Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, California 90012

Telephone: (213) 897-3937

FILED
DEC 19 1997
DEPARTMENT OF REAL ESTATE

By _____

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of APA ENTERPRISES, INC., a corporation and dba Remax All Cities; RENE J. MOYA, JR., individually and as former designated officer of APA Enterprises, Inc.; CHARLES DONALD McFEELY, individually and as designated officer of APA Enterprises, Inc.; and JUAN CARLOS YURI, Respondents.	NO. H-26961 LA L-9701174 STIPULATION AND AGREEMENT

It is hereby stipulated by and between APA ENTERPRISES, INC., a corporation and dba Remax All Cities (hereinafter "APA"); RENE J. MOYA, JR., individually and as former designated officer of APA Enterprises, Inc. (hereinafter "MOYA"); and CHARLES DONALD McFEELY, individually and as designated officer of APA Enterprises, Inc. (hereinafter "McFEELY") (hereinafter sometimes referred to as "Respondents"), and their attorney of record, Michael D. Davis, Esq., and the Complainant, acting by and through Chris Leong, Counsel for the

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Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on November 27, 1996. This matter as to JUAN CARLOS YURI was handled separately.

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondents at a formal hearing on the Accusation, which hearing was to be held in accordance with the provisions of the Administrative Procedure Act, shall instead and in place thereof be submitted solely on the basis of the provisions of this Stipulation and Agreement.

2. Respondents have received, read and understand the Statement to Respondent, the Discovery Provisions of the Administrative Procedure Act and the Accusation, filed by the Department of Real Estate in this proceeding.

3. On December 16, 1996, Respondents APA, MOYA and McFEELY filed Notices of Defense pursuant to Section 11505 of the Government Code for the purpose of requesting a hearing on the allegations in the Accusation. Respondents hereby freely and voluntarily withdraw said Notices of Defense. Respondents acknowledge that they understand that by withdrawing said Notices of Defense they will thereby waive their right to require the Commissioner to prove the allegations in the Accusation at a contested hearing held in accordance with the provisions of the Administrative Procedure Act and that Respondents will waive other rights afforded to them in connection with the hearing, such as the right to present

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evidence in defense of the allegations in the Accusation and the right to cross-examine witnesses.

4. In the interest of expedience and economy, Respondents choose not to contest the factual allegations in Paragraphs 1 through 19 of the Accusation, but to remain silent and understand that, as a result thereof, these factual statements, without being admitted or denied, will serve as a prima facie basis for the disciplinary action stipulated to herein. The Real Estate Commissioner shall not be required to provide further evidence to prove such allegations.

5. It is understood by the parties that the Real Estate Commissioner may adopt the Stipulation and Agreement as his Decision in this matter, thereby imposing the penalty and sanctions on Respondents' real estate licenses and license rights as set forth in the "Order" below. In the event that the Commissioner in his discretion does not adopt the Stipulation and Agreement, it shall be void and of no effect, and Respondents shall retain the right to a hearing and proceeding on the Accusation under all the provisions of the Administrative Procedure Act and shall not be bound by any admission or waiver made herein.

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

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proceeding.

DETERMINATION OF ISSUES

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

The acts and omissions of Respondents, described in Paragraphs 1 through 19 of the Accusation, are cause for the suspension or revocation of all real estate licenses and license rights of Respondents under the provisions of Section 10177(d) of the Business and Professions Code and Section 2831 of Title 10, Chapter 6, California Code of Regulations.

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

1. All licenses and licensing rights of Respondents APA, MOYA and McFEELY, under the Real Estate Law, are suspended for a period of ninety (90) days from the effective date of this Order; provided, however, that if each Respondent petitions, thirty (30) days of said suspensions shall be stayed upon the terms and conditions of this paragraph:

(a) Each Respondent pays a monetary penalty pursuant to Section 10175.2 of the Business and Professions Code at the rate of $50.00 for each day of said suspension stayed, for a total monetary penalty of $1,500.00;

(b) Said payment shall be in the form of a cashier's check or certified check made payable to the Recovery Account of the Real Estate Fund. Said check must be delivered to the

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Department prior to the effective date of the Order in this matter;

(c) If Respondent fails to pay the monetary penalty in accordance with the terms of this paragraph or this Order, the Commissioner may, without a hearing, order the immediate execution of all or any part of the thirty (30) day stayed suspension, in which event the Respondent shall not be entitled to any repayment nor credit prorated or otherwise, for money paid to the Department under the terms of this Order.

2. The Commissioner, in exercising his discretion under Code Section 10175.2, agrees by adopting this Decision that it would not be against the public interest to permit such petition by Respondents to pay the aforesaid monetary penalty.

