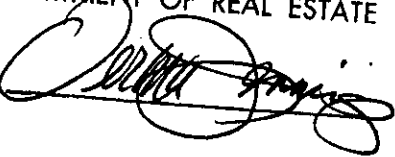


FILED
MAY - 9 2002
DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) NO. H-28271 LA
BARBARA LEE PICKRELL,)
Respondent.)

ORDER GRANTING REINSTATEMENT OF LICENSE

On February 15, 2000, a Decision was rendered herein
revoking the real estate broker license of Respondent, but
granting Respondent the right to apply for and be issued a
restricted real estate broker license. Respondent did not
apply for a restricted real estate broker license.

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1 On July 24, 2001, Respondent petitioned for
2 reinstatement of said license and the Attorney General
3 of the State of California has been given notice of the
4 filing of the petition.
5

6 I have considered Respondent's petition and the
7 evidence and arguments in support thereof. Respondent has
8 demonstrated to my satisfaction that Respondent meets
9 the requirements of law for the issuance to Respondent of
10 a real estate broker license and that it would not be against
11 the public interest to issue said license to Respondent
12 BARBARA LEE PICKRELL.
13

14 NOW, THEREFORE, IT IS ORDERED that Respondent's
15 petition for reinstatement is granted and that a real estate
16 broker license be issued to Respondent if Respondent satisfies
17 the following conditions within nine (9) months from the date
18 of this Order:
19

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

22 ///

23 ///

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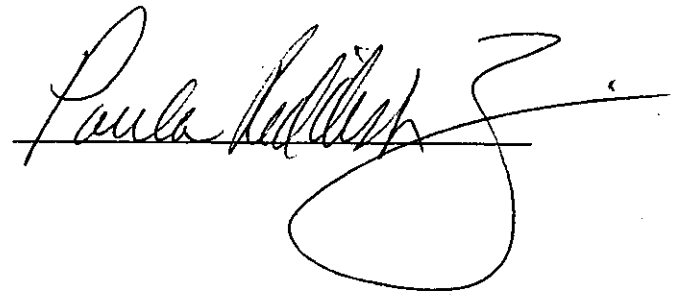
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1 2. Submittal of evidence of having, since the most
2 recent issuance of an original or renewal real estate license,
3 taken and successfully completed the continuing education
4 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
5 for renewal of a real estate license.
6

7 This Order shall become effective immediately.

8 DATED: April 30, 2002

9 PAULA REDDISH ZINNEMANN
10 Real Estate Commissioner

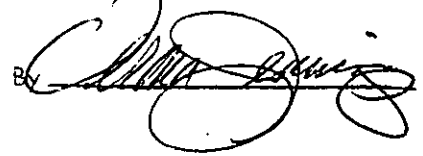
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24 cc: Barbara Lee Pickrell
25 P.O. Box 133202
26 Big Bear Lake, CA 92315
27 42554 Juniper Drive
 Big Bear Lake, CA 92315

1 Department of Real Estate
2 320 West Fourth Street, Suite 350
3 Los Angeles, California 90013-1105

4 Telephone: (213) 576-6982

FILED
MAR - 3 2000
DEPARTMENT OF REAL ESTATE

By 

5
6
7
8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 GAYLES RESORT RENTALS, INC.,)
13 a corporation; and BARBARA LEE)
14 PICKRELL, individually, and as)
15 designated officer of Gayles)
16 Resort Rentals, Inc.,)
17 Respondents.)

NO. H-28271 LA
L-1999110414

STIPULATION AND AGREEMENT

17 It is hereby stipulated by and between BARBARA LEE
18 PICKRELL (hereinafter "Respondent") and her attorney of record,
19 Daniel G. DeGriselles, Esq., and the Complainant, acting by and
20 through Tuan Van Lai, Counsel for the Department of Real Estate
21 (hereinafter "Department"), as follows for the purpose of
22 settling and disposing of the Accusation filed on October 14,
23 1999, in this matter.

24 1. All issues which were to be contested and all
25 evidence which was to be presented by Complainant and Respondent
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.

4 2. Respondent has received, read and understands 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 November 3, 1999, Respondent 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. Respondent hereby freely and voluntarily withdraws
12 said Notice of Defense. Respondent acknowledges that she
13 understands that by withdrawing said Notice of Defense she will
14 thereby waive her 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 she will waive
17 other rights afforded to her in connection with the hearing such
18 as the right to present evidence in defense of the allegations in
19 the Accusation and the right to cross-examine witnesses.

