

1 I have considered Respondent's petition and the
2 evidence and arguments in support thereof. Respondent has failed
3 to demonstrate to my satisfaction that Respondent has undergone
4 sufficient rehabilitation to warrant the reinstatement of
5 Respondent's real estate broker license, in that:

6 I

7 On June 25, 1997, a Decision was rendered in Department
8 of Real Estate ("Department") case No. H-26906 LA. The Decision
9 revoked the real estate broker license of Respondent, but granted
10 Respondent the right to the issuance of a restricted real estate
11 broker license.

12 In the Decision which revoked Respondent's real estate
13 broker license, there was a Determination of Issues made that
14 Respondent was subject to discipline pursuant to Business and
15 Professions Code ("Code") Section 10177(d), for violations of
16 Code Sections 10086, 10130, 10148 and 10162.

17 II

18 On or about July 31, 1991, Order to Desist and Refrain
19 No. H-1200 SA was issued against Respondent. It had been found
20 that Respondent was performing acts that required a real estate
21 license when he was not in fact licensed, in violation of Code
22 Section 10130.

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III

A Department audit of Respondent's books and records was conducted on February 8, 2001. The audit revealed violations of Business and Professions Code Section 10240. This evidences lack of rehabilitation and is cause to deny Respondent's application pursuant to Regulation 2911(j).

IV

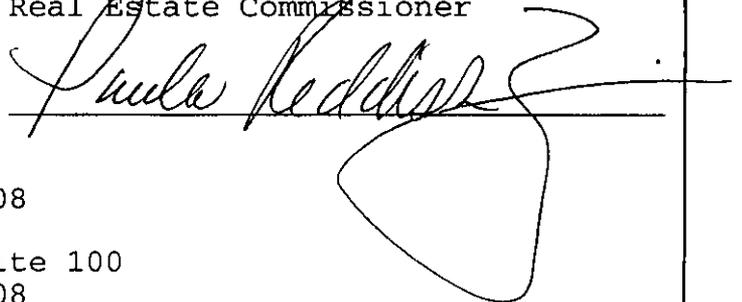
Due to the serious nature of the conduct which led to the revocation of Respondent's real estate broker license, Respondent's subsequent violation of the law (unlicensed activity) in 1997, after being ordered to desist and refrain from said conduct in 1991, and violations of the Real Estate Law found during the Department audit in 2001, it has not been shown that Respondent is rehabilitated. This is cause to deny Respondent's petition pursuant to Regulation 2911(a).

NOW, THEREFORE, IT IS ORDERED that Respondent's petition for reinstatement of Respondent's real estate broker license is denied.

This Order shall become effective at 12 o'clock noon on November 12, 2002

DATED: October 16, 2002

PAULA REDDISH ZINNEMANN
Real Estate Commissioner



cc: Wallace B. Rodecker
11600 Warner Ave., # 433
Fountain Valley, CA 92708

17284 Newhope Street, Suite 100
Fountain Valley, CA 92708

1 Department of Real Estate
2 107 South Broadway, Room 8107
3 Los Angeles, California 90012
4 (213) 897-3937

FILED
JUN 27 1997
DEPARTMENT OF REAL ESTATE

By CB

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * * *

11 In the Matter of the Accusation of)
12 WALLACE B. RODECKER,) NO. H-26906 LA
13 Respondent.) L-9612093

14 STIPULATION AND AGREEMENT IN SETTLEMENT AND ORDER

15 It is hereby stipulated by and between WALLACE B.
16 RODECKER (sometimes referred to herein as "Respondent"), and the
17 Complainant, acting by and through Darlene Averetta, Counsel for
18 the Department of Real Estate, as follows for the purpose of
19 settling and disposing of the Accusation filed on November 15,
20 1996, and amended on February 27, 1997, in this matter
21 (hereinafter "Accusation"):

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1 1. All issues which were to be contested and all
2 evidence which was to be presented by Complainant and Respondent
3 at a formal hearing on the Accusation, which hearing was to be
4 held in accordance with the provisions of the Administrative
5 Procedure Act ("APA"), shall instead and in place thereof be
6 submitted solely on the basis of the provisions of this
7 Stipulation and Agreement in Settlement and Order
8 ("Stipulation").

