

1 Department of Real Estate
2 P. O. Box 187000
3 Sacramento, CA 95818-7000
4 Telephone: (916) 227-0789

FILED
AUG 01 2001

DEPARTMENT OF REAL ESTATE

By Shelly El

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)

No. H-7909 SF

JOHN PHILIP GERITZ and)
GERITZ REALTY, INC.,)

STIPULATION AND AGREEMENT

Respondents)

IN SETTLEMENT AND ORDER

It is hereby stipulated by and between JOHN PHILIP GERITZ and GERITZ REALTY, INC., (hereinafter "Respondents"), and their attorney of record, Arthur R. Abelson, and the Complainant, acting by and through David B. Seals, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on January 4, 2001, in this matter:

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondents at a formal hearing on the Accusation which hearing was to be held in accordance with the provisions of the Administrative Procedure Act (APA), shall instead and in place thereof be

H-7909 SF

- 1 -

JOHN PHILIP GERITZ and
GERITZ REALTY, INC.

1 submitted solely on the basis of the provisions of this
2 Stipulation and Agreement in Settlement.

3 2. Respondents have received, read and understand the
4 Statement to Respondent, the Discovery Provisions of the APA and
5 the Accusation filed by the Department of Real Estate in this
6 proceeding.

7 3. On January 19, 2001, Respondents filed a Notice of
8 Defense pursuant to Section 11505 of the Government Code for the
9 purpose of requesting a hearing on the allegations in the
10 Accusation. Respondents hereby freely and voluntarily withdraw
11 said Notice of Defense. Respondents acknowledge that they
12 understand that by withdrawing said Notice of Defense they will
13 thereby waive their right to require the Commissioner to prove
14 the allegations in the Accusation at a contested hearing held in
15 accordance with the provisions of the APA and that they will
16 waive other rights afforded to them in connection with the
17 hearing such as the right to present evidence in defense of the
18 allegations in the Accusation and the right to cross-examine
19 witnesses.

20 4. This Stipulation is based on the factual allegations
21 contained in the Accusation. In the interests of expedience and
22 economy, Respondents choose not to contest these allegations, but
23 to remain silent and understand that, as a result thereof, these
24 factual allegations, without being admitted or denied, will serve
25 as a prima facie basis for the disciplinary action stipulated to
26 herein. The Real Estate Commissioner shall not be required to
27 provide further evidence to prove said factual allegations.

1 5. It is understood by the parties that the Real
2 Estate Commissioner may adopt the Stipulation and Agreement in
3 Settlement as her decision in this matter thereby imposing the
4 penalty and sanctions on Respondents' real estate licenses and
5 license rights as set forth in the below "Order". In the event
6 that the Commissioner in her discretion does not adopt the
7 Stipulation and Agreement in Settlement, it shall be void and of
8 no effect, and Respondents shall retain the right to a hearing
9 and proceeding on the Accusation under all the provisions of the
10 APA and shall not be bound by any admission or waiver made
11 herein.

12 6. The Order or any subsequent Order of the Real
13 Estate Commissioner made pursuant to this Stipulation and
14 Agreement in Settlement shall not constitute an estoppel, merger
15 or bar to any further administrative or civil proceedings by the
16 Department of Real Estate with respect to any matters which were
17 not specifically alleged to be causes for accusation in this
18 proceeding.

19 7. Respondents JOHN PHILIP GERITZ and GERITZ REALTY,
20 INC. have received, read and understand the "Notice Concerning
21 Costs of Subsequent Audits". Respondents JOHN PHILIP GERITZ and
22 GERITZ REALTY, INC. understand that by agreeing to this
23 Stipulation and Agreement in Settlement, the findings set forth
24 below in the DETERMINATION OF ISSUES become final, and that the
25 Commissioner may charge Respondents JOHN PHILIP GERITZ and GERITZ
26 REALTY, INC. for the costs of any audit for which either or both
27 is charged pursuant to Section 10148 of the Business and

1 Professions Code. The reasonable cost of the audit which led to
2 this disciplinary action is \$3500.20. The maximum cost of the
3 subsequent audit will not exceed \$3500.20.