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



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

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

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

27 ///

1 8. Respondent understands that by agreeing to this
2 Stipulation and Agreement, Respondent agrees to pay, pursuant to
3 Section 10148 of the Business and Professions Code, the cost of
4 the audit which led to this disciplinary action. The amount of
5 said cost is \$2,199.30.

6 9. Respondent has received, read, and understands the
7 "Notice Concerning Costs of Subsequent Audit." Respondent
8 further understands that by agreeing to this Stipulation and
9 Agreement, the findings set forth below in the DETERMINATION OF
10 ISSUES become final, and that the Commissioner may charge
11 Respondent for the costs of any audit conducted pursuant to
12 Section 10148 of the Business and Professions Code to determine
13 if the violations have been corrected. The maximum costs of said
14 audit will not exceed \$1,900.00.

15 DETERMINATION OF ISSUES

16 By reason of the foregoing stipulations, admissions and
17 waivers and solely for the purpose of settlement of the pending
18 Accusation without a hearing, it is stipulated and agreed that
19 the following determination of issues shall be made:

20 The acts and omissions of Respondent, as alleged in the
21 Accusation, are cause for the suspension or revocation of all of
22 the real estate licenses and license rights of Respondent under
23 the provisions of Business and Professions Code ("Code") Sections
24 10177(d) and 10177(h), for violation of Code Section 10145 and of
25 Title 10, Chapter 6, California Code of Regulations
26 ("Regulations") Sections 2715, 2831, 2831.1, 2831.2, 2832.1 and
27 2834.

[illegible]

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Age	Sex	Height (cm)	Weight (kg)	Body Mass Index (kg/m ²)
18	M	175	75	24.5
20	F	160	55	21.5
22	M	180	85	27.0
24	F	165	60	22.0
26	M	170	70	24.0

[illegible]

1 Commissioner or conditions attaching to the
2 restricted license.

3 C. Respondent shall not be eligible to apply for the
4 issuance of an unrestricted real estate license nor
5 for the removal of any of the conditions, limitations
6 or restrictions of a restricted license until one
7 year has elapsed from the effective date of this
8 Decision.

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

24 E. Respondent shall, within six months from the date
25 of this Decision, take and pass the Professional
26 Responsibility Examination administered by the
27 Department including the payment of appropriate



1 examination fee. If Respondent fails to satisfy this
2 condition, the Commissioner may order suspension of
3 Respondent's license until Respondent passes the
4 examination.

5 II

6 Prior to the date any restricted real estate broker
7 license is issued to Respondent, Respondent shall: a) provide
8 proof satisfactory to the Real Estate Commissioner that the
9 trust fund shortage set forth in the Accusation has been cured,
10 b) disclose the source of the funds used to cure the shortage,
11 and c) pay the cost of the audit which led to this disciplinary
12 action as described in Paragraph III below.

13 III

14 Pursuant to Section 10148 of the Code, Respondents
15 BARBARA LEE PICKRELL and GAYLES RESORT RENTALS, INC., severally
16 or jointly, shall pay the Commissioner's reasonable cost for:
17 a) the audit which led to this disciplinary action and, b) a
18 subsequent audit to determine if Respondent GAYLES RESORT
19 RENTALS, INC., has corrected the trust fund violations found in
20 the Determination of Issues. In calculating the amount of the
21 Commissioner's reasonable cost, the Commissioner may use the
22 estimated average hourly salary for all persons performing
23 audits of real estate brokers, and shall include an allocation
24 for travel time to and from the auditor's place of work.
25 Respondent shall pay such cost within 45 days of receiving an
26 invoice from the Commissioner detailing the activities
27 performed during the subsequent audit and the amount of time



1 spent performing those activities. The Commissioner may
2 suspend the restricted license issued to Respondent pending a
3 hearing held in accordance with Section 11500, et seq., of the
4 Government Code, if payment is not timely made as provided for
5 herein, or as provided for in a subsequent agreement between
6 the Respondent and the Commissioner. The suspension shall
7 remain in effect until payment is made in full or until
8 Respondent enters into an agreement satisfactory to the
9 Commissioner to provide for payment, or until a decision
10 providing otherwise is adopted following a hearing held
11 pursuant to this condition.