9 2. Respondent has received, read and understands, the
10 Statement to Respondent, the Discovery Provisions of the APA and
11 the Accusation, filed by the Department of Real Estate in this
12 proceeding.

13 3. On December 10, 1996, Respondent filed a Notice
14 of Defense pursuant to Section 11505 of the Government Code for
15 the purpose of requesting a hearing on the allegations in the
16 Accusation. Respondent hereby freely and voluntarily withdraws
17 said Notice of Defense. Respondent acknowledges that he
18 understands that by withdrawing said Notice of Defense,
19 Respondent will thereby waive his right to require the
20 Commissioner to prove the allegations in the Accusation at a
21 contested hearing held in accordance with the provisions of the
22 APA and that Respondent will waive other rights afforded to him
23 in connection with the hearing such as the right to present
24 evidence in defense of the allegations in the Accusation and the
25 right to cross-examine witnesses.

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1 4. This Stipulation is based on the factual
2 allegations contained in the Accusation filed in this proceeding.
3 In the interest of expedience and economy, Respondent chooses not
4 to contest these factual allegations, but to remain silent and
5 understands that, as a result thereof, these factual statements,
6 without being admitted or denied, will serve as a prima facie
7 basis for the disciplinary action stipulated to herein. This
8 Stipulation and Respondent's decision not to contest the
9 Accusation are hereby expressly limited to this proceeding and
10 made for the sole purpose of reaching an agreed disposition of
11 this proceeding. Respondent's decision not to contest the
12 factual allegations is made solely for the purpose of
13 effectuating this Stipulation is intended by Respondent to be
14 non-binding upon him in any actions against Respondent by third
15 parties. The Real Estate Commissioner shall not be required to
16 provide further evidence to prove such allegations.

17 5. It is understood by the parties that the Real
18 Estate Commissioner may adopt the Stipulation as his order
19 in this matter thereby imposing the penalty and sanctions on
20 Respondent's real estate license and license rights as set forth
21 in the below "Order". In the event the Commissioner, in his
22 discretion, does not adopt the Stipulation, the Stipulation shall
23 be void and of no effect, and Respondent shall retain the right
24 to a hearing and proceeding on the Accusation under all the
25 provisions of the APA and shall not be bound by any stipulation,
26 or waiver made herein.

27

1 6. The Order or any subsequent Order of the Real
2 Estate Commissioner made pursuant to this Stipulation shall
3 not constitute an estoppel, merger or bar to any further
4 administrative or civil proceedings by the Department of Real
5 Estate with respect to any matters which were not specifically
6 alleged to be causes for accusation in this proceeding.

7 DETERMINATION OF ISSUES

8 By reason of the foregoing stipulations and waivers and
9 solely for the purpose of settlement of the pending Accusation
10 without a hearing, it is stipulated and agreed that the following
11 Determination of Issues shall be made:

12 (a) The conduct, acts and/or omissions of Respondent,
13 WALLACE B. RODECKER, as set forth in the Accusation, constitutes
14 cause to suspend or revoke Respondent's real estate license and
15 license rights under the provisions of Business and Professions
16 Code ("Code") Section 10177(d) for violations of Code Sections
17 10086, 10130, 10148 and 10162.

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1 (b) Said restricted license and any privileges
2 granted thereunder may be suspended after hearing by Order of the
3 Real Estate Commissioner in the event of, the receipt of evidence
4 satisfactory to the Commissioner that Respondent has violated
5 provisions of the California Real Estate Law, the Subdivided
6 Lands Law, Regulations of the Real Estate Commissioner, or the
7 conditions attaching to the restricted license.

8 2. Respondent shall not petition the Commissioner
9 for the removal of any of the conditions, limitations or
10 restrictions attaching to the restricted license or be eligible
11 to apply for the issuance of an unrestricted real estate license
12 until one (1) year has elapsed from the date of issuance of the
13 restricted license to Respondent.

14 3. Respondent shall, within twelve (12) months from
15 the effective date of this Order, present evidence satisfactory
16 to the Real Estate Commissioner that he has taken and
17 successfully completed the continuing education requirements
18 of Article 2.5 of Chapter 3 of the Real Estate Law for renewal
19 of a real estate license. If Respondent fails to satisfy this
20 condition, the Commissioner may order suspension of the
21 restricted license until Respondent presents such evidence.

