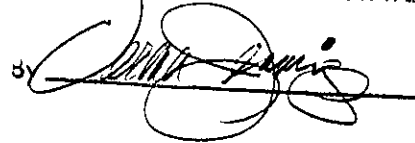


1 Department of Real Estate
2 320 West Fourth Street, Suite 350
3 Los Angeles, California 90013-1105
4 Telephone: (213) 576-6982

FILED
NOV 19 1999
DEPARTMENT OF REAL ESTATE

By 

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 CAPITAL COMMERCIAL REAL ESTATE) NO. H-28153 LA
13 SERVICES, INC., a corporation;) L-1999060548
14 and RICHARD STEVEN GOLD,) STIPULATION AND AGREEMENT
15 individually, and as designated)
16 officer of Capital Commercial)
Real Estate Services, Inc.,)
Respondents.)

17 It is hereby stipulated by and between Respondents
18 CAPITAL COMMERCIAL REAL ESTATE SERVICES, INC., a corporation; and
19 RICHARD STEVEN GOLD, individually, and as designated officer of
20 Capital Commercial Real Estate Services, Inc., and their attorney
21 of record, Frank M. Buda, Esq., and the Complainant, acting by and
22 through Tuan Van Lai, Counsel for the Department of Real Estate, as
23 follows for the purpose of settling and disposing of the Accusation
24 filed on May 27, 1999, in this matter.

25 ///

26 ///

27 ///



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

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

11 3. On June 7, 1999, Respondents filed a Notice of
12 Defense pursuant to Section 11506 of the Government Code for the
13 purpose of requesting a hearing on the allegations in the
14 Accusation. Respondents hereby freely and voluntarily withdraw
15 said Notice of Defense. Respondents acknowledge that they
16 understand that by withdrawing said Notice of Defense they will
17 thereby waive their right to require the Commissioner to prove the
18 allegations in the Accusation at a contested hearing held in
19 accordance with the provisions of the APA and that they will waive
20 other rights afforded to them in connection with the hearing such
21 as the right to present evidence in defense of the allegations in
22 the Accusation and the right to cross-examine witnesses.

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



1 as a prima facie basis for the disciplinary action stipulated to
2 herein. The Real Estate Commissioner shall not be required to
3 provide further evidence to prove said factual allegations.

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

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

20 7. This Stipulation and Agreement is entered into by
21 each party with the express understanding and agreement that it is
22 to be used for the purposes of settling this proceeding only and
23 that it shall not be deemed, used, or accepted as an acknowledgment
24 or stipulation in any other civil or administrative proceeding to
25 which the Department of Real Estate is not a party. It shall have
26 no collateral estoppel or res judicata effect in any proceeding
27 other than a proceeding brought by the Department of Real Estate.



1 DETERMINATION OF ISSUES

2 By reason of the foregoing stipulations, admissions and
3 waivers and solely for the purpose of settlement of the pending
4 Accusation without a hearing, it is stipulated and agreed that the
5 following determination of issues shall be made:

6 I

7 The conduct, acts and/or omissions of Respondent CAPITAL
8 COMMERCIAL REAL ESTATE SERVICES, INC., as alleged in the
9 Accusation, are cause for the suspension or revocation of all of
10 the real estate licenses and license rights of Respondent CAPITAL
11 COMMERCIAL REAL ESTATE SERVICES, INC., under the provisions of
12 Business and Professions Code ("Code") Section 10177(d), for
13 violation of Code Section 10145 and of Title 10, Chapter 6,
14 California Code of Regulations ("Regulations") Sections 2832 and
15 2726.

16 II

17 The conduct, acts and/or omissions of Respondent RICHARD
18 STEVEN GOLD, as alleged in the Accusation, are cause for the
19 suspension or revocation of all of the real estate licenses and
20 license rights of Respondent RICHARD STEVEN GOLD, under the
21 provisions of Code Section 10177(d), for violation of Code Section
22 10145 and of Regulations Sections 2832 and 2726.

23 ORDER

24 WHEREFORE, THE FOLLOWING ORDER is hereby made:

25 All licenses and licensing rights of Respondents
26 CAPITAL COMMERCIAL REAL ESTATE SERVICES, INC., and RICHARD
27 STEVEN GOLD under the Real Estate Law are suspended for a period



1 of thirty (30) days from the effective date of this Decision;
2 provided, however, that the suspension shall be stayed upon the
3 following terms and conditions:

4 1. Respondents shall obey all laws, rules and
5 regulations governing the rights, duties and responsibilities of
6 a real estate licensee in the State of California.

7 2. That no final subsequent determination be made,
8 after hearing or upon stipulation, that cause for disciplinary
9 action occurred within one (1) year of the effective date of
10 this Decision. Should such a determination be made, the
11 Commissioner may, in his discretion, vacate and set aside the
12 stay order and reimpose all or a portion of the stayed
13 suspension. Should no such determination be made, the stay
14 imposed herein shall become permanent.

