

David Zeff

FILED
AUG 14 2007
DEPARTMENT OF REAL ESTATE

R. M. ...

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) NO. H-27063 LA
MICHAEL DAVID ZEFF,)
Respondent.)

ORDER GRANTING REINSTATEMENT OF LICENSE

On February 4, 1997, a Decision was rendered herein revoking Respondent's real estate broker license, but granting Respondent the right to the issuance of a restricted real estate broker license. A restricted real estate broker license was issued to Respondent or about March 3, 1998, and Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent since that time.

On or about November 18, 2004, Respondent petitioned for reinstatement of said real estate broker license and the Attorney General of the State of California has been given notice of the filing of said petition.

1
2 I have considered the petition of Respondent and the
3 evidence and arguments in support thereof including Respondent's
4 record as a restricted licensee. Respondent has demonstrated
5 to my satisfaction that Respondent meets the requirements of
6 law for the issuance to Respondent of an unrestricted real
7 estate broker license and that it would not be against the
8 public interest to issue said license to Respondent.

9 NOW, THEREFORE, IT IS ORDERED that Respondent's
10 petition for reinstatement is granted and that a real estate
11 broker license be issued to Respondent if Respondent satisfies
12 the following condition within nine (9) months from the date
13 of this Order:

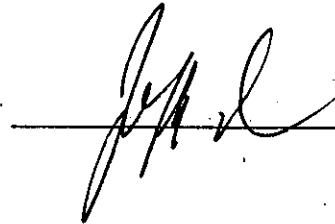
14 1. Submittal of a completed application and payment
15 of the fee for a real estate broker license.

16 2. Submittal of proof satisfactory to the
17 Commissioner of having taken and successfully completed the
18 trust fund accounting and handling course specified in paragraph
19 (3), subdivision (a) of Section 10170.5 of the Business and
20 Professions Code.

21 This Order shall become effective immediately.

22 DATED: 8-7-07

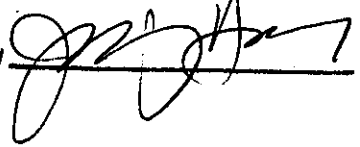
23 JEFF DAVI
24 Real Estate Commissioner

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FILED
DEC 17 2002

DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) NO. H-27063 LA
MICHAEL DAVID ZEFF,)
Respondent.)

ORDER GRANTING REINSTATEMENT OF LICENSE

On February 4, 1997, a Decision was rendered herein revoking the real estate broker license of Respondent, but granting Respondent the right to the issuance of a restricted real estate broker license. A restricted real estate broker license was issued to Respondent on March 3, 1998 and Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent since that time.

On April 11, 2002, Respondent petitioned for reinstatement of said real estate broker license and the Attorney General of the State of California has been given notice of the filing of said petition.

///

1 I have considered the petition of Respondent and
2 the evidence and arguments in support thereof. Respondent
3 has demonstrated to my satisfaction that Respondent meets
4 the requirements of law for the issuance to Respondent of
5 an unrestricted real estate broker license and that it would
6 not be against the public interest to issue said license to
7 Respondent MICHAEL DAVID ZEFF.
8

9 NOW, THEREFORE, IT IS ORDERED that Respondent's
10 petition for reinstatement is granted and that a real estate
11 broker license be issued to Respondent if Respondent satisfies
12 the following conditions within nine (9) months from the date
13 of this Order:


14 1. Submittal of a completed application and payment
15 of the fee for a real estate broker license.

16 2. Submittal of evidence of having, since the most
17 recent issuance of an original or renewal real estate license,
18 taken and successfully completed the continuing education
19 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
20 for renewal of a real estate license.

