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FILED
NOV 21 2000
DEPARTMENT OF REAL ESTATE

By K. Niederhies

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)	No. H-28398 LA
EASTRIDGE INVESTMENT CORPORATION)	
and WILLIAM KIRK WILSON)	L-2000 030 326
Respondents.)	

DECISION AFTER REJECTION

The above-entitled matter came on for hearing before Milford A. Maron, Administrative Law Judge of the Office of Administrative Hearings at Los Angeles, California, on June 7, 2000.

Complainant was represented by James R. Peel, Counsel. Respondent Eastridge Investment Corporation was represented by its secretary Benita F. Puglisi, and respondent William Kirk Wilson appeared in person and represented himself. Evidence was received and the matter stood submitted on this date.

On June 14, 2000, the Administrative Law Judge submitted a Proposed Decision which I declined to adopt as the Decision of the Real Estate Commissioner. Pursuant to Section 11517(c) of the Government Code of the State of California,

1 Respondents were served with a copy of the Proposed Decision
2 dated June 14, 2000, and with Notice that the case would be
3 decided by me upon the record including the transcript of
4 proceedings held on June 7, 2000, and upon any written argument
5 offered by the parties.

6 Argument has been submitted on behalf of the
7 respondents. I have given careful consideration to the record in
8 this case including the transcript of proceedings of June 7,
9 2000.

10 The Decision in this matter is set forth below.

11 The Findings of Fact are as follows:

12 I

13 Thomas McCrady, Complainant, made the Accusation in
14 his official capacity as a Deputy Real Estate Commissioner of
15 the State of California.

16 II

17 At all times herein mentioned, respondent Eastridge
18 Investment Corporation was licensed by the Department of Real
19 Estate as a corporate real estate broker, and respondent William
20 Kirk Wilson was licensed as the designated broker officer of
21 said corporation.

22 III

23 At all times herein mentioned, respondent Eastridge
24 Investment Corporation engaged in the business as a real estate
25 broker in the State of California.

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IV

During 1998 and 1999, in connection with its real estate brokerage activities, respondent Eastridge Investment Corporation received funds from buyers and sellers and thereafter made disbursements of such funds. It maintained trust account Nos. 020016477 and 020018941, at the Rancho Bank in Upland, California.

V

In connection with respondents' activities as real estate brokers the following misconduct arose:

1. As of February 26, 1999, a shortage in the trust accounts occurred totaling \$5,488.77.
2. Permitted Deniese Yavonne Bishop, a salesperson under suspension, to solicit and negotiate the sale of real property located at 9622 South 6th Avenue, Inglewood, California to Rasheen Jones.
3. Maintained separate records that were not complete and accurate.
4. Failed to maintain monthly reconciliations for the trust accounts.

VI

The shortage in the trust accounts was the result of a dishonored check in the amount of \$30,000 which occurred just prior to the audit. When informed of the shortage, respondents immediately cured the shortage.

1 The following shall constitute the Determination of
2 Issues in this matter:

3 Cause exists to revoke or suspend respondents'
4 licenses for violation of Regulations 2831.1, 2831.2, and
5 2832.1, Title 10, Chapter 6, California Code of Regulations, and
6 Sections 10137, 10145(a), 10177(d), (g), and (h), Business and
7 Professions Code.
8

9
10 ORDER

11 All licenses and licensing rights of Respondents
12 Eastridge Investment Corporation and William Kirk Wilson under
13 the Real Estate Law are suspended for a period of sixty (60)
14 days from the effective date of this Order: provided, however,
15 that fifty (50) days of said suspension shall be stayed for two
16 (2) years upon the following terms and conditions:

17 1. Respondents shall obey all laws, rules, and
18 regulations governing the rights, duties, and responsibilities
19 of a real estate licensee in the State of California; and

20 2. That no final subsequent determination be made,
21 after hearing or upon stipulation that cause for disciplinary
22 action occurred within two (2) years of the effective date of
23 this Order. Should such a determination be made, the
24 Commissioner may, in her discretion, vacate and set aside the
25 stay order and reimpose all or a portion of the stayed
26 suspension. Should no such determination be made, the stay
27 imposed herein shall become permanent.



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3. Provided further, that the remaining ten (10) days
of said 60 day suspension shall be stayed on condition that:

- a. Respondents pay a monetary penalty pursuant
to Section 10175.2 of the Business and Professions Code in the amount of \$1,000 or \$500 per respondent if paid separately.
- b. Said payment shall be in the form of a
cashier's check or certified check made payable to the Recovery Account of the Real Estate Fund. Said check must be delivered to the Department prior to the effective date of the Decision in this matter.
- c. No further cause for disciplinary action
against the real estate licenses of Respondents occurs within two years from the effective date of the Decision in this matter.
- d. If Respondents fail to pay the monetary
penalty in accordance with the terms and conditions of the Decision, the Commissioner may, without a hearing, order the immediate execution of all or any part of the stayed suspension in which event the Respondents shall not be entitled to any repayment nor credit, prorated or otherwise, for money paid

1 to the Department under the terms of
2 this Decision.

