

11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of respondent.

This Decision shall become effective at 12 o'clock noon on FEB 01 2023.

IT IS SO ORDERED 1.6.23

DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER

Douglas R. McCauley

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

In the Matter of the Accusation against:

**EAGLE VINES REALTY and RONALD KENNETH BANASIK,
Respondents**

Agency Case No. H-7016 SAC

OAH No. 2021110141

PROPOSED DECISION

Administrative Law Judge Ed Washington, Office of Administrative Hearings, State of California, heard this matter by videoconference on August 17, 2022, from Sacramento, California.

Legal Counsel Adriana Z. Badilas represented Tricia D. Parkhurst (complainant) in her official capacity as a Supervising Special Investigator with the Department of Real Estate (Department), State of California.

Attorney Ralph Andino represented respondent Eagle Vines Realty (EVR) and respondent Ronald Kenneth Banasik (Mr. Banasik) (collectively, respondents).

Evidence was received and the hearing concluded. The record remained open to allow the parties to submit written post hearing briefs. The parties timely submitted

post hearing briefs, the record closed, and the matter was submitted for decision on August 31, 2022.

FACTUAL FINDINGS

Background and Jurisdictional Matters

1. The Department originally issued Mr. Banasik a real estate salesperson license on May 29, 1976. It subsequently issued him Broker License No. B/00557904 on June 10, 1981. The broker license is in full force and effect and will expire on June 9, 2025, unless renewed or revoked.

2. The Department issued Corporate Real Estate Broker License No. C/01770018 to EVR on August 23, 2006. EVR's corporate real estate broker license expires August 22, 2026, unless renewed or revoked. Mr. Banasik has been the Designated Officer of EVR since January 1, 2015. His designation expires August 22, 2026.

3. At all times relevant to this action, respondents engaged in business activities as real estate licensees, including operating a property management business, by leasing or renting or offering to lease or rent, and soliciting for prospective tenants of real property or real property improvements, on behalf of others, for or in expectation of compensation. At all times relevant to this action, EVR employed one broker-associate and fourteen real estate salespersons. However, only Mr. Banasik and Ramona Quintana, a property manager for EVR, participated in EVR's property management activities. The remaining staff were strictly involved in EVR's real property resale activities.

4. On April 23, 2021, complainant signed and authorized the filing of the Accusation against respondents in her official capacity. Complainant seeks to discipline respondents' licenses based on various violations of the Real Estate Law (Bus. & Prof. Code, § 10000, et seq.) and related regulations.¹ Respondents timely filed a notice of defense and request for hearing. This hearing followed.

2017 Department Audit and Prior Discipline

5. On August 31, 2017, the Department filed an accusation (2017 Accusation) against respondents in Case No. H-6584 SAC, based on the results of an audit conducted by the Department into EVR's real estate business activities from March 1, 2016 through February 28, 2017. The 2017 Accusation alleged that, while performing property management duties, respondents (1) commingled broker funds with trust funds in a trust fund account designated solely for the collection of trust funds; (2) failed to maintain adequate separate beneficiary records and disposition of all trust funds in the trust account; (3) failed to reconcile at least monthly the balance of all separate beneficiary or transaction records to the balance of the record of trust funds received and disbursed from the trust account; and (4) Mr. Banasik, as the Designated Officer for EVR, failed to adequately supervise the real estate activities of EVR, all in violation of Real Estate Law.

¹ Complainant amended the Accusation at hearing as follows: Complainant deleted the term "EVR" on page 3, paragraph 9, line 7, and replaced that term with "BANASIK." Complainant also deleted the term "2831.1" on page 6, paragraph 22, line 15, and paragraph 23, line 20, and replaced that term in both locations with "2832.1."

6. In September 2018, the parties signed a Stipulation and Agreement in Settlement and Order (Agreement and Order), effective November 26, 2018, to settle and dispose of the 2017 Accusation. Pursuant to the Agreement and Order, all licenses and licensing rights of each respondent were suspended for 90 days, however, 45 days of each suspension was stayed for two years, on condition that each respondent pay a monetary penalty, at a rate of \$50 for each day of the suspension, for a total of \$2,250 each. The remaining 45 days of each respondent's 90-day suspension were also stayed for two years upon compliance with certain terms and conditions, which included that respondents consent to a follow up chargeable audit of EVR's property management activities to determine whether identified violations were corrected.