4 DETERMINATION OF ISSUES

5 I

6 The facts alleged above are grounds for the suspension
7 or revocation of the licenses and license rights of Respondents
8 JOHN PHILIP GERITZ, under Section 10177(h) of the Code, and
9 GERITZ REALTY, INC., under Section 10145 of the Code in
10 conjunction with Section 10177(d) of the Code.

11 ORDER

12 I

13 All licenses and licensing rights of Respondent JOHN
14 PHILIP GERITZ under the Real Estate Law are ~~revoked~~; provided,
15 however, a restricted real estate broker license shall be issued
16 to Respondent JOHN PHILIP GERITZ pursuant to Section 10156.5 of
17 the Business and Professions Code if Respondent JOHN PHILIP
18 GERITZ makes application therefor and pays to the Department of
19 Real Estate the appropriate fee for the restricted license within
20 90 days from the effective date of this Decision. The restricted
21 license issued to Respondent JOHN PHILIP GERITZ shall be subject
22 to all of the provisions of Section 10156.7 of the Business and
23 Professions Code and to the following limitations, conditions and
24 restrictions imposed under authority of Section 10156.6 of that
25 Code:

26 ///

27 ///

1 1. The restricted license issued to Respondent JOHN
2 PHILIP GERITZ may be suspended prior to hearing by Order of the
3 Real Estate Commissioner in the event of Respondent JOHN PHILIP
4 GERITZ's conviction or plea of nolo contendere to a crime which
5 is substantially related to Respondent JOHN PHILIP GERITZ's
6 fitness or capacity as a real estate licensee.

7 2. The restricted license issued to Respondent JOHN
8 PHILIP GERITZ may be suspended prior to hearing by Order of the
9 Real Estate Commissioner on evidence satisfactory to the
10 Commissioner that Respondent JOHN PHILIP GERITZ has violated
11 provisions of the California Real Estate Law, the Subdivided
12 Lands Law, Regulations of the Real Estate Commissioner or
13 conditions attaching to the restricted license.

14 3. Respondent JOHN PHILIP GERITZ shall not be
15 eligible to apply for the issuance of an unrestricted real estate
16 license nor for the removal of any of the conditions, limitations
17 or restrictions of a restricted license until two (2) years has
18 elapsed from the effective date of this Decision.

19 4. Respondent JOHN PHILIP GERITZ shall, within nine
20 months from the effective date of this Decision, present evidence
21 satisfactory to the Real Estate Commissioner that Respondent JOHN
22 PHILIP GERITZ has, since the most recent issuance of an original
23 or renewal real estate license, taken and successfully completed
24 the continuing education requirements of Article 2.5 of Chapter 3
25 of the Real Estate Law for renewal of a real estate license. If
26 Respondent JOHN PHILIP GERITZ fails to satisfy this condition,
27 the Commissioner may order the suspension of the restricted

1 license until Respondent JOHN PHILIP GERITZ presents such
2 evidence. The Commissioner shall afford Respondent JOHN PHILIP
3 GERITZ the opportunity for a hearing pursuant to the
4 Administrative Procedure Act to present such evidence.

5 5. Respondent JOHN PHILIP GERITZ shall, within six
6 months from the effective date of this Decision, take and pass
7 the Professional Responsibility Examination administered by the
8 Department including the payment of the appropriate examination
9 fee. If Respondent JOHN PHILIP GERITZ fails to satisfy this
10 condition, the Commissioner may order suspension of Respondent
11 JOHN PHILIP GERITZ's license until Respondent JOHN PHILIP GERITZ
12 passes the examination.