12

13

DATED: February 1, 2000

Tuan Van Lai

TUAN VAN LAI, ESQ.
Counsel for Complainant

14

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1 I have read the Stipulation and Agreement, have
2 discussed it with my counsel, and its terms are understood by me
3 and are agreeable and acceptable to me. I understand that I am
4 waiving rights given to me by the California Administrative
5 Procedure Act (including but not limited to Sections 11506,
6 11508, 11509 and 11513 of the Government Code), and I willingly,
7 intelligently and voluntarily waive those rights, including the
8 right of requiring the Commissioner to prove the allegations in
9 the Accusation at a hearing at which I would have the right to
10 cross-examine witnesses against me and to present evidence in
11 defense and mitigation of the charges.

12

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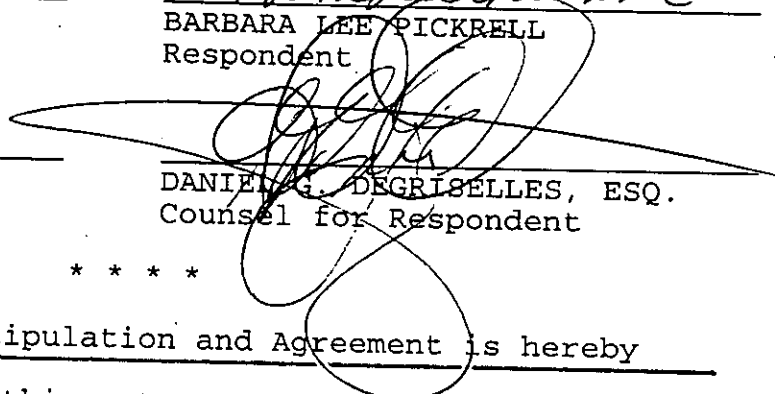
DATED: 1/21/00


BARBARA LEE PICKRELL
Respondent

14

15

DATED: 01/21/2000


DANIEL G. DEGRISSELLES, ESQ.
Counsel for Respondent

16

17

* * * *

18

19

The foregoing Stipulation and Agreement is hereby
adopted as my Decision in this matter and shall become effective
at 12 o'clock noon on March 23, 2000.

20

21

IT IS SO ORDERED February 15, 2000.

22

23

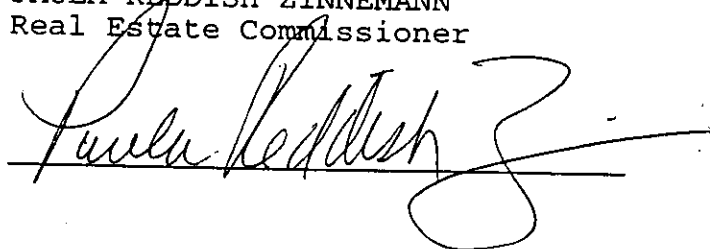
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PAULA REDDISH ZINNEMANN
Real Estate Commissioner

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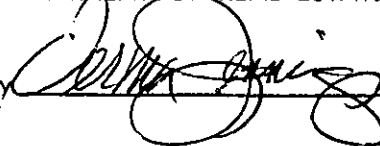
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1 Department of Real Estate
2 320 West Fourth Street, Suite 350
3 Los Angeles, California 90013-1105
4 Telephone: (213) 576-6982

FILED
MAR - 3 2000

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 GAYLES RESORT RENTALS, INC.,)
13 a corporation; and BARBARA LEE)
14 PICKRELL, individually, and as)
15 designated officer of Gayles)
16 Resort Rentals, Inc.,)
17 Respondents.)

NO. H-28271 LA
L-1999110414

STIPULATION AND AGREEMENT

17 It is hereby stipulated by and between GAYLES RESORT
18 RENTALS, INC., a corporation (hereinafter "Respondent"), its
19 President, Nelson Fishman, and Respondent's attorney of record,
20 Paul Sienski, Esq., and the Complainant, acting by and through
21 Tuan Van Lai, Counsel for the Department of Real Estate, as
22 follows for the purpose of settling and disposing of the
23 Accusation filed on October 14, 1999, in this matter.

24 1. All issues which were to be contested and all
25 evidence which was to be presented by Complainant and Respondent
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.