The remaining sixty (60) day portion of the suspension shall be stayed on the condition that no further cause for discipline of the license and license rights of Respondents shall occur within two (2) years from the effective date of this Decision, and upon the following terms and conditions:

If the Commissioner determines, after giving Respondents notice and an opportunity to be heard, that a violation of the conditions has occurred, the Commissioner may terminate the stay and impose the stayed portion or otherwise modify the Decision. If Respondents successfully complete the terms and conditions of the probation, the stay shall be permanent.

DATED: 11/19/97

Chris Leong

CHRIS LEONG
Counsel for Complainant

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* * *

We have read the Stipulation and Agreement, have discussed it with our counsel, and its terms are understood by us and are agreeable and acceptable to us. We understand that we are waiving rights given to us by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509 and 11513 of the Government Code), and we willingly, intelligently and voluntarily waive those rights, including the right of requiring the Commissioner to prove the allegations in the Accusation at a hearing at which we would have the right to cross-examine witnesses against us and to present evidence in defense and mitigation of the charges.

DATED: Nov. 7, 1997

Charles Donald McFeely Secretary

APA ENTERPRISES, INC.,
a corporation, Respondent,
by Charles Donald McFeely,
designated officer of
APA Enterprises, Inc.

DATED: Nov. 7, 1997

President

RENE J. MOYA, JR., individually
and as former designated officer
of APA Enterprises, Inc.
Respondent

DATED: Nov. 7, 1997

Charles Donald McFeely Secretary

CHARLES DONALD McFEELY,
individually and as designated
officer of APA Enterprises, Inc.
Respondent

DATED: November 11, 1997

MICHAEL D. DAVIS, ESQ.
Counsel for Respondents

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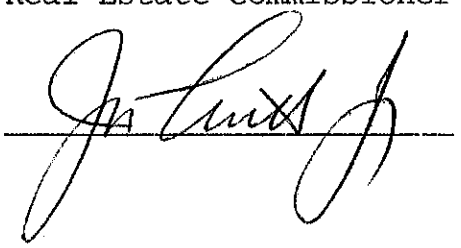
* * *

The foregoing Stipulation and Agreement is hereby adopted as my Decision in this matter and shall become effective at 12 o'clock noon on January 8, 1998.

IT IS SO ORDERED 12/16/97.

JIM ANTT, JR.
Real Estate Commissioner



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FILED
FEB 25 1997
DEPARTMENT OF REAL ESTATE
By

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of APA ENTERPRISES, INC., a corporation and dba Remax All Cities; RENE J. MOYA, JR., individually and as former designated officer of APA Enterprises, Inc.; CHARLES DONALD McFEELY, individually and as designated officer of APA Enterprises, Inc.; and JUAN CARLOS YURI, Respondents.	No. H-26961 LA

DECISION

This Decision is being issued against JUAN CARLOS YURI (hereinafter "Respondent") only, in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on January 23, 1997, and the findings of fact set forth herein are based on one or more of the following: (1) Respondent's express admissions; (2) affidavits; and (3) other evidence.

FINDINGS OF FACT

1.

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

2.

All Sections of Title 10, Chapter 6, California Code of Regulations, are hereinafter referred to as "Regulations".

3.

At all times herein mentioned, APA was and still is licensed by the Department of Real Estate of the State of California (hereinafter "Department") as a corporate real estate broker.

4.

YURI is licensed by the Department as a real estate salesperson. He was issued a temporary 150 day license which expired on June 29, 1995. He now has only a right to renew his real estate sales license on a late basis until January 29, 1997. YURI was an employee of APA from September 1994 to July 27, 1995.

5.

At all times mentioned herein, in Los Angeles County, California, 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, within the meaning of Section 10131(a) of the Code, wherein he arranged, negotiated, processed, and consummated on behalf of others sales of real property to the public for compensation or in expectation of compensation.

6.

Respondent, collected a $3,000.00 check from Gabriel Enriquez (hereinafter "Enriquez") for the purpose of purchasing real property located at 5924 Live Oak St, Bell Gardens, CA. The check was initially issued payable to ReMax. The check was not deposited into a trust account. The name ReMax was crossed out and the check was cashed by YURI and he converted said funds for his own use.

DETERMINATION OF ISSUES

I

The conduct of Respondent YURI, in converting trust funds, as described herein above, constitutes fraud and dishonest dealing. Said conduct is cause for the suspension or revocation of all licenses and license rights of Respondent YURI under Real Estate Law, pursuant to Section 10176(i) of the Code.

II

The standard of proof applied was clear and convincing proof to a reasonable certainty.

ORDER

The license and license rights of Respondent JUAN CARLOS YURI, under the provisions of Part I of Division 4 of the Business and Professions Code, are revoked.

This Decision shall become effective at 12 o'clock noon March 18, 1997.

DATED: 2-18-97.

