

Exhibit page

JUN 10 1990

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE
BY Gene G. Oram

* * * *

In the Matter of the Accusation of) NO. H- 23736 LA
)
WALTER KURT WOOD and)
JAN MARIA LEONARD,)
)
)
)
)
)
Respondent.)

DECISION

The Proposed Decision dated December 20, 1989 of Randolph Brendia, Regional Manager, Department of Real Estate, is hereby adopted as the Decision of the Real Estate Commissioner in the above-entitled matter.

This Decision shall become effective at 12 o' clock noon on January 30, 1990.

IT IS SO ORDERED January 4, 1990.

JAMES A. EDMONDS, JR.
Real Estate Commissioner

By: *John R. Liberator*
JOHN R. LIBERATOR
Chief Deputy Commissioner

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of) NO. H-23736 LA
)
WALTER KURT WOOD and)
JAN MARIA LEONARD,)
)
)
)
Respondents.)
)

PROPOSED DECISION

This matter was presided over as an uncontested case by Randolph Brendia, Regional Manager, Department of Real Estate, as the designee of the Real Estate Commissioner, in Los Angeles, California on December 20, 1989.

Timothy L. Newlove, Counsel represented the complainant.

Respondents, WALTER KURT WOOD and JAN MARIA LEONARD and their Attorney at Law, Larry Bujold of the Law Office of John Barclay, waived appearance at the Stipulation hearing.

The following decision is proposed, certified and recommended for adoption:

FINDINGS OF FACT

I

The complainant, Steven J. Ellis, a Deputy Real Estate Commissioner of the State of California, made the Accusation in his official capacity.

II

Each respondent is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the Business and Professions Code (hereinafter referred to as the "Code").

III

At all times material herein, respondent WALTER KURT WOOD (hereinafter "WOOD") was licensed by the Department of Real Estate of the State of California (hereinafter "Department") as a

real estate salesperson.

IV

At all times material herein, E.V. Management Co. Inc. (hereinafter "E.V. Management") was and presently is licensed by the Department as a corporate real estate broker. At all times material herein from September 1, 1987 to and including August 31, 1988, respondent WOOD was licensed under the corporate real estate broker license of E.V. Management.

V

At all times material herein, respondent JAN MARIA LEONARD (hereinafter "LEONARD") was licensed by the Department as a real estate salesperson. At all times herein from September 1, 1987 to and including August 31, 1988, respondent LEONARD was not licensed under the license of a real estate broker or corporate real estate broker.

VI

At all times material herein from September 1, 1987 to and including August 31, 1988, Belmont Property Management, Inc. (hereinafter "Belmont Property Management") operated a real estate property management business within the meaning of Section 10131(b) of the Code. In the operation of said real property management business, Belmont Property Management performed property management services for certain real properties owned by third persons. The said services included, but were not necessarily limited to, leasing or renting and collecting rents from the said real properties and making payments from the rental funds collected in connection with the expenses and encumbrances of said properties, all for or in expectation of compensation. At no time during said time period was Belmont Property Management licensed by the Department as a corporate real estate broker.

VII

At all times material herein from September 1, 1987 to and including August 31, 1988, respondents, WOOD and LEONARD, and each of them, were employed by and accepted compensation from Belmont Property Management for performing activity on behalf of the property management business of Belmont Property Management, including the leasing and renting, soliciting for prospective tenants and collection rents from certain real properties owned by third persons.

DETERMINATION OF ISSUES

I

The conduct of respondents, WOOD and LEONARD, and each of them, in performing activity which requires a license and receiving compensation for performing such activity on behalf of a property management company which was not licensed by the Department, constitutes a violation of Section 10137 of the Code and is cause under said section for the suspension or revocation of the real estate licenses and license rights of respondents, WOOD and LEONARD, and each of them.

ORDER

WHEREFORE THE FOLLOWING ORDER IS MADE PURSUANT TO THE WRITTEN STIPULATION OF THE PARTIES:

I

The license and license rights under the provisions of Part 1 of Division 4 of the Business and Professions Code of respondent WALTER KURT WOOD are suspended for thirty (30) days; provided, however, that said suspension shall be fully stayed on the condition that no further cause for disciplinary action against the real estate license and license rights of respondent shall occur within one (1) year from the effective date of the Decision.

If it is determined pursuant to the Administrative Procedure Act that further cause for disciplinary action against the real estate license or license rights of respondent has occurred within one (1) year from the effective date of this Decision, the stay of suspension hereby granted, or such portion thereof as the Real Estate Commissioner shall deem to be appropriate shall be vacated.