13 6. Pursuant to Section 10148 of the Business and
14 Professions Code, Respondents JOHN PHILIP GERITZ and GERITZ
15 REALTY, INC. shall pay the Commissioner's reasonable cost for a
16 subsequent audit to determine if Respondent GERITZ REALTY, INC.
17 has corrected the trust fund violation(s) found in paragraph I of
18 the Determination of Issues. In calculating the amount of the
19 Commissioner's reasonable cost, the Commissioner may use the
20 estimated average hourly salary for all persons performing audits
21 of real estate brokers, and shall include an allocation for
22 travel time to and from the auditor's place of work. Respondents
23 JOHN PHILIP GERITZ and GERITZ REALTY, INC. shall pay such cost
24 within 60 days of receiving an invoice from the Commissioner
25 detailing the activities performed during the audit and the
26 amount of time spent performing those activities. The
27 Commissioner may suspend the restricted license issued to

1 respondent pending a hearing held in accordance with Section
2 11500, et seq., of the Government Code, if payment is not timely
3 made as provided for herein, or as provided for in a subsequent
4 agreement between Respondents JOHN PHILIP GERITZ and GERITZ
5 REALTY, INC. and the Commissioner. The suspension shall remain
6 in effect until payment is made in full or until Respondents JOHN
7 PHILIP GERITZ and GERITZ REALTY, INC. enter into an agreement
8 satisfactory to the Commissioner to provide for payment, or until
9 a decision providing otherwise is adopted following a hearing
10 held pursuant to this condition.

11 7. Prior to and as a condition of the issuance of the
12 restricted license as provided herein, Respondent JOHN PHILIP
13 GERITZ shall provide evidence satisfactory to the Real Estate
14 Commissioner that the shortage alleged in the Accusation has been
15 cured.

16 II

17 All licenses and licensing rights of Respondent GERITZ
18 REALTY, INC. under the Real Estate Law are revoked; provided,
19 however, a restricted real estate broker license shall be issued
20 to Respondent GERITZ REALTY, INC. pursuant to Section 10156.5 of
21 the Business and Professions Code if Respondent GERITZ REALTY,
22 INC. makes application therefor and pays to the Department of
23 Real Estate the appropriate fee for the restricted license within
24 90 days from the effective date of this Decision. The restricted
25 license issued to Respondent GERITZ REALTY, INC. shall be subject
26 to all of the provisions of Section 10156.7 of the Business and
27 Professions Code and to the following limitations, conditions and

1 restrictions imposed under authority of Section 10156.6 of that
2 Code:

3 1. The restricted license issued to Respondent GERITZ
4 REALTY, INC. may be suspended prior to hearing by Order of the
5 Real Estate Commissioner in the event of Respondent GERITZ
6 REALTY, INC.'s conviction or plea of nolo contendere to a crime
7 which is substantially related to Respondent GERITZ REALTY,
8 INC.'s fitness or capacity as a real estate licensee.

9 2. The restricted license issued to Respondent GERITZ
10 REALTY, INC. may be suspended prior to hearing by Order of the
11 Real Estate Commissioner on evidence satisfactory to the
12 Commissioner that Respondent GERITZ REALTY, INC. has violated
13 provisions of the California Real Estate Law, the Subdivided
14 Lands Law, Regulations of the Real Estate Commissioner or
15 conditions attaching to the restricted license.

16 3. Respondent GERITZ REALTY, INC. shall not be
17 eligible to apply for the issuance of an unrestricted real estate
18 license nor for the removal of any of the conditions, limitations
19 or restrictions of a restricted license until two (2) years has
20 elapsed from the effective date of this Decision.

21 4. Pursuant to Section 10148 of the Business and
22 Professions Code, Respondents JOHN PHILIP GERITZ and GERITZ
23 REALTY, INC. shall pay the Commissioner's reasonable cost for a
24 subsequent audit to determine if Respondent GERITZ REALTY, INC.
25 has corrected the trust fund violation(s) found in paragraph I of
26 the Determination of Issues. In calculating the amount of the
27 Commissioner's reasonable cost, the Commissioner may use the

1 estimated average hourly salary for all persons performing audits
2 of real estate brokers, and shall include an allocation for
3 travel time to and from the auditor's place of work. Respondents
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5 within 60 days of receiving an invoice from the Commissioner
6 detailing the activities performed during the audit and the
7 amount of time spent performing those activities. The
8 Commissioner may suspend the restricted license issued to
9 respondent pending a hearing held in accordance with Section
10 11500, et seq., of the Government Code, if payment is not timely
11 made as provided for herein, or as provided for in a subsequent
12 agreement between Respondents JOHN PHILIP GERITZ and GERITZ
13 REALTY, INC. and the Commissioner. The suspension shall remain
14 in effect until payment is made in full or until Respondents JOHN
15 PHILIP GERITZ and GERITZ REALTY, INC. enter into an agreement
16 satisfactory to the Commissioner to provide for payment, or until
17 a decision providing otherwise is adopted following a hearing
18 held pursuant to this condition.

