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FILED

AUG 02 2021

DEPARTMENT OF REAL ESTATE
By B. Nicholas

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

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

No. H-3386 FR

ACCUSATION

19 The Complainant, BRENDA SMITH, a Supervising Special Investigator of the
20 State of California, for cause of Accusation against CITYWIDE PROPERTY MANAGEMENT
21 INC. and OSCAR LINDSAY RUDNICK (Respondents), is informed and alleges as follows:

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23 The Complainant, BRENDA SMITH, a Supervising Special Investigator of the
24 State of California, makes this Accusation in her official capacity.

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Whenever reference is made in an allegation in this Accusation to an act or omission of CITYWIDE, such allegation shall be deemed to mean that the officers, directors, employees, agents and real estate licensees employed by or associated with CITYWIDE committed such acts or omissions while engaged in furtherance of the business or operation of CITYWIDE and while acting within the course and scope of their corporate authority and employment.

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At all times mentioned, Respondents engaged in the business of, acted in the capacity of, advertised, or assumed to act as real estate brokers in the State of California, within the meaning of Section 10131(b) of the Code in the operation and conduct of a property management business with the public wherein, on behalf of others, for compensation or in expectation of compensation, Respondents leased or rented and offered to lease or rent, and placed for rent, and solicited listings of places for rent, and solicited for prospective tenants of real property or improvements thereon, and collected rents from real property or improvements thereon.

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Between on or about August 12, 2020 and April 23, 2021, an audit was conducted of the records of CITYWIDE. The auditor herein examined the records for the period of January 1, 2020, through October 1, 2020.

FIRST CAUSE OF ACTION

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Each and every allegation in Paragraphs 1 through 8, inclusive, is incorporated by this reference as if fully set forth herein.

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While acting as a real estate broker as described in Paragraph 7, Respondents accepted or received funds in trust (trust funds) from or on behalf of owners and tenants in

1 connection with the leasing, renting, and collection of rents on real property or improvements
2 thereon, as alleged herein, and thereafter from time-to-time made disbursements of said trust
3 funds.

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5 The trust funds accepted or received by Respondents as described in Paragraph 10
6 were deposited or caused to be deposited by Respondents into trust accounts which were
7 maintained by Respondents for the handling of trust funds, and thereafter from time-to-time
8 Respondents made disbursements of said trust funds, identified as follows:

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ACCOUNT # 1	
11 Bank Name and Location:	Wells Fargo 12 1300 22 nd Street 13 Bakersfield, CA 93301
14 Account No.:	XXXXX95221
15 Entitled:	Citywide Property Management Inc. Trust Account

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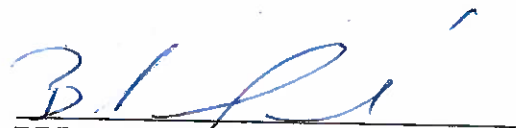
18 In the course of the activities described in Paragraph 7, Respondents caused,
19 suffered, or permitted the balance of funds in Account #1 to be reduced to an amount which, as
20 of July 31, 2020 and August 31, 2020, was approximately \$57,151.78 less, and as of September
21 30, 2020, was approximately \$57,120.00 less than the aggregate liability of Account #1 to all
22 owners of such funds in violation of Section 10145 of the Code and Section 2832.1 of the
23 Regulations.

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25 The facts alleged in Paragraph 12 are grounds for the suspension or revocation of
26 Respondents' licenses and license rights under Sections 10177(d) and/or 10177(g) of the Code
27 in conjunction with Section 10145 of the Code and Section 2832.1 of the Regulations.

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1 WHEREFORE, Complainant prays that a hearing be conducted on the allegations
2 of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary
3 action against all licenses and license rights of Respondent under the Code, for the cost of
4 investigation and enforcement as permitted by law, and for such other and further relief as may
5 be proper under the provisions of law.

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8 BREND A SMITH
9 Supervising Special Investigator

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11 Dated at Fresno, California,
12 this 26 day of July, 2021

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17 DISCOVERY DEMAND

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