

FIRST CAUSE OF ACCUSATION

I

Respondents BSM ENTERPRISES, INC., (hereafter referred to as "Respondent BSM") and Respondent BLICKMAN are presently licensed and/or have license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code (hereafter the "Code").

II

The Complainant, E. J. HABERER II, a Deputy Real Estate Commissioner of the State of California, made the Accusation against Respondents in his official capacity and not otherwise.

III

At all times herein mentioned, Respondent BSM was licensed by the Department as a real estate broker corporation acting by and through Respondent BLICKMAN as its designated broker officer.

IV

At all times herein mentioned, Respondent BLICKMAN was licensed by the Department as a real estate broker, and as the designated broker officer of Respondent BSM.

V

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

VI

At all times herein mentioned, Respondents engaged in the business of, acted in the capacity of, advertised, or assumed to act as real estate brokers within the State of California within the meaning of Sections 10131(b) of Code, including 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.

VII

In so acting as a real estate broker as described in Paragraph VI, above, Respondent BSM accepted or received funds in trust (hereinafter "trust funds") from or on behalf of owners, tenants and/or others in connection with the property management activities.

VIII

Within the three year period preceding the filing of the Accusation, in connection with the collection and disbursement of trust funds, the aforesaid trust funds accepted or received by Respondent BSM were deposited or caused to be deposited by Respondent BSM into one or more bank accounts maintained by Respondent BSM for the handling of trust funds at Bank of Marin, 23 Reed Blvd., Mill Valley, California:

- (a) Account No. 06306203, entitled "BSM Enterprises, Inc DBA Bayside Management Operating Account Trusts A-E" (hereinafter "Trust Account #A-E);
- (b) Account No. 06306211, entitled "BSM Enterprises, Inc DBA Bayside Management Operating Account Trusts F-J" (hereinafter "Trust Account #F-J);
- (c) Account No. 06306229, entitled "BSM Enterprises, Inc DBA Bayside Management Operating Account Trusts K-R" (hereinafter "Trust Account #K-R);
- (d) Account No. 06306237, entitled "BSM Enterprises, Inc DBA Bayside Management Operating Account Trusts S-Z" (hereinafter "Trust Account #S-Z);
- (e) Account No. 01507151, an interest bearing account [hereinafter "Account #1];
- (f) Account No. 06008916, an interest bearing account [hereinafter "Account #2];
- (g) Account No. 06306260, an interest bearing account [hereinafter "Account #3];
- (h) Account No. 06009146, an interest bearing account [hereinafter "Account #4];
- (i) Account No. 06009039, an interest bearing account [hereinafter "Account #5]; and,
- (j) Account No. 06306278, an interest bearing account [hereinafter "Account #6].

IX

In connection with the collection and disbursement of trust funds, Respondents failed to deposit and maintain the trust funds in a trust account or neutral escrow depository, or to

deliver them into the hands of the owners of the funds, as required by Section 10145 of the Code, when such funds were deposited to Account #1, Account #2, Account #3, Account #4, Account #5, and Account #6.

X

Within the three year period preceding the filing of the Accusation, in connection with the collection and disbursement of trust funds, as above alleged, Respondents:

- (a) Failed to maintain a written control record of all trust funds received and disbursed containing all information required by Section 2831 of the Regulations, including but not limited to recordation of all deposits, recordation of dates of receipt, and recordation of accurate dates of deposit of trust funds for Trust Account #A-E, Trust Account #F-J, Trust Account #K-R, and Trust Account #S-Z;
- (b) Failed to keep a separate record for each beneficiary or transaction, accounting for all funds that have been deposited to the broker's trust account, containing all of the information required by Section 2831.1 of the Regulations, including, but not limited to an accurate daily balance after posting transactions for Trust Account #A-E, Trust Account #F-J, Trust Account #K-R, and Trust Account #S-Z;
- (c) Failed to reconcile the balance of separate beneficiary or transaction records with the control records of trust funds received and disbursed at least once a month, and/or failed to maintain a record of such reconciliations as required by Section 2831.2 of the Regulations for Trust Account #A-E, Trust Account #F-J, Trust Account #K-R, and Trust Account #S-Z.
- (d) Failed to designate Account #1, Account #2, Account #3, Account #4, Account #5, and Account #6 as trust accounts in the name of the broker as trustee and deposited client trust funds into those accounts in violation of Section 2832 of the Regulations; and,
- (e) Failed to deposit client funds not immediately placed in the hands of the broker's principal or a neutral escrow depository, into a designated trust account in the name of the broker within three business days of receipt in violation of Section 2832 of the Regulations.