15 3. Pursuant to Section 10148 of the Business and
16 Professions Code, Respondents shall, severally or jointly, pay
17 the Commissioner's reasonable cost for an audit to determine if
18 Respondents are now in compliance with the Real Estate Law. In
19 calculating the amount of the Commissioner's reasonable cost,
20 the Commissioner may use the estimated average hourly salary for
21 all persons performing audits of real estate brokers, and shall
22 include an allocation for travel time to and from the auditor's
23 place of work. Respondents shall pay such cost within 45 days
24 of receiving an invoice from the Commissioner detailing the
25 activities performed during the audit and the amount of time
26 spent performing those activities. The Commissioner may suspend
27 the licenses issued to Respondents pending a hearing held in



1 accordance with Section 11500, et seq., of the Government Code,
2 if payment is not timely made as provided for herein, or as
3 provided for in a subsequent agreement between the Respondents
4 and the Commissioner. The suspension shall remain in effect
5 until payment is made in full or until Respondents enter into an
6 agreement satisfactory to the Commissioner to provide for
7 payment, or until a decision providing otherwise is adopted
8 following a hearing held pursuant this condition.

9 DATED: 10-18-99



TUAN VAN LAI, ESQ.
Counsel for Complainant

* * * *

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

23
24 DATED: 10-12-99



CAPITAL COMMERCIAL REAL ESTATE
SERVICES, INC., a corporation,
Respondent,
BY: RICHARD STEVEN GOLD, D.O.



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DATED: 12-12-99



RICHARD STEVEN GOLD,
Individually and as designated
officer of Capital Commercial
Real Estate Services, Inc.,
Respondent

DATED: 10-5-99



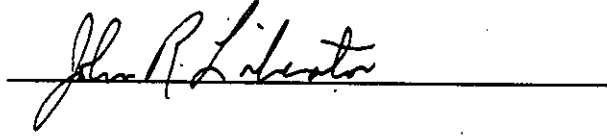
FRANK M. BUDA, ESQ.
Counsel for Respondents

* * * *

The foregoing Stipulation and Agreement is hereby adopted
as my Decision in this matter and shall become effective at 12
o'clock noon on December 9, 1999.

IT IS SO ORDERED November 2, 1999.

JOHN R. LIBERATOR
Acting Real Estate Commissioner



Sacto
Plan

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

FILED
JUL 27 1999
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of)
)
CAPITAL COMMERCIAL REAL)
ESTATE SERVICES, INC., et al.,)
)
Respondents.)

Case No. H-28153 LA
OAH No. L-1999060548

By [Signature]

NOTICE OF CONTINUED HEARING ON ACCUSATION

To the above-named Respondents:

You are hereby notified that a hearing will be held before the Department of Real Estate at Office of Administrative Hearings, 320 West Fourth Street, Suite 630, Los Angeles, California, on **October 5, 1999**, at the hour of 9:00 a.m., or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

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 and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

Dated: July 27, 1999.

cc: Capital Commercial R.E. Services
Richard Steven Gold
Frank M. Buda, Esq.
L.A. Audit Section
Jerry A. Reyes
Sacto.
OAH

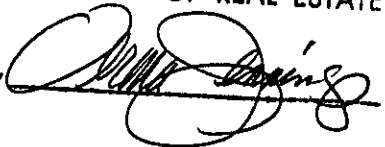
DEPARTMENT OF REAL ESTATE

By: [Signature]
TUAN VAN LAI, Counsel

SACD,
Ray

FILED
MAY 27 1999
DEPARTMENT OF REAL ESTATE

1 TUAN VAN LAI, Counsel (SBN 182967)
2 Department of Real Estate
3 320 West Fourth Street, Suite 350
4 Los Angeles, California 90013-1105
5
6
7
8 Telephone: (213) 576-6982
9 -or- (213) 576-6916 (Direct)

By 

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) No. H-28153 LA
12 CAPITAL COMMERCIAL REAL ESTATE)
13 SERVICES, INC., a corporation;) ACCUSATION
14 and RICHARD STEVEN GOLD,)
15 individually, and as designated)
16 officer of Capital Commercial)
Real Estate Services, Inc.,)
Respondents.)

17 The Complainant, Thomas McCrady, a Deputy Real Estate
18 Commissioner of the State of California, for cause of accusation
19 against CAPITAL COMMERCIAL REAL ESTATE SERVICES, INC., a
20 corporation; and RICHARD STEVEN GOLD, individually, and as
21 designated officer of Capital Commercial Real Estate Services,
22 Inc., is informed and alleges in his official capacity as follows:

23 1.

24 CAPITAL COMMERCIAL REAL ESTATE SERVICES, INC.
25 (hereinafter "CAPITAL"); and RICHARD STEVEN GOLD (hereinafter
26 "GOLD"), individually, and as designated officer of CAPITAL, are
27 presently licensed and/or have license rights under the Real Estate

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

3 2.