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1 4. Respondent shall, within nine (9) months from
2 the effective date of this Order, take and pass the Professional
3 Responsibility Examination administered by the Department,
4 including the payment of the appropriate examination fee. If
5 Respondent fails to satisfy this condition, the Commissioner may
6 order suspension of the restricted license until Respondent
7 passes the examination.

8 5. Respondent shall fully cooperate in providing all
9 information and documentation requested by Department personnel
10 for examination, inspection and copying, as required by Business
11 and Professions Code Section 10148.

12 * * * * *

13 I have read the Stipulation and Agreement in Settlement
14 and Order and its terms are understood by me and are agreeable
15 and acceptable to me. I understand that I am waiving rights
16 given to me by the California Administrative Procedure Act
17 (including but not limited to Sections 11506, 11508, 11509 and
18 11513 of the Government Code), and I willingly, intelligently and
19 voluntarily waive those rights, including the right of requiring
20 the Commissioner to prove the allegations in the Accusation at a
21 hearing at which I would have the right to cross-examine
22 witnesses against me and to present evidence in defense and
23 mitigation of the charges.

24 DATED: 5/30/97

Wallace B. Rodecker
WALLACE B. RODECKER, Respondent

26 DATED: June 3, 1997

Darlene Averetta
DARLENE AVERETTA, Counsel for the
Complainant

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The foregoing Stipulation and Agreement in Settlement
is hereby adopted as my Decision and Order and shall become
effective at 12 o'clock noon on July 17, 1997.

IT IS SO ORDERED 6/25/97

JIM ANTT, JR.
Real Estate Commissioner



SAC

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of)

Case No. H-26906 LA

WALLACE B. RODECKER,)

OAH No. L-9612093

Respondent(s)

FILED
DEC 31 1996
DEPARTMENT OF REAL ESTATE

NOTICE OF HEARING ON ACCUSATION

To the above-named Respondent(s):

By C. B.

You are hereby notified that a hearing will be held before the Department of Real Estate at the Office of Administrative Hearings, 314 W. First Street, Los Angeles, CA 90012 on JULY 30 and 31, 1997, at the hour of 9:00 A.M., or as soon thereafter as the matter can be heard, upon the Accusation served upon you.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any 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 Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter. The interpreter must be approved by the Administrative Law Judge conducting the hearing as someone who is proficient in both English and the language in which the witness will testify. You are required to pay the costs of the interpreter unless the Administrative Law Judge directs otherwise.

DEPARTMENT OF REAL ESTATE

Dated: December 31, 1996

By Darlene Averetta
DARLENE AVERETTA, Counsel

cc: Wallace B. Rodecker
Sacto.
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DARLENE AVERETTA, Counsel
Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, California 90012

(213) 897-3937

FILED
FEB 27 1997
DEPARTMENT OF REAL ESTATE

By C. By

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)	No. H-26906 LA
WALLACE B. RODECKER,)	<u>AMENDED ACCUSATION</u>
Respondent.)	

Complainant hereby amends and supplements the Accusation filed herein November 15, 1996, as follows:

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against WALLACE B. RODECKER, is informed and alleges as follows:

1.

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, makes this Accusation in his official capacity.

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2.

WALLACE B. RODECKER (hereinafter "Respondent") is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code (hereinafter "Code"), as a real estate broker.

3.

Respondent was originally licensed by the Department as a conditional real estate salesperson, subject to Section 10153.4 of the Code, on June 10, 1991. Said license was suspended from approximately December 11, 1992 through April 21, 1993, pursuant to Section 10153.4 of the Code. Effective May 16, 1995, Respondent was licensed by the Department as a real estate broker.

4.

From approximately June 13, 1994 through July 24, 1996, Respondent was employed by Woodbridge Homefinders, a licensed real estate corporation, doing business as Century 21 Professionals (hereinafter "Century 21 Professionals").

5.

At all times material herein, Respondent engaged in the business of, acted in the capacity of, advertised or assumed to act as a real estate broker, in the State of California, for or in expectation of compensation within the meaning of Code Sections 10131(a) and/or (10131(b)). Said activities included:

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1 (a) the operation of and conduct of a real property
2 sales business with the public wherein Respondent engaged in the
3 sale or offer to sell, the solicitation of prospective sellers or
4 purchasers of, or the negotiation of the purchase or sale of real
5 property, for another or others; and,

6 (b) the operation and conduct of a property management
7 business with the public wherein, Respondent leased or rented or
8 offered for lease or rent, or placed for rent, or solicited
9 listings of places for rent, or solicited for prospective
10 tenants, or collected rents from real property, or improvements
11 thereon.