XI

Respondents permitted Dale Eyeler, Linda Stewart, Nan Jacuzzi, John Beaver, and K. Oglesby, persons who neither held a California real estate license nor who were bonded, to be signatories on Account #1, Account #2, Account #3, Account #4, Account #5, and Account #6 in violation of Section 2834 of the Regulations.

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XII

Respondents employed Leslee Ann Baird, John Lavoie, Marilyn Guy, Sherry Hendrix, Sharlotte Howard, Joann Medina, Patrick Mulvany, Tiffany Weiss, and Lavonne Wick as licensed salesperson employees without any written employment agreement in violation of Section 2726 of the Regulations.

SECOND CAUSE OF ACCUSATION

XIII

There is hereby incorporated in this Second, separate and distinct Cause of Accusation, all of the allegations contained in Paragraphs I through XII, inclusive, of the First Cause of Accusation with the same force and effect as if herein fully set forth.

XIV

At all times above mentioned, Respondent BLICKMAN was responsible, as the designated broker/officer of Respondent BSM, for the supervision and control of the activities conducted on behalf of the corporation by its officers and employees. Respondent BLICKMAN failed to exercise reasonable supervision and control over the property management and employment activities of Respondent BSM. In particular, Respondent BLICKMAN permitted, ratified and/or caused the conduct described in the First Cause of Accusation above to occur, and failed to take reasonable steps, including but not limited to the handling of trust funds, employment of salesperson licensees, and the implementation of policies, rules, procedures, and systems to ensure the compliance of Respondent BSM with the Real Estate Law.

XV

The above acts and/or omissions of Respondent BLICKMAN constitute grounds for suspension or revocation of her real estate broker license under the provisions of Section 10177(h) of the Code and/or Section 10159.2(a) of the Code and Section 2725 of the Regulations in conjunction with Section 10177(d) of the Code.

DETERMINATION OF ISSUES

I

The acts and/or omissions of Respondents as alleged above constitute grounds for disciplinary action under the following provisions:

- (a) As alleged in Paragraph IX, under Section 10145 of the Code in conjunction with Section 10177(d) of the Code;

- (b) As alleged in Paragraph X(a), under Section 10145 of the Code and Section 2831 of the Regulations in conjunction with Section 10177(d) of the Code;
- (c) As alleged in Paragraph X(b), under Section 2831.1 of the Regulations in conjunction with Section 10177(d) of the Code;
- (d) As alleged in Paragraph X(c), under Section 2831.2 of the Regulations in conjunction with Section 10177(d) of the Code;
- (e) As alleged in Paragraph X(d), under Section 2832 of the Regulations in conjunction with Section 10177(d) of the Code;
- (f) As alleged in Paragraph X(e), under Section 2832 of the Regulations in conjunction with Section 10177(d) of the Code.
- (g) As alleged in Paragraph XI, under Section 2834 of the Regulations in conjunction with Section 10177(d) of the Code; and,
- (h) As alleged in Paragraph XII, under Section 2726 of the Regulations in conjunction with Section 10177(d) of the Code.

II

The above acts and/or omissions of Respondent BLICKMAN constitute grounds for suspension or revocation of her real estate broker license under the provisions of Section 10177(h) of the Code and/or Section 10159.2(a) of the Code and Section 2725 of the Regulations in conjunction with Section 10177(d) of the Code.