3 e. If Respondents pay the monetary penalty
4 and if no further cause for disciplinary
5 action against the real estate licenses
6 of Respondents occurs within 2 years from
7 the effective date of the Decision, the
8 stay hereby granted shall become permanent.

9
10 4. Pursuant to Section 10148 of the Business and
11 Professions Code, Respondents shall pay the Commissioner's
12 reasonable cost for: a) the audit which led to this
13 disciplinary action and, b) a subsequent audit to determine if
14 Respondents have corrected the trust fund violations found in
15 the Determination of Issues. In calculating the amount of the
16 Commissioner's reasonable cost, the Commissioner may use the
17 estimated average hourly salary for all persons performing
18 audits of real estate brokers, and shall include an allocation
19 for travel costs, including mileage, time to and from the
20 auditor's place of work and per diem. Respondents shall pay
21 such cost within 60 days of receiving an invoice from the
22 Commissioner detailing the activities performed during the audit
23 and the amount of time spent performing those activities. The
24 Commissioner may, in her discretion, vacate and set aside the
25 stay order, if payment is not timely made as provided for
26 herein, or as provided for in a subsequent agreement between the
27 Respondents and the Commissioner. The vacation and the set
aside of the stay shall remain in effect until payment is made

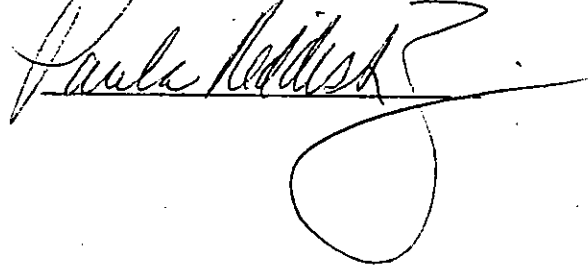
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in full, or until Respondents enter into an agreement
satisfactory to the Commissioner to provide for payment. Should
no order vacating the stay be issued, either in accordance with
this condition or condition 2, the stay imposed herein shall
become permanent.

This Decision shall become effective at 12 o'clock
noon on December 11, 2000

IT IS SO ORDERED November 14 2000

PAULA REDDISH ZINNEMANN
Real Estate Commissioner



Success files

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FILED
JUL - 5 2000
DEPARTMENT OF REAL ESTATE

By *R. Stedeholt*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA
* * *

In the Matter of the Accusation of)	No. H-28398 LA
EASTRIDGE INVESTMENT CORPORATION)	
and WILLIAM KIRK WILSON,)	L-2000030326
Respondents.)	

NOTICE

TO: Respondents EASTRIDGE INVESTMENT CORPORATION and WILLIAM KIRK WILSON.

YOU ARE HEREBY NOTIFIED that the Proposed Decision herein dated June 14, 2000, of the Administrative Law Judge is not adopted as the Decision of the Real Estate Commissioner. A copy of the Proposed Decision dated June 14, 2000, is attached for your information.

In accordance with Section 11517(c) of the Government Code of the State of California, the disposition of this case will be determined by me after consideration of the record herein including the transcript of the proceedings held on June 7,

///

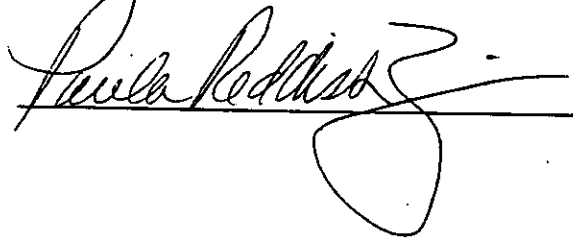
1 2000, and any written argument hereafter submitted on behalf of
2 Respondent and Complainant.

3 Written argument of Respondent to be considered by me
4 must be submitted within 15 days after receipt of the transcript
5 of the proceedings of June 7, 2000, at the Los Angeles office of
6 the Department of Real Estate unless an extension of the time is
7 granted for good cause shown.

8 Written argument of Complainant to be considered by me
9 must be submitted within 15 days after receipt of the argument of
10 Respondent at the Los Angeles office of the Department of Real
11 Estate unless an extension of the time is granted for good cause
12 shown.

13 DATED: June 29, 2000

15 PAULA REDDISH ZINNEMANN
16 Real Estate Commissioner

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BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of
Against:

Eastridge Investment Corporation
And William Kirk Wilson,

Respondent.