2020 Department Audit

7. Sean Thee works as an Auditor II for the Department. He obtained a bachelor's degree in Accounting from the University of Phoenix in 2010. He has worked as an auditor for the Department since June 2018, has received extensive training in performing real estate audits, and performs approximately 20 audits each year on behalf of the Department.

8. On November 12, 2019, Mr. Thee contacted Mr. Banasik through email and requested that Mr. Banasik work with him to coordinate a time for Mr. Thee to conduct a follow up audit of EVR's licensed real estate activities and trust fund handling practices and to review respondents' compliance following the Agreement and Order. Mr. Banasik initially replied to Mr. Thee, in part, as follows:

[T]his is a bit disturbing. Eagle Vines Realty was audited in 2018 and [I] am sure it was all due to a disgruntled agent who was terminated. The Property Manager was ultimately

released. Fines were issued and paid and a Certified Property Manager was hired and continues to do an excellent job. This was an embarrassing situation as I have spent over 43 years in this industry. I took responsibility as I was too trustworthy of someone and that was my fault. Nevertheless I paid the price. ... I have no problem with being audited but it certainly seems Eagle Vines Realty is being singled out for some reason?

9. Mr. Banasik ultimately arranged for the follow-up audit to occur. On January 14, 2020, Mr. Thee began the audit. The audit period covered from December 1, 2018, through November 30, 2019. During the audit, Mr. Thee discovered that Trust Account No. 1 (Trust Account), the account maintained by respondents for property management purposes, was a multi-beneficiary trust account. The holder of a multi-beneficiary trust account for property management purposes must ensure that there are sufficient funds in the account to cover the deposits received from each beneficiary, unless prior written consent is obtained from the owners of the trust funds to allow the balance of funds to drop below the existing aggregate trust fund liability of the broker to all owners of the funds. There was a shortage in the Trust Account maintained by respondents in the amount of \$14,151.26. A portion of the shortage, \$925, was caused by a negative property balance, but the cause of the remaining \$13,226.26 shortage could not be identified. Mr. Thee found no evidence that respondent obtained written consent from each owner of the trust funds, consenting to the shortage.

10. Mr. Thee discovered that respondents failed to accurately reconcile at least once each month the balance of all separate beneficiary or transaction records

with the balance of the Trust Account, as required, and that respondents commingled approximately \$1,163.01 in broker funds with funds in the Trust Account, during the audit period.

11. Mr. Thee also discovered that Travis Lee Behn was hired by EVR as a broker-associate on April 21, 2011, but respondents failed to notify the Department in writing of its employment of Behn as a broker-associate, as required. Based on the number of and nature of the violations discovered during the audit, Mr. Thee also determined that Mr. Banasik, as the Designated Officer for EVR, failed to adequately supervise the real estate activities of EVR.

12. In response to the audit findings, Mr. Thee received and reviewed bank reconciliations, as well as several other documents provided to him by respondents to support their contention that the trust account violations had been cured. However, those documents did not establish that the Trust Account had been properly reconciled nor that broker funds and trust funds had not been commingled. As of the date of hearing, Mr. Thee had not received any evidence that the Trust Account audit violations were cured.

Respondents' Evidence

RESPONDENTS' DOCUMENTS

13. Respondents submitted several documents into evidence, including an email communication sent from Ms. Quintana to Mr. Thee, dated July 9, 2020, in response to Mr. Thee's audit findings. The response included the following statements:

I am willing to make corrections as we are not short any funds in our accounts. It is just a matter of me posting items

incorrectly thru Appfolio and not getting the correct help or timely help from Appfolio. ... I was running prop. mgmt. by myself and doing the job of 3 people on my own, so I know I may be the one that posted items incorrectly or didn't move monies within Appfolio correctly when moving tenants in or out and/or closing out properties. But we are not missing any funds since I took over. However, when ... my predecessor was fired ... we could not balance out off of his spreadsheets as we were missing receipts, etc and therefore, possibly were already starting out incorrectly. So it is very possible that that is where our shortage began and may not even be correctable. ... But, I know most of it is within Appfolio where I may have made errors in transferring between funds or not cleared funds out of or thru the clearing account. As far as commingling goes, I have not intentionally done any of that either!