21 This Order shall become effective immediately.

22 DATED: December 11, 2002.

23 PAULA REDDISH ZINNEMANN
24 Real Estate Commissioner

25 
26

27 cc: Michael David Zeff
16027 Ventura Blvd., Suite 201
Encino, CA 91436

22616 Waterbury Street
Woodland Hills, CA 91364

1 Department of Real Estate
2 107 South Broadway, Room 8107
3 Los Angeles, California 90012

4 (213) 897-3937

FILED
FEB 11 1998
DEPARTMENT OF REAL ESTATE

By Kruderholdt

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8 DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * * *

11 In the Matter of the Accusation of) NO. H-27063 LA
12 TRIAD PROPERTY MANAGEMENT, INC.) STIPULATION AND AGREEMENT
13 and MICHAEL DAVID ZEFF,)
14 individually and as designated)
15 officer of Triad Property,)
16 Management Inc.,)
Respondents.)

17 It is hereby stipulated by and between and C. David
18 Serena, Counsel for TRIAD PROPERTY MANAGEMENT, INC., and MICHAEL
19 DAVID ZEFF, (sometimes collectively referred to as Respondents),
20 and the Complainant, acting by and through Marjorie P. Mersel,
21 Counsel for the Department of Real Estate, as follows for the
22 purpose of settling and disposing of the Accusation filed on March
23 27, 1997, in this matter:

24 1. All issues which were to be contested and all
25 evidence which was to be presented by Complainant and Respondents
26 at a formal hearing on the Accusation, which hearing was to be
27 held in accordance with the provisions of the Administrative

1 Procedure Act (APA), shall instead and in place thereof be
2 submitted solely on the basis of the provisions of this
3 Stipulation and Agreement (Stipulation).

4 2. Respondents have received, read and understand the
5 Statement to Respondent, the Discovery Provisions of the APA and
6 the Accusation filed by the Department of Real Estate in this
7 proceeding.

8 3. On April 8, 1997, Respondents filed a Notice of
9 Defense pursuant to Section 11506 of the Government Code for the
10 purpose of requesting a hearing on the allegations in the
11 Accusation. Respondents hereby freely and voluntarily withdraw
12 said Notice of Defense. Respondents acknowledge that they
13 understand that by withdrawing said Notice of Defense they thereby
14 waive their right to require the Commissioner to prove the
15 allegations in the Accusation at a contested hearing held in
16 accordance with the provisions of the APA and that they will waive
17 other rights afforded to them in connection with the hearing such
18 as the right to present evidence in their defense of the
19 allegations in the Accusation and the right to cross-examine
20 witnesses.

21 4. This Stipulation is based on the factual allegations
22 contained in the Accusation. In the interest of expedience and
23 economy, Respondents choose not to contest these allegations, but
24 to remain silent and understand that, as a result thereof, these
25 factual allegations, without being admitted or denied, will serve
26 as a prima facie basis for the disciplinary action stipulated to
27



1 herein. The Real Estate Commissioner shall not be required to
2 provide further evidence to prove said factual allegations.

3 5. This Stipulation is based on Respondents' decision
4 not to contest the allegations set forth in the Accusation as a
5 result of the agreement negotiated between the parties. This
6 Stipulation is expressly limited to this proceeding and any
7 further proceeding initiated by or brought before the Department
8 of Real Estate based upon the facts and circumstances alleged in
9 the Accusation, and made for the sole purpose of reaching an
10 agreed disposition of this proceeding. The decision of
11 Respondents' not to contest the factual statements alleged, and
12 contained in the "Order" herein below, is made solely for the
13 purpose of effectuating this Stipulation. It is the intent and
14 understanding of the parties that this Stipulation shall not be
15 binding or admissible against Respondents in any actions against
16 Respondents by third parties.

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

27



1 7. The Order or any subsequent Order of the Real Estate
2 Commissioner made pursuant to this Stipulation shall not
3 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 I

13 The acts or omissions of Respondent TRIAD PROPERTY
14 MANAGEMENT, INC., as described in Paragraph 4, above, are in
15 violation of Section 10145 and 10160 of the Business and
16 Professions Code (Code) and Sections 2830, 2831, 2831.1, 2831.2,
17 2832, 2833, and 2834 of Title 10, Chapter 6 of the California Code
18 of Regulations (Regulations) and are a basis for the suspension or
19 revocation of Respondent's license and license rights pursuant to
20 Section 10177 (d) of the Code.