Case No. H-28398 LA

OAH No. L-2000030326

PROPOSED DECISION

This matter came on regularly for hearing before Milford A. Maron, Administrative Law Judge with the Office of Administrative Hearings on June 7, 2000, at Los Angeles, California. The Complainant was represented by James R. Peel, Staff Counsel. The respondent Eastridge Investment Corporation was represented by its Secretary Benita F. Puglisi. Respondent William Kirk Wilson appeared in person and represented himself. Oral and documentary evidence was received and the matter was submitted for decision. It is now found true as follows:

1

Thomas McCrady, Complainant, made the Accusation in his official capacity as a Deputy Real Estate Commissioner of the State of California.

2

A. At all times herein mentioned, respondent Eastridge Investment Corporation was licensed by the Department of Real Estate as a corporate real estate broker, and respondent William Kirk Wilson was licensed as the designated broker officer of said corporation.

B. At all times herein mentioned, respondent Eastridge Investment Corporation engaged in the business as a real estate broker in the State of California.

//

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C. During 1998 and 1999, in connection with its aforesaid real estate brokerage activities, respondent Eastridge Investment Corporation received funds from buyers and sellers and thereafter made disbursements of such funds. It maintained trust accounts Nos. 020016477 and 020018941, at the Rancho Bank in Upland, California.

3

In connection with respondents' activities as real estate brokers the following misconduct concurred:

1. As of February 26, 1999, a shortage in the trust accounts occurred totaling \$5,488.77 (a violation of Title 10, California Code of Regulations, Section 10145(a)).
2. Permitted Deniese Yavonne Bishop, a salesperson under suspension, to solicit and negotiate the sale of real property located at 9622 South 6th Avenue, Inglewood, California, to Rasheen Jones (a violation of Title 10, California Code of Regulations, Section 10137).
3. Maintained records which were incomplete and inaccurate (a violation of Title 10, California Code of Regulations, Section 2832.1).
4. Failed to maintain monthly reconciliations for the trust accounts (a violation of Title 10, California Code of Regulations, Section 2831.2).

4

Respondents established the following facts:

1. The shortage in the trust accounts was the result of a dishonored check in the amount of \$30,000, which occurred just prior to the audit. When informed of the trusts being out of balance, respondents immediately brought them into balance.
2. Respondent corporation was never notified by the Department that the salesperson Bishop had not completed the required real estate courses within the prescribed period. They since have been informed to check the internet regularly.
3. Respondents admit that their record keeping was incomplete and inaccurate during the period involved. They since have moved from individual entries to a computer driven method. No bookkeeping difficulties are now encountered.
4. Reconciliations were previously done on a monthly basis but are now being done on a daily basis.

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PURSUANT to the foregoing finding of fact, the Administrative Law Judge made the following determination of issues:

1

Cause for disciplinary action was established against respondents pursuant to Section 10177(d) and (g) of the Business and Professions Code.

2

No public purpose would be furthered by imposing discipline under the facts found.

not { WHEREFORE, THE FOLLOWING ORDER is hereby made:

{ The Accusation is terminated without the imposition of a penalty.

Dated: June 14, 2000

Milford A. Maron
MILFORD A. MARON
Administrative Law Judge
Office of Administrative Hearings

MAM:lp

3

SACTO

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of)
EASTRIDGE INVESTMENT CORPORATION)
and WILLIAM KIRK WILSON,)
Respondents.

Case No. H-28398 LA
OAH No. L-2000030326

FILED
MAR 22 2000
DEPARTMENT OF REAL ESTATE

By J. R. Peel

NOTICE OF HEARING ON ACCUSATION

To the above-named Respondent(s):

You are hereby notified that a hearing will be held before the Department of Real Estate at the Office of Administrative Hearings, 320 West Fourth Street, Suite 630, Los Angeles, CA 90013-1105 on Wednesday, June 7, 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.

DEPARTMENT OF REAL ESTATE

Dated: March 22, 2000

By James R. Peel
JAMES R. PEEL, Counsel

cc: Eastridge Investment Corporation
William Kirk Wilson
Sacto
OAH
SR

59210

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of) Case No. H-28398 LA
) OAH No. L-2000030326
EASTRIDGE INVESTMENT CORPORATION)
and WILLIAM KIRK WILSON,)

Respondents.