[Regarding the failure to perform monthly trust account reconciliation] again, had I been able to be properly and thoroughly trained through Appfolio, I may have been able to catch any discrepancies and correct them ... I fully believe that if the [Department] expects prop. mgmt. companies to implement prop. mgmt. software program[s], then it should require that all prop. mgmt. software companies ... do in person and onsite training for no less than 2 weeks so that persons such as myself are not left to "flounder" thru these programs when being forced to use

them. Had I been able to implement a manual bookkeeping system that I fully understood, then I can assure all that we would not have been dinged on any of the items listed in your report.

TESTIMONY OF MR. BANASIK

14. Mr. Banasik has been licensed as a real estate salesperson or broker for over 46 years. He formed EVR with several other principals, including Willie Jefferson. He also formed EVR's property management division, which was managed by Mr. Jefferson. Mr. Banasik recognizes that, as the Designated Officer for EVR, he is ultimately responsible for EVR's business activities. However, he allowed Mr. Jefferson to manage the property management division with little supervision.

15. When respondent learned of the financial discrepancies identified by the 2017 Audit, he removed Mr. Jefferson as property manager and replaced him with Ms. Quintana. Some property management files had been removed or lost by Mr. Jefferson, which resulted in audit discrepancies. Mr. Banasik contended that the trust account shortage identified in the most recent audit and inability to clearly identify the source of the shortage was due at least in part to actions taken by Mr. Jefferson, prior to the 2017 Audit. Mr. Banasik and Ms. Quintana investigated the recent audit findings related to the comingling of funds and determined that the audit finding was likely due to either Ms. Quintana inadvertently depositing funds into the incorrect bank account or a "posting error." Mr. Banasik acknowledged that he had an obligation to notify the Department of Mr. Behn's employment. He noted, however, that Mr. Behn was seriously injured and unable to work at the time he was required to inform the Department of his employment with EVR.

16. EVR no longer performs property management activities, as Mr. Banasik sold its property management division to Solano Property Management in April 2020. Mr. Banasik emphasized that he has done everything he could to remain in compliance with the law both before and after entering into the Agreement and Order, but some things were out of his control. He takes full responsibility for his failures and has worked in unison with the Department to identify and cure violations identified during the Department's audit and investigation.

Analysis

17. Mr. Banasik has been a real estate broker for decades and formed EVR approximately 15 years ago. Respondents were previously disciplined by the Department. The prior disciplinary action was based on multiple violations of the duties authorized by respondents' licenses, from March 2016 through February 2017.

18. The follow up audit completed pursuant to the prior disciplinary action revealed that, from December 1, 2018 through November 30, 2019, respondents had engaged in the exact same violations of Real Estate Law identified during the previous audit. Additionally, respondents were found to have a trust account shortage in excess of \$14,000, for which the bulk of the shortage could not be identified and without written consent from the owners of the trust funds. Respondents also failed to inform the Department of its employment of a broker-associate, Mr. Behn, as required.

19. Respondent offered a variety of excuses for the violations identified by the Department in the most recent audit, including that the Trust Account shortages were the fault of a former employee Mr. Banasik supervised, that they failed to inform the Department of Mr. Behn's hire because he was not actually performing the duties he was hired to perform when the reporting was required, and that difficulties with

their accounting software made accurate accounting and account reconciliation difficult.

20. Despite Mr. Banasik's various explanations for respondents' noncompliance, complainant presented sufficient and persuasive evidence to establish each audit violation identified in the Accusation, and to established cause to impose discipline against respondents' licenses for each cause of action identified therein. Respondents' repeated violations and disregard for the rules and regulations governing their real estate practices demonstrates that respondents are either unwilling or unable to properly exercise the authority authorized by their licenses. However, respondents have ceased engaging in property management services and, but for the violations identified herein, have had no other disciplinary issues, despite being licensed for decades. The appropriate discipline must consider these mitigating circumstances while simultaneously providing adequate public protection.

Reasonable Costs

21. Complainant requested that respondent be ordered to reimburse the Department for the reasonable costs of investigation and enforcement of this matter, pursuant to Business and Professions Code section 10106.² To support its request for costs, complainant submitted a document titled Certified Statement of Costs, signed by Adriana Z. Badilas, specifying that the Department incurred \$1,032 in enforcement

² In paragraph 24 of the Accusation, Complainant also requested reimbursement of the costs of its audit, pursuant to Business and Professions Code section 10148, subdivision (b). However, no evidence of audit costs was offered at hearing.

costs, with an attached computer printout summarizing the charges for time spent by Ms. Badilas on separate tasks, totaling 10.75 hours of work at \$96 an hour for a total of \$1,032.

