

FILED
OCT 29 2003
DEPARTMENT OF REAL ESTATE

By Laura B. Crane

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) NO. H-27337 LA
MAJORIE ANN RADDATZ,)
Respondent.)

ORDER GRANTING REINSTATEMENT OF LICENSE

On February 5, 1998, a Decision was rendered herein
revoking the real estate salesperson license of Respondent,
but granting Respondent the right to apply for and be issued
a restricted real estate salesperson license. A restricted
real estate salesperson license was issued to Respondent on
or about March 2, 1998 and Respondent has operated as a
restricted licensee without cause for disciplinary action
against Respondent since that time.

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1 On April 4, 2002, Respondent petitioned for
2 reinstatement of said real estate salesperson license and
3 the Attorney General of the State of California has been
4 given notice of the filing of said petition.
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6 I have considered the petition of Respondent and
7 the evidence and arguments in support thereof. Respondent
8 has demonstrated to my satisfaction that Respondent meets
9 the requirements of law for the issuance to Respondent of
10 an unrestricted real estate salesperson license and that
11 it would not be against the public interest to issue said
12 license to Respondent MAJORIE ANN RADDATZ.

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

18 Submittal of a completed application and payment of
19 the fee for a real estate salesperson license.

20 This Order shall be effective immediately.

21 Dated: October 22, 2003.

22 PAULA REDDISH ZINNEMANN
23 Real Estate Commissioner
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cc: Marjorie Ann Raddatz
1933 Topaz Avenue
Ventura, CA 93004-3156

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

4 (213) 897-3937
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FILED
FEB 10 1998
DEPARTMENT OF REAL ESTATE

By K. Hieberholt

9 DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * * *

12 In the Matter of the Accusation of)
13 MAJORIE ANN RADDATZ,)
14)
15 Respondent.)

NO. H-27337 LA

STIPULATION AND AGREEMENT

16 It is hereby stipulated by and between MAJORIE ANN
17 RADDATZ (sometimes referred to as Respondent), and the
18 Complainant, acting by and through Elliott Mac Lennan, Counsel for
19 the Department of Real Estate, as follows for the purpose of
20 settling and disposing of the Accusation filed on September 18,
21 1997, in this matter:

22 1. All issues which were to be contested and all
23 evidence which was to be presented by Complainant and Respondent
24 at a formal hearing on the Accusation, which hearing was to be
25 held in accordance with the provisions of the Administrative
26 Procedure Act (APA), shall instead and in place thereof be
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1 submitted solely on the basis of the provisions of this
2 Stipulation and Agreement (Stipulation).

3 2. Respondent has received, read and understands the
4 Statement to Respondent, the Discovery Provisions of the APA and
5 the Accusation filed by the Department of Real Estate in this
6 proceeding.

7 3. Respondent filed a Notice of Defense on October 6,
8 1997, pursuant to Section 11506 of the Government Code for the
9 purpose of requesting a hearing on the allegations in the
10 Accusation. Respondent hereby freely and voluntarily withdraws
11 said Notice of Defense. Respondent acknowledges that she
12 understands that by withdrawing said Notice of Defense she thereby
13 waives her right to require the Commissioner to prove the
14 allegations in the Accusation at a contested hearing held in
15 accordance with the provisions of the APA and that she will waive
16 other rights afforded to her in connection with the hearing such
17 as the right to present evidence in her defense and the right to
18 cross-examine witnesses.

19 4. This Stipulation is based on the factual allegations
20 contained in the Accusation. In the interest of expedience and
21 economy, Respondent chooses not to contest these allegations, but
22 to remain silent and understands that, as a result thereof, these
23 factual allegations, without being admitted or denied, will serve
24 as a prima facie basis for the disciplinary action stipulated to
25 herein. The Real Estate Commissioner shall not be required to
26 provide further evidence to prove said factual allegations.

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

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

25 7. The Order or any subsequent Order of the Real Estate
26 Commissioner made pursuant to this Stipulation shall not
27 constitute an estoppel, merger or bar to any further



1 administrative or civil proceedings by the Department of Real
2 Estate with respect to any matters which were not specifically
3 alleged to be causes for accusation in this proceeding.