19 5. Prior to and as a condition of the issuance of the
20 restricted license as provided herein, Respondent GERITZ REALTY,
21 INC. shall provide evidence satisfactory to the Real Estate
22 Commissioner that the shortage alleged in the Accusation has been
23 cured.

24 7/5/2001

25 DATED

26 

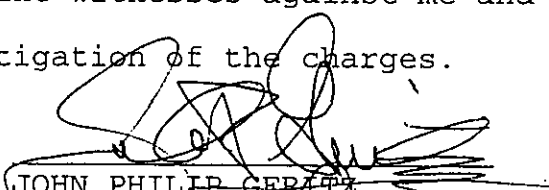
27 DAVID B. SEALS, Counsel
DEPARTMENT OF REAL ESTATE

* * *

1 I have read the Stipulation and Agreement, have had the
2 opportunity to consult with legal counsel, and its terms are
3 understood by me and are agreeable and acceptable to me. I
4 understand that I am waiving rights given to me by the California
5 Administrative Procedure Act (including but not limited to
6 Sections 11506, 11508, 11509 and 11513 of the Government Code),
7 and I willingly, intelligently and voluntarily waive those
8 rights, including the right of requiring the Commissioner to
9 prove the allegations in the Accusation at a hearing at which I
10 would have the right to cross-examine witnesses against me and to
11 present evidence in defense and mitigation of the charges.

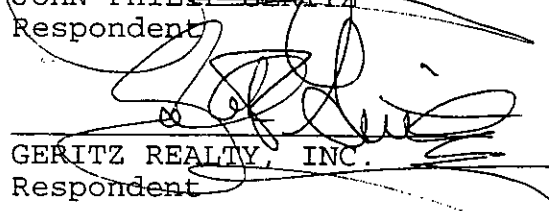
12 7-3-2001

13 DATED

14 
JOHN PHILIP GERITZ
Respondent

15 7-3-2001

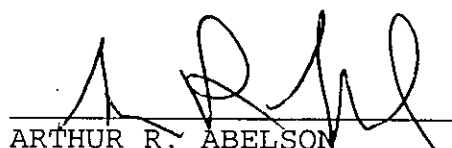
16 DATED

17 
GERITZ REALTY, INC.
Respondent

18 I have reviewed the Stipulation and Agreement in
19 Settlement as to form and content and have advised my client
20 accordingly.

21 7-3-2001

22 DATED

23 
ARTHUR R. ABELSON
Attorney for Respondent

24 ///

25 ///

26 ///

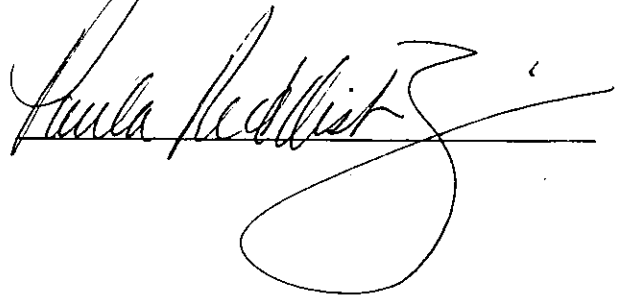
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* * *

The foregoing Stipulation and Agreement for
Settlement is hereby adopted by the Real Estate Commissioner as
her Decision and Order and shall become effective at 12 o'clock
noon on August 21, 2001.

IT IS SO ORDERED July 29, 2001.