III

The standard of proof applied was clear and convincing proof to a reasonable certainty.

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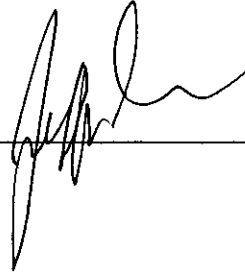
ORDER

All licenses and licensing rights of BIRGITTA INGRID BLICKMAN, under the provisions of Part I of Division 4 of the Business and Professions Code, are revoked.

This decision shall become effective at 12 o'clock noon
on ~~JUL 08 2008~~.

DATED: 6-18, 2008

JEFF DAVI
Real Estate Commissioner



FILED

MAY 02 2008

DEPARTMENT OF REAL ESTATE
By *L. L. L.*

1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187007
3 Sacramento, CA 95818-7007
4
5
6
7 Telephone: (916) 227-0789

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12) NO. H-9857 SF
13 BSM ENTERPRISES, INC., and)
14 BRIGITTA INGRID BLICKMAN,) STIPULATION AND AGREEMENT
15 Respondents.)

16 It is hereby stipulated by and between Respondent BSM
17 ENTERPRISES, INC., a corporation (hereinafter "Respondent"), by
18 and through its counsel, Maxine Monaghan, and the Complainant,
19 acting by and through Michael B. Rich, Counsel for the
20 Department of Real Estate, as follows for the purpose of
21 settling and disposing of the Accusation filed on January 16,
22 2007, in this matter (hereinafter "the Accusation"):

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

H-9857 SF

BSM ENTERPRISES, INC.

1 thereof be submitted solely on the basis of the provisions of
2 this Stipulation and Agreement.

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

7 3. On February 6, 2007, Respondent filed a Notice of
8 Defense pursuant to Section 11505 of the Government Code for
9 the purpose of requesting a hearing on the allegations in the
10 Accusation. Respondent hereby freely and voluntarily withdraws
11 its Notice of Defense. Respondent acknowledges that Respondent
12 understands that by withdrawing said Notice of Defense
13 Respondent will thereby waive Respondent's right to require the
14 Commissioner to prove the allegations in the Accusation at a
15 contested hearing held in accordance with the provisions of the
16 APA and that Respondent will waive other rights afforded to
17 Respondent in connection with the hearing such as the right to
18 present evidence in defense of the allegations in the
19 Accusation and the right to cross-examine witnesses.

20 4. Respondent, pursuant to the limitations set forth
21 below, hereby admits that the factual allegations in the
22 Accusation pertaining to Respondent are true and correct and
23 stipulates and agrees that the Real Estate Commissioner shall
24 not be required to provide further evidence of such
25 allegations.

26 5. It is understood by the parties that the Real
27 Estate Commissioner may adopt the Stipulation and Agreement as

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

10 6. This Stipulation and Agreement shall not
11 constitute an estoppel, merger or bar to any further
12 administrative or civil proceedings by the Department of Real
13 Estate with respect to any matters which were not specifically
14 alleged to be causes for accusation in this proceeding.

15 7. Respondent understands that by agreeing to this
16 Stipulation and Agreement in Settlement, Respondent agrees to
17 pay, jointly and severally with Respondent BRIGITTA INGRID
18 BLICKMAN, pursuant to Section 10148 of the Business and
19 Professions Code (hereinafter "the Code"), the cost of the audit
20 that led to this disciplinary action. The amount of said costs
21 is \$4,796.00.

22 8. Respondent has received, read, and understands the
23 "Notice Concerning Costs of Audits". Respondent further
24 understands that by agreeing to this Stipulation and Agreement
25 in Settlement, the findings set forth below in the DETERMINATION
26 OF ISSUES become final, and that the Commissioner may charge
27 Respondent for the costs of a subsequent audit conducted

1 pursuant to Section 10148 of the Code. The maximum costs of
2 said audit will not exceed \$4,796.00.

