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FILED

DEC - 2 2009

DEPARTMENT OF REAL ESTATE

By *K. Contreras*

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of

CLEMENT JOSEPH STEIN, JR.,

Respondent.

NO. H-10708 SF

ORDER ACCEPTING VOLUNTARY SURRENDER

On June 18, 2009, an Accusation was filed in this matter against Respondent
CLEMENT JOSEPH STEIN, JR.

By Declaration signed October 18, 2009, Respondent CLEMENT JOSEPH
STEIN, JR., petitioned the Real Estate Commissioner to voluntarily surrender his real estate
license(s) pursuant to Section 10100.2 of the Business and Professions Code.

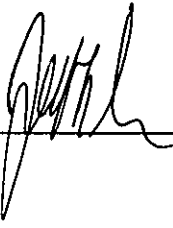
IT IS HEREBY ORDERED that the petition of Respondent CLEMENT
JOSEPH STEIN, JR., for the voluntary surrender of his real estate license(s) is accepted as of
the effective date of this Order as set forth below, based upon the understanding

1 and agreement expressed in the Declaration of Respondent CLEMENT JOSEPH STEIN, JR.,
2 dated October 18, 2009 (attached hereto as Exhibit "A").

3 This Order shall become effective at 12 o'clock noon on
4 December 22, 2009

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6 DATED: 11 24 09

7 JEFF DAVI
8 Real Estate Commissioner

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

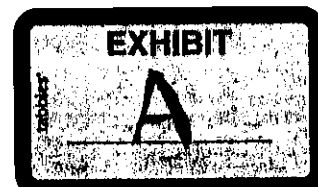
In the Matter of the Accusation of)	
)	
CLEMENT JOSEPH STEIN, JR.,)	NO. H-10708 SF
)	
Respondent.)	

DECLARATION

My name is CLEMENT JOSEPH STEIN, JR., and I am currently licensed as a real estate broker and/or have license rights with respect to said license. I am representing myself in this matter.

In lieu of proceeding in this matter in accordance with the provisions of the Administrative Procedure Act (Sections 11400 et seq., of the Government Code), I wish to voluntarily surrender my real estate license issued by the Department of Real Estate ("Department"), pursuant to Business and Professions Code Section 10100.2.

I understand that by so voluntarily surrendering my license, I may be relicensed as a broker or as a salesperson only by petitioning for reinstatement pursuant to Section 11522 of the Government Code. I also understand that by so voluntarily surrendering my license, I agree to the following:



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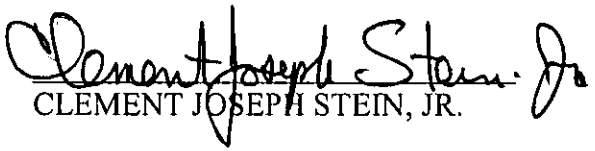
1. The filing of this Declaration shall be deemed as my petition for voluntary surrender.

2. It shall also be deemed to be an understanding and agreement by me that I waive all rights I have to require the Commissioner to prove the allegations contained in the Accusation filed in this matter at a hearing held in accordance with the provisions of the Administrative Procedure Act (Government Code Sections 11400 et seq.), and that I also waive other rights afforded to me in connection with the hearing such as the right to discovery, the right to present evidence in defense of the allegations in the Accusation and the right to cross-examine witnesses.

3. I further agree that upon acceptance by the Commissioner, as evidenced by an appropriate order, all affidavits and all relevant evidence obtained by the Department in this matter prior to the Commissioner's acceptance, and all allegations contained in the Accusation filed in the Department Case No. H-10708 SF, may be considered by the Department to be true and correct for the purpose of deciding whether to grant relicensure or reinstatement pursuant to Government Code Section 11522.

4. I freely and voluntarily surrender my license and license rights under the Real Estate Law.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct and that this declaration was executed October 18, 2009, at Oakland, California.


CLEMENT JOSEPH STEIN, JR.