22. Complainant also submitted a Certified Statement of Investigative Costs with an attached declaration prepared by a Board Special Investigator, which specifies that the Board incurred \$1,113.25 in investigative costs in this matter as a result of 12.25 hours of investigative tasks and 1.5 hours of supervisory investigative tasks. The scope of work and amounts submitted by complainant are reasonable considering the allegations and legal issues in this matter, and the reasonable cost of investigation and enforcement is \$2,145.25. Complainant's cost request is further addressed in the Legal Conclusions below.

LEGAL CONCLUSIONS

Burden and Standard of Proof

1. Complainant bears the burden of proving, by clear and convincing evidence, that the charges in the accusation are true. (Evid. Code § 115; *Ettinger v. Bd. of Medical Quality Assurance* (1982) 135 Cal.App.3d 853, 856.) Clear and convincing evidence requires a finding of high probability, or evidence so clear as to leave no substantial doubt; it requires sufficiently strong evidence to command the unhesitating assent of every reasonable mind. (*Katie V. v. Superior Court* (2005) 130 Cal.App.4th 586, 594.)

Applicable Law

2. Business and Professions Code section 10145, subdivision (a)(1) provides:

A real estate broker who accepts funds belonging to others in connection with a transaction subject to this part shall deposit all those funds that are not immediately placed into a neutral escrow depository or into the hands of the broker's principal, into a trust fund account maintained by the broker in a bank or recognized depository in this state. All funds deposited by the broker in a trust fund account shall be maintained there until disbursed by the broker in accordance with instructions from the person entitled to the funds.

3. Business and Professions Code section 10159.2, subdivision (a), states in part:

The officer designated by a corporate broker licensee pursuant to Section 10211 shall be responsible for the supervision and control of the activities conducted on behalf of the corporation by its officers and employees as necessary to secure full compliance with the provisions of this division, including the supervision of salespersons licensed to the corporation in the performance of acts for which a real estate license is required.

4. Business and Professions Code section 10161.8, subdivision (c) provides that "[w]henver a responsible broker retains a real estate broker to conduct activities requiring a license, the responsible broker shall provide notice to the Commissioner in a manner specified by the Commissioner."

5. Business and Professions Code section 10176, subdivision (e) authorizes the Commissioner to suspend or revoke a real estate license when a licensee has commingled with his or her own money or property the money or property of others which is received or held by him or her.

6. Business and Professions Code section 10177, subdivisions (d) and (g) authorize the Commissioner to suspend or revoke the license of a real estate licensee or corporation if an officer, director, or person owning or controlling ten percent or more of the corporation's stock has "willfully disregarded or violated the Real Estate Law," or "demonstrated negligence or incompetence in performing an act for which he or she is required to hold a license."

7. California Code of Regulations, title 10, section 2725, provides that "[a] responsible broker shall exercise reasonable supervision over the activities of their salespersons or broker associates acting in the capacity of a salesperson. ... [which includes] the establishment of policies, rules, procedures and systems to review, oversee, inspect and manage:

(a) Transactions requiring a real estate license.

[¶] ... [¶]

(d) The handling of trust funds.

8. California Code of Regulations, title 10, section 2831.1, subdivision (a) provides that "[a] broker shall keep a separate record for each beneficiary or transaction, accounting for all funds deposited to the broker's trust bank account and interest, if any, earned on the funds on deposit."

9. California Code of Regulations, title 10, section 2831.1, subdivision (b) provides:

Maintenance of trust ledgers of separate beneficiaries or transactions, or similar records, or automated data processing systems, including computer systems and electronic storage and manipulation of information and documents, in accordance with generally accepted accounting principles will constitute compliance with subdivision (a), provided that such ledgers, records, or systems contain the elements required by subdivision (a) and that such elements are maintained in a format that will readily enable tracing and reconciliation in accordance with Section 2831.2.

