

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

FILED

APR 27 2012

5 Telephone: (916) 227-0789
6 -or- (916) 227-0780 (Direct)
7 -or- (916) 227-9458 (Fax)

DEPARTMENT OF REAL ESTATE

By K. Contreras

8 BEFORE THE
9 DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of)	
)	NO. H-11363 SF
13 PATRICIA KAY GOODWIN, and)	
14 LAWRENCE MICHAEL GOODWIN,)	<u>ACCUSATION</u>
)	
15 Respondents.)	
)	

17 The Complainant, E. J. HABERER II, a Deputy Real Estate Commissioner of
18 the State of California, for cause of Accusation against PATRICIA KAY GOODWIN
19 (herein "P. GOODWIN") and LAWRENCE MICHAEL GOODWIN (herein "L. GOODWIN")
20 (herein collectively "Respondents") dba "Goodwin Property Management LLC," is informed
21 and alleges as follows:

22 1

23 The Complainant makes this Accusation in his official capacity.

24 2

25 At all times herein mentioned, Respondents were and are now licensed and/or
26 have license rights under the Real Estate Law (Part 1 of Division 4 of the Business and
27 Professions Code) (herein "the Code").

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

3

At all times herein mentioned, P. GOODWIN was and now is licensed by the State of California, Department of Real Estate (herein "the Department") as a broker.

4

At all times herein mentioned, L. GOODWIN was and now is licensed by the Department as a real estate salesperson, effective January 20, 2006, not employed by or under the supervision of a broker until about October 3, 2011.

5

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 wherein, on behalf of others, for compensation or in expectation of compensation within the State of California within the meaning of Section 10131(b) of the Code, including the operation and conduct of a property management business with the public, wherein Respondents leased or rented or offered to lease or rent, or placed for rent, or solicited listings of places for rent, or solicited for prospective tenants, or negotiated the sale, purchase or exchanges of leases on real property, or on a business opportunity or collected rents from real property, or improvements thereon, or from business opportunities.

6

From about May 6, 2005 and about August 15, 2011, L. GOODWIN, during the time when Respondent was not licensed as a real estate broker and not employed or under the supervision of a real estate broker, entered into property management agreements and performed property management activities requiring a real estate license for the following property owners, in violation of Section 10130 of the Code:

<u>Owner</u>	<u>Date of Agreement</u>	<u>Property Address</u>
Nasser Z.	5/6/2005	980 Airway Court, Santa Rosa, CA 981 Airway Court, Santa Rosa, CA 986 Airway Court, Santa Rosa, CA
Scott G.	9/1/08	Cypress Ave., Cotati, CA

(Continued)	<u>Owner</u>	<u>Date of Agreement</u>	<u>Property Address</u>
	Lorraine J.	5/20/10	Neotomas Ave., Santa Rosa, CA
	Richard W.	1/15/11	Glenbrook Dr., Santa Rosa, CA
			Lodi St., Santa Rosa, CA
			Edgewater Dr., Santa Rosa, CA
	Neil K.	1/20/11	Dutton Ave., Santa Rosa, CA
	Michael S.	4/4/11	Edgewater Dr., Santa Rosa, CA
	Bill M.	7/18/11	Edgewater Dr., Santa Rosa, CA
	Amanda W. &		
	Michael D.	8/15/11	Creekside Rd., Santa Rosa, CA

7

In so acting as described above in Paragraph 5, Respondents accepted or received funds in trust (herein "trust funds") and from or on behalf of owners, tenants, and others in connection with the leasing, renting, and collection of rents on real property or improvements thereon.

8

The aforesaid trust funds accepted or received by Respondents were deposited or caused to be deposited by Respondents into one or more bank accounts (herein "trust fund accounts") maintained by Respondents for the handling of trust funds at the Portland Oregon branch of the Wells Fargo Bank:

- (a) "Goodwin Property Mgmt, LLC," account number xxxxxx5936 (herein "Bank Account #1");
- (b) "Goodwin Property Mgmt, LLC," account number xxxxxx0827 (herein "Bank Account #2");
- (c) "980 Airway, LLC," account number xxxxxx2879 (herein "Bank Account #3); and
- (c) "Goodwin Property Mgmt, LLC," account number xxxxxx2685 (herein "Bank Account #4).

9

Between about January 1, 2010 and August 31, 2011, in connection with the collection and disbursement of said trust funds, Respondent P. GOODWIN:

1 a. caused, suffered or permitted the balance of funds in Bank Account #1
2 to be reduced to amounts less than the liability of Respondents resulting in a trust fund shortage
3 on about July 15, 2011 in the amount of about \$5,085.79, in violation of Section 2832.1 of
4 Chapter 6, Title 10, California Code of Regulations (herein "the Regulations");

5 b. failed to place trust funds entrusted to Respondent into the hands of a
6 principal on whose behalf the funds were received, into a neutral escrow depository, or into a
7 trust fund account in the name of Respondents as trustee at a bank or other financial institution
8 for Bank Accounts #1 through #4, in conformance with the requirements of Section 10145 of
9 the Code and Section 2832 of the Regulations;

10 c. caused, suffered or permitted money of others which was received and held
11 by Respondents in Bank Accounts #1 and #2 to be commingled with Respondents' own money,
12 in violation of Section 10176(e) of the Code;

13 d. failed to keep a columnar record in chronological sequence of all trust
14 funds received and disbursed from Bank Account #1 containing all the information required by
15 Section 2831 of the Regulations; and,

16 e. failed to keep a separate record for each beneficiary or transaction for Bank
17 Account #1 containing all the information required by Section 10145 of the Code and Section
18 2831.1 of the Regulations.

19 10

20 On about September 15, 2011, Respondents failed to provide license identification
21 numbers on L. GOODWIN's business card and on property management solicitation flyers, in
22 violation of Section 10140.6 of the Code.

23 11

24 The facts alleged above are grounds for the suspension or revocation of the
25 license and license rights of Respondents under the following provisions of the Code and/or
26 the Regulations:

27 ///

- 1 a. as to Paragraph 6, and L. GOODWIN, under Section 10130, in
2 conjunction with Section 10177(d) of the Code;
- 3 b. as to Paragraph 9(a), and P. GOODWIN, under Section 2832.1 of the
4 Regulations, in conjunction with Section 10177(d) of the Code;
- 5 c. as to Paragraph 9(b), and P. GOODWIN, under Section 10145 of the
6 Code and Section 2832 of the Regulations, in conjunction with
7 Section 10177(d) of the Code;
- 8 d. as to Paragraph 9(c), and P. GOODWIN, under Section 10176(e)
9 of the Code;
- 10 e. as to Paragraph 9(d), and P. GOODWIN, under Section 2831 of the
11 Regulations, in conjunction with Section 10177(d) of the Code;
- 12 f. as to Paragraph 9(e), and P. GOODWIN, under Section 10145 of the
13 Code and Section 2831.1 of the Regulations, in conjunction with
14 Section 10177(d) of the Code; and,
- 15 g. as to Paragraph 10, and L. GOODWIN, under Section 10140.6 of the
16 Code, in conjunction with Section 10177(d) of the Code.

17 WHEREFORE, Complainant prays that a hearing be conducted on the allegations
18 of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary
19 action against all licenses and license rights of Respondents under the Real Estate Law (Part 1 of
20 Division 4 of the Business and Professions Code), for the cost of the investigation and
21 enforcement as permitted by law, and for such other and further relief as may be proper under
22 other applicable provisions of law.

23 
24 _____
25 E. J. HABERER II
26 Deputy Real Estate Commissioner

26 Dated at Oakland, California

27 this 24 day of March, 2012.