

FILED

DEC 19 2019

DEPT. OF REAL ESTATE
By Carl Selous

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

11 * * *

12 In the Matter of the Accusation of) No. H- 03289 FR
13 REALTY DIMENSIONS, INC.,)
14 STEPHANIE DIANE MAZZA,) ACCUSATION
15 individually and as former designated)
16 officer of Realty Dimensions, Inc.,)
17 BAKERSFIELD PROPERTIES)
18 ATTENDED INC, doing business as)
19 Realty Dimensions Property Management,)
20 MELODY JOY BLAIN-EILERS,)
21 doing business as Realty Dimensions,)
22 individually and as former designated)
23 officer of Bakersfield Properties Attended Inc,)
24 and MARTHA ELENA LUJAN RUIZ,)
25 Respondents.)
26)
27)

Accusation of Realty Dimensions, Inc., Stephanie Diane Mazza, Bakersfield Properties Attended Inc,
Melody Joy Blain-Eilers, and Martha Elena Lujan Ruiz

1 The Complainant, Brenda Smith, a Supervising Special Investigator of the
2 State of California, for cause of Accusation against REALTY DIMENSIONS, INC.,
3 STEPHANIE DIANE MAZZA, individually and as former designated officer of Realty
4 Dimensions, Inc., BAKERSFIELD PROPERTIES ATTENDED INC, doing business as Realty
5 Dimensions Property Management, MELODY JOY BLAIN-EILERS, doing business as Realty
6 Dimensions, individually and as former designated officer of Bakersfield Properties Attended
7 Inc, and MARTHA ELENA LUJAN RUIZ (“Respondents”), is informed and alleges as
8 follows:

9 1.

10 The Complainant, Brenda Smith, acting in her official capacity as a Supervising
11 Special Investigator of the State of California, makes this Accusation against Respondents
12 REALTY DIMENSIONS, INC., STEPHANIE DIANE MAZZA, BAKERSFIELD
13 PROPERTIES ATTENDED INC, MELODY JOY BLAIN-EILERS, and MARTHA ELENA
14 LUJAN RUIZ.

15 2.

16 All references to the “Code” are to the California Business and Professions Code
17 and all references to “Regulations” are to Title 10, Chapter 6, California Code of Regulations.

18 LICENSE HISTORY

19 3.

20 Respondent REALTY DIMENSIONS, INC. presently has license rights under
21 the Real Estate Law, Part 1 of Division 4 of the Code as a corporate real estate broker.

22 4.

23 Respondent STEPHANIE DIANE MAZZA (“MAZZA”) presently has license
24 rights as a real estate broker.

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Accusation of Realty Dimensions, Inc., Stephanie Diane Mazza, Bakersfield Properties Attended Inc,
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5.

From August 21, 2018, to September 17, 2018, Respondent REALTY DIMENSIONS, INC. was licensed by the Department of Real Estate ("Department") as a corporate real estate broker by and through Respondent MAZZA, as the designated officer and broker responsible, pursuant to Code section 10159.2, for supervising the activities requiring a real estate license conducted on behalf of REALTY DIMENSIONS, INC., or by REALTY DIMENSIONS, INC.'S officers, agents and employees. From September 18, 2018, through May 15, 2019, REALTY DIMENSIONS, INC. was licensed by the Department but not affiliated with a designated officer.

6.

Respondent BAKERSFIELD PROPERTIES ATTENDED INC ("BAKERSFIELD PROPERTIES") presently has license rights as a corporate real estate broker. On July 20, 2018, BAKERSFIELD PROPERTIES'S license expired. Pursuant to Code section 10201, BAKERSFIELD PROPERTIES retains renewal rights for two years. The Department holds jurisdiction over the lapsed license, pursuant to Code section 10103.

7.

Respondent MELODY JOY BLAIN-EILERS ("BLAIN-EILERS") presently has license rights as a restricted real estate broker.

8.

From July 21, 2006, to March 23, 2018, Respondent BAKERSFIELD PROPERTIES was licensed by the Department as a corporate real estate broker by and through Respondent BLAIN-EILERS, as the designated officer and broker responsible, pursuant to Code section 10159.2, for supervising the activities requiring a real estate license conducted on behalf of BAKERSFIELD PROPERTIES, or by BAKERSFIELD PROPERTIES'S officers, agents and employees. From March 24, 2018, through July 20, 2018, BAKERSFIELD PROPERTIES was licensed by the Department but not affiliated with a designated officer.