21 II

22 The conduct of Respondent MICHAEL DAVID ZEFF
23 as described in Paragraph 4, above, is in violation of Section
24 10145 and of the Code and Sections 2830, 2831, 2831.1, 2831.2,
25 2832, 2833, and 2834 of the Regulations, consists of negligence
26 and/or incompetence, and a failure to supervise, and is a basis
27 for the suspension or revocation of said Respondent's license and



1 license rights pursuant to Sections 10159.2, 10177(d), 10177(g)
2 and 10177(h) of the Code.

3 ORDER

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

6 I

7 The real estate broker license and license rights of
8 Respondents TRIAD PROPERTY MANAGEMENT, INC., and MICHAEL DAVID
9 ZEFF under the Real Estate Law (Part 1 of Division 4 of the Code)
10 are hereby revoked.

11 However, Respondents shall be entitled to apply for and
12 be issued restricted real estate broker licenses if they make
13 application therefor and pay to the Department of Real Estate the
14 appropriate fee for said license within ninety (90) days of the
15 effective date of the Decision herein.

16 The restricted real estate broker licenses issued to
17 Respondents shall be subject to all of the provisions of Section
18 10156.7 of the Code and the following limitations, conditions and
19 restrictions imposed under authority of Section 10156.6 of the
20 Code:

21 A. The restricted licenses may be suspended prior to
22 hearing by Order of the Real Estate Commissioner in the event of a
23 Respondent's conviction (including conviction of a plea of nolo
24 contendere) to a crime which bears a significant relationship to
25 said Respondent's fitness or capacity as a real estate licensee.
26
27



1 invoice, the Commissioner's reasonable costs for the chargeable
2 follow-up audit;

3 D. If Respondents fail to pay, within 45 days from
4 receipt of the invoice, for the Commissioner's reasonable costs
5 for an audit, the Commissioner may order the suspension of
6 Respondents real estate licenses and license rights. The
7 suspension shall remain in effect until the end of the two year
8 ~~stay, or~~ until payment is made in full, or until Respondents enter
9 into an agreement satisfactory to the Commissioner to provide for
10 such payment. The Commissioner may impose further reasonable
11 disciplinary terms and conditions upon Respondents real estate
12 license and license rights as part of any such agreement;

JD M.D.V.
John B. ... M.D.V.

13 E. Respondent, MICHAEL DAVID ZEFF, shall, within
14 twelve (12) months from the effective date of this Decision,
15 present evidence satisfactory to the Real Estate Commissioner that
16 Respondent has, since the most recent issuance of an original or
17 renewal real estate license, taken and successfully completed the
18 continuing education requirements of Article 2.5 of Chapter 3 of
19 the Real Estate Law for renewal of a real estate license. If
20 Respondent fails to satisfy this condition, the Commissioner may
21 order the suspension of the restricted license until the Respondent
22 presents such evidence. The Commissioner shall afford respondent
23 the opportunity for a hearing pursuant to the Administrative
24 Procedure Act to present such evidence.

25 F. Respondent, MICHAEL DAVID ZEFF, shall, within one
26 year from the effective date of the Decision herein, take and pass
27



1 the Professional Responsibility Examination administered by the
2 Department including the payment of the appropriate examination
3 fee. If Respondent fails to satisfy this condition, the
4 Commissioner may order Suspension of Respondent's license until
5 Respondent passes the examination.