3 DETERMINATION OF ISSUES

4 By reason of the foregoing stipulations, admissions
5 and waivers and solely for the purpose of settlement of the
6 pending Accusation without hearing, it is stipulated and agreed
7 that the following Determination of Issues shall be made:

8 I

9 The acts and omissions of Respondent BSM ENTERPRISES,
10 INC., described in the First Cause of Action of the Accusation
11 are grounds for the suspension or revocation of the licenses and
12 license rights of Respondent under the provisions of Sections
13 2726, 2831, 2831.1, 2832, and 2832.1 of Chapter 6, Title 10,
14 California Code of Regulations (hereinafter "Regulations") and
15 Section 10145 of the Code in conjunction with Section 10177(d)
16 of the Code.

17 ORDER

18 I

19 A. All licenses and licensing rights of Respondent
20 BSM ENTERPRISES, INC., under the Real Estate Law are suspended
21 for a period of thirty (30) days from the effective date of the
22 Decision herein; provided, however:

23 1. Thirty (30) days of said thirty (30) day
24 suspension shall be stayed for two (2) years upon the following
25 terms and conditions;

26 (a) Respondent shall obey all laws, rules and
27 regulations governing the rights, duties and responsibilities of

1 a real estate licensee of the State of California; and,

2 (b) That no final subsequent determination be made,
3 after hearing or upon stipulation, that cause for disciplinary
4 action against Respondent occurred within two (2) years of the
5 effective date of the Decision herein.

6 (c) Should such a determination be made, the
7 Commissioner may, in his discretion, vacate and set aside the
8 stay order, and reimpose all or a portion of the stayed
9 suspension.

10 (d) If no order vacating the stay is issued, and if no
11 further cause for disciplinary action against the real estate
12 license of Respondent occurs within two (2) years from the
13 effective date of the Decision, then the stay hereby granted
14 shall become permanent.

15 B. Respondent BSM ENTERPRISES, INC., shall, jointly
16 and severally with Respondent BRIGITTA INGRID BLICKMAN, within
17 sixty (60) days of receiving an invoice therefor from the
18 Commissioner, pay the Commissioner's costs in the amount of
19 \$4,796.00 of the audit conducted pursuant to Section 10148 of
20 the Business and Professions Code that resulted in the
21 determination that Respondent committed the violations described
22 in Paragraph I of the Determination of Issues, above. If
23 Respondent fails to pay such cost within the sixty (60) days,
24 the Commissioner may in his discretion suspend all license and
25 licensing rights of Respondent under the Real Estate Law until
26 payment is made in full or until Respondent enters into an
27 agreement satisfactory to the Commissioner to provide for

1 payment. Upon payment in full, any suspension provided in this
2 paragraph shall be stayed.

3 C. Respondent BSM ENTERPRISES, INC., shall, jointly
4 and severally with Respondent BRIGITTA INGRID BLICKMAN, pay the
5 Commissioner's costs, not to exceed \$4,796.00 of a subsequent
6 audit conducted pursuant to Section 10148 of the Business and
7 Professions Code. In calculating the amount of the
8 Commissioner's reasonable cost, the Commissioner may use the
9 estimated average hourly salary for all persons performing
10 audits of real estate brokers, and shall include an allocation
11 for travel time to and from the auditor's place of work.
12 Respondent shall pay such cost within sixty (60) days of
13 receiving an invoice therefor from the Commissioner detailing
14 the activities performed during the audit and the amount of time
15 spent performing those activities. If Respondent fails to pay
16 such cost within the sixty (60) days of receiving an invoice
17 therefor from the Commissioner, the Commissioner may in his
18 discretion suspend all license and licensing rights of
19 Respondent under the Real Estate Law until payment is made in
20 full or until Respondent enters into an agreement satisfactory
21 to the Commissioner to provide for payment. Upon payment in
22 full, the suspension provided in this paragraph shall be stayed.