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1 9.

2 Respondent MARTHA ELENA LUJAN RUIZ ("LUJAN RUIZ") presently has
3 license rights as a real estate salesperson. LUJAN RUIZ is the sole director, Chief Financial
4 Officer, and former Chief Executive Officer of Respondent REALTY DIMENSIONS, INC.

5 PRIOR LICENSE DISCIPLINE

6 10.

7 On or about February 9, 2006, the Real Estate Commissioner in Case
8 No. H-1806 FR adopted as his Decision effective on or about February 13, 2006, the
9 Administrative Law Judge's Proposed Decision dated January 5, 2006. As more fully described
10 in the Proposed Decision, Respondent BLAIN-EILERS acted as a real estate broker leasing or
11 renting real property for others and violated Code sections 10145, 10176(e), 10176(g), and
12 10176(i) and Regulations section 2832.1. The Proposed Decision provided that
13 BLAIN-EILERS'S real estate broker license was revoked and that BLAIN-EILERS would be
14 issued a restricted real estate broker license if BLAIN-EILERS complied with certain
15 conditions such as submitting an application within 90 days of the effective date.

16 FIRST CAUSE OF ACTION

17 BROKERAGE

18 BAKERSFIELD PROPERTIES ATTENDED INC

19 11.

20 At all times mentioned, in the City of Bakersfield, County of Kern, Respondent
21 BAKERSFIELD PROPERTIES acted as a real estate broker, conducting licensed activities
22 within the meaning of Code section 10131(b) (leases or rents real property for others).

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27 Accusation of Realty Dimensions, Inc., Stephanie Diane Mazza, Bakersfield Properties Attended Inc,
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AUDIT

BAKERSFIELD PROPERTIES ATTENDED INC

12.

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4 On January 29, 2019, the Department completed audit examinations of the
5 books and records of Respondent BAKERSFIELD PROPERTIES pertaining to the activities
6 described in Paragraph 11 which require a real estate license. The audit examinations covered a
7 period of time from January 1, 2017, to February 28, 2018. The audit examinations revealed
8 violations of the Code and the Regulations as set forth in the following paragraphs, and as more
9 fully discussed in Audit Report FR-17-0121 and the exhibits and workpapers attached to said
10 audit report.

AUDIT VIOLATIONS OF THE REAL ESTATE LAW

13.

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12
13 In the course of activities described in Paragraph 11 above and during the
14 examination periods described in Paragraph 12 above, Respondent BAKERSFIELD
15 PROPERTIES acted in violation of the Code and the Regulations in that:

16 13(a) As of December 29, 2017, Respondent BAKERSFIELD PROPERTIES
17 had a trust fund shortage in the amount of \$929.91. Respondent did not have written consent
18 from the owners of the trust funds to reduce the balance of trust funds to an amount less than
19 the aggregate trust fund liabilities, in violation of Code section 10145 and Regulations
20 section 2832.1. Respondent cured the shortage in January 2018.

21 13(b) Respondent BAKERSFIELD PROPERTIES did not maintain a complete
22 and accurate separate record of all trust funds received and disbursed for each beneficiary in
23 connection with Respondent's property management activities, in violation of Code
24 section 10145 and Regulations section 2831.1.

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1 13(c) Respondent BAKERSFIELD PROPERTIES did not perform and
2 maintain a monthly reconciliation of all the separate records with the control record of all trust
3 funds received and disbursed, in violation of Code section 10145 and Regulations
4 section 2831.2.

5 13(d) Bank accounts used by Respondent BAKERSFIELD PROPERTIES for
6 trust funds were not designated as a trust account in violation of Code section 10145 and
7 Regulations section 2832.

8 13(e) Respondent BAKERSFIELD PROPERTIES did not maintain a complete
9 and accurate control record or general ledger of all trust funds received and disbursed, in
10 violation of Code section 10145 and Regulations section 2831.

11 14.

12 The conduct, acts, or omissions of Respondent BAKERSFIELD PROPERTIES,
13 described in Paragraph 13 above, violated the Code and the Regulations as set forth below:

<u>PARAGRAPH</u>	<u>PROVISIONS VIOLATED</u>
15 13(a)	Code section 10145 and Regulations section 2832.1
16 13(b)	Code section 10145 and Regulations section 2831.1
17 13(c)	Code section 10145 and Regulations section 2831.2
18 13(d)	Code section 10145 and Regulations section 2832
19 13(e)	Code section 10145 and Regulations section 2831

20 The foregoing violations constitute cause for the suspension or revocation of all
21 the licenses, license endorsements, and license rights of Respondent BAKERSFIELD
22 PROPERTIES under the Real Estate Law pursuant to the provisions of Code sections 10177(d)
23 and 10177(g).