6
7 DATED August 19, 1997 Marjorie P. Mersel
8 MARJORIE P. MERSEL
9 Counsel for Complainant


* * * *

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

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DATED: 9/22/97



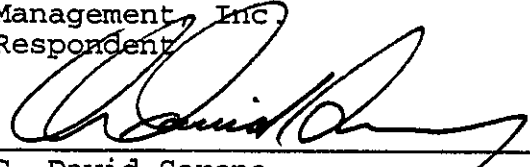
TRIAD PROPERTY MANAGEMENT, INC.,
Respondent,
BY: MICHAEL DAVID ZEFF D.O.

DATED: 9/22/97



MICHAEL DAVID ZEFF,
individually and as designated
officer of Triad Property
Management, Inc.
Respondent

DATED: 9/25/97

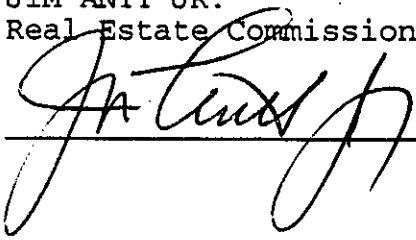


C. David Serena,
Counsel for Respondents

* * * *

The foregoing Stipulation and Agreement is hereby
adopted by the Commissioner as my Decision and Order and shall
become effective at 12 o' clock noon on March 3, 1998.

IT IS SO ORDERED 2/4, 1997.

JIM ANTT JR.
Real Estate Commissioner


Sacto Zeff

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
JUN 10 1997
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of

TRIAD PROPERTY MANAGEMENT INC.,
et al.,

By *R. Redick*

Case No. H-27063 LA

OAH No. L-9704120

Respondent

NOTICE OF HEARING ON ACCUSATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at _____
Office of Administrative Hearings, 107 South Broadway, Second Floor
Los Angeles, CA 90012

on September 23 & 24, 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

JUN 10 1997

Dated: _____

By *Marjorie P. Meral*
Counsel

cc: Triad Property Management Inc.
Michael David Zeff
C. David Serena, Esq.
Sacto

OAH
RE 501 (1/92)
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Sacto Zeff

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
MAY 12 1997
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of

TRIAD PROPERTY MANAGEMENT, INC.,
et al.,

By *K. K. ...*

Case No. H-27063 LA

OAH No. L-9704120

Respondent

NOTICE OF HEARING ON ACCUSATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at _____
Office of Administrative Hearings, 107 South Broadway, Second Floor,
Los Angeles, CA 90012

on June 24, 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: MAY 12 1997

By *Marjorie P. Messel*
Counsel

cc: Triad Property Management, Inc.
Michael David Zeff
Sacto
OAH

Handwritten initials

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MARJORIE P. MERSEL, Counsel
Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, California 90012

(213) 897-3937

FILED
MAR 27 1997
DEPARTMENT OF REAL ESTATE
By *K. Mederholt*

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)	No. H-27063 LA
)	
TRIAD PROPERTY MANAGEMENT,)	A C C U S A T I O N
INC., and MICHAEL DAVID ZEFF,)	
individually and as)	
designated officer of)	
Triad Property Management,)	
Inc.,)	
)	
Respondents.)	

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, for cause of accusation against TRIAD PROPERTY MANAGEMENT, INC., and MICHAEL DAVID ZEFF, individually and as designated officer of Triad Property Management, Inc., is informed and alleges in his official capacity as follows:

I

TRIAD PROPERTY MANAGEMENT, INC. (TPMI) and MICHAEL DAVID ZEFF (ZEFF), sometimes collectively referred to as respondents, are presently licensed and/or have license rights under the Real

1 Estate Law (Part 1 of Division 4 of the California Business and
2 Professions Code).

3 II

4 All references to the "Code" are to the California
5 Business and Professions Code and all references to "Regulations"
6 are to Title 10, Chapter 6, California Code of Regulations.

7 III

8 At all mentioned times, TPMI was licensed by the
9 Department of Real Estate of the State of California (Department)
10 as a corporate real estate broker by and through ZEFF as
11 designated officer.