4 2. Respondent has received, read and understands 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 November 3, 1999, Respondent 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. Respondent hereby freely and voluntarily withdraws
12 said Notice of Defense. Respondent acknowledges that it
13 understands that by withdrawing said Notice of Defense it will
14 thereby waive its 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 it will waive
17 other rights afforded to it in connection with the hearing such
18 as the right to present evidence in defense of the allegations in
19 the Accusation and the right to cross-examine witnesses.

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



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

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

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

27 ///



1 8. Respondent understands that by agreeing to this
2 Stipulation and Agreement, Respondent agrees to pay, pursuant to
3 Section 10148 of the Business and Professions Code, the cost of
4 the audit which led to this disciplinary action. The amount of
5 said cost is \$2,199.30.

6 9. Respondent has received, read, and understands the
7 "Notice Concerning Costs of Subsequent Audit." Respondent
8 further understands that by agreeing to this Stipulation and
9 Agreement, the findings set forth below in the DETERMINATION OF
10 ISSUES becomes final, and that the Commissioner may charge
11 Respondent for the costs of any subsequent audit conducted
12 pursuant to Section 10148 of the Business and Professions Code to
13 determine if the violations have been corrected. The maximum
14 costs of said audit will not exceed \$1,900.00.

15 DETERMINATION OF ISSUES

16 By reason of the foregoing stipulations, admissions and
17 waivers and solely for the purpose of settlement of the pending
18 Accusation without a hearing, it is stipulated and agreed that
19 the following determination of issues shall be made:

20 The conduct, acts and/or omissions of Respondent, as
21 alleged in the Accusation, are cause for the suspension or
22 revocation of all of the real estate licenses and license rights
23 of Respondent under the provisions of Business and Professions
24 Code ("Code") Section 10177(d), for violation of Code Section
25 10145 and of Title 10, Chapter 6, California Code of Regulations
26 ("Regulations") Sections 2715, 2831, 2831.1, 2831.2, 2832.1 and
27 2834.



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1 Commissioner or conditions attaching to the
2 restricted license.

3 C. Respondent shall not be eligible to apply for the
4 issuance of an unrestricted real estate license nor
5 for the removal of any of the conditions, limitations
6 or restrictions of a restricted license until one (1)
7 year has elapsed from the effective date of this
8 Decision.

9 II

10 Prior to the date any restricted real estate broker
11 license is issued to Respondent, Respondent shall: a) provide
12 proof satisfactory to the Real Estate Commissioner that the
13 trust fund shortage set forth in the Accusation has been cured,
14 b) disclose the source of the funds used to the cure the
15 shortage, and c) pay the cost of the audit which led to this
16 disciplinary action as described in Paragraph III below.

17 III

18 Pursuant to Section 10148 of the Business and
19 Professions Code, Respondents GAYLES RESORT RENTALS, INC., and
20 BARBARA LEE PICKRELL shall, severally or jointly, pay the
21 Commissioner's reasonable cost for: a) the audit which led to
22 this disciplinary action and, b) a subsequent audit to
23 determine if Respondent has corrected trust fund violations set
24 forth above. The cost of the audit which led to this
25 disciplinary action is \$2,199.30. In calculating the amount of
26 the Commissioner's reasonable cost for the subsequent audit,
27 the Commissioner may use the estimated average hourly salary



1 for all persons performing audits of real estate brokers, and
2 shall include an allocation for travel time to and from the
3 auditor's place of work. Said amount for the subsequent audit
4 shall not exceed \$1,900.00. Respondent shall pay such cost
5 within sixty (60) days of receiving an invoice from the
6 Commissioner detailing the activities performed during the
7 subsequent audit and the amount of time spent performing those
8 activities. The Commissioner may suspend the licenses issued
9 to Respondent pending a hearing held in accordance with Section
10 11500, et seq., of the Government Code, if payment is not
11 timely made as provided for herein, or as provided for in a
12 subsequent agreement between the Respondent and the
13 Commissioner. The suspension shall remain in effect until
14 payment is made in full or until Respondent enter into an
15 agreement satisfactory to the Commissioner to provide for
16 payment, or until a decision providing otherwise is adopted
17 following a hearing held pursuant to this condition.