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SECOND CAUSE OF ACTION

SUPERVISION AND COMPLIANCE

15.

The conduct, acts, or omissions of Respondent BLAIN-EILERS, as described in Paragraphs 13 and 14 above, in failing to ensure compliance of the Real Estate Law by Respondent BAKERSFIELD PROPERTIES, is in violation of Code section 10159.2 and Regulations section 2725, and subjects all the licenses, license endorsements, and license rights of BLAIN-EILERS to suspension or revocation pursuant to Code sections 10177(d), 10177(g), and 10177(h).

THIRD CAUSE OF ACTION

BROKERAGE

MELODY JOY BLAIN-EILERS

16.

At all times mentioned, in the City of Bakersfield, County of Kern, Respondent BLAIN-EILERS acted as a real estate broker, conducting licensed activities within the meaning of Code section 10131(b) (leases or rents real property for others).

AUDIT

MELODY JOY BLAIN-EILERS

17.

On January 29, 2019, the Department completed audit examinations of the books and records of Respondent BLAIN-EILERS pertaining to the activities described in Paragraph 16 which require a real estate license. The audit examinations covered a period of time from January 1, 2018, to August 3, 2018. The audit examinations revealed violations of the Code and the Regulations as set forth in the following paragraphs, and as more fully discussed in Audit Report FR-17-0118 and the exhibits and workpapers attached to said audit report.

AUDIT VIOLATIONS OF THE REAL ESTATE LAW

18.

In the course of activities described in Paragraph 16 above and during the examination periods described in Paragraph 17 above, Respondent BLAIN-EILERS acted in violation of the Code and the Regulations in that:

18(a) As of May 21, 2018, Respondent BLAIN-EILERS had a trust fund shortage in the amount of \$5,470.27. Respondent did not have written consent from the owners of the trust funds to reduce the balance of trust funds to an amount less than the aggregate trust fund liabilities, in violation of Code section 10145 and Regulations section 2832.1.

18(b) Respondent BLAIN-EILERS commingled her own money in the amount of \$763.18 in bank accounts with trust funds, in violation of Code section 10176(e).

18(c) Respondent BLAIN-EILERS did not maintain a complete and accurate separate record of all trust funds received and disbursed for each beneficiary in connection with Respondent's property management activities, in violation of Code section 10145 and Regulations section 2831.1.

18(d) Respondent BLAIN-EILERS did not perform and maintain a monthly reconciliation of all the separate records with the control record of all trust funds received and disbursed, in violation of Code section 10145 and Regulations section 2831.2.

18(e) The conduct, acts, or omissions of Respondent BLAIN-EILERS, as described in Paragraph 18, in failing to ensure compliance of the Real Estate Law by Respondent BLAIN-EILERS'S salespersons or broker associates, is in violation of Regulations section 2725.

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19.

The conduct, acts, or omissions of Respondent BLAIN-EILERS, described in Paragraph 18 above, violated the Code and the Regulations as set forth below:

<u>PARAGRAPH</u>	<u>PROVISIONS VIOLATED</u>
8(a)	Code section 10145 and Regulations section 2832.1
8(b)	Code section 10176(e)
8(c)	Code section 10145 and Regulations section 2831.1
8(d)	Code section 10145 and Regulations section 2831.2
8(e)	Regulations section 2725

The foregoing violations constitute cause for the suspension or revocation of all the licenses, license endorsements, and license rights of Respondent BLAIN-EILERS under the Real Estate Law pursuant to the provisions of Code sections 10176(e), 10177(d), 10177(g), and 10177(h).

FOURTH CAUSE OF ACTION

BROKERAGE

REALTY DIMENSIONS, INC.

20.

At all times mentioned, in the City of Bakersfield, County of Kern, Respondent REALTY DIMENSIONS, INC. acted as a real estate broker, conducting licensed activities within the meaning of Code section 10131(b) (leases or rents real property for others).

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1 22(c) From September 17, 2018, to February 28, 2019, Respondent REALTY
2 DIMENSIONS, INC. and Respondent LUJAN RUIZ performed acts requiring a real estate
3 license when REALTY DIMENSIONS, INC. and LUJAN RUIZ were not affiliated with a
4 broker or designated officer, in violation of Code section 10130.