4 DETERMINATION OF ISSUES

5 By reason of the foregoing stipulations and solely for
6 the purpose of settlement of the pending Accusation without a
7 hearing, it is stipulated and agreed that the following
8 determination of issues shall be made:

9 I

10 The conduct of Respondent MAJORIE ANN RADDATZ, as
11 described in Paragraph 4, above, is in violation of Section 10130
12 of the Business and Professions Code. This conduct is a basis for
13 the suspension or revocation of Respondent's license and license
14 rights pursuant to Section 10177(d) of the Code.

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ORDER

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

I

The real estate salesperson license and license rights
of Respondent MAJORIE ANN RADDATZ under the Real Estate Law (Part
1 of Division 4 of the Business and Professions Code) are hereby
revoked.

However, Respondent shall be entitled to apply for and
be issued a restricted real estate salesperson license if she
makes application therefor and pays to the Department of Real
Estate the appropriate fee for said license within ninety (90)
days of the effective date of the Order herein.

The restricted license issued to Respondent shall be
subject to all of the provisions of Section 10156.7 of the Code
and the following limitations, conditions and restrictions imposed
under authority of Section 10156.6 of the Code:

A. The restricted license may be suspended prior to
hearing by Order of the Real Estate Commissioner in the event of
Respondent's conviction (including conviction on a plea of nolo
contendere) to a crime which bears a significant relationship to
Respondent's fitness or capacity as a real estate licensee.

B. The restricted license may be suspended prior to
hearing by Order of the Real Estate Commissioner on evidence
satisfactory to the Commissioner that Respondent has, after the
effective date of the Order herein, violated provisions of the
California Real Estate Law, the Subdivided Lands Law, Regulations



1 of the Real Estate Commissioner or conditions attaching to said
2 restricted license.

3 C. Respondent shall obey all laws of the United States,
4 the State of California and its political subdivisions, and shall
5 further obey and comply with all rules and regulations of the Real
6 Estate Commissioner.

7 D. Respondent shall, within twelve (12) months from the
8 effective date of this Order, present evidence satisfactory to the
9 Real Estate Commissioner that Respondent has, since the most
10 recent issuance of an original or renewal real estate license,
11 taken and successfully completed the continuing education
12 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
13 for renewal of a real estate license. If Respondent fails to
14 satisfy this condition, the Commissioner may order the suspension
15 of the restricted license until the Respondent presents such
16 evidence. The Commissioner shall afford Respondent an opportunity
17 for a hearing pursuant to the APA to present such evidence.

18 E. Respondent shall within six months from the
19 effective date of the Order, take and pass the Professional
20 Responsibility Examination administered by the Department
21 including the payment of the appropriate examination fee. If
22 Respondent fails to satisfy this condition, the Commissioner may
23 order suspension of the restricted license until Respondent passes
24 the examination.

25 F. Respondent shall not be eligible for the issuance of
26 an unrestricted real estate license nor the removal of any of the
27 conditions, limitations or restrictions of the restricted license



1 until at least two years has elapsed from the issuance of any
2 restricted real estate license.

3 G. Respondent shall submit with any application for
4 license under an employing broker, or any application for transfer
5 to a new employing broker, a statement signed by the prospective
6 broker which shall certify:

7 (1) That the employing broker has read the Order of
8 the Commissioner which granted the right to a
9 restricted license; and

10 (2) That the employing broker will exercise close
11 supervision over the performance by the
12 restricted licensee of the activities for
13 which a real estate license is required.

14 H. As a further condition for the Commissioner to enter
15 into this Stipulation, Respondent shall immediately cease and
16 desist form all independent property management activity.

17 II

18 The real estate salesperson license of Respondent
19 MAJORIE ANN RADDATZ is suspended for a period of thirty (30) days
20 from the issuance of any restricted real estate license.
21 .

22 DATED: 1-23-98

23 ELLIOTT MAC LENNAN
24 Counsel for Complainant
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* * * *

I have read the Stipulation and Agreement and its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509 and 11513 of the Government Code). I 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 I would have the right to cross-examine witnesses against me and to present evidence in defense and mitigation of the charges.

DATED: 11-18-97

Marjorie Ann Raddatz
MAJORIE ANN RADDATZ,
Respondent

* * * *

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

IT IS SO ORDERED

2/5, 1998 BJA

JIM ANTT JR.
Real Estate Commissioner

Jim Antt Jr.

facto

ELLIOTT MAC LENNAN, Counsel
Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, California 90012

Telephone (213) 897-3937

FILED
SEP 18 1997
DEPARTMENT OF REAL ESTATE

By K. Stedeholts

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)	
MARJORIE ANN RADDATZ,)	No. H-27337 LA
)	A C C U S A T I O N
)	
)	
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Respondent.)	