PAULA REDDISH ZINNEMANN
Real Estate Commissioner



FILED

MAR 14 2001

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

By Shelly Elzy

In the Matter of the Accusation of

JOHN PHILIP GERITZ and
GERITZ REALTY, INC.

Case No. H-7909 SF

OAH No.

RespondentFIRST CONTINUED
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 TUESDAY--MAY 22, 2001, at the hour of 9:00 AM, 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: MARCH 14, 2001

By

DEPARTMENT OF REAL ESTATE

David B. Seals
DAVID B. SEALS,

Counsel

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

FILED
MAR 02 2001

DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of

JOHN PHILIP GERITZ and
GERITZ REALTY, INC.

}

Case No. H-7909 SF

OAH No.

By Shelly Clay

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, 1515 CLAY STREET, SUITE 206, OAKLAND, CALIFORNIA 94612 on THURSDAY--APRIL 5, 2001, at the hour of 9:00 A.M., 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: MARCH 2, 2001

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)

FILED
JAN 04 2001

DEPARTMENT OF REAL ESTATE

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-7909 SF

12 JOHN PHILIP GERITZ and)

ACCUSATION

13 GERITZ REALTY, INC.,)

14 Respondents.)

15
16 The Complainant, Les R. Bettencourt, a Deputy Real
17 Estate Commissioner of the State of California for cause of
18 Accusation against JOHN PHILIP GERITZ and GERITZ REALTY, INC. is
19 informed and alleges as follows:

20 FIRST CAUSE OF ACCUSATION

21 I

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

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27 ///

1 II

2 Respondents are licensed and/or have license rights
3 under the Real Estate Law, Part 1 of Division 4 of the California
4 Business and Professions Code (hereinafter "Code") as follows:

5 a. GERITZ REALTY, INC. (hereinafter "GR") as a
6 corporate real estate broker.

7 b. JOHN PHILIP GERITZ (hereinafter "GERITZ") as a real
8 estate broker and as the designated officer of Respondent GR.

9 III

10 On or about September 14, 1999, 94 year old, Lois B.
11 Gorshek (hereinafter "Seller"), entered into an EXCLUSIVE
12 AUTHORIZATION AND RIGHT TO SELL agreement with Respondent GR,
13 through Respondent GERITZ, to sell the real property owned by
14 Seller and located at 14842 Sylvia Way, San Leandro (hereinafter
15 the "Property").

16 IV

17 On or about January 26, 2000, Seller accepted an offer
18 to purchase the Property made by Jeffrey J. Miller and Nu N. Tran
19 (hereinafter the "Buyers").

20 V

21 From on or about February 18 through March 2, 2000
22 Respondent GERITZ came to the Property and showed Ms. Gorshek
23 certain documents which he said were in connection with the sale
24 of the Property and had her sign said documents without fully
25 disclosing to Ms. Gorshek the consequences or significance of
26 such documents.

27 ///

VI

In truth and in fact, the documents Respondent GERITZ showed Ms. Gorshek and had her sign, as discussed in Paragraph V, not only contained documents necessary to close the purchase of the Property but also contained a provision to allow Respondent GERITZ to receive \$50,000 of the proceeds of the sale as a personal loan.

VII

Respondent GERITZ did not inform Ms. Gorshek that she was loaning him any money at anytime prior to her signing any document allowing him to receive the \$50,000 discussed in Paragraph VI.

VIII

The acts and/or omissions of Respondent GERITZ to deceive and/or make misrepresentations to Ms. Gorshek with the intent to substantially benefit himself and his failure to disclose to Ms. Gorshek the consequences of her signing the documents as discussed in Paragraphs V through VII above, constitute violation of Sections 10176(a), (c), (d) and (i) and 10177(j) of the Code and are grounds for the suspension or revocation of a California real estate license thereunder.

SECOND CAUSE OF ACCUSATION

IX

There is hereby incorporated in this Second, separate and distinct, Cause of Accusation all of the allegations contained in Paragraphs I through VIII of the First Cause of

1 Accusation with the same force and effect as if herein fully set
2 forth.

3 X

4 At various times mentioned herein, Respondents GERITZ
5 and GR engaged in the business of, acted in the capacity of,
6 advertised, or assumed to act as real estate brokers within the
7 State of California, within the meaning of Section 10131 of the
8 Code for or in expectation of compensation.

