

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
DEC 12 2000

DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of

GILBERT VINCENT RICHARDS and,
GOLDEN BAY CAPITAL CORP.

}
}

By Shelly Ely

Case No. H-7853 SF

OAH No.

Respondent

NOTICE OF HEARING ON ACCUSATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at THE OFFICE OF ADMINISTRATIVE HEARINGS, ELIHU M. HARRIS BUILDING, 1515 CLAY STREET, SUITE 206, OAKLAND, CALIFORNIA 94612 on WEDNESDAY--FEBRUARY 14, 2001, at the hour of 3:00 PM, or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

Dated: DECEMBER 12, 2000

DEPARTMENT OF REAL ESTATE

By David B. Seals
DAVID B. SEALS, Counsel

1 DAVID B. SEALS, Counsel (SBN 69378)
2 Department of Real Estate
3 P. O. Box 187000
4 Sacramento, CA 95818-7000

5 Telephone: (916) 227-0789
6 -or- (916) 227-0792 (Direct)

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DEPARTMENT OF REAL ESTATE

By: *Shelly [Signature]*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 GILBERT VINCENT RICHARDS and) NO. H- 7853 SF
13 GOLDEN BAY CAPITAL CORP.,)
14 Respondents.)

15 ORDER SUSPENDING RESTRICTED REAL ESTATE LICENSE

16 TO: GILBERT VINCENT RICHARDS and GOLDEN BAY CAPITAL CORP.

17 On May 10, 1999, a restricted real estate
18 broker license was issued by the Department of Real Estate to
19 Respondents GILBERT VINCENT RICHARDS and GOLDEN BAY CAPITAL
20 CORP. on the terms, conditions and restrictions set forth in
21 the Real Estate Commissioner's Decision of April 8, 1999 in
22 case No. H-7623 SF. This Order granted the right to the
23 issuance of a restricted real estate broker license subject to
24 the provisions of Section 10156.7 of the Business and
25 Professions Code and to enumerated additional terms,
26 conditions and restrictions imposed under authority of Section
27 10156.6 of said Code.

1 On July 20, 2000, in Case No. H-7853 SF, an
2 Accusation by a Deputy Real Estate Commissioner of the State
3 of California was filed charging Respondents GILBERT VINCENT
4 RICHARDS and GOLDEN BAY CAPITAL CORP. with violation of
5 Section 10177(k) of the Business and Professions Code of the
6 State of California.

7 NOW, THEREFORE, IT IS ORDERED under authority of
8 Section 10156.7 of the Business and Professions Code of the State
9 of California that the restricted real estate broker license
10 heretofore issued to Respondents GILBERT VINCENT RICHARDS and
11 GOLDEN BAY CAPITAL CORP. and the exercise of any privileges
12 thereunder is hereby suspended pending final determination made
13 after the hearing on the aforesaid Accusation.

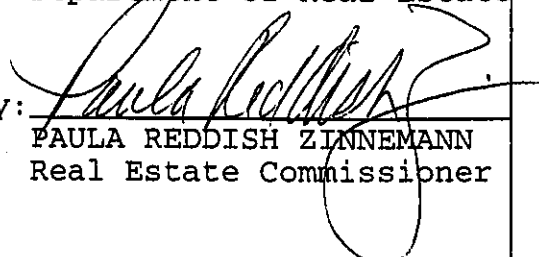
14 IT IS FURTHER ORDERED that all license certificates and
15 identification cards issued by the Department which are in the
16 possession of Respondents GILBERT VINCENT RICHARDS and GOLDEN BAY
17 CAPITAL CORP. be immediately surrendered by personal delivery or
18 by mailing in the enclosed, self-addressed envelope to:

19
20 Department of Real Estate
21 Attn: Flag Section
22 P. O. Box 187000
23 Sacramento, CA 95818-7000

24 This Order shall be effective immediately.

25 DATED: August 9, 2000

26 Department of Real Estate

27 By: 
PAULA REDDISH ZINNEMANN
Real Estate Commissioner

1 DAVID B. SEALS, Counsel (SBN 69378)
2 Department of Real Estate
3 P. O. Box 187000
4 Sacramento, CA 95818-7000

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JUL 20 2000

DEPARTMENT OF REAL ESTATE

4 Telephone: (916) 227-0789
5 -or- (916) 227-0792 (Direct)

By Shelly Ely

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11	In the Matter of the Accusation of)	No. H-7853 SF
12	GILBERT VINCENT RICHARDS and,)	<u>ACCUSATION</u>
13	GOLDEN BAY CAPITAL CORP.,)	
14	Respondents.)	