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, acting in his official capacity as a Deputy Real Estate Commissioner of the State of California, for cause of accusation against MARJORIE ANN RADDATZ is informed and alleges as follows:

I

MARJORIE ANN RADDATZ (RADDATZ), sometimes referred to as 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).

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II

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

III

At all times mentioned, RADDATZ was licensed or had license rights issued by the Department of Real Estate (Department) as a real estate salesperson. RADDATZ was initially licensed by the Department on October 27, 1988.

IV

At all times mentioned, in the City of Ventura, Ventura County, California, Respondent RADDATZ, while licensed as a salesperson under Glenn Truman Sipes, Real Estate Broker, acted as a real estate broker, in the State of California, within the meaning of Section 10131(b) of the Code including the operation and conduct of a property management business with the public, unbeknownst to her broker, wherein, for or in expectation of compensation, for another or others, Respondent leased or rented or offered to lease or rent, or placed for rent, or solicited listings of places for rent, or solicited for prospective tenants, or collected rents from real property, or improvements thereon.

V

On April 30, 1997, the Department completed a field audit examination of the books and records of Glenn Truman Sipes dba RE/MAX Gold Coast Realtors and dba Gold Coast Financial pertaining to the activities described in Paragraph IV, above, for the period beginning on January 1, 1996, and ending on January 31,



1 1997, which revealed violations of the Code and the Regulations as
2 set forth in the following paragraphs.

3 VI

4 At all times mentioned, in connection with the aforesaid
5 real estate activities described in Paragraph IV, RADDATZ accepted
6 or received funds in trust (trust funds) from or on behalf of
7 actual or prospective lessors and lessees, and thereafter made
8 disposition of such funds. RADDATZ maintained the following trust
9 account unbeknownst to her broker, as the depository of said funds
10 at the Great Western Bank, Ventura, California:

11 Marjorie Raddatz Main Trust Account
12 Account Number 043-816523-2

13 VII

14 Beginning on or about January 1, 1992, to and continuing
15 to date, RADDATZ has owned and operated a property management
16 business under her own name located at 217 Crocker Avenue,
17 Ventura, California. RADDATZ has owned and operated said
18 business, prior to and continuing during her employment with real
19 estate broker Glenn Truman Sipes, unbeknownst to him, commencing
20 on July 13, 1993, and continuing to date. Moreover, RADDATZ has
21 owned and operated said business during a period when her license
22 had expired, to wit, the period of time between October 26, 1996,
23 and December 14, 1996.

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VIII

From January 1, 1992, and continuing to date, RADDATZ has deposited trust funds in the form of advance fees for property management services received from her clients including Michael Skinner and Norman and Mary Zemel, and rents from Perry Dahm and L. Wayne Morley, and including pre-paid advertising, deposits and rental payments from tenants from leases and rental agreements negotiated by RADDATZ for her own account into a trust account set up by her under her own name and for her own purposes without the knowledge or approval of her broker.

IX

The conduct of RADDATZ, in negotiating real property management agreements with owners and leases and rental agreements with tenants, and collecting deposits, fees and rents for or in expectation of compensation, during a period when she was not, nor had ever been licensed by the Department as a real estate broker or as a real estate salesperson affiliated with a real estate broker authorizing her property management activities and also including a period of time when her license had lapsed, as described in Paragraphs and VIII, is in violation of Section 10130 of the Code and is cause to suspend or revoke her license and license rights under Section 10177(d).

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1 WHEREFORE, Complainant prays that a hearing be conducted
2 on the allegations of this Accusation and that upon proof thereof,
3 a decision be rendered imposing disciplinary action against the
4 license and license rights of Respondent MAJORIE ANN RADDATZ under
5 the Real Estate Law (Part 1 of Division 4 of the Business and
6 Professions Code) and for such other and further relief as may be
7 proper under other applicable provisions of law.

8 Dated at Los Angeles, California
9 this 18th day of September, 1997.
10

11 THOMAS MC CRADY
12 _____
13 Deputy Real Estate Commissioner
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26 cc Marjorie Ann Raddatz
27 Sacto
 AK