FILED
MAR 23 2000
DEPARTMENT OF REAL ESTATE

By James R. Peel

NOTICE OF HEARING ON ACCUSATION

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DEPARTMENT OF REAL ESTATE

Dated: March 22, 2000

By

James R. Peel
JAMES R. PEEL, Counsel

cc: Eastridge Investment Corporation
William Kirk Wilson
Sacto
OAH
SR

Sacto Hwy

FILED
FEB 7 2000
DEPARTMENT OF REAL ESTATE

1 JAMES R. PEEL, Counsel (SBN 47055)
2 Department of Real Estate
3 320 West Fourth Street, Suite 350
4 Los Angeles, CA 90013

5 Telephone: (213) 576-6982
6 -or- (213) 576-6913 (Direct)

By *Laura B. Crowe*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11	In the Matter of the Accusation of)	No. H- 28398 LA
12	EASTRIDGE INVESTMENT CORPORATION)	<u>ACCUSATION</u>
13	and WILLIAM KIRK WILSON,)	
14	Respondents.)	

15 The Complainant, Thomas Mc Crady, a Deputy Real Estate
16 Commissioner of the State of California, for cause of Accusation
17 against EASTRIDGE INVESTMENT CORPORATION and WILLIAM KIRK WILSON,
18 alleges as follows:

19 I

20 The Complainant, Thomas Mc Crady, acting in his official
21 capacity as a Deputy Real Estate Commissioner of the State of
22 California makes this Accusation against EASTRIDGE INVESTMENT
23 CORPORATION and WILLIAM KIRK WILSON.

24 II

25 EASTRIDGE INVESTMENT CORPORATION and WILLIAM KIRK
26 WILSON, (hereinafter referred to as respondents) are presently
27 licensed and/or have license rights under the Real Estate Law

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

3 III

4 At all times herein mentioned, respondent, EASTRIDGE
5 INVESTMENT CORPORATION was licensed by the Department of Real
6 Estate of the State of California as a corporate real estate
7 broker, and respondent WILLIAM KIRK WILSON was licensed as the
8 designated broker officer of said corporation, and ordered,
9 authorized or participated in the illegal conduct of respondent
10 EASTRIDGE INVESTMENT CORPORATION, as alleged in this Accusation.

11 IV

12 At all times herein mentioned, respondent EASTRIDGE
13 INVESTMENT CORPORATION, on behalf of others in expectation of
14 compensation, engaged in the business, acted in the capacity of,
15 advertised or assumed to act as a real estate broker in the State
16 of California within the meaning of Section 10131(a) of the Code,
17 including soliciting buyers and sellers and negotiating the sale
18 of real property.

19 V

20 During 1998 and 1999, in connection with the aforesaid
21 real estate brokerage activities, Respondent EASTRIDGE INVESTMENT
22 CORPORATION, accepted or received funds from buyers and sellers
23 and thereafter made disbursements of such funds. Respondent
24 maintained trust accounts No. 020016477 (T/A 1) and No. 020018941
25 (T/A 2), Rancho Bank, 2009 W. Foothill, Upland.

26 /

27 /

1 VI

2 In connection with respondents' activities as a real
3 estate broker as described above, respondents EASTRIDGE
4 INVESTMENT CORPORATION and WILLIAM KIRK WILSON, acted in
5 violation of the Real Estate Law, Business and Professions Code
6 (hereinafter Code), and California Code of Regulations
7 (hereinafter Regulations), Title 10, Chapter 6, as follows:

8 1. Violated Section 10145(a) of the Code and
9 Regulation 2832.1 by maintaining as of February 26, 1999, a
10 shortage in T/A 1 and T/A 2 totalling \$5,448.77.

11 2. Violated Section 10137 of the Code by employing
12 Deniese Yavonne Bishop, a conditionally suspended salesperson, to
13 solicit and negotiate the sale of 6841 Newell St., Huntington
14 Park, to Rasheen Jones.

15 3. Violated Regulation 2832.1 by maintaining separate
16 records that were not always complete and accurate such as
17 receipts deposited, checks and outgoing wires issued were not
18 always recorded properly.

19 4. Violated Regulation 2831.2 by failing to maintain
20 monthly reconciliations for the trust accounts.

21 VII

22 The conduct of respondent EASTSRIDGE INVESTMENT
23 CORPORATION, as alleged above, subjects its real estate license
24 and license rights to suspension or revocation pursuant to
25 Sections 10177(d) and 10177(g) of the Code.

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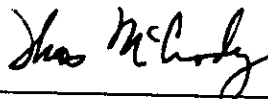
VIII

The conduct of respondent WILLIAM KIRK WILSON, as alleged above, as the responsible broker, by allowing and permitting respondent EASTRIDGE INVESTMENT CORPORATION to engage in the conduct specified in Paragraph VI above, subjects his real estate licenses and license rights to suspension or revocation pursuant to Sections 10177(d) and 10177(h) of the Code.

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 EASTRIDGE INVESTMENT CORPORATION and WILLIAM KIRK WILSON, 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 2nd day of February, 2000.



Deputy Real Estate Commissioner

CC: Eastridge Investment Corporation
William Kirk Wilson
Sacto.
SR
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lbo