10. California Code of Regulations, title 10, section 2831.2, subdivision (b) provides:

The balance of all separate beneficiary or transaction records maintained pursuant to the provisions of Section 2831.1 must be reconciled with the record of all trust funds received and disbursed required by Section 2831, at least once a month, except in those months when the bank account did not have any activities. A record of the reconciliation must be maintained, and it must identify the bank account name and number, the date of the reconciliation, the account number or name of the principals or beneficiaries or transactions, and the trust fund

liabilities of the broker to each of the principals, beneficiaries or transactions.

11. California Code of Regulations, title 10, section 2832, provides:

That the broker place funds accepted on behalf of another into the hands of the owner of the funds, into a neutral escrow depository or into a trust fund account in the name of the broker, or in a fictitious name if the broker is the holder of a license bearing such fictitious name, as trustee at a bank or other financial institution not later than three business days following receipt of the funds by the broker or by the broker's salesperson.

12. California Code of Regulations, title 10, section 2832.1, provides that:

The written consent of every principal who is an owner of the funds in the account shall be obtained by a real estate broker prior to each disbursement if such a disbursement will reduce the balance of funds in the account to an amount less than the existing aggregate trust fund liability of the broker to all owners of the funds.

Causes for Discipline

13. Based on the Findings as a whole, complainant established cause to discipline EVR's corporate broker license and Mr. Banasik's broker license, pursuant to Business and Professions Code sections 10145, 10161.8, 10176, subdivision (e), and

10177, subdivisions (d) and (g), in conjunction with Sections 2831.2, 2832.1, and 2835 of the regulations. EVR and Mr. Banasik violated the Real Estate Law as follows:

(a) Respondents allowed the account balance for the Trust Account to fall below the aggregate liability of their trust obligations, resulting in a shortage of \$14,151.26, without obtaining the prior written consent of each owner of the funds. (Finding 9.) (Bus. & Prof. Code, § 10145; Cal. Code Regs., tit. 10, § 2832.1.)

(b) Respondents failed to properly and accurately reconcile, on a monthly basis, the balance of all separate beneficiary or transaction records for the Trust Account. (Finding 10.) (Bus. & Prof. Code, § 10145; Cal. Code Regs., tit. 10, § 2831.2.)

(c) Respondents commingled broker funds with trust funds in the Trust Account by maintaining more than \$200 of broker funds in the Trust Account between December 1, 2018 and November 20, 2019. (Finding 10.) (Bus. & Prof. Code, § 10176, subd. (e).)

(d) Respondents failed to inform the Department in writing of EVR's employment of Behn as a broker-associate. (Finding 11.) (Bus. & Prof. Code, § 10161.8.)

14. As set forth in the Findings as a whole, and particularly Finding 11, complainant established cause to discipline Mr. Banasik's broker license, pursuant to Business and Professions Code section 10177, subdivisions (d), (g), and (h), for

violations of the Real Estate Law, as Mr. Banasik failed to adequately provide supervision over the real estate activities of EVR. (Bus. & Prof. Code, § 10159.2; Cal. Code Regs., tit. 10, § 2725.)

15. As set forth in the Findings as a whole, and in particular, Findings 17 through 20, allowing respondents to retain their licenses with appropriate restrictions is not contrary to public protection.

Costs Recovery

16. As specified in Finding 22, the reasonable costs of investigation and enforcement of this matter, pursuant to Business and Professions Code section 10106, are \$2,145.25. In *Zuckerman v. Board of Chiropractic Examiners* (2002) 29 Cal.4th 32, the California Supreme Court set forth factors to be considered in determining the reasonableness of the costs sought pursuant to statutory provisions like Business and Professions Code section 125.3. These factors include whether the licensee has succeeded at hearing in getting charges dismissed or reduced, the licensee's subjective good faith belief in the merits of his or her position, whether the licensee has raised a colorable challenge to the proposed discipline, the financial ability of the licensee to pay, and whether the scope of the investigation was appropriate in light of the alleged misconduct. When all the relevant factors in *Zuckerman* are considered, there is no basis to reduce complainant's reasonable costs. Complainant's reasonable costs are appropriately set at \$2,145.25.

ORDER

All licenses and licensing rights of respondents Eagle Vines Realty and Ronald Kenneth Banasik under the Real Estate Law are REVOKED; provided, however, a

restricted corporate real estate broker license shall be issued to Eagle Vines Realty, and a restricted real estate salesperson license shall be issued to Mr. Banasik, pursuant to Business and Professions Code section 10156.5, if respondents make application therefor and pay to the Department of Real Estate the appropriate fee for the restricted licenses within 90 days from the effective date of this Decision.