18
19 DATED: February 1, 2000 Tuan Van Lai
20 TUAN VAN LAI, ESQ.
21 Counsel for Complainant

22 * * * *

23 I have read the Stipulation and Agreement, have
24 discussed it with my counsel, and its terms are understood by me
25 and are agreeable and acceptable to me. I understand that I am
26 waiving rights given to me by the California Administrative
27 Procedure Act (including but not limited to Sections 11506,
11508, 11509 and 11513 of the Government Code), and I willingly,

1 intelligently and voluntarily waive those rights, including the
2 right of requiring the Commissioner to prove the allegations in
3 the Accusation at a hearing at which I would have the right to
4 cross-examine witnesses against me and to present evidence in
5 defense and mitigation of the charges.

6
7 DATED: 1-20-00

Nelson Fishman
GAYLES RESORT RENTALS, INC.,
A corporation, Respondent,
By: Nelson Fishman, President

8
9
10 DATED: 1-27-00

Paul Sienski
PAUL SIENSKI, ESQ.
Counsel for Respondent

11
12
13 * * * *

14 The foregoing Stipulation and Agreement is hereby
15 adopted as my Decision in this matter and shall become effective
16 at 12 o'clock noon on March 23, 2000.

17 IT IS SO ORDERED February 15, 2000.
18

19 PAULA REDDISH ZINNEMANN
20 Real Estate Commissioner

21 Paula Reddish
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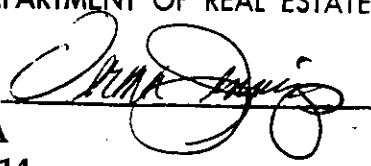
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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

FILED
DEC - 3 1999
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of)
)
GAYLES RESORT RENTALS, et al.,)
)
Respondents.)

By 
Case No. H-28271 LA
OAH No. L-1999110414

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, 320 West Fourth Street, Suite 630, Los Angeles, California, on **February 9, 2000**, 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.

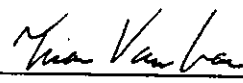
You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real 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: December 3, 1999.

DEPARTMENT OF REAL ESTATE

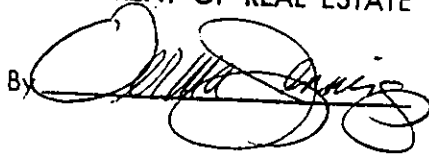
cc: Gayles Resort Rentals Inc.
Barbara Lee Pickrell
Paul Sienski, Esq.
Daniel G. DeGriselles, Esq.
D. Fajardo/Ron Revilla
Sacto./OAH

By: 

TUAN VAN LAI, Counsel

SACD.
flaq

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

FILED
OCT 14 1999
DEPARTMENT OF REAL ESTATE
By 

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

11 In the Matter of the Accusation of) No. H-28271 LA
12)
13 GAYLES RESORT RENTALS, INC.;) A C C U S A T I O N
14 a corporation; and BARBARA LEE)
15 PICKRELL, individually, and as)
16 designated officer of Gayles)
17 Resort Rentals, Inc.,)
18 Respondents.)
19)
20)
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22)
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27)

17 The Complainant, Thomas McCrady, a Deputy Real Estate
18 Commissioner of the State of California, for cause of accusation
19 against GAYLES RESORT RENTALS, INC., a corporation; and BARBARA LEE
20 PICKRELL, individually, and as designated officer of Gayles Resort
21 Rentals, Inc., is informed and alleges in his official capacity as
22 follows:

1.

24 GAYLES RESORT RENTALS, INC. (hereinafter "GRRI"); and
25 BARBARA LEE PICKRELL (hereinafter "PICKRELL"), individually, and as
26 designated officer of GRRI, are presently licensed and/or have
27 license rights under the Real Estate Law, Part 1 of Division 4 of

1 the California Business and Professions Code (hereinafter "Code").

2 2.

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

10 3.

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

18 4.

19 All further reference to "Respondents", unless otherwise
20 specified, include the parties identified in Paragraphs 1 through
21 3, above, and also include the officers, directors, employees,
22 agents and real estate licensees employed by or associated with
23 said parties, who at all times herein mentioned were engaged in the
24 furtherance of the business or operations of said parties and who
25 were acting within the course and scope of their authority and
26 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 Section 10131(b), including the operation and conduct of a property management 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.

