

FILED

MAY 31 1968

DIVISION OF REAL ESTATE

BY CR

JUN 3 - 1968

DEPARTMENT OF INVESTMENT

DIVISION OF REAL ESTATE

In the Matter of the Accusation of
FRANKLIN D. HOLSFIELD and FRANKLIN
D. HOLSFIELD, Dba Milton Properties
and FRANKLIN D. HOLSFIELD, Dba
Milton Realty Co. and FRANKLIN D.
HOLSFIELD, Dba Security Escrow
Company,

NO. E-17507 LA
CLA 15835

ORDER IMPOSING PENALTY
ON RECONSIDERATION

Respondents.

On April 23, 1968, to become effective May 14, 1968, and subsequently stayed to midnight, June 12, 1968, the Real Estate Commissioner issued his Decision revoking the real estate broker license of respondent, but providing for the issuance of a restricted real estate broker license upon stated terms and conditions. On May 13, 1968, respondent petitioned the Commissioner to reconsider the Decision. The Commissioner has considered said petition.

IT IS HEREBY ORDERED that reconsideration be granted as to penalty only; and

IT IS HEREBY FURTHER ORDERED that the said Decision be and the same is hereby reduced and modified by eliminating therefrom the reference to the 45-day waiting period for issuance of the restricted license and striking the first unnumbered paragraph at page 3 and showing in place and in lieu thereof the

1 following:

2 WHEREFORE, THE FOLLOWING ORDER is hereby made:

3 The license of respondent to act as a real estate
4 broker in the State of California is hereby renewed;
5 provided, however, that upon the application of the
6 respondent and the receipt of the required fee within
7 one year from the effective date of this order, there
8 shall be issued to said respondent a restricted real
9 estate broker license pursuant to the provisions of
10 Sections 10135.5, 10135.6, and 10135.7 of the Business
11 and Professions Code and subject to the following terms
12 and conditions:

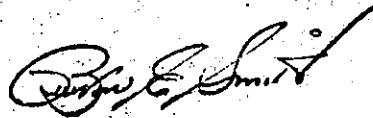
13 Except as by this order modified, said Decision of the
14 Commissioner is hereby readopted and shall remain in full force
15 and effect.

16 This order shall become effective on June 12, 1968.

17 DATED: _____

MAY 29 1968

13 per stay
order

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20 BURTON E. SMITH
21 Real Estate Commissioner

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FILED

MAY 13 1968

DIVISION OF REAL ESTATE

BY lc

MAY 14 1968

DEPARTMENT OF INVESTMENT

DIVISION OF REAL ESTATE

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In the Matter of the Accusation of

FRANKLIN D. HOLMFIELD and FRANKLIN
D. HOLMFIELD, aka Wilton Properties
and FRANKLIN D. HOLMFIELD, aka
Wilton Realty Co. and FRANKLIN D.
HOLMFIELD, aka Security Escrow Company

Respondents.

No. M-17667 LA

CLA 16835

STAI

IT IS HEREBY ORDERED that the effective date of the
decision be and the same is hereby stayed to midnight June 12, 1968.

Dated: May 13, 1968

MURTON E. SMITH
Real Estate Commissioner

By HENRY BLOCK
HENRY BLOCK
Assistant Commissioner
Southern Regulatory Area

FILED

APR 24 1968

DIVISION OF REAL ESTATE

BY

DEPARTMENT OF INVESTMENT
DIVISION OF REAL ESTATE

In the Matter of the Accusation of
FRANKLIN D. HOLEFIELD and FRANKLIN
D. HOLEFIELD, dba Hilton Properties
and FRANKLIN D. HOLEFIELD, dba
Hilton Realty Co. and FRANKLIN D.
HOLEFIELD, dba Security Escrow Company,
Respondents.

NO. H-17607 LA

OLA 16835

DECISION

The attached Proposed Decision of the Hearing Officer
is hereby adopted by the Real Estate Commissioner as his decision
in the above-entitled matter.

This decision shall become effective on MAY 14 1968.

IT IS SO ORDERED APR 23 1968.



BURTON E. SMITH
REAL ESTATE COMMISSIONER

MAM:bss

DEPARTMENT OF INVESTMENT
DIVISION OF REAL ESTATE

In the Matter of the Accusation of	)	NO. H-17607 LA
FRANKLIN D. HOLEFIELD and FRANKLIN	)	
D. HOLEFIELD, dba Hilton Properties	)	OLA 16835
and FRANKLIN D. HOLEFIELD, dba	)	
Hilton Realty Co. and FRANKLIN D.	)	
HOLEFIELD, dba Security Escrow Company,	)	
Respondents.	)	

PROPOSED DECISION

This matter came on regularly for hearing before Milford A. Maron, Hearing Officer of the Office of Administrative Procedure, at Los Angeles, California, on February 13 and March 15, 1968, at the hour of 9:00 a.m. C. O. Kalenius, Counsel, represented the Real Estate Commissioner. The respondents were represented by George Whitaker, their Counsel. Evidence both oral and documentary having been introduced, and the matter submitted, the Hearing Officer finds the following facts:

I

Lee V. Sida made the Accusation in his official capacity as a Deputy Real Estate Commissioner of the State of California.