The restricted licenses issued to respondents shall be subject to all of the provisions of Business and Professions Code section 10156.7 and to the following limitations, conditions and restrictions imposed under authority of section 10156.6 of that Code:

1. Respondents shall obey all laws, rules and regulations governing the rights, duties, and responsibilities of a real estate licensee in the State of California.
2. Respondents shall pay the Department's costs associated with its investigation and enforcement pursuant to Business and Professions Code sections 10106, subdivision (a), in the amount of \$2,145.25. Respondent Eagle Vines Realty and respondent Ronald Kenneth Banasik are jointly and severally liable for these costs. These costs shall be paid in full or in accordance with a payment schedule as agreed to between respondents and the Department.

Respondents' failure to make payments in accordance with any formal agreement entered into with the Department shall constitute an independent violation of the terms of the restricted licenses and shall be grounds for the suspension or revocation of said licenses.

3. The restricted licenses issued to respondents may be suspended prior to hearing by Order of the Real Estate Commissioner in the event of a respondent's

conviction or plea of nolo contendere to a crime which is substantially related to respondents' fitness or capacity as a real estate licensee.

4. The restricted licenses issued to respondents may be suspended prior to hearing by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that respondents have violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner, or conditions attaching to the restricted license.

5. Respondents shall not be eligible to apply for the issuance of unrestricted real estate licenses nor for the removal of any of the conditions, limitations or restrictions of a restricted license until two years have elapsed from the effective date of this Decision.

6. Mr. Banasik shall not serve as the Designated Officer for respondent Eagle Vines Realty. If Mr. Banasik is identified as the Designated Officer for respondent Eagle Vines at any time after the aforementioned restricted licenses are issued such designation shall constitute an independent violation of the terms of the restricted licenses and shall be grounds for the suspension or revocation of said licenses.

7. Mr. Banasik shall submit with any application for license under an employing broker, or any application for transfer to a new employing broker, a statement signed by the prospective employing real estate broker on a form approved by the Department which shall certify:

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

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

8. Mr. Banasik shall, within nine months from the effective date of this Decision, present evidence satisfactory to the Real Estate Commissioner that he has, since the most recent issuance of an original or renewal real estate license, taken and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate license. If Mr. Banasik fails to satisfy this condition, the Commissioner may order the suspension of the restricted license until Mr. Banasik presents such evidence. The Commissioner shall afford Mr. Banasik the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.

9. Mr. Banasik shall, within six months from the effective date of this Decision, take and pass the Professional Responsibility Examination administered by the Department including the payment of the appropriate examination fee. If Mr. Banasik fails to satisfy this condition, the Commissioner may order suspension of his license until he passes the examination.

10. Mr. Banasik's original real estate salesperson license was issued subject to the provisions of Section 10153.4 of the Business and Professions Code, and the restricted real estate salesperson license issued to Mr. Banasik shall be similarly limited, to wit: Mr. Banasik shall, within eighteen (18) months of the issuance of Mr. Banasik's original real estate salesperson license under the provisions of Section 10153.4 of the Business and Professions Code, submit evidence satisfactory to the Commissioner of successful completion, at an accredited institution, of a course in real estate practices and one of the courses listed in Section 10153.2, other than real estate

principles, advanced legal aspects of real estate, advanced real estate finance or advanced real estate appraisal. If Mr. Banasik fails to present satisfactory evidence of successful completion of said courses, the restricted license shall be automatically suspended effective eighteen (18) months after issuance of Mr. Banasik's original real estate salesperson license. Said suspension shall not be lifted until Mr. Banasik has submitted the required evidence of course completion and the Commissioner has given written notice to Mr. Banasik of lifting of the suspension.

11. Mr. Banasik shall, prior to and as a condition of the issuance of the restricted license, submit proof satisfactory to the Commissioner of having taken and successfully completed the continuing education course on trust fund accounting and handling specified in subdivision (a) of Section 10170.5 of the Business and Professions Code. Proof of satisfaction of this requirement includes evidence that Mr. Banasik has successfully completed the trust fund account and handling continuing education course within 120 days prior to the effective date of the Decision in this matter.

DATE: September 30, 2022

Ed Washington

ED WASHINGTON

Administrative Law Judge

Office of Administrative Hearings