

1 Department of Real Estate
2 320 W. Fourth, Suite 350
3 Los Angeles, California 90013-1105
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5 (213) 576-6911
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FILED
MAY 25 1999
DEPARTMENT OF REAL ESTATE

By K. Niederholt

9 DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * * * *

12 To:)
13 LB PROPERTY) No. H-28101 LA
14 MANAGEMENT, INC.,)
15 a California) ORDER TO DESIST
16 corporate broker; and,)
17 ROBERT BRUCE LOPATA,) AND REFRAIN
18 individually and as)
19 designated officer of)
20 LB Property Management, Inc.)
21 Respondents.)

22 The Real Estate Commissioner of the State of California
23 (Commissioner) has caused an investigation to be conducted and is
24 of the opinion that you, LB PROPERTY MANAGEMENT, INC., have
25 violated Sections 10145 and 10161.8 of the Business and
26 Professions Code (Code) and Sections 2731, 2752, and 2832.1 of
27 Title 10, Chapter 6, California Code of Regulations (Regulations)
and that you, ROBERT BRUCE LOPATA, individually and as designated
officer of LB Property Management, Inc., have violated Section
10159.2 of the Code.

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2 At all times herein mentioned, you, LB PROPERTY
3 MANAGEMENT, INC. (LBPMI), a corporation, were and still are
4 licensed by the Department of Real Estate of the State of
5 California (Department) as a corporate real estate broker.

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7 At all times herein mentioned, you, ROBERT BRUCE LOPATA,
8 (LOPATA), were and still are licensed by the Department as a real
9 estate broker, individually and as designated officer of LBPMI.

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11 All further references herein to "you" include the
12 parties identified in Paragraphs 1 through 3 and also include the
13 officers, directors, employees, agents and real estate licensees
14 employed by or associated with those parties, who at all times
15 herein mentioned were engaged in the furtherance of the business
16 or operations of those parties and who were acting within the
17 course and scope of their authority and employment.

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19 At all times mentioned, in the State of California in
20 the City and County of Los Angeles, you, LBPMI, a real estate
21 broker, within the meaning of Section 10131(b) of the Code,
22 including the operation and conduct of a property management
23 business with the public wherein, for or in expectation of
24 compensation, for another or others, you leased or rented or
25 offered to lease or rent, or placed for rent, or solicited
26 listings of places for rent, or solicited for prospective tenants,
27 or collected rents from real property, or improvements thereon.



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2 At all times herein mentioned, in connection with the
3 real estate activities defined in Paragraph 4, LBPMI accepted or
4 received funds in trust (hereinafter "trust funds") from or on
5 behalf of owners and tenants and thereafter deposited or disbursed
6 such funds. LBPMI maintained approximately two-hundred seventy-
7 five trust account as the depositories of trust funds. These
8 trust accounts are located at the Union Bank of California, 900 S.
9 Main Street, Los Angeles, CA 90015. Of the two-hundred seventy-
10 five trust accounts, the following five trust accounts were
11 reviewed:

12	"LB Property Management, Inc. ITF Toluca Terrace Apts. Account Number 2110050421"	T/A #1
13	"LB Property Management, Inc. ITF 17030 Saticoy St. Account Number 2110038642"	T/A #2
14	"LB Property Management, Inc. ITF 6457 Lederer Ave. Account Number 2110051134"	T/A #3
15	"LB Property Management, Inc. For Villa Properties Account Number 3890000435"	T/A #4
16	"LB Property Management, Inc. ITF Reeves Properties Account Number 2110039045"	T/A #5

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21 With respect to the trust funds referred to in Paragraph
22 5, you LBPMI:

23 (a) Permitted, allowed or caused the disbursement
24 of trust funds from T/A #1 where the disbursement of said funds
25 reduced the total of aggregate funds in T/A #1, to an amount
26 which, on March 31, 1998, was \$4,260.59, less than the existing
27 aggregate trust fund liability of Respondent to every principal



1 who was an owner of said funds, without first obtaining the prior
2 written consent of the owners of said funds, in violation of
3 Section 10145 of the Code and Section 2832.1 of the Regulations.

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5 The investigative audit revealed that you LBPMI used the
6 fictitious business names of "LB Property Management" "17030
7 Saticoy Street" and "Joseph L. Yousem Co. Inc." to conduct
8 licensed activities without holding licenses bearing said
9 fictitious business names, in violation of Section 2731 of the
10 Regulations.

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12 The audit examination also revealed that you LBPMI
13 failed to notify the Department of the employment of licensee
14 Edith Bernstein, in violation of Section 10161.8 of the Code and
15 Section 2752 of the Regulations.

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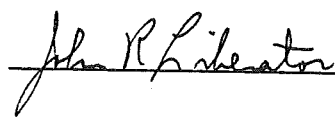
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NOW, THEREFORE, YOU, LB PROPERTY MANAGEMENT, INC., YOUR AGENTS, EMPLOYEES, SUCCESSORS, ASSIGNEES AND LICENSEES ARE ORDERED TO DESIST AND REFRAIN from any and all conduct requiring a real estate license unless and until you comply with Sections 10145 and 10161.8 of the Code and Sections 2731, 2752, and 2832.1 of the Regulations.

YOU, ROBERT BRUCE LOPATA, ARE ORDERED TO DESIST AND REFRAIN from any and all conduct requiring a real estate license unless and until you comply with Section 10159.2 of the Code.

DATED May 12, 1999.

JOHN R. LIBERATOR
Acting Real Estate Commissioner



cc: LB Property Management, Inc.
c/o Robert Bruce Lopata, D.O.
10435 Santa Monica Blvd. #200
Los Angeles, California

EM:MA