23
24
25 2/27/08
26 DATED

Michael B. Rich
MICHAEL B. RICH, Counsel
Department of Real Estate

1 * * *

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

13 BSM ENTERPRISES, INC.,
14 Respondent

15 2/25/2008

16 DATED

17 By: Jeff Hacker
18 JEFF HACKER
19 Designated Broker/Officer

20 Approved as to form and content by counsel for
21 Respondent.

22 February 25, 2008
23 DATED

24 Maxine Monaghan
25 MAXINE MONAGHAN
26 Attorney for Respondent BSM
27 ENTERPRISES, INC.

24 ///

25 //

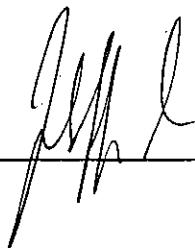
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* * *

The foregoing Stipulation and Agreement is hereby
adopted by me as my Decision in this matter as to Respondent BSM
ENTERPRISES, INC., and shall become effective at 12 o'clock noon
on MAY 23 2008

IT IS SO ORDERED 4-30-08

JEFF DAVI
Real Estate Commissioner



1 MICHAEL B. RICH, Counsel
2 State Bar No. 84257
3 Department of Real Estate
4 P. O. Box 187007
5 Sacramento, CA 95818-7007
6
7 Telephone: (916) 227-0789
8

FILED
JAN 16 2007

DEPARTMENT OF REAL ESTATE

By SEE

9 BEFORE THE DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of)
13 BSM ENTERPRISES, INC.,) NO. H-9857 SF
14 and BIRGITTA INGRID BLICKMAN,) ACCUSATION
15 Respondents.)

16 The Complainant, E. J. HABERER II, a Deputy Real Estate
17 Commissioner of the State of California, for Causes of Accusation
18 against BSM ENTERPRISES, INC., doing business under the
19 fictitious name of BAYSIDE MANAGEMENT, and BIRGITTA INGRID
20 BLICKMAN, is informed and alleges as follows:

21 FIRST CAUSE OF ACCUSATION

22 I

23 Respondents BSM ENTERPRISES, INC., (hereafter referred
24 to as "Respondent BSM") and BIRGITTA INGRID BLICKMAN (hereafter
25 referred to as "Respondent BLICKMAN") are presently licensed
26 and/or have license rights under the Real Estate Law, Part 1 of
27 Division 4 of the California Business and Professions Code
(hereafter the "Code").

1 II

2 The Complainant, E. J. HABERER II, a Deputy Real Estate
3 Commissioner of the State of California, makes this Accusation
4 against Respondent in his official capacity and not otherwise.

5 III

6 At all times herein mentioned, Respondent BSM was and
7 is licensed by the Department as a real estate broker corporation
8 acting by and through Respondent BLICKMAN as its designated
9 broker officer.

10 IV

11 At all times herein mentioned, Respondent BLICKMAN was
12 and is licensed by the Department as a real estate broker, and as
13 the designated broker officer of Respondent BSM.

14 V

15 Whenever reference is made in an allegation in this
16 Accusation to an act or omission of Respondent BSM, such
17 allegation shall be deemed to mean that the officers, directors,
18 employees, agents and real estate licensees employed by or
19 associated with Respondent BSM committed such act or omission
20 while engaged in the furtherance of the business or operations
21 of Respondent BSM and while acting within the course and scope
22 of their corporate authority and employment.

23 VI

24 At all times herein mentioned, Respondents engaged in
25 the business of, acted in the capacity of, advertised, or assumed
26 to act as real estate brokers within the State of California
27 within the meaning of Sections 10131(b) of Code, including the

1 operation and conduct of a property management business with the
2 public wherein, on behalf of others, for compensation or in
3 expectation of compensation, Respondents leased or rented and
4 offered to lease or rent and placed for rent, and solicited
5 listings of places for rent, and solicited listings of places for
6 rent, and solicited for prospective tenants of real property or
7 improvements thereon, and collected rents from real property or
8 improvements thereon.