12 IV

13 At all times herein mentioned, ZEFF was licensed by the
14 Department as a real estate broker, both individually and as
15 designated officer of TPMI to qualify TPMI and to act for TPMI as
16 a real estate broker and, as provided by Section 10159.2 of the
17 Code, was responsible for the supervision and control of the
18 activities conducted on behalf of TPMI by its officers, managers
19 and employees as necessary to secure full compliance with the
20 provisions of the Real Estate Law including the supervision of the
21 salespeople licensed to the corporation in the performance of acts
22 for which a real estate license is required by Section 10159.2 of
23 the Code.

24 V

25 Whenever reference is made in an allegation in the
26 Accusation to an act or omission of TPMI, such allegation shall be
27 deemed to mean that the officers, directors, managers, employees,
agents and real estate licensees employed by or associated with



1 TPMI, including ZEFF, committed such act or omission while engaged
2 in the furtherance of the business or operation of TPMI and while
3 acting within the course and scope of its corporate authority,
4 agency and employment.
5

6 VI

7 At all times mentioned, TPMI and ZEFF were acting as the
8 agent or employee of the other and within the course and scope of
9 such agency or employment.

10 VII

11 At all times mentioned, in the State of California in
12 the City of Encino, Los Angeles County, respondent TPMI engaged in
13 the business of a corporate real estate broker and respondent
14 ZEFF, a real estate broker, within the meaning of Section 10131(b)
15 of the Code, including the operation of a property management
16 business.

17 VIII

18 At all times herein mentioned, in connection with the
19 real estate activities described in Paragraph VII, above,
20 respondents accepted or received funds, including funds in trust
21 (hereinafter "trust funds") from or on behalf of actual or
22 prospective parties to property management transactions handled by
23 respondents and thereafter made deposit or disbursement of such
24 funds. Respondents deposited and maintained certain of said
25 funds, including trust funds in approximately twenty nine (29)
26 trust accounts for property management and approximately six (6)
27 savings accounts for individual properties, at the Charter Pacific
Bank, 8383 Wilshire Blvd., Beverly Hills, CA 90211. From time to

1 time herein mentioned, said trust funds were deposited and/or
2 maintained in bank accounts, including but not necessarily limited
3 to:

4 (a) Account Number 001-028227, "Triad Property
5 Management, Inc. Client's Trust Account #2", (hereinafter "T/A
6 #1");

7 (b) Account Number 001-028243, Triad Property
8 Management, Inc. Client's Trust Account #4", (hereinafter "T/A
9 #2"); and

10 (c) Account Number 002-022583, "Triad Property
11 Management, Inc. Payroll Account", (hereinafter "P/R Account").

12 IX

13 On or about September 24, 1993, the Department completed
14 an examination of respondent TPMI's books and records pertaining
15 to its activities as a real estate broker described in Paragraphs
16 VII and VIII, above, for the period beginning on December 1, 1994,
17 to February 25, 1995, which revealed violations of the Code and of
18 the Regulations as set forth below.

19 X

20 With respect to the trust funds referred to in Paragraph
21 VI, it is alleged that respondents TPMI and ZEFF:

22 (A) Permitted, allowed, or caused an unexplained
23 overage to accumulate in the P/R account by means of an
24 unidentified accountability which on February 25, 1995, was in the
25 amount of \$9,534.30, in violation of Regulation 2833.

26 (b) Allowed, permitted and/or caused the deposit of
27 trust funds into all six of the individual property accounts,



1 which accounts were not maintained in the name of the broker as
2 trustee, as required by Code Section 10145, and Regulation 2830;

3 (c) Failed to maintain a complete control record for
4 the P/R Account, as required by Regulation 2831;

5 (d) Failed to maintain complete and accurate separate
6 records for each beneficiary or transaction, accounting therein
7 for all trust funds received, deposited and disbursed for the P/R
8 Account, as required by Regulation 2831.1;

9 (e) Failed to reconcile the aggregate balance of all
10 separate beneficiary or transaction records with the record of all
11 trust funds received and disbursed to T/A #1, T/A #2 and the P/R
12 Account, as required by Regulation 2831.2;