If no further cause for disciplinary action against the real estate license or license rights of respondent shall occur within one (1) year from the effective date of the Decision, the stay hereby granted shall become permanent.

II

The license and license rights under the provisions of Part 1 of Division 4 of the Business and Professions Code of respondent JAN MARIA LEONARD are suspended for fifteen (15) days; provided, however, that said suspension shall be fully stayed on the condition that no further cause for disciplinary action against the real estate license and license rights of respondent shall occur within one (1) year from the effective date of the Decision.

If it is determined pursuant to the Administrative Procedure Act that further cause for disciplinary action against the real estate license or license rights of respondent has occurred within one (1) year from the effective date of this Decision, the stay of suspension hereby granted, or such portion thereof as the Real Estate Commissioner shall deem to be appropriate shall be vacated.

If no further cause for disciplinary action against the real estate license or license rights of respondent shall occur within one (1) year from the effective date of the Decision, the stay hereby granted shall become permanent.

DATED: 12/20/1987.


RANDOLPH BRENDIA
Regional Manager
Department of Real Estate

1 3. At all times material herein, respondent WALTER KURT
2 WOOD (hereinafter "WOOD") was licensed by the Department of Real
3 Estate of the State of California (hereinafter "Department") as a
4 real estate salesperson.

5 4. At all times material herein, E.V. Management Co.
6 Inc. (hereinafter "E.V. Management") was and presently is licensed
7 by the Department as a corporate real estate broker. At all times
8 material herein from September 1, 1987 to and including August 31,
9 1988, respondent WOOD was licensed under the corporate real
10 estate broker license of E.V. Management.

11 5. At all times material herein, respondent JAN MARIA
12 LEONARD (hereinafter "LEONARD") was licensed by the Department as
13 a real estate salesperson. At all times herein from September 1,
14 1987 to and including August 31, 1988, respondent LEONARD was not
15 licensed under the license of a real estate broker or corporate
16 real estate broker.

17 6. At all times material herein from September 1, 1987
18 to and including August 31, 1988, Belmont Property Management,
19 Inc. (hereinafter "Belmont Property Management") operated a real
20 estate property management business within the meaning of Section
21 10131(b) of the Code. In the operation of said real property
22 management business, Belmont Property Management performed
23 property management services for certain real properties owned by
24 third persons. The said services included, but were not
25 necessarily limited to, leasing or renting and collecting rents
26 from the said real properties and making payments from the rental
27 funds collected in connection with the expenses and encumbrances

1 of said properties, all for or in expectation of compensation. At
2 no time during said time period was Belmont Property Management
3 licensed by the Department as a corporate real estate broker.

4 7. At all times material herein from September 1, 1987
5 to and including August 31, 1988, respondents, WOOD and LEONARD,
6 and each of them, were employed by and accepted compensation from
7 Belmont Property Management for performing activity on behalf of
8 the property management business of Belmont Property Management,
9 including the leasing and renting, soliciting for prospective
10 tenants and collection rents from certain real properties owned by
11 third persons.

12 FIRST CAUSE OF ACCUSATION

13 (Violation by respondents WOOD and LEONARD
14 of Section 10137 of the Code)

15 8. As a First Cause of Accusation, complainant
16 incorporates herein by this reference the Preamble and each of the
17 allegations in Paragraphs 1 through 7 hereinabove.

18 9. The conduct of respondents, WOOD and LEONARD, and
19 each of them, in performing activity which requires a license and
20 receiving compensation for performing such activity on behalf of a
21 property management company which was not licensed by the
22 Department, constitutes a violation of Section 10137 of the Code
23 and is cause under said section for the suspension or revocation
24 of the real estate licenses and license rights of respondents,
25 WOOD and LEONARD, and each of them.

26 /
27 /

1 WHEREFORE, complainant prays that a hearing be conducted
2 on the allegations on this Accusation and, that upon proof
3 thereof, a decision be rendered imposing disciplinary action
4 against all licenses and license rights of respondents WALTER KURT
5 WOOD and JAN MARIA LEONARD under the Real Estate Law (Part 1 of
6 Division 4 of the Business and Professions Code) and for such
7 other and further relief as may be proper under other applicable
8 provisions of law.

9 Dated at Los Angeles, California
10 this 26th day of May, 1989.

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13 _____
14 Deputy Real Estate Commissioner
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25 cc: Walter Kurt Wood
26 Jan Maria Leonard
27 Sacto.
RG

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