14 In connection with the real estate broker activities
15 described in Paragraph 5, above, Respondents accepted or received
16 funds including funds in trust (hereinafter "trust funds") from or
17 on behalf of actual and prospective buyers, sellers, landlords
18 and/or tenants and thereafter made deposits and/or disbursements of
19 such funds. From time to time herein mentioned, said trust funds
20 were deposited and/or maintained by Respondents in bank accounts,
21 including but not necessarily limited to Account No. 1009486, known
22 as the "Gayles Resort Rentals Trust Account" (hereinafter "Trust
23 Account") at First Mountain Bank located at 40865 Big Bear
24 Boulevard, Big Bear Lake, California.

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1 FIRST CAUSE OF ACCUSATION

2 7.

3 On August 19, 1999, the Department concluded its
4 examination of Respondents' books and records pertaining to the
5 property management activities described in Paragraphs 5 through 6,
6 above, for the period of October 1, 1998, to July 28, 1999. The
7 examination revealed violations of the Code and of Title 10,
8 Chapter 6, California Code of Regulations (hereinafter
9 "Regulations"), as set forth below.

10 8.

11 Respondents acted in violation of the Code and the
12 Regulations in that:

13 (a) As of July 28, 1999, the Trust Account had a
14 shortage in the amount of approximately \$17,888.85. Respondents
15 caused, permitted and/or allowed the withdrawal or disbursement of
16 trust funds from the Trust Account without the prior written
17 consent of every principal who then was an owner of funds in the
18 account, thereby reducing the balance of funds in the said account
19 to an amount less than the existing aggregate trust fund liability
20 of the broker to all owners of said trust funds, in violation of
21 Code Section 10145 and Regulation 2832.1.

22 (b) Respondents did not maintain a control account
23 record for the Trust Account until June 15, 1999, which then did
24 not reflect an accurate account balance, and did not show from whom
25 the funds were received, in violation of Regulation 2831.

26 (c) The information in the separate beneficiary records
27 for the Trust Account were not maintained in chronological order,



1 lacked balances after each transaction, and lacked dates and check
2 numbers of disbursements, in violation of Regulation 2831.1.

3 (d) Respondents failed to maintain a monthly
4 reconciliation of the separate beneficiary records with the control
5 account record for the Trust Account, in violation of Regulation
6 2831.2.

7 (e) Respondent PICKRELL was not a signatory on the Trust
8 Account which has as signatories two persons who were neither
9 licensed by the Department nor covered by a fidelity bond, in
10 violation of Regulation 2834.

11 (f) Respondents failed to notify the Department of the
12 change of their business address, in violation of Regulation 2715.

13 9.

14 The conduct, acts and omissions of Respondents GRII and
15 PICKRELL, as described in Paragraph 8, violated the Code and the
16 Regulations as set forth below:

17	<u>PARAGRAPH</u>	<u>PROVISIONS VIOLATED</u>
18	8(a)	Code Section 10145
19		and Regulation 2832.1
20	8(b)	Regulation 2831
21	8(c)	Regulation 2831.1
22	8(d)	Regulation 2831.2
23	8(e)	Regulation 2834
24	8(f)	Regulation 2715

25 Each of the foregoing violations constitutes cause for
26 the suspension or revocation of all real estate licenses and
27 license rights of Respondents GRII and PICKRELL under the



1 provisions of Code Section 10177(d).

2 SECOND CAUSE OF ACCUSATION

3 10.

4 The conduct, acts and omissions of Respondents GRI and
5 PICKRELL, as described in Paragraph 8 above, independently and
6 collectively constitute failure on the part of Respondent PICKRELL,
7 as officer designated by a corporate broker licensee, to exercise
8 the reasonable supervision and control over the licensed activities
9 of Respondent GRI as required by Code Section 10159.2 and is cause
10 for the suspension or revocation of all real estate licenses and
11 license rights of Respondent PICKRELL pursuant to the provisions of
12 Code Section 10177(h).

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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 GAYLES RESORT
5 RENTALS, INC., a corporation; and BARBARA LEE PICKRELL,
6 individually, and as designated officer of Gayles Resort Rentals,
7 Inc., under the Real Estate Law (Part 1 of Division 4 of the
8 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 14th day of October, 1999.

12 
13 _____
14 Deputy Real Estate Commissioner
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24 cc: Gayles Resort Rentals, Inc.
25 Barbara Lee Pickrell
26 Thomas McCrady
27 Los Angeles Audit Section
Sacto.
JP