12 FIRST CAUSE OF ACCUSATION

13 (Office Abandonment)

14 6.

15 In or about July and August, 1996, Respondent
16 maintained on file with the Department the location of 4000
17 Barranca Parkway, Irvine, California 92714, as the address of
18 Respondent's principal place of business for the conduct of
19 his real estate broker activities. In addition, Respondent
20 maintained on file with the Department the location of
21 17220 Newhope Street, Suite 127, Fountain Valley, California
22 92707, as his mailing address.

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1 7.

2 In or about July and August, 1996, Department
3 representatives went to the address of Respondent's principal place
4 of business, and to the address of Respondent's mailing address,
5 as indicated in Paragraph 6, above, to perform an examination of
6 Respondent's books and records pertaining to his activities as a
7 real estate broker licensee. The Department representatives
8 determined that Respondent did not occupy or maintain a place of
9 business, at either of the locations on file with the Department.

10 8.

11 At a time known to Respondent, but unknown to the
12 Department, Respondent left and/or abandoned his principal place
13 of business, and the location of his mailing address on file
14 with the Department, as set forth in Paragraph 6, above; and
15 thereafter, Respondent failed to maintain on file with the
16 Commissioner of the Department a new address for the principal
17 place of business for his real estate brokerage activities, in
18 violation of Title 10, Chapter 6, Section 2715 California Code
19 of Regulations ("Regulations") and Code Section 10162.

20 9.

21 The conduct, acts and/or omissions of Respondent, as
22 described herein above, are cause for the suspension or
23 revocation of the licenses and license rights of Respondent under
24 the provisions of Code Sections 10165 and/or 10177(d).

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1 14.

2 The conduct, acts and/or omissions of Respondent
3 as described in Paragraphs 12 through 13, above, constitutes
4 cause for the suspension or revocation of all real estate
5 licenses and license rights of Respondent under the provisions
6 of Code Section 10177(d).

7 THIRD CAUSE OF ACCUSATION

8 (Violation of B & P Code 10130 and/or 10137)

9 15.

10 Complainant incorporates herein the allegations of
11 Paragraphs 1 through 14, inclusive, herein above.

12 16.

13 In or about 1995, Respondent, doing business as
14 Imperium Property Management and Imperium Property Management
15 Inc., managed real property located at 364 Princeton, Costa Mesa,
16 California, for David and Florence Shore.

17 17.

18 Respondent's employing broker was not aware of his
19 property management activities as described in Paragraph 17,
20 above, in violation of Code Section 10130.

21 18.

22 The conduct, acts and/or omissions of Respondent
23 as described in Paragraphs 16 and 17, above, constitutes cause
24 for the suspension or revocation of all real estate licenses and
25 license rights of Respondent under the provisions of Code Section
26 10177(d), and/or Code Section 10137.

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FOURTH CAUSE OF ACCUSATION

(Violation of B & P Code 10086)

19.

Complainant incorporates herein the allegations of Paragraphs 1 through 18, inclusive, herein above.

20.

On July 31, 1991, in case number H-1200 SA, a case then pending before the Department, an Order to Desist and Refrain was filed against Respondent citing a violation of Code Section 10130. Said Order directed Respondent to desist and refrain from performing any and all acts within the State of California for which a real estate broker license is required, unless and until he obtained a real estate broker license or was employed as a real estate salesperson by a real estate broker. Said Order was duly filed and served upon Respondent.

21.

Respondent's conduct in violating Code Section 10130 as described herein above, after being ordered to desist and refrain from said conduct, violated Code Section 10086. Said violation is further cause for the suspension or revocation of all licenses and license rights of Respondent under the provisions of Code Section 10177(d).

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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 the license and license rights of Respondent WALLACE B. RODECKER, 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. Dated at Los Angeles, California this 27th day of February, 1997.

