".
23 GOODWIN signed and dated the TDS (updated TDS) for September 20, 2016.

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25 GOODWIN did not provide the updated TDS to Buyers or Ziegler.

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On or about April 28, 2017, the Department received from the office of RABB-JANCOLA, a copy of the transaction file for the purchase of Subject Property, as described in Paragraph 7. Only the updated TDS was located in the transaction file provided by RABB-JANCOLA.

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The acts and or omissions of GOODWIN, as described above, constitute violations and are grounds for the suspension or revocation of the licenses and license rights of Respondent under Sections 10176 (i) (Grounds for Revocation or Suspension – Fraud or Dishonest Dealing), 10177 (d) (Willful Disregard of Real Estate Laws), 10177 (g) (Negligence/Incompetence of Licensee) and 10177 (j) (Further Grounds of Disciplinary Action – Fraud or Dishonest Dealing) of the Code.

SECOND CAUSE OF ACTION

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Each and every allegation in Paragraphs 1 through 13, inclusive, is incorporated by this reference as if full set forth herein.

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On or about August 15, 2016, RABB-JANCOLA employed GOODWIN to perform licensed real estate activity, as described in Paragraph 5.

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On or about November 28, 2016, GOODWIN received compensation from Business & Escrow Service Center, Inc., in connection with the real estate activities she performed, as described in Paragraphs 5 and 7.

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The Department did not receive information that GOODWIN was employed by RABB-JANCOLA until January 9, 2017.

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The acts and/or omissions described above constitute violations of Section 2752 (Notice of Change of Broker) of the Regulations, and Sections 10137 (Unlawful Employment and Payment of Compensation), 10161.8 (a) (Salesperson Employment) of the Code, and are grounds for discipline under Sections 10177 (d) and 10177 (g) of the Code.

COST RECOVERY

Section 10106 of the Code provides, in pertinent part, that in any order issued in resolution of a disciplinary proceeding before the Department, the Commissioner may request the Administrative Law Judge to direct a licensee found to have committed a violation of this part to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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 all licenses and license rights of Respondents under the Code, for the reasonable cost of investigation and agency attorney's fees in this matter, and for such other and further relief as may be proper under other provisions of law.


BRENDA SMITH

Supervising Special Investigator

Dated at Fresno, California,

this 10 day of September, 2018.

DISCOVERY DEMAND

Pursuant to Sections 11507.6, *et seq.* of the *Administrative Procedure Act*, the Department of Real Estate hereby makes demand for discovery pursuant to the guidelines set forth in the *Administrative Procedure Act*. Failure to provide Discovery to the Department of Real Estate may result in the exclusion of witnesses and documents at the hearing or other sanctions that the Office of Administrative Hearings deems appropriate.