9 VII

10 In so acting as a real estate broker as described in
11 Paragraph VI, above, Respondent BSM accepted or received funds in
12 trust (hereinafter "trust funds") from or on behalf of owners,
13 tenants and/or others in connection with the property management
14 activities.

15 VIII

16 Within the three year period next preceding to the
17 filing of this Accusation, in connection with the collection and
18 disbursement of trust funds, the aforesaid trust funds accepted
19 or received by Respondent BSM were deposited or caused to be
20 deposited by Respondent BSM into one or more bank accounts
21 maintained by Respondent BSM for the handling of trust funds at
22 Bank of Marin, 23 Reed Blvd., Mill Valley, California:

23 (a) Account No. 06306203, entitled "BSM Enterprises,
24 Inc DBA Bayside Management Operating Account Trusts
25 A-E" (hereinafter "Trust Account #A-E");
26
27

- 1 (b) Account No. 06306211, entitled "BSM Enterprises,
2 Inc DBA Bayside Management Operating Account Trusts
3 F-J" (hereinafter "Trust Account #F-J);
- 4 (c) Account No. 06306229, entitled "BSM Enterprises,
5 Inc DBA Bayside Management Operating Account Trusts
6 K-R" (hereinafter "Trust Account #K-R);
- 7 (d) Account No. 06306237, entitled "BSM Enterprises,
8 Inc DBA Bayside Management Operating Account Trusts
9 S-Z" (hereinafter "Trust Account #S-Z);
- 10 (e) Account No. 01507151, an interest bearing account
11 [hereinafter "Account #1];
- 12 (f) Account No. 06008916, an interest bearing account
13 [hereinafter "Account #2];
- 14 (g) Account No. 06306260, an interest bearing account
15 [hereinafter "Account #3];
- 16 (h) Account No. 06009146, an interest bearing account
17 [hereinafter "Account #4];
- 18 (i) Account No. 06009039, an interest bearing account
19 [hereinafter "Account #5]; and,
- 20 (j) Account No. 06306278, an interest bearing account
21 [hereinafter "Account #6];

22 IX

23 In connection with the collection and disbursement of
24 trust funds, Respondents failed to deposit and maintain the trust
25 funds in a trust account or neutral escrow depository, or to
26 deliver them into the hands of the owners of the funds, as
27 required by Section 10145 of the Code, when such funds were

1 deposited to Account #1, Account #2, Account #3, Account #4,
2 Account #5, and Account #6.

3 X

4 Within the three year period next preceding to the
5 filing of this Accusation, in connection with the collection and
6 disbursement of trust funds, as above alleged, Respondents:

- 7 (a) Failed to maintain a written control record of all
8 trust funds received and disbursed containing all
9 information required by Section 2831 of the
10 Regulations, including but not limited to
11 recordation of all deposits, recordation of dates
12 of receipt, and recordation of accurate dates of
13 deposit of trust funds for Trust Account #A-E,
14 Trust Account #F-J, Trust Account #K-R, and Trust
15 Account #S-Z;
- 16 (b) Failed to keep a separate record for each
17 beneficiary or transaction, accounting for all
18 funds that have been deposited to the broker's
19 trust account, containing all of the information
20 required by Section 2831.1 of the Regulations,
21 including, but not limited to an accurate daily
22 balance after posting transactions for Trust
23 Account #A-E, Trust Account #F-J, Trust Account #K-
24 R, and Trust Account #S-Z;
- 25 (c) Failed to reconcile the balance of separate
26 beneficiary or transaction records with the
27 control records of trust funds received and

1 disbursed at least once a month, and/or failed
2 to maintain a record of such reconciliations
3 as required by Section 2831.2 of the Regulations
4 for Trust Account #A-E, Trust Account #F-J, Trust
5 Account #K-R, and Trust Account #S-Z.

6 (d) Failed to designate Account #1, Account #2, Account
7 #3, Account #4, Account #5, and Account #6 as trust
8 accounts in the name of the broker as trustee and
9 deposited client trust funds into those accounts in
10 violation of Section 2832 of the Regulations; and,

11 (e) Failed to deposit client funds not immediately
12 placed in the hands of the broker's principal or a
13 neutral escrow depository, into a designated trust
14 account in the name of the broker within three
15 business days of receipt in violation of Section
16 2832 of the Regulations.