JIM ANTT, JR.
Real Estate Commissioner

Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, California 90012

(213) 897-3937

FILED
JAN 23 1997
DEPARTMENT OF REAL ESTATE

By C. Bly

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of APA ENTERPRISES, INC., a corporation and dba Remax All Cities; RENE J. MOYA, JR., individually and as former designated officer of APA Enterprises, Inc.; CHARLES DONALD McFEELY, individually and as designated officer of APA Enterprises, Inc.; and JUAN CARLOS YURI, Respondent(s).	No. H-26961 LA DEFAULT ORDER

Respondent, JUAN CARLOS YURI, only, having failed to file a Notice of Defense within the time required by Section 11506 of the Government Code, is now in default. It is, therefore, ordered that a default be entered on the record in this matter.

IT IS HEREBY ORDERED 23 Jan. 1997.

JIM ANTT, JR.
Real Estate Commissioner

By: Randolph Brendia
RANDOLPH BRENDIA
Regional Manager

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SAC

CHRIS LEONG, Counsel
Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, CA 90012

(213) 897-3937

FILED
NOV 27 1996
DEPARTMENT OF REAL ESTATE

By C. Bay

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of APA ENTERPRISES, INC., a corporation and dba Remax All Cities; RENE J. MOYA, JR., individually and as former designated officer of APA Enterprises, Inc.; CHARLES DONALD McFEELY, individually and as designated officer of APA Enterprises, Inc.; and JUAN CARLOS YURI, Respondent(s).	No. H-26961 LA A C C U S A T I O N

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against APA ENTERPRISES, INC., a corporation and dba Remax All Cities (hereinafter "APA"); RENE J. MOYA, JR., individually and as former designated officer of APA Enterprises, Inc. (hereinafter "MOYA"); CHARLES DONALD McFEELY, individually and as designated officer of APA Enterprises, Inc. (hereinafter "McFEELY"); and JUAN CARLOS YURI (hereinafter "YURI") (hereinafter sometimes referred to as "Respondents"), is

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informed and alleges as follows:

1.

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

2.

All Sections of Title 10, Chapter 6, California Code of Regulations, are hereinafter referred to as "Regulations".

3.

At all times herein mentioned, APA was and still is licensed by the Department of Real Estate of the State of California (hereinafter "Department") as a corporate real estate broker.

4.

At all times herein mentioned, MOYA was and still is licensed by the Department as a real estate broker. From about June 28, 1994 to June 18, 1995, MOYA was responsible for the supervision and control of the activities conducted on behalf of APA by its officers and employees as necessary to secure full compliance with the Real Estate Law as set forth in Section 10159.2 of the Code.

5.

At all times herein mentioned, McFEELY was and still is licensed by the Department as a real estate broker. From about June 19, 1995 to present, McFEELY was responsible for the supervision and control of the activities conducted on behalf of APA by its officers and employees as necessary to secure full

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compliance with the Real Estate Law as set forth in Section 10159.2 of the Code.

6.

APA is licensed by the Department as a corporate real estate broker. McFEELY is the current designated officer of APA and has been since June 19, 1995. From about June 28, 1994 to June 18, 1995, MOYA was the designated officer of APA.

7.

YURI is licensed by the Department as a real estate salesperson. He was issued a temporary 150 day license which expired on June 29, 1995. He now has only a right to renew his real estate sales license on a late basis until November 29, 1997. YURI was an employee of APA from September 1994 to July 27, 1995.

8.

All further references to APA shall be deemed to refer to, in addition to APA, the officers, directors, employees, agents and real estate licensees employed by or associated with APA, who at all times herein mentioned were engaged in the furtherance of the business or operations of said parties and who were acting within the course and scope of their corporate authority and employment.

9.

At all times mentioned herein, in Los Angeles County, California, APA, MOYA and McFEELY, engaged in the business of, acted in the capacity of, advertised or assumed to act as real estate brokers in the State of California, within the meaning of

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Section 10131(a) of the Code, wherein they arranged, negotiated, processed, and consummated on behalf of others sales of real property to the public for compensation or in expectation of compensation.

AUDIT

10.

On or about May 31, 1996, the Department completed an audit of the activities of Respondents, for the period from October 1, 1994 through March 31, 1996. The results of that audit are set forth in Paragraphs 11 and 12.

11.

During 1994 and 1995, in connection with their real estate business activities, Respondents accepted or received funds in trust (hereinafter "trust funds") from or on behalf of borrowers and thereafter made disbursements of such funds. These trust funds were maintained by Respondents in three bank accounts: The first bank account was at Pacific Western National Bank, 8810 E. Whittier Blvd., Whittier, CA 90660, Account No. 091-129354, known as APA Enterprise, Inc., Remax All Cities dba, Trust Account (hereinafter "TA#1"). The second bank account was at Metro Bank, 21535 Hawthorne Blvd., Torrance, CA 90503, Account No. 682-262435, known as Remax All Cities, Trust Account (hereinafter "TA#2"). The third bank account was at Imperial Bank, 701 B. St, San Diego, CA 92112, Account No. 11-071-325, known as APA Enterprise, Inc., Re/Max All Cities Trust Account (hereinafter "TA#3").