II

At all times herein mentioned the respondent Franklin D. Holefield, dba Hilton Properties and dba Hilton Realty Co., has been licensed by the Division of Real Estate as a real estate broker. Respondent also possesses a right of renewal of a real estate salesman's license.

III

A. On October 17, 1966, Rudolph Weinhart and Anna Weinhart ("Weinharts") were the owners of real property known as 2412 West 75th Street, Los Angeles, California. On that date the Weinharts

gave the respondent, in his capacity as broker, a written listing to sell said property for a five per cent commission.

B. On October 20, 1966, the respondent obtained an offer from Jimmy Hodges and Lillian R. Hodges ("Hodges") to purchase said real property for the price of \$17,000. The Hodges gave respondent \$900 as a deposit on said offer, said offer later being accepted by the Weinharts.

C. On October 28, 1966, the respondent placed the \$900 deposit in a trust account, but on numerous occasions withdrew said trust funds for his own use without the knowledge or consent of the Weinharts, the sellers, although the Hodges, the buyers, consented to the withdrawals.

D. In November 1966, the Hodges, who were then having marital difficulties, informed the respondent that they were withdrawing from the transaction and requested that the \$900 be returned to them.

E. On or about August 16, 1967, respondent returned the \$900 deposit to the Hodges without first advising or obtaining the consent of the Weinharts, the sellers, so to do.

* * * * *

Pursuant to the foregoing findings of fact, the Hearing Officer makes the following determination of issues:

I

Cause for disciplinary action exists against the respondent pursuant to Sections 10145, 10176(e), 10176(i), and 10177(f) of the Business and Professions Code, and Title 10, Section 2830, California Administrative Code.

II

The issuance of a restricted license to respondent to act as a real estate broker in the State of California would not be contrary to the public welfare.

* * * * *

*See order
dated 5-29-68*

WHEREFORE, THE FOLLOWING ORDER is hereby made:

The license of Franklin D. Holefield and Franklin D. Holefield, dba Hilton Properties and Franklin D. Holefield, dba Security Escrow Company, to act as a real estate broker in the State of California is hereby revoked; provided, however, that not less than forty-five (45) days nor more than one year from the date hereof, upon the application of the respondent and the receipt of the required fee, there shall be issued to said respondent a restricted real estate broker's license pursuant to the provisions of Sections 10156.5, 10156.6, and 10156.7 of the Business and Professions Code and subject to the following terms and conditions:

1. Respondent shall at all times obey and comply with all of the laws of the United States of America and of the State of California, and all other state, county, municipal and local laws and ordinances to which he may be subject, and shall obey and comply with all of the Rules and Regulations of the Real Estate Commissioner, and all of the laws of the State of California governing his exercise of the privileges to be granted under said restricted license, or otherwise.

2. Said restricted license shall not confer any property right in the privileges to be exercised thereunder.

3. The restrictions and conditions hereof shall apply to any and all licenses of the same class hereinafter issued to respondent.

4. Respondent shall not be issued any unrestricted license for a period of at least three years from and after the effective date hereof.

I hereby submit the foregoing which constitutes my Proposed Decision in the above-entitled matter, as a result of the hearing had before me on the above-mentioned dates, at Los Angeles, California, and recommend its adoption as the decision of the Real Estate Commissioner.

Milford A. Maron
MILFORD A. MARON, Hearing Officer

DATED: April 4, 1968

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FILED

DEC 26 1967

BEFORE THE REAL ESTATE COMMISSIONER OF THE STATE OF CALIFORNIA

DIVISION OF REAL ESTATE

BY

In the Matter of the Accusation of

FRANKLIN D. HOLEFIELD, ET AL

Respondent

No. H-17607 LA

NOTICE OF HEARING ON ACCUSATION

(Pursuant to Section 11509 of the Government Code)

TO THE RESPONDENT ABOVE NAMED:

YOU ARE HEREBY NOTIFIED that a hearing will be held before the Division of Real Estate at 314 West First Street, Los Angeles

on the 13th day of February, 1968, at the hour of 9:00 a.m.,
or as soon thereafter as the matter can be heard, upon the charges made in the Accusation served upon you.

As in all adversary proceedings, you may be present at the hearing, and may be represented by counsel but you are neither required to be present at the hearing, nor are you required to be represented by counsel. However, if you are not present at the hearing in person, nor represented at the hearing by counsel, the agency may take disciplinary action against you upon any express admissions, or upon other evidence, and in the event that a notice of defense has not been filed by you, upon affidavits, without further 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 Division of Real Estate.