5 22(d) The conduct, acts, or omissions of Respondent MAZZA, as described in
6 Paragraph 22, in failing to ensure compliance of the Real Estate Law by Respondent REALTY
7 DIMENSIONS, INC., is in violation of Code section 10159.2 and Regulations section 2725.

8 22(e) Respondent REALTY DIMENSIONS, INC. failed to deposit trust funds
9 into a trust account within three business days following receipt of the trust funds by REALTY
10 DIMENSIONS, INC., in violation of Code section 10145 and Regulations section 2832.

11 23.

12 The conduct, acts, or omissions of Respondents REALTY DIMENSIONS, INC.,
13 MAZZA, and LUJAN RUIZ described in Paragraph 22 above, violated the Code and the
14 Regulations as set forth below:

<u>PARAGRAPH</u>	<u>PROVISIONS VIOLATED</u>
22(a)	Code section 10145 and Regulations section 2832.1 (REALTY DIMENSIONS, INC.)
22(b)	Code section 10130 (REALTY DIMENSIONS, INC.)
22(c)	Code section 10130 (REALTY DIMENSIONS, INC. and LUJAN RUIZ)
22(d)	Code section 10159.2 and Regulations section 2725 (MAZZA)
22(e)	Code section 10145 and Regulations section 2832 (REALTY DIMENSIONS, INC.)

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1 The foregoing violations constitute cause for the suspension or revocation of all
2 the licenses, license endorsements, and license rights of Respondent REALTY
3 DIMENSIONS, INC. under the Real Estate Law pursuant to the provisions of Code
4 sections 10177(d) and 10177(g).

5 The foregoing violations constitute cause for the suspension or revocation of all
6 the licenses, license endorsements, and license rights of Respondent MAZZA under the Real
7 Estate Law pursuant to the provisions of Code sections 10177(d), 10177(g), and 10177(h).

8 The foregoing violations constitute cause for the suspension or revocation of all
9 the licenses, license endorsements, and license rights of Respondent LUJAN RUIZ under the
10 Real Estate Law pursuant to the provisions of Code sections 10177(d) and 10177(g).

11 24.

12 Code section 10148(b) provides, in pertinent part, that the Real Estate
13 Commissioner shall charge a real estate broker for the cost of any audit if the Commissioner has
14 found in a final decision, following a disciplinary hearing, that the broker has violated Code
15 section 10145 or a Regulation or rule of the Commissioner interpreting said Code section.

16 25.

17 Code Section 10106 provides, in pertinent part, that in any order issued in
18 resolution of a disciplinary proceeding before the Department of Real Estate, the Commissioner
19 may request the administrative law judge to direct a licensee found to have committed a
20 violation of this part to pay a sum not to exceed the reasonable costs of the investigation and
21 enforcement of the case.

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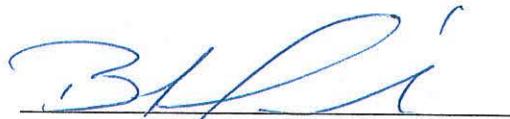
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Accusation of Realty Dimensions, Inc., Stephanie Diane Mazza, Bakersfield Properties Attended Inc,
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1 WHEREFORE, Complainant prays that a hearing be conducted on the
2 allegations of this Accusation and that upon proof thereof, a decision be rendered imposing
3 disciplinary action against all the licenses, license endorsements, and license rights of
4 Respondents REALTY DIMENSIONS, INC., STEPHANIE DIANE MAZZA, BAKERSFIELD
5 PROPERTIES ATTENDED INC, MELODY JOY BLAIN-EILERS, and MARTHA ELENA
6 LUJAN RUIZ under the Real Estate Law, for the cost of audit, investigation, and enforcement
7 as permitted by law, and for such other and further relief as may be proper under other
8 applicable provisions of law.

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10 Dated at Fresno, California

11 this 17 day of December, 2019

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14 Brenda Smith
15 Supervising Special Investigator

16 cc: REALTY DIMENSIONS, INC.
17 STEPHANIE DIANE MAZZA
18 BAKERSFIELD PROPERTIES ATTENDED INC
19 MELODY JOY BLAIN-EILERS
20 MARTHA ELENA LUJAN RUIZ
21 Gustavo Bernard Ruiz
22 Brenda Smith
23 Sacto.
24 Audits
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Melody Joy Blain-Eilers, and Martha Elena Lujan Ruiz