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In connection with those trust funds described in Paragraph 11:

(a) Respondent YURI, collected a $3,000.00 check from Gabriel Enriquez (hereinafter "Enriquez") for the purpose of purchasing real property located at 5924 Live Oak St, Bell Gardens, CA. The check was initially issued payable to ReMax. The check was not deposited into a trust account. The name ReMax was crossed out and the check was cashed by YURI at Golden Investments Inc., on January 12, 1995, in violation of Sections 10137 and 10145(c) of the Code;

(b) Respondents YURI and MORA, collected $100.00 cash from Mary Jean Post (hereinafter "Post") for the purpose of listing her property at 4802 S. Layman St., Pico Rivera, CA 90660. The cash was not deposited into a trust account, in violation of Sections 10137 and 10145(c) of the Code;

(c) APA failed to maintain TA#2 and TA#3 in the licensed broker's name, but in the name of a dba "Remax All Cities". TA#2 was used when MOYA and McFEELY were the designated officers. TA#3 was used when McFEELY was the designated officer, in violation of Section 2830 of the Regulations;

(d) APA failed to maintain a columnar record of trust fund receipts and disbursements for TA#2 while both MOYA and McFEELY were the designated officers, in violation of Section 2831 of the Regulations;

(e) McFEELY failed to review, initial and date sales

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and escrow documents that were prepared and signed by employees, in violation of Section 2725 of the Regulations and Section 10159.2 of the Code;

13.

APA and McFEELY violated Section 10145 of the Code and Regulation 2832.1 by disbursing or allowing the disbursement of funds from TA#3, without prior written consent of every principal who then was an owner of trust funds in said account wherein the disbursement reduced the balance of funds in TA#1, as of March 31, 1996, to an amount which was approximately $360.00, less than the existing aggregate trust fund liability to all owners of said trust funds. This shortage was cured by May 31, 1996.

FIRST CAUSE OF ACCUSATION

(Violation by Respondents APA, MOYA and McFEELY of Sections 10137 and 10145 of the Code and Sections 2725, 2830, 2831 and 2832.1 of the Regulations)

14.

As a First Cause of Accusation, Complainant incorporates herein by this reference the Preamble and each of the allegations in Paragraphs 1 through 13, herein above.

15.

The conduct of Respondents APA, MOY and McFEELY, in handling trust funds, as alleged in Paragraphs 8 through 13, constitutes violation under Sections 10137 and 10145 of the Code and Sections 2725, 2830, 2831, and 2832.1 of the Regulations. Said conduct is cause pursuant to Section 10177(d) of the Code

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for the suspension or revocation of all licenses and license rights of Respondents under Real Estate Law.

SECOND CAUSE OF ACCUSATION

(Violation by Respondent YURI of Section 10176(i) and (j) of the Code)

16.

As a Second Cause of Accusation, Complainant incorporates herein by this reference the Preamble and each of the allegations in Paragraphs 1 through 13, herein above.

17.

The conduct of Respondent YURI, in converting trust funds, as described herein above, constitutes a fraud and dishonest dealing. Said conduct is cause for the suspension or revocation of all licenses and license rights of Respondent YURI under Real Estate Law, pursuant to Section 10176(i) and (j) of the Code.

THIRD CAUSE OF ACCUSATION

(Violation by Respondents MOYA and McFEELY of Sections 10159.2 and 10177(h) of the Code)

18.

As a Third Cause of Accusation, Complainant incorporates herein by this reference the Preamble and each of the allegations in Paragraphs 1 through 13, herein above.

19.

The conduct of Respondents MOYA and McFEELY, in allowing APA and YURI to violate Sections 10176(i) and (j), 10137 and 10145 of the Code and Sections 2725, 2830, 2831, and

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2832.1 of the Regulations, as described herein above, constitutes a failure to supervise. Said conduct is cause for the suspension or revocation of all licenses and license rights of Respondents MOYA and McFEELY, under Real Estate Law, pursuant to Sections 10159.2 and 10177(h) 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 Respondents APA ENTERPRISES, INC., a corporation and dba Remax All Cities; RENE J. MOYA, JR., individually and as former designated officer of APA Enterprises, Inc.; CHARLES DONALD McFEELY, individually and as designated officer of APA Enterprises, Inc.; and JUAN CARLOS YURI, 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 November, 1996.

THOMAS McCRADY
Deputy Real Estate Commissioner

cc: APA Enterprises, Inc.
Rene J. Moya, Jr.
Charles Donald McFeely
Juan Carlos Yuri
Sacto.
LA Audit Section
PCL

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