Dated: December 26, 1967

BURTON E. SMITH
~~MILTON G. GORDON~~
REAL ESTATE COMMISSIONER

By C. O. VALENTHUS
Attorney

CC: Franklin D. Holefield
Miller & Whitaker
Sacramento
OAP
RVP

1 C. O. KALENIUS, Counsel
2 Division of Real Estate
3 107 S. Broadway, Room 8003
4 Los Angeles, California 90012

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10 620-4790

11 DEPARTMENT OF INVESTMENT

12 DIVISION OF REAL ESTATE

13 * * *

14 In the Matter of the Accusation of

15 NO. H-17607 LA

16 FRANKLIN D. HOLEFIELD and FRANKLIN
17 D. HOLEFIELD, Dba Hilton Properties
18 and FRANKLIN D. HOLEFIELD, Dba
19 Hilton Realty Co. and FRANKLIN D.
20 HOLEFIELD, Dba Security Escrow
21 Company,

22 Respondents.

23 A C C U S A T I O N

24 * * *

25 COMES NOW the complainant, Lee V. Sida, a Deputy Real
26 Estate Commissioner of the State of California, and for cause of
27 accusation against the above-named respondent, alleges as follows:

28 I

29 That the complainant, Lee V. Sida, has been and now is
30 a duly appointed and acting Deputy Real Estate Commissioner of
31 the State of California and makes this accusation upon information
and belief in his official capacity as such and not otherwise.

32 II

33 That at all times herein mentioned the respondent
34 FRANKLIN D. HOLEFIELD, Dba Hilton Properties and Dba Hilton Realty
35 Co. has been and now is licensed by the Division of Real Estate
36 of the Department of Investment of the State of California as a
37 real estate broker; that additionally respondent presently is also

1 licensed as FRANKLIN D. HOLEFIELD, Dba Security Escrow Company;
2 that he also holds a right to renew a real estate salesman
3 license.

4 III

5 That on October 17, 1966, Rudolph Weinhart and Anna
6 Weinhart were the owners of property known as 2412 West 75th
7 Street, Los Angeles, California, and more particularly described
8 as Lot 3, Block 15 of Tract No. 1924, as per Map recorded in
9 Book 23, Page 46 of Maps in the Office of the County Recorder,
10 County of Los Angeles. On that date, they gave the respondent
11 FRANKLIN D. HOLEFIELD, Dba Hilton Properties and Dba Hilton
12 Realty Co. a written listing to sell said property for 95%
13 commission.

14 IV

15 That on October 20, 1966, the respondent obtained an
16 offer from Jimmy Hodges and Lillian R. Hodges, hereinafter
17 referred to as the Hodges, to purchase said property for the
18 price of \$17,000 and the Hodges gave respondent \$900 as a deposit
19 on said offer.

20 V

21 That on October 28, 1966 the respondent placed the \$900
22 deposit in the trust account of Hilton Properties in the Imperial
23 Bank in Los Angeles, California, said trust account being No.
24 01-033-603. That in about November of 1966 the Hodges notified
25 respondent that they were withdrawing from the transaction and
26 requested that the \$900 be returned to them.

27 VI

28 That respondent did not retain said \$900 in the Hilton
29 Properties trust account but on numerous occasions withdrew money
30 from said account until it was overdrawn. That said withdrawals
31 on the part of the respondent were made without the knowledge or

1 consent of the sellers or the buyers.

2 VII

3 That the acts of the respondent were unlawful and were
4 in violation of Section 10145 of the Business and Professions
5 Code of the State of California and Section 2830 of the
6 Commissioner's Rules and Regulations. That respondent, by his
7 acts and conduct, also violated the provisions of Sections
8 10176(i) and 10176(e) of said Business and Professions Code.

9 VIII

10 That on about August 16, 1967 respondent returned the
11 \$900 deposit to the Hedges without first, or at all, advising
12 or obtaining the consent of the sellers so to do. That said act
13 further subjects respondent's licenses to discipline under the
14 provisions of Sections 10176(a) and 10176(i) of said Business
15 and Professions Code of the State of California.

16 IX

17 That the acts and conduct as in this accusation set
18 forth are of a nature that would warrant the denial of respondent's
19 applications for real estate licenses under the provisions of
20 Section 10177(f) of the Business and Professions Code of the
21 State of California.

22
23 WHEREFORE, the complainant prays that the above-
24 mentioned Accusation be set for hearing, and upon proof of the
25 charges contained therein that the Real Estate Commissioner
26 suspend or revoke the licenses held by the respondent, and any
27 and all rights which he may presently have in such licenses and
28 for such other and further relief as may be proper in the premises

1 under the provisions of Sections 11500 through 11528 of the
2 Government Code of the State of California.

3 Dated at Los Angeles, California

4 this 30th day of November, 1967

5
6 LEE V. SIDA

Deputy Real Estate Commissioner

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28 cc: Franklin D. Holefield and Franklin D. Holefield, Dba Hilton
29 Properties and Franklin D. Holefield, Dba Hilton Realty Co.
and Franklin D. Holefield, Dba Security Escrow Company

30 Sacramento

QAP

31 RWP