1 MARY F. CLARKE, Real Estate Counsel (SBN 186744)
2 Department of Real Estate
3 P. O. Box 187007
4 Sacramento, CA 95818-7007

5 Telephone: (916) 227-0789
6 -or- (916) 227-0780 (Direct)

FILED

JUN 18 2009

DEPARTMENT OF REAL ESTATE

By K. Contreras

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 CLEMENT JOSEPH STEIN, JR.,)
13 Respondent.)
14)

NO. H- 10708 SF

ACCUSATION

15 The Complainant, E. J. HABERER II, a Deputy Real Estate Commissioner of
16 the State of California, for cause of Accusation against CLEMENT JOSEPH STEIN, JR.
17 (herein "Respondent"), dba "Captain Real Estate," "Oakhills Realty," "Watergate Sales
18 Company," and "Woodlake Anchor," is informed and alleges as follows:

19 1

20 The Complainant makes this Accusation in his official capacity.

21 2

22 At all times herein mentioned, Respondent was and is now licensed and/or has
23 license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions
24 Code) (herein "the Code").

25 3

26 At all times herein mentioned, Respondent was and now is licensed by the
27 State of California, Department of Real Estate (herein "the Department") as a real estate broker.

1
2 At all times herein mentioned Respondent engaged in the business of, acted in the
3 capacity of, advertised, or assumed to act as a real estate broker wherein, on behalf of others, for
4 compensation or in expectation of compensation within the State of California within the
5 meaning of Sections:

- 6 (a) 10131(a) of the Code, including the operation and conduct of a real estate
7 brokerage wherein Respondent sold or offered to sell, bought or offered to
8 buy, solicited prospective sellers or purchasers of, solicited or obtained
9 listings of, or negotiated the purchase, sale or exchange of real property or a
10 business opportunity.; and,
11 (b) 10131(b) of the Code, including the operation and conduct of a property
12 management business with the public, wherein Respondent leased or rented
13 or offered to lease or rent, or placed for rent, or solicited listings of places
14 for rent, or solicited for prospective tenants, or negotiated the sale, purchase
15 or exchanges of leases on real property, or on a business opportunity or
16 collected rents from real property, or improvements thereon, or from
17 business opportunities.

18
19 In so acting as a real estate broker, as described in Paragraph 3, above,
20 Respondent accepted or received funds in trust (herein "trust funds") from or on behalf of buyers,
21 sellers, owners, tenants, and others in connection with the selling, buying, leasing, renting, and
22 collection of rents on real property or improvements thereon, as alleged herein, and thereafter
23 from time to time made, or caused to be made, disbursements of said funds.

24
25 The aforesaid trust funds accepted or received by Respondent were deposited or
26 caused to be deposited by Respondent into one or more bank accounts (herein "trust fund
27 accounts") maintained by Respondent for the handling of trust funds at the Emeryville,

1 California, branch of the Bank of Alameda, including but not necessarily limited to the following
2 accounts:

- 3 (a) "Watergate Management Co. Security Trust", account
4 number 4500690 (herein "Trust #1"); and,
5 (b) "Woodlake Anchor Management Co. Security Trust Account",
6 account number 4500724 (herein "Trust #2").

7 7

8 Between about November 1, 2007 and about July 31, 2008, in the course of the
9 property management and trust fund activities described above, Respondent caused, suffered or
10 permitted the balance of funds in Trust #2, on about June 30, 2008, to be reduced to \$522.43, an
11 amount less than the liability of Respondent to all owners of such funds, without first obtaining
12 the written consent of each and every owner of such funds in violation of Section 2832.1 of
13 Chapter 6, Title 10, California Code of Regulations (herein "the Regulations").

14 8

15 Between about November 1, 2007 and about July 31, 2008, in course of the
16 property management and trust fund activities described above, Respondent conducted activities
17 for which a license was required under the name "Watergate Management Company" without
18 first obtaining a license bearing said fictitious business name, in violation of Section 10159.5 of
19 the Code and Section 2731 of the Regulations.

20 9

21 PRIOR DISCIPLINE

22 Effective October 31, 2007, in Case No. H-9991 SF, the Real Estate
23 Commissioner suspended, with a 30-day stay, Respondent's real estate broker license for
24 violating Sections 10145, 10148, and 10159.5 of the Code and Sections 2731, 2831, 2831.2, and
25 2832.1 of the Regulations.


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27 \\\

The facts alleged above are grounds for the suspension or revocation of the licenses and license rights of Respondent under the following provisions of the Code and/or the Regulations:

- (a) as to Paragraph 6 under Section 2832.1 of the Regulations in conjunction with Section 10177(d) of the Code; and,
- (b) as to Paragraph 7 under Section 10159.5 of the Code and Section 2731 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 licenses and license rights of Respondent 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 applicable provisions of law.



E. J. HABERER II
Deputy Real Estate Commissioner

Dated at Oakland, California
this 5th day of May, 2009.