9 XI

10 That at all times mentioned herein, Respondents GERITZ
11 and GR accepted or received funds in trust (hereafter trust
12 funds) from and on behalf of their principals placing them in
13 trust accounts and at times thereafter made disbursements of such
14 funds.

15 XII

16 From April 26, 2000 to June 1, 2000 an investigative
17 audit was conducted by the Department of the records and bank
18 records of Respondent GR for the period from April 1, 1999 to
19 March 31, 2000, as said records related to GR'S activities as a
20 real estate broker described above.

21 XIII

22 During the period covered by the audit referred to in
23 Paragraph XII Respondent GR maintained two trust accounts. One
24 account was located at Bay Bank of Commerce, 1495 East 14th
25 Street, San Leandro, CA 94577 with Account No. 1134566
26 (hereinafter referred to as "Trust #1"). The other account was
27 located at Union Bank of California, 1145 East 14th Street, San

1 Leandro, CA 94577 with Account No. 1390011802 (hereinafter
2 referred to as "Trust #2").

3 XIV

4 The adjusted balance of Trust #1 as of December 31,
5 1999 was Forty Thousand Four Hundred Fifty and 98/100 Dollars
6 (\$40,450.98) and the trust fund accountability in the account as
7 of December 31, 1999 was Forty One Thousand Five Hundred Eighty-
8 Five and 93/100 Dollars (\$41,585.93). Therefore, Respondent GR,
9 as of December 31, 1999, had a trust fund shortage of One
10 Thousand One Hundred Thirty-Four and 95/100 Dollars (\$1,134.95).

11 XV

12 The cause of the shortage in Trust #1 was unidentified.

13 XVI

14 In a home sales transaction involving offeror, Renold
15 L. Martin, Respondent GR failed to place the offeror's check into
16 a neutral escrow depository or the trust fund account, or into
17 the hands of the offeree in violation of Section 2832(d), Title
18 10, California Code of Regulations (hereinafter the
19 "Regulations").

20 XVII

21 Respondent GR failed to maintain a record of trust
22 funds received but not placed into its trust account in violation
23 of Section 2831(a)(6) of the Regulations.

24 XVIII

25 Respondents GR and GERITZ failed to provide the
26 lender/purchaser disclosure statement, specified in Section
27 10232.5 of the Code, to Ms. Gorshek for the loan discussed at

1 Paragraphs VI and VII above, in violation of Section 10232.4 of
2 the Code.

3 XIX

4 Respondents GR and GERITZ failed to provide the
5 statements to the Department regarding the loan from Ms. Gorshek
6 discussed at Paragraphs VI and VII above, required by Section
7 10231.2 of the Code.

8 XX

9 Respondents GR and GERITZ failed to record the trust
10 deed securing the loan from Ms. Gorshek discussed at Paragraphs
11 VI and VII above in violation of Section 10234 of the Code.

12 XXI

13 The acts and/or omissions of Respondents described
14 above in Paragraphs IX through XX are grounds for the revocation
15 or suspension of Respondents' licenses under the following
16 sections of the Business and Professions Code and the
17 Regulations:

18 (a) As to Respondent GR only, under Section 10145 of
19 the Code and Sections 2831(a)(6) and 2832(d) of the
20 Regulations in conjunction with Section 10177(d) of the
21 Code.

22 (b) As to Respondent GERITZ only, under Sections
23 10177(g) or (j) and (h) of the Code.

24 WHEREFORE, Complainant prays that a hearing be
25 conducted on the allegations of this Accusation and that upon
26 proof thereof, a decision be rendered imposing disciplinary
27 action against all licenses and license rights of Respondents,

1 under the Real Estate Law (Part 1 of Division 4 of the Business
2 and Professions Code) and for such other and further relief as
3 may be proper under other provisions of law.

4 Les R. Bettencourt
5 LES R. BETTENCOURT
6 Deputy Real Estate Commissioner

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