4 At all times material herein, CAPITAL was and now is
5 licensed by the Department of Real Estate of the State of
6 California (hereinafter "Department") as a corporate real estate
7 broker, by and through GOLD, as the designated officer and broker
8 responsible, pursuant to the provisions of Code Section 10159.2 for
9 the supervision and control of the activities conducted on behalf
10 of CAPITAL by CAPITAL's officers and employees.

11 3.

12 At all times material herein, GOLD was and now is
13 licensed by the Department, individually as a real estate broker
14 and as the designated officer of CAPITAL. As the designated
15 broker-officer, GOLD was and is responsible for the supervision and
16 control of the activities conducted on behalf of CAPITAL by
17 CAPITAL's officers and employees as necessary to secure full
18 compliance with the Real Estate Law pursuant to Code Section 10159.

19 4.

20 All further reference to "Respondents", unless otherwise
21 specified, include the parties identified in Paragraphs 1 through
22 3, above, and also include the officers, directors, employees,
23 agents and real estate licensees employed by or associated with
24 said parties, who at all times herein mentioned were engaged in the
25 furtherance of the business or operations of said parties and who
26 were acting within the course and scope of their authority and
27 employment.



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5.

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

(a) a real estate sale business with the public wherein Respondents sold or offered to sell, bought or offered to buy, solicited prospective sellers or purchasers of, solicited or obtained listings of, or negotiated the purchase, sale or exchange of real property or a business opportunity; and

(b) a real estate lease business with the public wherein Respondents 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 negotiated the sale, purchase or exchange of leases on real property, or on a business opportunity, or collected rents from real property, or improvements thereon, or from business opportunities.

6.

In connection with the real estate broker activities described in Paragraph 5 above, Respondents accepted or received funds, including funds in trust (hereinafter "trust funds"), from or on behalf of actual and prospective buyers, sellers, landlords and/or tenants and thereafter made deposits and/or disbursements of such funds. From time to time herein mentioned, said trust funds were deposited and/or maintained by Respondents in bank accounts,

1 including, but not necessarily limited to, Account No. 001052659
2 known as the "Capital Commercial Real Estate Services Inc., 'Client
3 Trust'" (hereinafter "Trust Account") at Pacific Century Bank,
4 N.A., located at 6030 Ventura Blvd., Encino, California.

5 FIRST CAUSE OF ACCUSATION

6 AUDIT VIOLATIONS

7 7.

8 On February 2, 1999, the Department concluded its
9 examination of Respondents' books and records pertaining to the
10 real estate sale and lease activities described in Paragraphs 5
11 through 6, above, for the period of January 1, 1996, to
12 December 31, 1998. The examination revealed violations of the
13 Code and of Title 10, Chapter 6, California Code of Regulations
14 (hereinafter "Regulations") as set forth below.

15 8.

16 Respondents acted in violation of the Code and the
17 Regulations in that:

18 (a) Respondents failed to deposit \$8,926.00 of trust
19 funds received from Calvary Chapel of Thousand Oaks (hereinafter
20 "Calvary Chapel") into a trust fund account, in violation of Code
21 Section 10145 and Regulation 2832;

22 (b) Respondents commingled \$8,926.00 of trust funds
23 received from Calvary Chapel in Respondents' general account, in
24 violation of Code Section 10145 and Regulation 2835;

25 (c) Respondents failed to maintain signed broker-
26 salesperson relationship agreements for real estate licensees, in
27 violation of Regulation 2726.



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9.

The conduct, acts and omissions of Respondents CAPITAL and GOLD, as described in Paragraph 8, constitute cause for the suspension or revocation of all real estate licenses and license rights of Respondents CAPITAL and GOLD, pursuant to the provisions of Code Sections 10176(e) and 10177(d).

SECOND CAUSE OF ACCUSATION

NEGLIGENT SUPERVISION

10.

The conduct, acts and omissions of Respondents CAPITAL and GOLD, as described in Paragraph 8 above, independently and collectively constitute negligence on the part of Respondent GOLD, as officer designated by a corporate broker licensee, in the supervision and control of the activities conducted by officers and employees of the corporation as required by Code Section 10159.2 and is cause for the suspension or revocation of all real estate licenses and license rights of Respondent GOLD pursuant to the provisions of Code Section 10177(g).

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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 all
4 licenses and/or license rights of Respondents CAPITAL COMMERCIAL
5 REAL ESTATE SERVICES, INC.; and RICHARD STEVEN GOLD, individually,
6 and as designated officer of Capital Commercial Real Estate
7 Services, Inc., under the Real Estate Law (Part 1 of Division 4 of
8 the Business and Professions Code) and for such other and further
9 relief as may be proper under other applicable provisions of law.

10 Dated at Los Angeles, California
11 this 27th day of May, 1999.

12
13 THOMAS McCRADY
14 Deputy Real Estate Commissioner
15
16
17
18
19
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21
22

23 cc: Capital Commercial Real
24 Estate Services, Inc.
25 Richard Steven Gold
26 L.A. Audit Section
27 Thomas McCrady
 Sacto.
 JP