17 XI

18 Respondents permitted Dale Eyeler, Linda Stewart, Nan
19 Jacuzzi, John Beaver, and K. Oglesby, persons who neither held a
20 California real estate license nor who were bonded, to be
21 signatories on Account #1, Account #2, Account #3, Account #4,
22 Account #5, and Account #6 in violation of Section 2834 of the
23 Regulations.

24 XII

25 Respondents employed Leslee Ann Baird, John Lavoie,
26 Marilyn Guy, Sherry Hendrix, Sharlotte Howard, Joann Medina,
27 Patrick Mulvany, Tiffany Weiss, and Lavonne Wick as licensed

1 salesperson employees without any written employment agreement in
2 violation of Section 2726 of the Regulations.

3 XIII

4 The acts and/or omissions of Respondents as alleged
5 above constitute grounds for disciplinary action under the
6 following provisions:

- 7 (a) As alleged in Paragraph IX, under Section 10145 of
8 the Code in conjunction with Section 10177(d)
9 of the Code;
- 10 (b) As alleged in Paragraph X, under Section 2832.1
11 of the Regulations in conjunction with Section
12 10177(d) of the Code.
- 13 (c) As alleged in Paragraph XI(a), under Section
14 10145 of the Code and Section 2831 of the
15 Regulations in conjunction with Section 10177(d)
16 of the Code;
- 17 (d) As alleged in Paragraph XI(b), under Section
18 2831.1 of the Regulations in conjunction with
19 Section 10177(d) of the Code;
- 20 (e) As alleged in Paragraph XI(c), under Section 2832
21 of the Regulations in conjunction with Section
22 10177(d) of the Code;
- 23 (f) As alleged in Paragraph XI(d), under Section
24 2831.2 of the Regulations in conjunction with
25 Section 10177(d) of the Code;
- 26
27

1 (g) As alleged in Paragraph XII, under Section 2834
2 of the Regulations in conjunction with Section
3 10177(d) of the Code; and,

4 (h) As alleged in Paragraph XIII, under Section 2726
5 of the Regulations in conjunction with Section
6 10177(d) of the Code.

7 SECOND CAUSE OF ACCUSATION

8 XIV

9 There is hereby incorporated in this Second, separate
10 and distinct Cause of Accusation, all of the allegations
11 contained in Paragraphs I through XIV, inclusive, of the First
12 Cause of Accusation with the same force and effect as if herein
13 fully set forth.

14 XV

15 At all times above mentioned, Respondent BLICKMAN was
16 responsible, as the designated broker/officer of Respondent BSM,
17 for the supervision and control of the activities conducted on
18 behalf of the corporation by its officers and employees.
19 Respondent BLICKMAN failed to exercise reasonable supervision and
20 control over the property management and employment activities of
21 Respondent BSM. In particular, Respondent BLICKMAN permitted,
22 ratified and/or caused the conduct described in the First Cause
23 of Accusation above to occur, and failed to take reasonable
24 steps, including but not limited to the handling of trust funds,
25 employment of salesperson licensees, and the implementation of
26 policies, rules, procedures, and systems to ensure the compliance
27 of Respondent BSM with the Real Estate Law.

XVI

The above acts and/or omissions of Respondent BLICKMAN constitute grounds for suspension or revocation of her real estate broker license under the provisions of Section 10177(h) of the Code and/or Section 10159.2(a) of the Code and Section 2725 of the Regulations in conjunction with Section 10177(d) of the Code.

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof a decision be rendered imposing disciplinary action against all license(s) and license rights of Respondents under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code), and for such other and further relief as may be proper under other provisions of law.



E. J. HABERER II
Deputy Real Estate Commissioner

Dated at Oakland,
this 8th day of December, 2006.