15 The Complainant, Les R. Bettencourt, a Deputy Real
16 Estate Commissioner of the State of California for cause of
17 Accusation against GILBERT VINCENT RICHARDS (hereinafter
18 Respondent RICHARDS) and GOLDEN BAY CAPITAL CORP. (hereinafter
19 Respondent GOLDEN BAY), is informed and alleges as follows:

20 I

21 The Complainant, Les R. Bettencourt, a Deputy Real
22 Estate Commissioner of the State of California, makes this
23 Accusation in his official capacity.

24 II

25 Respondent GOLDEN BAY and Respondent RICHARDS are
26 licensed and/or has license rights under the Real Estate Law,
27 Part 1 of Division 4 of the California Business and Professions

1 Code (hereinafter "Code") as a restricted real estate broker
2 corporation and restricted real estate broker, respectively.

3 III

4 The restricted real estate broker license was issued to
5 Respondent Gilbert Vincent Richards and Respondent Golden Bay
6 Capital Corp. on May 10, 1999 as a result of Case No. H-7623 SF
7 and was issued subject to the following conditions:

8 Included in said terms, conditions and restrictions
9 were the following:

10 5. Pursuant to Section 10148 of the Business and
11 Professions Code, respondents shall pay the
12 Commissioner's reasonable cost for an audit to
13 determine if respondents have corrected the trust fund
14 violations found in paragraphs 1 through 9 of the Legal
15 Conclusions. In calculating the amount of the
16 Commissioner's reasonable cost, the Commissioner may
17 use the estimated average hourly salary for all persons
18 performing audits of real estate brokers, and shall
19 include an allocation for travel time to and from the
20 auditor's place of work. The respondents shall pay such
21 cost within 45 days of receiving an invoice from the
22 Commissioner detailing the activities performed during
23 the audit and the amount of time spent performing those
24 activities. The Commissioner may suspend the
25 restricted licenses issued to respondents pending a
26 hearing held in accordance with Section 11500, et seq.,
27 of the Government Code, if payment is not timely made

1 as provided for herein, or as provided for in a
2 subsequent agreement between respondents and the
3 Commissioner. The suspension shall remain in effect
4 until payment is made in full or until respondents
5 enter into an agreement satisfactory to the
6 Commissioner to provide for payment, or until a
7 decision providing otherwise is adopted following a
8 hearing held pursuant to this condition.

9 IV

10 An audit under the terms of Paragraph III was conducted
11 prior to January 11, 2000. Respondents were invoiced for the
12 reasonable cost of performing said audit on January 11, 2000.

13 V


14 As of the date of this Accusation, Respondents have not
15 paid in full, as invoiced or as provided for in a subsequent
16 agreement between Respondents and the Commissioner, the cost of
17 the audit described in Paragraph III and Paragraph IV.

18 VI

19 The acts and/or omissions of Respondent GOLDEN BAY and
20 Respondent RICHARDS alleged above are grounds for the revocation
21 or suspension of Respondents' licenses under Section 10177(k) of
22 the Business and Professions Code.

23 WHEREFORE, Complainant prays that a hearing be
24 conducted on the allegations of this Accusation and that upon
25 proof thereof, a decision be rendered imposing disciplinary
26 action against all licenses and license rights of Respondents
27 under the Real Estate Law (Part 1 of Division 4 of the Business

1 and Professions Code) and for such other and further relief as
2 may be proper under other provisions of law.

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5 
6 LES R. BETTENCOURT
Deputy Real Estate Commissioner

7 Dated at Oakland, California,
8 this 11th day of July, 2000.

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