13 (f) Failed to timely deposit trust funds for T/A #1
14 into a neutral escrow depository, into the hands of a principal on
15 whose behalf the funds were received, or into a trust fund account
16 in the name of the broker as trustee, within one business day
17 following receipt of said funds, as required by Code Section 10145
18 and Regulation 2832;

19 (g) Allowed, permitted, or caused Lynn Heller, who was
20 neither licensed by the Department nor covered by an adequate
21 fidelity bond, to be signatory on the P/R Account, without written
22 authorization, as required by Code Section 10145 and Regulation
23 2834.

24 XI

25 The conduct of respondent TPMI and ZEFF, described in
26 Paragraph X above, violated the Code and the Regulations as set
27 forth below:



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PARAGRAPH

PROVISIONS VIOLATED

- X(a) Section 10145 of the Code and Section 2833 of the Regulations
- X(b) Section 10145 of the Code and Section 2830 of the Regulations
- X(c) Section 10145 of the Code and Section 2831 of the Regulations
- X(d) Section 10145 of the Code and Section 2831.1 of the Regulations
- X(e) Section 10145 of the Code and Section 2831.2 of the Regulations
- X(f) Section 10145 of the Code and Section 2832 of the Regulations
- X(g) Section 10145 of the Code and Section 2834 of the Regulations

Each of the foregoing violations separately constitutes cause for the suspension or revocation of the real estate license and license rights of respondents TPMI and ZEFF under the provision of Section 10177(d) of the Code.

XII

The investigative audit, described in Paragraph IX, revealed that TPMI and ZEFF failed to make available the original corporate real estate license of TPMI for inspection, as required by Code Section 10160. This conduct and violation are cause to suspend or revoke the licenses and license rights of respondents TPMI and ZEFF under Sections 10177(d) and 10177(h) of the Code.

XIII

The overall conduct of respondents TPMI and ZEFF in violating Sections 10145 and 10160 of the Code and Regulations

1 Sections 2830, 2831, 2831.1, 2831.2, 2833 and 2834, as described
2 in Paragraph VII through XI above, constitutes negligence or
3 incompetence. This conduct and violation are cause for the
4 suspension or revocation of the real estate license and license
5 rights of respondents TPMI and ZEFF under the provisions of
6 Section 10177(g) of the Code.
7

8 XIV

9 The overall conduct of respondent ZEFF, as described in
10 Paragraphs VII through XI hereinabove, during the time that ZEFF
11 was the designated officer of TPMI, including the failure of ZEFF
12 to adequately supervise the correction of the violations cited in
13 the previous audit, Audit No. LA 920428, issues two (2) through
14 nine (9) constitutes a failure by said respondent exercise
15 reasonable supervision of the activities of respondent TPMI which
16 required a real estate license and constitutes a violation of
17 Section 10159.2 of the Code. This conduct is cause to suspend or
18 revoke the real estate license and license rights of respondents
19 TPMI and ZEFF under Sections 10177(d) and 10177(h) of the Code.
20

21 XV

22 Effective May 3, 1994, in Case No. H-25784 LA, an Order
23 to Desist and Refrain was filed against respondent MICHAEL DAVID
24 ZEFF under Section 10086 of the Code (Engaging in Prohibited
25 Activity, Order to Desist and Refrain) for violations of Sections
26 10145 and 10145(d) of the Code and Sections 2731, 2830, 2831,
27 2831.1, 2831.2, and 2834 of the Regulations.



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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 all licenses and license rights of respondents TRIAD PROPERTY MANAGEMENT, INC., and MICHAEL DAVID ZEFF, individually and as designated officer of Triad Property Management, Inc., 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 March, 1997.

THOMAS MC CRADY

Deputy Real Estate Commissioner

cc: Triad Property Management, Inc.
Michael David Zeff
Sacto