THOMAS McCRADY

Deputy Real Estate Commissioner

cc: Wallace B. Rodecker
L.A. Audit Section
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DARLENE AVERETTA, Counsel
Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, California 90012

(213) 897-3937

FILED
NOV 15 1996
DEPARTMENT OF REAL ESTATE

By CB

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of) No. H-26906 LA
WALLACE B. RODECKER,) A C C U S A T I O N
Respondent.)

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against WALLACE B. RODECKER, is informed and alleges as follows:

1.

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, makes this Accusation in his official capacity.

2.

WALLACE B. RODECKER ("Respondent") is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code ("Code"), as a real estate broker.

///

1 3.

2 Respondent was originally licensed by the Department as
3 a conditional real estate salesperson, subject to Section 10153.4
4 of the Code, on June 10, 1991. Said license was suspended from
5 approximately December 11, 1992 through April 21, 1993, pursuant
6 to Section 10153.4 of the Code. Effective May 16, 1995,
7 Respondent was licensed by the Department as a real estate
8 broker.

9 4.

10 On July 31, 1991, in case number H-1200 SA, a case then
11 pending before the Department, an Order to Desist and Refrain
12 was filed against Respondent citing a violation of Code Section
13 10130. Said Order directed Respondent to desist and refrain from
14 performing any and all acts within the State of California for
15 which a real estate broker license is required, unless and until
16 he obtained a real estate broker license or was employed as a
17 real estate salesperson by a real estate broker.

18 5.

19 At all times material herein, Respondent engaged in the
20 business of, acted in the capacity of, advertised or assumed to
21 act as a real estate broker, in the State of California, for or
22 in expectation of compensation within the meaning of Code
23 Sections 10131(a) and/or (10131(b)). Said activities included:

24 (a) the operation of and conduct of a real property
25 sales business with the public wherein Respondent engaged in the
26 sale or offer to sell, the solicitation of prospective sellers or
27 purchasers of, or the negotiation of the purchase or sale of real

1 property, for another or others; and,

2 (b) the operation and conduct of a property management
3 business with the public wherein, Respondent leased or rented or
4 offered for lease or rent, or placed for rent, or solicited
5 listings of places for rent, or solicited for prospective
6 tenants, or collected rents from real property, or improvements
7 thereon.

8 FIRST CAUSE OF ACCUSATION

9 (Office Abandonment)

10 6.

11 In or about July and August, 1996, Respondent
12 maintained on file with the Department the location of 4000
13 Barranca Parkway, Irvine, California 92714, as the address of
14 Respondent's principal place of business for the conduct of his
15 real estate broker activities. In addition, Respondent
16 maintained on file with the Department the location of 17220
17 Newhope Street, Suite 127, Fountain Valley, California 92707, as
18 his mailing address.

19 7.

20 In or about July and August, 1996, Department
21 representatives went to the address of Respondent's principal place
22 of business, and to the address of Respondent's mailing address,
23 as indicated in Paragraph 6, above, to perform an examination of
24 Respondent's books and records pertaining to his activities as a
25 real estate broker licensee. The Department representatives
26 determined that Respondent did not occupy or maintain a place of
27 business, at either of the locations on file with the Department.

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8.

At a time known to Respondent, but unknown to the Department, Respondent left and/or abandoned his principal place of business, and the location of his mailing address on file with the Department, as set forth in Paragraph 6, above; and, thereafter Respondent failed to maintain on file with the Commissioner of the Department a new address for the principal place of business for his real estate brokerage activities, in violation of Title 10, Chapter 6, Section 2715 California Code of Regulations ("Regulations") and Code Section 10162.

9.

The conduct, acts and/or omissions of Respondent, as described herein above, are cause for the suspension or revocation of the licenses and license rights of Respondent under the provisions of Code Sections 10165 and/or 10177(d).

SECOND CAUSE OF ACCUSATION

(Violation of B & P Code 10148)

10.

Complainant incorporates herein the allegations of Paragraphs 1 through 9, inclusive, herein above.

11.

In or about July and August, 1996, Department representatives went to the address of Respondent's principal place of business, and the location of his mailing address on file with the Department, to examine Respondent's books and records. Respondent's books and records were not available for examination.

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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 the license and license rights of Respondent WALLACE B. RODECKER, 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. Dated at Los Angeles, California this 15th day of November, 1996.

THOMAS McCRADY
Deputy Real Estate Commissioner

cc: Wallace B. Rodecker
Sacto
AK